

**MONDAY, JANUARY 9, 2006**

**2:53 P.M.**

THE SPEAKER: The House will come to order.  
Rabbi Bomzer will offer a prayer.

RABBI MOSHE BOMZER: On this, the first day, of the 229th Legislative session, with an expression of appreciation to the Speaker, I want to take a moment to thank this august Body for the privilege it has bestowed upon me, that tomorrow, January 10, 2006, in the Jewish calendar is the 10th day of the month of Tevet. In 1949, the Chief Rabbinate of the State of Israel declared this day to be "Yom Kaddish Klali." They requested on this fast day, the Kaddish prayer, the prayer associated with memory and reflection be recited for any Jew who died in the Holocaust, whose day of death was not known,

that it should be said for any Jews slaughtered during the Holocaust years who have no living relatives to recite the hallowed prayer in their memories.

Our State has been and continues to be a role model for the full expression of freedom and liberty and respect for individual rights which made both our America and, specifically, our Empire State great. This commemoration, perhaps, can set into perspective the appreciation we have for our country and state, and the freedoms we experience may they never be diminished.

Recently, Rick Warren, a fellow clergyman who is the author of the bestseller The Purpose Driven Life was asked what changes wealth had brought to his life. He said that he had set up charitable foundations and only kept ten percent of his royalties for himself. He said that the harder part wasn't what to do with the affluence, but with the influence. He was reading the Bible one day and came to Psalm 72, King Solomon's Prayer -- or King David's prayer for more influence. And, David asks God to make him famous, to give him power. Warren said that it sounds like the most egotistical prayer until you read David's reasons. It was so that he could defend the defenseless, speak up for the poor, the disabled and the marginalized. King David is recognized as one of the wisest rulers in the history of civilization that the purpose of influence is to speak up for those who have no influence.

And so, as you begin this 229th session of the New York State Legislature, we pray: Our God and God of our ancestors

we ask Your blessings for our lawmakers and all the leaders of our Empire State, the State of New York, and our beloved United States of America. Teach our leaders the insights of Your law that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Bless all the of the inhabitants of our State with Your spirit so the citizens of races and creeds will forge a common bond in true community, to banish all hatred and bigotry and to safeguard the ideals and free institutions that are our State and our country's pride and glory.

Almighty God, continue to shower Your providence and influence for good thoughts throughout the world, uniting all humanity in peace and freedom.

It is with this in mind that I ask God Almighty to grant a speedy and full recovery to the Honorable Ariel Sharon, the Prime Minister of the State of Israel. In these difficult times, we beseech you Lord, our God that You grant our political leaders and elected officials the insight and perception, as well as the patience to differentiate between right and wrong, good and evil, sanctity and sanctimony .

Bless our honored Speaker of the Assembly , our members of the Assembly and Senate, our Governor, our local legislators and all the leaders of our State. Give them the strength and wisdom to find solutions to the challenges that plague our State, our country and our world.

May the gifts of honor, peace, and freedom, education and fulfillment be granted to all of our citizens.

May we find meaning in our lives and purposes in the pursuit of our daily tasks.

Make Your divine vision come to pass as expressed by the Prophet Isaiah, "For nations shall not lift up sword against nation, neither shall men learn war anymore." May we see the day when peace will reign on earth forever. As we say, Amen.

THE SPEAKER: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, the Speaker led the members and visitors in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, January 8th.

Mr. Tokasz.

MR. TOKASZ: Mr. Speaker I move to dispense with the further reading of the Journal of Sunday, January 8th and ask that the same stand approved.

On the motion of Mr. Tokasz, without objection so ordered.

Mr. Tokasz.

MR. TOKASZ: Yes, Mr. Speaker and my colleagues, this is, as we all know, the opening, as we heard from the Rabbi of the 229th commencement of the New York State Assembly, and as part of that beginning, Mr. Speaker, our schedule for today

begins with remarks delivered by yourself, Mr. Speaker, following remarks by myself, and then by the Minority Leader, Mr. Tedisco.

Following that, Mr. Speaker, we do have three new members to be seated and we will introduce those three new members, we will get to know them a little bit better, I am sure, as we move forward.

Following that, Mr. Speaker, we do have a main calendar that should be on the members' desks. It is our intention to take up the work off of that main calendar. For those members who may have other introductions, those introductions we would ask you to hold those introductions until we have completed the introduction of the new members. So, when we get to that part in our beginning here, Mr. Speaker, that would be the time for members to introduce any other guests who may have joined us.

So, with that, Mr. Speaker, I ask you to offer a welcome.

**THE SPEAKER:** Thank you, Majority Leader Tokasz, Chairman Farrell, Minority Leader Tedisco and my colleagues. Allow me to launch this 229th session of the New York State Assembly by wishing each of you, your families and all of our collective staff members a new year filled from start to finish with good health and good spirits.

With us this afternoon in the rear of the Chamber are the dedicated men and women of the 2006 Assembly intern class. I would ask you to give them a warm and hearty welcome.

(Applause)

Interns, welcome to the State Capital, welcome to Albany. I assure you that we are committed to making your experience in the People's House of the State a rewarding one. I know I speak for the members when I say that we look forward to the contributions you will make to the work of this House. I am pleased to announce that we have two new Academic Directors of our program, Helen Des Fosses, Acting Dean of the Rockefeller College of Public Policy at the State University of Albany and Dennis Smith, Assistant Professor of Public Administration at New York University's Robert F. Wagner Graduate School of Public Policy. Although they could not be with us here today, we are privileged, indeed, to have two such accomplished public policy experts guiding our interns. We look forward to working with Helen, Dennis and our interns to make this a productive and successful year.

There has certainly been a lot of talk about legacy. As I contemplated what I would say this afternoon, a member of our counsel staff handed me this piece of paper. It is copied from the historical record of this State's 1915 Constitutional Convention. What I have here is the testimony of Edgar Truman Brackett, State Senator from nearby Saratoga Springs. And, let me paraphrase for you a little of his public remarks. I am quoting: "Gentlemen of the committee, who are the members of your Legislature? If you want something done in the way of relief, where do you go? You go primarily to your Assembly members. You may sneer at the Assembly, you may find

fault here and there, but when the book is closed and the record is made, it still stands that the Legislature of the State, particularly the members of the Lower House, are the people who most truly represent the citizens of this State."

Those words are true and vital today, January 9th, 2006, as they were 91 years ago when they were delivered on the floor of the Constitutional Convention. And, they would have been the same in 1777 when, under our State Constitution, this Body was established. They are words that elucidate in a simple but profound way the crucial role we play in sustaining democracy. The obligation we have as a Body to remain independent of all but the will of the people.

Ladies and gentlemen, when you cut through the hype and the cynicism, it is easy to see that the very essence of self-government in this State lives and breathes and empowers our democracy from right here --

(Applause)

-- it is from this Chamber and from all of us working together. My colleagues, in our study and in our debate, in our commitment to outreach and to public hearings, with our leadership in government reform, including our leadership in reforming this Legislature, with our leadership in education, health care, jobs, higher education, public safety, civil rights, environmental protection and, virtually, every other issue that is crucial to New Yorkers, we, you and I, the leaders of the People's House of this State Legislature, we keep

this government in its proper path in carrying out its proper function. We will continue to do that work in this session. My goal for 2006 is for this House to build upon the solid progress and the real reforms that we achieved in bipartisan fashion last year. Since good government is open government, let's agree to joint public conference committees on all legislation that passes both Houses where difference exist between our bill and the Senate bill.

(Applause)

Let's go to conference committees, iron out our differences and give New Yorkers the productive and professional government that they deserve. It makes sense, since television viewers across this State are now able to watch gavel-to-gavel coverage of floor action in both Houses of the State Legislature, including public hearings and joint conference committees on a dedicated channel 24 hours a day, seven days a week. This is, in addition to our webcast. Let me take a moment to thank Senator Bruno, Senate Minority Leader David Paterson, Deputy Majority Leader Ron Canestrari, former Assembly Minority Leader Charles Nesbitt and our current Minority Leader Jim Tedisco for their leadership and commitment in making this channel possible.

(Applause)

Let me also commend all of the members of the Assembly Working Group on Television. Together, with dedication and leadership, we have, at last, made possible this Statewide broadcast capability. May this success be the first step toward a



24-hour-a-day New York State public affairs channel for the benefit of all New Yorkers.

Continuing on the topic of reform, last year we led the way in passing the first on-time budget in 20 years. We must do it again.

(Applause)

Last month I asked the Governor to submit the Executive Budget early so that together with the Senate we could complete the final State budget by March 31st. We will continue to make the budget process open and accessible to all New Yorkers by recommending the joint conference and public conference committees continue as we did last year.

We will continue to advance reform of the State's campaign finance system. We will further build upon the ethics reforms accomplished during last year, and I am telling the Governor, right here and right now, sign the Public Authorities Reform Bill into law this week.

(Applause)

Let us allow the sunlight in so that we can dispel the dark shadows within our government.

On the critical issue of violent crime, let us agree on this: More and tougher penalties are essential, but protecting people from harm is most important. Today, we will take up the toughest and most comprehensive gun crime prevention package in the history of this State. Our goals are simple: Get the most lethal weapons off the

streets, get illegal guns out of our neighborhoods and keep firearms away from convicted felons.

(Applause)

And, please, please let us ensure that armor-piercing bullets are banned in the State of New York.

(Applause)

It is beyond outrageous that this State provides its police officers with bulletproof vests and allows cop-killer bullets to be purchased legally in this State. These bullets are not a necessity for any New Yorker. Let us ban them for good.

(Applause)

As we protect New Yorkers from gun violence, we must also better protect our most vulnerable citizens from the horror and suffering inflicted by sexual predators. As a father, as a grandfather, I have devoted a good part of my life to looking out for and protecting children. There is nothing, nothing in this world that I despise more than those who prey upon and harm the smallest, weakest, most vulnerable among us. With all of our wisdom and all of our might, we must halt sexual predators before they strike and punish them with the utmost severity when they do.

(Applause)

The plan we have already announced and will be introducing this afternoon makes the penalties imposed on sexual offenders more severe, institutes a civil commitment procedure that protects us from the most dangerous sexual predators, requires

extensive, mandatory treatment for sexual predators, immediately stops the removal of sex offenders from the State's Sex Offenders' Registry and intensifies our monitoring of sexual predators. It increases community notification and ensures better education for parents and children on how to identify and protect themselves from sexual predators. Until Congress establishes a national, Uniform Sexual Offender Registry, Megan's Law must be extended now. We will debate this bill this afternoon.

(Applause)

In his State of the State address, the Governor used words such as economic freedom, empowering families, independence, competitiveness and opportunity. They are uplifting ideas with which to begin this year, but, as the true representatives of the people, we are obligated to deal with the reality of their daily lives. The reality is that thousands of our young children are departing our cities and towns because there is no opportunity. The reality is that economic freedom and independence cannot exist where there are no jobs, where the gates of our colleges and universities are closed to those who cannot pay the admissions' fees, where owning a home or starting a business is hampered by obstacles that seem insurmountable.

The reality is that our children who are caught up in our underfunded school system cannot hope to compete with their counterparts here in the United States and around the world. Frankly, generations of our students have already lost that competition

competition. Let us face the facts: New Yorkers who have no access to affordable, quality health care and day care; New Yorkers whose children have no access to good schools and good after-school programs; New Yorkers who have no access to job training and cannot afford a college education are not free or independent or competitive at all. They need relief.

(Applause)

It is our job, our obligation to provide the leadership that guides them toward that relief. We will fight for the education funding that will enable this State to meet its constitutional and moral obligations to our children. We will fight for full funding of universal pre-K because we know that good, early education programs lead to long-term academic achievement. Because the reality is that an educated workforce is this State's greatest asset, we will continue to invest in our outstanding SUNY and CUNY schools. They are the best conduit we have for high-tech research and development, for high-tech business development and job creation; for lifetime learning and skills improvement. We will again act to bring about more effective economic development, job creation and job training across this State.

In the next week we will take action to give seniors and low-income New Yorkers relief from their high energy bills.

(Applause)

I call upon the Senate and the Governor to join us next week in delivering this much-needed relief to those New Yorkers

who need it and need it now.

Continuing on, we will ensure that affordable, quality health care is accessible to all New Yorkers. We will focus the significant power of this State's hospitals, doctors and researchers on eliminating disease and disability by investing in the creation of the New York State Stem Cell Institute. We will take up that stem cell legislation tomorrow.

We will provide targeted tax relief to those who need it most. We will work with Comptroller Hevesi to lighten the debt load we pass onto future generations. And we will work with the Comptroller and Attorney General Spitzer to make government more efficient by making government more accountable to the taxpayers of this State.

(Applause)

We stand ready to work with the Governor and the Senate to accomplish these goals, to provide New Yorkers with the relief they deserve and, in the process, help craft a legacy befitting the great citizens of our State. 2006 will be a politically-charged year, spirited political debates are to be expected but that does not mean that we cannot work together. That should not mean that we are not getting things done in preparation for the arrival of the new administration. It is our obligation to work together to build a better, more prosperous state for our children and our children's children, a state where they will want to stay. The challenges are plentiful; the work will be arduous. The people have sent us here because they

believe that we are up to that challenge. I am absolutely confident that the People's House will, once again, acquit itself with success and dignity. We are blessed, after all, with two extraordinary leaders to guide us in the completion of our duties. In Paul Tokasz, we have a Majority Leader who has set the standard for every Majority Leader who will follow in his footsteps. Paul, your skill, your savvy, your integrity, the class that you bring to the role of Majority Leader are not only greatly admired and appreciated, they reflect in the best and warmest light the true character of this House.

(Applause)

But, Paul, keep one thing in mind: Now that the proceedings of the House are being televised 24/7, you're going to get a lot of camera time. Please, do not let it go to your head. We really do not want to see you on "Dancing with the Stars" next season.

And, Denny Farrell, I cannot imagine opening a session without your leadership and your wisdom.

(Applause)

Your innumerable contributions to the citizens of this State are what legacies are truly made of. Only someone who has fought the good fight the way you have can truly appreciate the hope and the opportunity that comes with a new year and a new future. Your wise counsel, your friendship are as invaluable to me, personally, as they are professionally. Thank you for being the pillar of strength that you are in this House and thank you, in advance, for letting us lean on you one more time. Thank you, Denny.

(Applause)

To my colleagues across the aisle, let me say this: Though we may not always or often see eye to eye, I know that you are an important part of the equation for success. Minority Leader Tedisco, my congratulations once again on your election. Be assured that I am interested in working with you to make this House as reflective of the people and as responsive to their needs as it possibly can be. But, Jim, you know and I know there can only be one starting point guard on a team and you ain't it.

(Applause)

Nevertheless, I am confident that we can work together to make this session even more successful than last.

Ladies and gentlemen, who are the members of the Legislature, we are the people who most truly represent the citizens of this State. That is our legacy. It is a legacy in which I take pride, the pride that comes with being chosen by a majority of your colleagues to lead, and, in doing so, to shape that legacy. My friends, to this day, I am honored, deeply honored, not only to be the Speaker of the Assembly, but to have your confidence in my ability and my vision for this House. I will do all that I can to be worthy of that confidence and to be worthy of leading this, the People's House. Thank you.

(Applause)

Mr. Tokasz.

MR. TOKASZ: Thank you, Shelly, for those kind words and, indeed, for your friendship. And, rest assured, my

colleagues, Fred Astaire I am not, so I don't think we need to worry about "Dancing with the Stars," Shelly.

It is an honor to serve as Majority Leader alongside a Speaker with a vision and, more importantly, Mr. Speaker, with your determination.

Mr. Speaker, let me share a few thoughts as we come together in this 229th session. Let me begin by offering my congratulations to the backup point guard. I don't even know that he's a backup point guard. I have another analogy, Mr. Speaker, for Mr. Tedisco who, as we know, enjoys playing basketball. And, Jim, I hope we don't have to call too many offensive fouls on you because of your hard-charging rhetoric, and I am sure we will be careful to make sure those fouls are called when it is certainly necessary. Jim, I look forward to working with you and, certainly, with Floor Leader Will Stephens and all the members of the Minority Conference as we continue the bipartisan congeniality that we have enjoyed over these past few years. We certainly have many more commonalities than we do differences.

My colleagues, beginning a new session allows us to reflect upon the past, as well as look at what lies ahead. And, as a member of this House for 18 years, I am proud to say that we have weathered many challenges and accomplished a great deal together, but, looking forward, I believe that the future is bright.

Mr. Speaker, thanks to your leadership, last session was, perhaps, our most successful in many years. We embarked upon



a comprehensive reform agenda, including reforming the Rules of this House to make what we do more transparent to the constituents we serve. Thanks to the cooperation from all members, the reforms have been enormously successful. I ask for your continued cooperation in the coming session. My colleagues, to put your minds at ease, Shelly has formed a commission, with no stipend, to look into providing each member with an index finger brace to prevent repetitive stress injuries.

I look forward to passing an on-time budget again, Mr. Speaker, and continuing a streak that will go well into the future. This year, we finally realized an agreement with the Senate, as you mentioned, to broadcast our session on a regular basis, and you recognized the working members of that committee. I want to recognize, in addition to the members, an individual who is on my staff, Brian Coyne, who did a lot of work on that. Brian, congratulations.

(Applause)

Mr. Speaker and colleagues, it takes great strength and determination to accomplish meaningful goals. Our strength in this Chamber is derived from our diversity; something that you, Mr. Speaker, note over and over again. Collectively, we bring the energy, ideals and values of all the communities of New York State to this Chamber. I am positive that we will continue to reflect those ideals as we work to provide a quality education and health care for all New Yorkers. These issues form the cornerstone of this Assembly. This year, I hope that we can continue, as you indicated, Mr. Speaker, to

restore the upstate economy to prominence. We cannot afford to rest upon our accomplishments; we all must move forward. Though, we face tough challenges ahead, Mr. Speaker, I am positive that together there is no obstacle too large that cannot be overcome.

So, to my friends, Jim Tedisco and Will Stephens and the entire Minority Conference, I look forward to vigorous debate. I am confident that we will conduct the business of this House in a mutually respectful manner.

So, with that, Mr. Speaker, and my colleagues, it is time to begin the work of all our constituents, from Jamestown to Montauk, as we do the People's business. Thank you, Mr. Speaker.

(Applause)

THE SPEAKER: Mr. Tedisco.

MR. TEDISCO: Thank you, Mr. Speaker.

Mr. Speaker, Majority Leader Tokasz and my fellow colleagues here in the New York State Assembly, my hope is that you had a wonderful -- you and your family, a wonderful holiday season, a great start to the new year, and we are off to what would be the most productive session we have had in the history of New York State, the 2006 legislative session.

Mr. Speaker, my colleagues, as you know, about seven or eight weeks ago a funny thing happened to me, but a wonderful thing happened to me, on my way to the Capitol. I became the new Republican leader of our Minority Conference and I am honored right now to be able to lead this outstanding group of men

and women.

And, I just want to share with you one of the things I told them after that election took place. And, I think it relates to all of us in this room. It was really about one of my worst fears and I think potentially one of your worst fears. You know, in all the polls that are done across this nation and maybe throughout the world, when you do a poll of what the worst fears are for people and persons and human beings, one of the top worst fears is always to get up and speak in front of large groups of people. Well, when I told my colleagues and I will tell you and I think you know this, for those of us who are public servants and really what you might call politicians, our worst fear in many instances is we won't get asked to get up and speak in front of large groups of people. But, neither one of those has ever been my worst fears and probably never been one of your worst fears.

One of my worst fears, Mr. Speaker, and my colleagues, has and continues to be that some morning I will wake up, some morning I will wake up, in the middle of that morning and I won't feel that rustling in the middle of my stomach, which is a part of the greatest job in all the world. And, I don't mean just being a public servant, and I don't mean being a New York State legislator, I mean being a part of this New York Assembly Body, being a New York State Assemblyperson. This is the greatest job in the whole world right now, to be here, you and I, to be able to come to this Chamber and stand up and represent the greatest constituents in all the world.

(Applause)

Mr. Speaker, you and I are doubly blessed. You, as the Speaker of this House and myself, as the Minority Leader, because we not only have the opportunity to represent those outstanding constituents, we have the opportunity to represent the brightest group of elected officials anyplace on this earth we know, as the world we live within. And, I don't say that casually, because in the 24 years of service I have been here, I have seen the tremendous talents on both sides of the aisle in this room. I have seen the wonderful potential and, as you said it, and as the great Majority Leader said it, that potential is only limited to what we can dream in this room and what, collectively, we can accomplish by working together. Last year, as legislative sessions go, it was a most productive legislative session. As has been said, we passed the first balanced, on-time budget in 20 years. We made meaningful reforms, not all the reforms that need to be made, but meaningful reforms to the way we do business here. And we are proud to say we led those reforms, in many instances, and you were there right along with us, in many instances, in a non-partisan way. We reformed the budget process; we had transparency; we did some wonderful things in terms of pieces of legislation. Then, at the end of the year, my colleagues and Mr. Speaker, we passed two incredibly important, I think, public safety pieces of legislation. We now have a safer 2006, right now, because of those two bills you and I, the Senate passed and the Governor signed into law.

But, Mr. Speaker, Majority Leader and my

colleagues, we know there is much, much, much, much more to accomplish. And, in light of that, very shortly, my colleagues on this side of the aisle will be presenting an initiative, an initiative to build a better New York, to build a pathway to progress and, I think, you'll find in that initiative much of what we put forth are many of the issues and the pieces of legislation and the concepts that you, Mr. Speaker, and my colleagues on the other side, can share with us as being important. And together, I think we can accomplish many of those goals that we are going to put forth.

I say that, Mr. Speaker, because in reality, in our younger days, you and I had one of the same goals and one of the same dreams in our lives. You and I had a dream to become professional basketball players. I know that because I read that in a news report about you, and I have played with you before, and you're a pretty darn good player. And last week, Fred Dicker showed me what you looked like in those uniforms from 20 or 30 years ago and you looked very dashing, I want you to know that. Forty years ago? No, I don't believe it.

Now, for good or bad, and that depends upon who you talk to and speak with, you and I never accomplished that goal, Mr. Speaker, but the irony of it is, as fate would have it, we have come together in 2006 in this legislative session with, I think, another dream and another goal we share together, and that dream and that goal is to bring the best possible agenda out of those committees to this floor, pass that agenda and make this the best quality of life of any

State in the nation or in this world. I believe we share that goal.

(Applause)

And, I know much has been said about my aggressiveness, but I am told not to use that word anymore; it is assertiveness now.

I want you to know, Mr. Speaker, we are going to work in the most professional way with you, with your Majority. We are going to stand with you shoulder to shoulder for much of what you talked to us about today and what the Majority Leader has mentioned as our goals. But, by the same token, you understand, in many instances, we are going to be the loyal opposition. That in this democracy, we not only have the right, but we have the obligation on occasion to stand up, speak out and debate vigorously when we think this Body may, in some instances, be going in the wrong direction, when we think we have a better direction to go for our constituents.

But, I want to close with saying this to you, my fellow colleagues, my friends, and I believe our extended family: I do not and none of the members on my side of the aisle ever have, do now or will see any enemies in this room. We are an extended family, and I believe that with all of my heart. We spend a lot of time together. I believe we are all important to each other and we wish the very best for each other and our families. That is extremely, extremely important. But, I want you to know the enemies to this Body are bad idea and good ideas that stay bottled up in committee and never come to the floor. To that end, we will fight vigorously not

to allow those bad ideas to become law, if they come to this floor.

To the other extent, we will debate vigorously to get those good ideas out of committee so we can make this the best quality of life for all the 19 million people we represent.

Mr. Speaker, you have the great obligation to overseeing and guiding this House, and to that, myself and my colleagues on this side of the aisle, we wish you Godspeed and profound success in that effort. God bless this Chamber and God bless the people of New York.

(Applause)

THE SPEAKER: Mr. McEneny.

MR. McENENY: Thank you, Mr. Speaker. I rise to thank you for your choice of that spiritual voice that we started this session with today, that of Rabbi Moshe Bomzer. Rabbi Bomzer is a leader throughout the City of Albany, within its civic community and within its very diversified and growing Jewish community. Rabbi Bomzer is a person whom I have turned to, as a friend, on numerous occasions and value as a friend, as I do his wife, Rochelle. He is somebody who you can turn to for good counsel and for wisdom, and I think the members today heard some of that good counsel and some of that wisdom.

And, we thank you very much, Rabbi Bomzer, for coming down here and helping us. You were a most appropriate speaker on this auspicious occasion of our first real session for this legislative session. We wish you the very best and thank you for

coming.

(Applause)

THE SPEAKER: Mr. Canestrari on the same subject.

MR. CANESTRARI: Yes, Mr. Speaker, just to join with my colleagues from Albany County, Jack McEneny and, of course, Bob Reilly, in a word of welcome to the good Rabbi. The Rabbi is a spiritual leader here in the Capital District and my friend, and throughout all of his responsibilities, both with his own flock and beyond that, he is a voice of reason, compassion and understanding. And, with that, we welcome you, Rabbi, and the best to you and your family in the new year. Welcome.

(Applause)

THE SPEAKER: On behalf of Mr. McEneny, Mr. Canestrari and myself, and all of the members here, Rabbi, we thank you for that very, very inspiring invocation. We want you to know you can always be a guest here with us. Enjoy the privileges of the floor and come back and visit us real soon. Thank you.

(Applause)

Mr. Tokasz.

MR. TOKASZ: Yes, Mr. Speaker. It is now my pleasure to more formally introduce two members from this side of the aisle who we met just briefly, I think, in the Special Session. The first, Mr. Speaker, is Mark Alessi from the First Assembly District.

(Applause)

Assemblyman Mark Alessi was elected to the First



Assembly District representing the communities of Brookhaven, Riverhaven, Southold and Shelter Island.

Born in Brooklyn, Mr. Alessi grew up on Long Island. His father, a union printer, immigrated from Italy at the age of 9 and his mother worked and raised six children. From delivering newspapers and mowing lawns as a youngster, to starting his own small business painting houses while in college, Mark developed a work ethic that has taken him through law school and into a life of public service. Mark earned his Bachelor's Degree at the State University of New York at Albany. During his tenure there he served as an Assembly Intern, researching and analyzing legislation.

Upon graduation he attended Touro Law School where he received awards in the study of health care law. The character and work ethic that Mark's parents instilled in him from a young age helped earn him the position of downstate Director of Intergovernmental Affairs in the Office of New York State Comptroller. Last year when the seat opened in his district, Mr. Alessi decided to serve the people of the First Assembly District and the entire State here in our Assembly.

He is a dedicated father and community leader who makes his home in Manor Park. Joining Mark here today is his wife, Gretchen Alessi.

(Applause)

His parents, John and Ida Alessi.

(Applause)

His brother, Chris Alessi.

(Applause)

His father-in-law, Peter Van Alostyne.

(Applause)

And his sister in law, Nancy Alessi.

(Applause)

We welcome Mark Alessi to the Assembly and wish him the best of luck. Welcome , Mark.

(Applause)

Mr. Speaker, from the 43rd Assembly District, Karim Camara.

(Applause)

Assemblyman Karim Camara was elected to the 43rd Assembly District, representing Crown Heights, Weeksfield and Wingate. Coming from a rich spiritual heritage and a family of ministers, Mr. Camara answered his own call to ministry in July 1993. He currently serves as the Executive Pastor of the First Baptist Church of Crown Heights. Mr. Camara received a Bachelor of Arts in English literature and chemistry from Xavier University of Louisiana and a Master's of Divinity from the New York Theological Seminary. He has also studied at Alfred University, Fordham University and the Wesley Theological Seminary. While a student at Xavier University, he participated in the Biomedical Science Scholars Program at Meharry Medical College in Nashville, Tennessee.

In 1997 he participated in the National Capital

Seminarians for a Semester Program where he studied legislation and ethics at Wesley Theological Seminary in Washington, D. C.

While there, he worked consecutively with the Children's Defense Fund and as a Congressional intern with the Office of Congressman Major Owens.

He has also received the Minority Leader of the Year Award from Alfred University. A Community Leader of Distinction Award and a Dedication In Service Award from the American Red Cross of greater New York.

Karim served for three years on the community advisory board of the State University New York Downstate Medical Center and continues to serve on the Faith Leader Advisory Committee of New Visions for Public Schools and the Board of Managers of the Bedford Y. M. C. A.

Joined today, we have Karim's wife, Aurelia.

(Applause)

And his Chief of Staff from the District Office, Osama Pratz.

(Applause)

We welcome Karim Camara to the Assembly and also wish him the best of luck. Welcome, Karim.

(Applause)

THE SPEAKER: Mr. Tedisco.

MR. TEDISCO: Thank you, Mr. Speaker.

Mr. Speaker, it took me 24 years and election to

Minority Leader, before the Governor would ever mention my name in his State of the State Message, but Assemblyman Joe Giglio accomplished that in his first State of the State Message last week.

Joe is a lifelong resident of western New York who has dedicated his career to public service. Before coming to the Assembly, Joe investigated fraud and abuse by company officials who dealt with State agencies as Deputy Inspector General. Prior to that, he was a Special Assistant to the Attorney General and has served in both the Erie and Cattaraugus County Sheriff's Department.

While this is an impressive background in law enforcement, Joe also has added the experience of being a small business owner for nine years. His addition to our Conference will be a major boost to our efforts to reduce crime and provide economic opportunity to all New Yorkers.

Joe graduated from SUNY-Buffalo and lives in the Village of Gowanda in Cattaraugus County. I am sure I join all the members of this Body in welcoming Joe Giglio to the Assembly from the 149th Assembly District. Assemblyman Joe Giglio.

(Applause)

THE SPEAKER: To all of the new members, welcome. I know most of you have been here, all of you have been here under fire the last few weeks. So, I just want to welcome you. Enjoy the proceedings. You are now part, fully a part, of these proceedings and keep your participation on the same level it is now throughout your tenure. You are a member of the Assembly, and

nobody, nobody can ever take that title away from you. Enjoy your participation here.

Mr. Powell for purpose of an introduction.

MR. POWELL: Thank you, were Speaker. Happy New Year to all of my colleagues, and especially a warm welcome to our new colleagues to this great Assembly.

I rise for the purpose of introducing a great group of individuals who come from the best neighborhoods in New York State, Harlem and East Harlem.

(Applause)

They have come today to look at and study the way in which we do business. It is a way for us, for me, personally, to bring some of my constituents closer to Albany and, by definition, bring Albany closer to our district home base.

So, I would like for you to welcome them and accord them the privileges of the House, Mr. Speaker, and after that, for all of us to give them a loud and great cheer. Thank you.

(Applause)

THE SPEAKER: On behalf of Mr. Powell, all of the members and myself, I want to welcome you here to Albany. Enjoy your visit today. Enjoy the privileges of the floor and we hope to see you back here soon. Have a good day.

(Applause)

Ms. Hooper.

MS. HOOPER: Thank you, Mr. Speaker. I rise to

ask you and my colleagues to welcome to our Chamber Adelphi University School of Social Work, and accompanying them, the Dean of the School of Social Work, Dean Safyer. These students are pursuing their Master's Degree in Social Work and are visiting Albany to observe government in action and legislation as a living organism. They will use this experience in order to incorporate it in the implementation of their new profession as they begin -- they will use this experience in the implementation of their new profession as they begin to coordinate it as they move into the profession of social workers upon graduation.

Mr. Speaker, would you please offer the cordialities of the House to the students of Adelphi University who are behind you in the balcony, and welcome them to the New York State Assembly, again, as students from Adelphi University experiencing, again, the chance to see government in action.

ACTING SPEAKER LAFAYETTE: Certainly, on behalf of Ms. Hooper, the Speaker and all my colleagues, we welcome these distinguished students from Adelphi University to the Chamber today. And, we wish you a pleasant trip here and are enjoying this very special session of the Assembly. Welcome.

(Applause)

Mrs. Fields.

MRS. FIELDS: Thank you. I rise today, and thank you for allowing me to interrupt the proceedings to introduce some constituents who are visiting the Capital today to watch the people's

work. I have behind me, seated behind me, Elizabeth Kennedy, who is the Oakdale Chamber of Commerce President, Dennis Demitris, who is a graduate of the University at Albany and presently attending Stony Brook University for a Master's in Public Policy, Nathaniel Le Gary who is a graduate of SUNY at Potsdam, presently attending Stony Brook University for a Master's in Public Policy, and Lea Del Purseo, who is a senior at the University of Miami majoring in political science.

Mr. Speaker, I ask that you show them all your warm and customary cordialities and grant them the privileges of the House today. Thank you.

ACTING SPEAKER LAFAYETTE: Certainly. On behalf of Mrs. Fields, the Speaker and all my colleagues, we welcome these visiting scholars to the Chamber today, hope you are enjoying the proceedings and you, certainly, have all of the amenities of the House at your disposal. Welcome to the Chamber.

(Applause)

MR. TOKASZ: Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Yes. Mr. Tokasz.

MR. TOKASZ: Mr. Speaker, my colleagues, the members, as I had indicated earlier, you should have a main calendar on your desks. We are working with the desk. We are going to begin votes on that main calendar and this will be somewhat out of order but you'll get the point as soon as we begin the bills, Mr. Speaker.

Mr. Speaker, I think the Clerk has the order of the bills, so we can begin with those bills.

ACTING SPEAKER LAFAYETTE: The Clerk will read.

THE CLERK: Bill No. 9081, Rules Report No. 9, Committee on Rules. An act to amend the Tax Law, in relation to the sales and compensating use tax imposed within the County of Erie.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

Mr. Schroeder to explain his vote.

MR. SCHROEDER: Thank you, Mr. Speaker.

Around this time last year was the first opportunity I had to speak on the floor and, again, it is a rather unpleasant subject matter. I just want to clarify what we have in front of us, Mr. Speaker. This is a Home Rule Message from Erie County, and although we have had a very fast-paced day today, I would just like to get back to the basics just for a moment and talk a little bit about the sales tax formula. And, as you know, there is two portions of it. There is the local, which is the 3 percent base, which has become the exception, not the rule. And, the second portion is the State portion, which is the 4 percent. We are being asked today to authorize Erie County's home



rule decision, their decision. We are not initiating this. This Body is not initiating this, we are authorizing their Home Rule Message. And, we have a long-standing responsibility to act.

When the Speaker last week gaveled in the 229th Legislature, it did, indeed, bring us back to 1777. And, Mr. Speaker, the first 100 years we helped create New York State, incorporating municipalities and, in this particular case, counties. And, up until 1914, which some would say are the most notable, is that this Body incorporated Bronx County.

The last 100 years we have been the "big brother" and the "big sister." That is why we have in our Constitution Article IX, Section 2, home rule provision of the Constitution. And, my dear colleagues, this is just not an Erie County problem. Last year, my first year here, 47 counties, 47 counties asked the State Legislature to extend higher their local sales tax rate. Also in 2005, seven counties asked us to raise their local portion higher than the original extension. We have an epidemic in this State. There are only eight counties out of 62 working off the three percent local base.

A western New York State Senator last week suggested there might be a lineup of counties asking for a control board. I would not wish a control board on any municipality, and I would like to explain that in brief in a second.

A little aside, Mr. Speaker, on October 20th, former Governor of Massachusetts, Governor Weld, visited Buffalo and he was asked about the control board. We have two. One in Buffalo and

one in Erie County. And, after he gave his obligatory answer, he then said: "Perhaps, New York State should have a control board." Those were Governor Weld's words, not mine. But, remember, what our esteemed colleague across the aisle who represents the 150th Assembly District, on occasion, has said: "In this State, we have a debt, a debt of \$47 billion, that is with a "B," \$47 billion and then if you add the "phony bologna" State authorities, the debt then escalates up to \$100 billion. We need to act this year. Control boards are not the answer. We need to devise a plan so our counties can operate within their means. I will be happy to offer a potential solution.

But, first, one thing about the Erie County Control Board. Mr. Speaker, their first act, the Erie County Control Board who acts much like an authority, reports to nobody, hired consultants, a group called P F M Group. No RFP was done. This group was politically-connected to this current administration, who contributed to the current administration. They were given a consultant's fee, \$40,000 per week, more than constituents in my district make in one year. The total, \$800,000. And, one of the recommendations that this group made under the control board was to consolidate Veterans' Services Agency, which, by the way, violates Executive State Law Article 17, Section 357, not to mention that there is a war going on in this country, right now, and to take this stand-alone-agency and to dump it in with four other agencies is disrespectful.

Mr. Speaker, the solution: We need to construct a task force or in a committee, we need to initiate a master plan helping

our counties. This Body did a similar thing in 1994. We advanced a plan for the State to assume from the counties a larger portion of Medicaid costs and then it was repealed in January, '95 with the new Governor. We have one year, as the Speaker said earlier, we have one year to prepare for the arrival of a new Governor. We have a lot of work to do. Our responsibility is to initiate a master plan this year. But, in the interim, a vote of yes today authorizes the Home Rule Message of Erie County.

ACTING SPEAKER LAFAYETTE: Thank you.

Announce the results.

(The Clerk announced the results.)

ACTING SPEAKER LAFAYETTE: The bill is passed.

On page 3, Rules Report No. 5, the Clerk will read.

THE CLERK: Bill No. 2404, Rules Report No. 5, O'Donnell, Cook, Dinowitz, Galef, Ortiz, Peoples. Eddington. An act to amend the Criminal Procedure Law and the Family Court Act in relation to Orders of Protection.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effective immediately.

ACTING SPEAKER LAFAYETTE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Same page, Rules Report No. 1, the Clerk will read.

**THE CLERK:** Bill No. 673-A, Rules Report No. 1, Weisenberg, Paulin, Ramos, Eddington, Lifton, John, Clark, Nolan, Carrozza, Lopez, Grannis, Titus. An act to amend the Penal Law, the General Business Law and the Education Law, in relation to criminally negligent storage of a weapon and weapons safety programs for children.

**ACTING SPEAKER LAFAYETTE:** An explanation has been requested, Mr. Weisenberg.

The gentleman is going to explain the piece of legislation, so let us keep everything down. People take their seats, please. Let us start the year off correctly. Okay. Mr. Weisenberg.

**MR. WEISENBERG:** Mr. Speaker and my colleagues, this legislation has been passed for 13 years. This is the 14th year that we are going to pass this legislation. We usually get about 30 negative votes on this because that is of the influence of certain lobbying groups who use their resources, if you will, to try to influence people in regard to legislation.

But, everything we all stand for in this House and the most important thing we stand for is to be able to protect our youngest. This bill is designed, it is called the Safe Storage Act to protect children from having access to loaded firearms. This is not an

anti-gun bill. And, any responsible gun owner that I have spoken to over the years have all agreed that this legislation will save lives and is good because all we are doing is saying that if you bring a gun into the house, make sure a child does not have access to this gun.

And, I want to share this with you, especially our new members, who have not seen a demonstration by the New Yorkers Against Gun Violence. Many years ago, as I walked through the Well with my wife and I saw hundreds of children's shoes and boots and sneakers and I said, "What is this?" And, this was a demonstration of parents and family members that brought deceased children's and family members' shoes and sneakers and boots, who were killed because somebody had access to a loaded firearm.

There is no justification in the world for any responsible, responsible gun owner to be able to say, "This is bad legislation. " But, the message that comes for me is that any legislation that has the word "gun" in it is bad. It is a threat to our rights, and the answer really is that is not appropriate in this regard.

Just to define my research, in a sense, if you will, here are two press releases about four-year olds , four-year olds who had access to guns. And, I went on and I have found "Kindergarten student faced with gun charge." "Brother, brother's gun accident takes life of boy age 5." "Principal thought a gun was a toy," officials say. "An 8-year old shot another child." "A girl, 8-years old is killed by her friends mimicking a movie scene." "9 years old," and another person 9-years old, City boy, 9, shot dead at a friend's home. "Boy,

11," I don't want to go through all of them here, but what is happening is the reality is that a large percentage of these accidents that have occurred were preventable and that is the purpose and intent of this legislation.

And I think it is everybody's obligation and responsibility to stand up and say, "I don't see any negatives to this and I am willing to answer any questions," but we have always produced over 100 votes in favor of this legislation. The purpose and intent is not to punish, it is not to really hurt anybody but make people aware, to educate people that if you're going to have a gun in your house, you should have the responsibility and be able to make sure that a child does not get access to this loaded firearm.

The latest one that I have here, well, just 2005, in December from Skaneateles, New York, another child. But, we also find that in 1,400 accidental gun deaths in the United States, 200 could have been prevented.

So, what I am trying to say to you is I am reaching out to you, and I consider us all one family, we are an Assembly Body, we are not good guys and bad guys, we are all here to do the same job and that is protect the people of the State of New York, especially our children and our families. And, I want you to know, talk to any parent, and I will tell you one story from New York City. Two New York City police officers living together, they had a 15-year-old child. Now they bring their weapons home. They separate their ammunition from their guns, the children know about

guns, have no access to a loaded firearm. The youngster goes next door and is killed by the neighbor whose son had access to a gun and shot this kid. When I dealt and spoke to these parents, being a former police officer, my heart broke because they really impressed upon the need for gun safety and, yet, this youngster went next door to a neighbor and was killed. So, two police officers from the City of New York lost a child because of something that could have been prevented. So, I am asking for your support on this legislation today.

Mr. Stephens.

ACTING SPEAKER LAFAYETTE: Mr. Burling.

MR. BURLING: Harvey, would you yield for a couple of questions, please?

MR. WEISENBERG: Absolutely, Dan.

ACTING SPEAKER LAFAYETTE: Gentleman yields.

MR. BURLING: Happy New Year, Harvey.

MR. WEISENBERG: You, as well.

MR. BURLING: Back down here again. Let me ask you something: I live in a very, very rural area and many of the people in my district have guns for protection. Some of them live way off the streets. We know that, unfortunately, unfortunate things happen, crime happens in our area. Some of these people don't have easy and ready access to police agencies and many of them have weapons in their homes. It is personal protection. Would a stored, let me ask you a question, would a stored, say, 38 caliber revolver, loaded

in the top drawer of a dresser drawer, would that be considered illegal under your legislation?

MR. WEISENBERG: There is no illegality here unless a child has access to that gun. An example is, show and tell, where a 6-year old kid went to school with a loaded .38 and said, "Look what I have." Now, there was access and the child has his ability to take this loaded firearm into a public place. There would have been a violation. Your example is not a violation of law. I mean, you can have, and I believe in everybody being able to protect themselves, their family and their property; but I also believe that the law really has to say that if you bring it home it doesn't mean that you're in violation of the law unless an action has taken place, where this child took it into a public forum or discharged this gun in a public place or, in fact, shot another person. But, you can have your gun, you can keep it on your table, you can keep it next to your night table. There is no violation of law.

And, one more thing that I should bring up because I know it is one of your questions to be asked, that from 14 years of history, is that if, in a tragic situation, there is a death within a family, where one child shoots another child within a family, that the district attorney really has jurisdiction as to seeing if they are going to prosecute in anyway.

MR. BURLING: So, if I may continue, if the weapon is in my dresser drawer; and I do have one, I have a loaded .38 in the dresser next to my bed, it is there. I hope I never have to use it, but in



today's world you never know. But if, as you say, the very unfortunate thing should happen, and you have used this word a couple two, three times, Harvey, "accident," an accident, an accident happens and for some reason the unthinkable happens, I would be prosecuted, if a child attained my weapon, without my consent, somebody from outside my home picked it up, discharged it, hurt themselves, then I would be in violation?

MR. WEISENBERG: No, actually, if someone broke into your house, for example, and had found your gun, you know, you didn't have that child.

MR. BURLING: No, not broke into my house. Let us say I had a house guest there and the house guest was in my home and one of the children ran upstairs whose, you know --

MR. WEISENBERG: Absolutely.

MR. BURLING: Where they shouldn't have been --

MR. WEISENBERG: Then, I think that you were negligent and I am not the judge, but I would say, absolutely, because if you know you have a loaded firearm, then all you have to do is either take the shells out, the ammunition away, or make sure, as long as you have children in that house, they do not have access to that weapon.

And, as you said, accidents happen, but that, to me, would be negligence. If you own a firearm, and it is in your house, you make sure that a child doesn't have access. Gun locks, locking them up in a box or even, as you say, on a temporary basis, I don't -- I

just want you to understand, we are not looking to put you in the spot to prosecute you. What we are trying to make you do, as a responsible gun owner, to make sure that no child has access to your weapon.

MR. BURLING: I think, all gun owners should be responsible, certainly, and most of us who do own quite a few guns have had hunter trainer safety courses, many of us, like myself, who have been in the military, obviously, are much more aware of the damage that guns can do, but you've talked a number of times about it being an accident, and, Harvey, if the unthinkable, if the unimaginable happens, if a terrible thing happens and an accident does occur, we are going to be, in some cases, penalizing or criminalizing honest gun owners who, unfortunately, were the victim of, as you say, terrible accidents. Accidents happen all the time. Car accidents happen all the time but we don't criminalize it.

MR. WEISENBERG: All right, Dan, we are friends and I am going to ask you a question. At the completion of our debate, and you are going to have somebody in your house with kids in the house are you going to leave your gun in the drawer, unlocked or something?

MR. BURLING: Well, you know, I think probably yes. It is my bedroom. It is my private area of my home. I don't expect people to go into there. I know of a police investigator friend of mine, you were a police officer, had some kids over to his home. One of them was my kid, a long time ago. My kid did not take the gun, but you know what? One of those kids took the gun. I would

hate to think that because some curious kids took a pistol out of the home that this police officer's career would be over or that he would be criminalized. I think that we have personal responsibilities, Harvey, and I think that children should be taught that they do not go to places where they should not go, that they don't investigate where they should not investigate. That when you own a pistol, as I do, with my children, I tell them, "There is a loaded gun there, you stay out of there. That is off limits. This is not a place that you should be and you should not handle it."

MR. WEISENBERG: Dan, you know, you just brought up a hypothetical situation. What a tragedy this would be if that friend went into your bedroom got the gun and shot your son.

MR. BURLING: It would be a terrible tragedy, terrible.

MR. WEISENBERG: Absolutely.

MR. BURLING: Absolutely.

MR. WEISENBERG: But you know what? It was preventable.

MR. BURLING: Well, I just do not think --

MR. WEISENBERG: I respect your feelings and your opinion.

MR. BURLING: I respect yours, too, Harvey. You are a great member here, and I know what you are trying to do and, certainly, there is not a member here who would not want to advance some piece of legislation to do something that would prevent even one

child from being killed. But, we have personal responsibilities and, unfortunately, there are children and there are innocent people across this country, unfortunately, who are killed every day; and we cannot always legislate good thinking or common sense.

And, I personally feel that if this legislation were passed, many, many good people across this country would become criminals because of a very, very tragic incident and a very, very tragic accident. Thank you very much, Mr. Speaker. Thank you, Harvey, for yielding.

MR. WEISENBERG: Thank you, Dan.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect on the 1st day of November next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

Mr. Weisenberg to explain his vote.

MR. WEISENBERG: Mr. Burling, Dan, I just wanted to say, if you would have locked your bedroom door, that kid might not have had access. So, I am looking to the other side of your question in regard to this.

But, I really want to thank you. There was another aspect to this legislation that I just want to bring to view, that it

offered a curriculum in gun safety for communities who have so many people in recreational activities, in sports, utilizing guns and that is optional. The course is set up, the NRA supported this, the State Police supported this, and I just feel that there is an opportunity for gun safety in an educational environment to be able to be brought to view so people will have better respect and understanding and in the safe use of firearms.

Thank you very much for your support.

ACTING SPEAKER LAFAYETTE: Ms. Calhoun.

MS. CALHOUN: Thank you, Mr. Speaker. In explaining my vote, I want to relate something that happened, and it relates very much to this bill. My long-time neighbor and friend, Mr. Alex Bodner, a retired member of the New York City Police Department, lost his life on August the 4th of 1990. And the reason he lost his life was because an intruder had broken into his home, and he did not have his loaded handgun, which was accessible, in his dresser drawer. The intruder came at him, and he told him, "I want your money." Al gave him whatever he had. He reached over and he stabbed him several times, and he proceeded to, then, attempt to sexually assault his wife. Al crawled around that bed, into the bathroom where he kept his revolver, but he had to turn the light on because he was injured and could not reach it. He took that handgun and he shot the perpetrator who proceeded, during the struggle, to stab him again. That woman, Patricia Bodner, has gone on to be a community activist and has turned her life into something, speaking

for the rights of people. She is a leader in MADD, but I want to tell you, if he had that gun there and not had a piece of legislation like this, Al Bodner would be alive today because he would have taken that gun, which was his to use, which would have been in his drawer, and he would have used that to protect himself and his wife.

We have to look at training. We have to look at the Eddy Eagle training and we have to look at the fact of responsible citizens using their responsible nature to protect their children and themselves.

In that regard, Mr. Speaker and my colleagues, I withdraw my request and vote in the negative on this piece of legislation which will impact legal gun owners, not the criminals who cause the crimes.

ACTING SPEAKER LAFAYETTE: Mr. Townsend to explain his vote.

MR. TOWNSEND: Thank you, Mr. Speaker.

As a former member of the New York State Police and the Sheriff's Department of Oneida County, the one item that we always made sure was secure at the end of our tour of duty was our firearm locked in our locker. We used to take the handcuff and put it through the breech and lock that gun up so nobody could get their hand on it and use it. Now, you figure inside a police station, inside a locker, nobody's going to mess with it, but to be sure and be on the safe side when that gun was out of our sight it was locked up and stored securely.

On the other hand, if you are at your home, as we just heard Ms. Calhoun talk about, and you are there and the gun is in your possession, you can have it loaded. It is when it is out of your possession, when you are out the house, when you are at work, you just do not leave a loaded firearm laying around for some child or some perpetrator to take that loaded weapon. You can lock the ammunition in another drawer or in a safe, as Mr. Reilich talked about, or in a closet, whatever you want to do with it, just don't leave it loaded when it is not under your supervision. If you are there, you can do with it as you choose.

Based on those facts, Mr. Speaker, I am going to withdraw my request and vote for this good piece of child safety legislation.

**ACTING SPEAKER LAFAYETTE:** Announce the results.

(The Clerk announced the results.)

The bill is passed.

Same page, Rules Report No. 2, the Clerk will read.

**THE CLERK:** Bill No. 1170, Rules Report No. 2, Dinowitz, Pheffer. An act to amend the Penal Law and the Correction Law, in relation to eliminating the relief granted by a Certificate of Good Conduct or Certificate of Relief from Disabilities for a person convicted of a violent felony offense to lawfully possess a gun.

**ACTING SPEAKER LAFAYETTE:** Read the last section.

THE CLERK: This act shall take effect on the 90th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2213, Rules Report No. 3, Koon, Lavelle, Paulin, Mayersohn, Zebrowski. An act to amend the Executive Law, in relation to the complication of firearm and ballistic data.

ACTING SPEAKER LAFAYETTE: An explanation has been requested, Mr. Koon.

MR. KOON: Yes, Mr. Speaker. This bill has been on the floor several times, and the explanation is that what we are trying to do is expand CoBIS.

I had one of the members of the Rochester Police Department in their crime lab come to me several years ago and pointed out that a lot of the guns that the police come in contact with, either found along the road somewhere or taken off a drug dealer or whatever, these guns do not get tested and put into the CoBIS system. So, this legislation would correct that by having any police department in the State of New York, when they come across a gun that could be a suspicious gun, they would then test fire that gun and send the



bullets into CoBIS so that they could be recorded.

It also requires that police officers who come in contact with shell casings or spent bullets send those in to the CoBIS system. These should be and will be bullets that are found at crime scenes. Good, common sense would say you wouldn't go around collecting shell casings from wherever you find them just to send them into CoBIS. These would be only shell casings or bullets that were found at a possible crime scene, thereby expanding CoBIS and, hopefully, starting to solve more crimes in the State of New York by using CoBIS.

ACTING SPEAKER LAFAYETTE: Mr. Burling.

MR. BURLING: Yes, David, would you yield for a couple of questions, please?

ACTING SPEAKER LAFAYETTE: Does the gentleman yield?

MR. KOON: Sure, absolutely.

ACTING SPEAKER LAFAYETTE: The gentleman yields, Mr. Burling.

MR. BURLING: Dave, I am going to, kind of, go backwards on this, CoBIS, would you just explain that, just give us a brief explanation of CoBIS for some of the newer members?

MR. KOON: I'm sorry.

MR. BURLING: You mentioned the acronym, CoBIS, would you, please, just briefly explain what that means, to some of the newer members?

MR. KOON: The CoBIS?

MR. BURLING: Yes, as you referred to that.

MR. KOON: CoBIS is the system that was setup in the State of New York in the year 2000 to do ballistics identification on spent shell casings and spent bullets that are found in New York State that come into possession, when someone buys a handgun. The gun manufacturers' actually put in a spent shell casing and a bullet into that handgun packaging so that the dealer can send that into CoBIS so that when that gun is registered in the State of New York we know where to start looking, at least, if that gun is used at a crime scene.

MR. BURLING: David, how many, and I will refer to it as "hits," how many convictions have resulted from the enactment of this legislation, to this date?

MR. KOON: We have had no convictions at this time, but you must understand that from the time a gun is sold legally, a handgun is sold legally in New York State or any state, for that matter, it takes normally about seven years before that gun actually finds its way into the hands of a criminal who would use it in the commission of a crime.

MR. BURLING: Well, that is -- you know, that is interesting, I don't know where that statistic would come from. I won't argue that statistic, but I think it kind of fits the argument here for the legislation, which I feel really hasn't gone anywhere. So, we are going to wait -- we have got to wait another year, within another

year you feel that we will start seeing some convictions down the line incurred because of this legislation that has been passed?

MR. KOON: Well.

MR. BURLING: In 2000? Because we are going to add -- this bill is adding to that, that is why I am trying to address that, David.

MR. KOON: Right. This bill is going to add to the CoBIS system the number of weapons that will go into that system. And, these will be weapons that are found either on criminals to begin with, a drug dealer or whatever, and you never know, that gun could have been used in the commission of a crime in New York City and that gun dealer is now in Albany or Rochester or somewhere else and when that gun is sent in CoBIS, and we get a hit that that gun was used in the commission of a crime in New York City. So, we just need to do that.

And I think, too, that we must leave, you know, put the burden a little bit on the Governor's shoulders to expand CoBIS by having these microscopes put in police departments across the State because even when a crime is committed, they find a spent shell casing or a spent bullet at a crime scene, the police department does not want to let that evidence out of their hands by sending it to the State Police in Albany to have it sent into -- put into the CoBIS system. So, if each police department or, at least, each county crime lab had the system set up in their crime lab, these bullets and shell casings could go right into CoBIS by being transmitted over the

internet, if nothing else.

MR. BURLING: Can you tell me, David, the CoBIS has been in effect since 2000, been around about, well, five, six years -- going on six years now, can you tell me what the fiscal impact has been per year? It must have a price tag on it.

MR. KOON: What has the effect been?

MR. BURLING: Yes, what is the fiscal effect? Yes, what is it costing us per year; do you know?

MR. KOON: I do not know what the implications for that are but I know that in Maryland, this year they got their first hit and solved a murder investigation through their CoBIS system in the State of Maryland, back in April.

MR. BURLING: Well, it is, certainly, costing us some money and there have been no hits, no convictions so far. You know, so that -- now seriously, David, you know, I really question its effectiveness.

Now, these are going to be spent shell casings that are found on crime scenes. Now, don't the police departments already, I mean, I watch a little television, I don't know too much about it, but I always see them picking up the shell casings and marking them and everything and taking them in, isn't that something that has been done all along, anyway, especially at a crime scene?

According to the crime lab in Rochester, they are not required to send them into the CoBIS system. They are only required to gather up the information as part of the evidence at the crime scene.

This bill would say that they would have to send these into the CoBIS system to see if that particular gun was used in the commission of a crime somewhere else in the State of New York.

MR. BURLING: Okay. Thank you, David. On the bill, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: On the bill.

MR. BURLING: Again, well-intentioned legislation that intends, I am sure, to try to more readily identify crimes, and crimes that were committed by, in this case, legal weapons because, obviously, the illegal weapons won't be tested. We have had, in the six years this legislation, I remember it was highly touted and we heavily debated it in this Chamber and David, I commended him for successfully getting his piece of legislation passed. We have seen no hits, no convictions, no nothing, and we don't even know what the fiscal impact is on it but there is a fiscal impact. There is a fiscal impact on everything we do in this State. Now, we want to advance more legislation that piggy-backs on top of legislation that has not produced anything. I just think that it has no practical effect. I don't think it is warranted and I just think it is going to be another law on the books that is going to cost the taxpayers of New York State more money, when it effectively does nothing. Thank you.

ACTING SPEAKER LAFAYETTE: Mr. Stephens.

MR. STEPHENS: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER LAFAYETTE: Mr. Koon, do

you yield.

MR. KOON: Sure, Mr. Speaker, absolutely.

ACTING SPEAKER LAFAYETTE: Gentleman yields.

MR. STEPHENS: Thank you, David. I am advised that there is a similar system in effect in the State of Maryland; is that correct?

MR. KOON: There are similar systems in several states. There is even a very similar system at the ATF where they have the actual labs across the country set up so that each lab can do that analysis and send it into one central location.

MR. STEPHENS: But, what your legislation would do is require that any law enforcement agency that retrieves a projectile or a shell casing must transmit it to the CoBIS laboratory; is that correct?

MR. KOON: Correct.

MR. STEPHENS: Now, how do you believe the transmission of this evidence, out of the chain of control, will have an effect on a criminal trial of the person that may have discharged that projectile or the casing.

MR. KOON: Well, Mr. Stephens, this would be worked the same way, kind of, that DNA evidence works. You don't do the DNA testing in a lab in Rochester, New York, you send it to Baltimore or where ever the DNA lab is and it is sent by certified-mail and it is sent back by certified-mail. So, it would work the same way

and there would not be any difference whether it was, you know, a shell casing that was being sent by certified-mail to the CoBIS system here in Albany or it was DNA testing sent down to Baltimore to a lab and sent back.

MR. STEPHENS: Well, I can't say that I am a criminal prosecutor or criminal defense attorney; I have not had a lot of experience in this area, but it seems to me that if a physical piece of evidence, and we are not talking about DNA because that is something that I don't think can be tampered with, but a physical piece of evidence that can be tampered with, I know that there are chain of control issues whenever a piece of evidence is introduced in a criminal trial. And, the reason why I have segued into this line of questioning is that I have been advised that in Maryland they do have a requirement that they submit these items to, to their laboratories, and I am curious if you know whether Maryland has had any success in the conviction, arrest or conviction or of any individuals who may have committed a crime as a result of matching a projectile or a casing with a firearm.

MR. KOON: In April of this past year, in April of 2005, Maryland actually had a murder conviction in the State of Maryland using their CoBIS system where the shell casing found at a crime scene actually matched with the gun taken off of a criminal later on and he was convicted of that murder.

MR. STEPHENS: And, this was a murder where they had no suspects prior to that?

MR. KOON: At that point, no.

MR. STEPHENS: Very interesting. I have no further questions. Thank you.

MR. KOON: Thank you.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect in 120 days next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2302, Rules Report No. 4, Englebright, Eddington, Lentol, Ortiz, Koon, Espaillat, Weinstein . An act to amend the Penal Law, in relation to the sale of child-operated firearms.

ACTING SPEAKER LAFAYETTE: Explanation. An explanation is requested, Mr. Englebright.

MR. ENGLEBRIGHT: Certainly, Mr. Speaker. This bill would prohibit the retail sale of pistols or revolvers. If passed, it would take effect in November of 2007, unless such firearms have a mechanism that would childproof the firearm.

ACTING SPEAKER LAFAYETTE: Mr. Stephens.



MR. STEPHENS: Would the sponsor yield for a question, please?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER LAFAYETTE: The gentleman yields.

MR. STEPHENS: Thank you, Mr. Englebright. You speak of a method of childproofing. Is that limited to just having a child lock -- a lock on a gun?

MR. ENGLEBRIGHT: There is no particular prescription that is authorized, although there is a range of possibilities that included the following: Increasing the pull to ten pounds, adjusting the trigger resistance thereby; adjusting the hand size requirement, so that a hand of a five-year-old or younger child would not be able to embrace both the trigger and the handle of the pistol; and it might require a series of multiple activation motions. But, innovation for something that is very simple such as that which has recently been invented and applied for a patent at the School of Mechanical Engineering at Johns Hopkins University, which is a low-cost, low-tech option, would also be compatible with this bill.

MR. STEPHENS: Could you explain that patent that you spoke of?

MR. ENGLEBRIGHT: It is being applied for. I don't know whether it has received the patent yet, but it is a simple device that would fit on -- in the particular pistol that it was designed for, it was a 9-millimeter semi-automatic handgun that would require

a mechanism that would cost about \$35 to be applied to the back of the pistol in the vicinity of the safety mechanism and an adult would understand how to activate the pistol and remove the safety mechanism from its safety position very quickly, but a child, they tested this with young children, a child was not able to understand the complex motion of activity that would have to be gone through in order to activate the pistol, but it could be done in about three seconds for an adult.

MR. STEPHENS: Under your legislation, who would be responsible for determining whether the technology is such to effectively thwart the ability of a child, and I think you have a five-year-old?

MR. ENGLEBRIGHT: Sorry.

MR. STEPHENS: I believe in your bill you have a five-year old?

MR. ENGLEBRIGHT: That's correct.

MR. STEPHENS: And, who is responsible for determining whether that standard has been met?

MR. ENGLEBRIGHT: The State Superintendent of Police would be required to consult with such gun manufacturers as he found appropriate and adopt rules and regulations to establish minimum standards for childproofing.

MR. STEPHENS: And, is your legislation such that it is either a ten-pound pull or some lesser amount if they can prove that a child of five years old or if the State, the Superintendent of State

Police can ascertain, with a reasonable degree of engineering certainty, that a five-year old can't pull that trigger?

MR. ENGLEBRIGHT: Your question is a very good one. Actually, the legislation gives wide latitude and the language actually reads, "Such devices or mechanisms shall include, but not be limited to ..." and it goes onto include the ten-pound pull and the other devise possibilities that I mentioned earlier.

MR. STEPHENS: So, having a gun designed with a ten-pound pressure pull by the manufacturer would meet the standards of this legislation without the need for a State Police Superintendent's certification?

MR. ENGLEBRIGHT: No, I think the State Superintendent of Police is the person who would determine whether or not the law has been met in any of the several events that might occur.

MR. STEPHENS: So, conceivably, if the Superintendent of State Police, after doing their due diligence and study, were to determine that a five-year old could not adequately discharge a firearm that has eight pounds of pull, then that would meet the standards of this legislation?

MR. ENGLEBRIGHT: I believe it would, and I think this goes into the general premise that there are several ways to skin the cat, and, in this case, several ways to accomplish the purpose of the legislation.

MR. STEPHENS: Has there been any consideration

given to the fact that maybe an elderly person who might want to have a firearm could have a difficulty discharging that firearm that had a ten-pound or maybe even, whatever a five-year old child, you know, may be able to pull, maybe an elderly person cannot pull? I don't know the answer to that question. I am throwing it out rhetorically.

MR. ENGLEBRIGHT: I think one should bear in mind that if an elderly person had a firearm that, in 98 percent of the cases in which there is an intruder or a theft in progress, simply brandishing the pistol is enough to drive off the intruder. And that would be accomplished for the elder, the theoretical elder that you raised the question about. I think it would depend upon the hand strength of that particular person. But, I think if that individual had ten pounds of -- which is not a lot even for an elder, because the size of their hand, don't you see, provides the leverage -- but an elder who can't adequately use a ten-pound pull probably would be advised not to have a live gun because it might be pretty dangerous. If they didn't have the strength to pull the trigger at ten pounds, they might not, also, have the strength to control where the gun is pointed.

MR. STEPHENS: Is there any exception in your legislation for firearms that are used in competition or any type of special purpose that may require, I hate to use the expression, "hair trigger," but I know that some of my friends and neighbors who do shoot competitively, that is very important to their ability to keep a gun steady for target firing?

MR. ENGLEBRIGHT: Again, there are several

different options, and in the ideal sense, the Superintendent would not settle on just one option, but would, in fact, say that this might read like a complex menu in a high-end restaurant where you could choose one from "column a" and one from "column b," and one from "column c." There may be three or four different ways to accomplish this. And, for individuals, such as you describe or the senior that you describe, there may be different options. There are, certainly, several different ways that we know of that this can be accomplished. The low-tech, low-cost approach that I mentioned that Johns Hopkins University was able to come up with, actually, was invented in a upper level class, a two-semester course, with instructor support and help, but nevertheless, it shows that there are many different ways to accomplish this and no single way is contemplated nor would be imposed by the passage of the legislation.

MR. STEPHENS: Thank you Englebright. Thank you, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect on the 1st day of November next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote

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(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

The same page, Rules Report No. 6, the Clerk will read.

**THE CLERK:** Bill No. 2466-A, Rules Report No. 6, Lavelle, Koon, Lafayette, Cook. An act to amend the Penal Law and the General Business Law, in relation to banning the possession, sale or manufacture of assault weapons and to repeal Subdivision 22 of Section 265 .00 of the Penal Law relating thereto.

**ACTING SPEAKER LAFAYETTE:** An explanation is requested. Please, there is too much noise the Chamber. You asked for an explanation. Mr. Lavelle will be happy to give it to you, but please listen to the explanation.

**MR. LAVELLE:** This bill, basically, repeals the existing definition of an assault weapon in New York and adds a new definition of the assault weapon to the Penal Law. It adds exemption to prosecution for such crimes including possession of an assault weapon, legally possessed prior to January 1st, 2007, if it has been added to the automated electronic database established by Section 396 (ff) of the General Business Law.

Additionally, we have also added three new subdivisions that define the three assault weapon enhancement features, detachable magazine, muzzle break and muzzle compensator. We now have included sale or possession of part kits which were not included under present law, so that a person cannot

make his own assault weapon.

Additionally, we have added that the Superintendent of the State Police designate specific weapons identified by make, model and manufacturer's name to be within the definition of an assault weapon, if the Superintendent determines that such weapons are particularly suitable for military and not sporting purposes. A list of assault weapons as determined by the Superintendent of State Police shall be made available on a regular basis to the general public.

Finally, we have also added someone who lawfully owns an assault weapon but makes it inoperable by April 1st, 2007, is exempt from prosecution.

ACTING SPEAKER LAFAYETTE: Mr. Manning.

MR. MANNING: Thank you very much, Mr.

Speaker. Will the sponsor yield for a couple of questions?

MR. LAVELLE: Yes, I will.

ACTING SPEAKER LAFAYETTE: The gentleman yields.

MR. MANNING: Happy New Year, Mr. Lavelle.

MR. LAVELLE: Happy New Year, Pat.

MR. MANNING: Seeing that we have changed the definition of what an assault weapon is within this bill, maybe you can explain to me why this change is -- why you are defining assault weapon as such. The New York State Legislature, and I quote from your bill, finds that a semi-automatic assault weapons are military-style guns, designed to allow rapid and accurate spray firing

for the quick and efficient killing of humans. The shooter can simply point, as opposed to carefully aim, the weapon to quickly spray a wide area with a hail of bullets. Why are we defining it as such?

MR. LAVELLE: Well, basically, we feel that it has to be defined that way because the manufacturers, you know, when we make a definition in law, we have found that the gun manufacturers find loopholes to modify weapons and, in such a way, to get around the exact definition that we gave.

So, we do believe that these weapons that we are defining, that we have identified, are basically weapons that are -- intended to kill humans.

MR. MANNING: Well, I would agree that any firearm has the ability to kill a human, a mammal; however, under the definition that you are giving, and we will get to -- and I see what you are saying about the -- about gun manufacturers needing -- needing to define it as such because gun manufacturers are finding ways around the bill which reminds me of the time that I had a debate with one of your predecessors who had this bill, and we said, "This is exactly what would happen," that they would just go around the bill because you cannot legislate these kind of firearms, they will just change them or make adjustments to them. We are now defining this as, again, a military-style gun designed to allow rapid and accurate spray firing for the quick and efficient killing of humans quickly and allowing for the quick spray of a wide area with a hail of bullets. Do you find this would be an accurate definition of the firearms that you're looking to



ban in New York State?

MR. LAVELLE: I believe that it is, yes.

MR. MANNING: Well, I have to severely disagree. Anyone who knows and understands any of these firearms and the use of these firearms and how they are used and how they work would understand that these are all semi-automatic firearms. They do not shoot in sprays, they shoot in single shots, as long as there is the finger on the trigger and there is ammunition in the, you know, in the gun itself, it shoots bang, bang, bang, bang.

The definition that you are using here is quite flawed. It talks about quickly spraying. That would be an automatic firearm. That would be an assault weapon as defined by the Federal government and New York State, which is already dealt within law. Do you think that the wide spray of bullets should be banned in New York State.

MR. LAVELLE: Well, first of all, your definition of, you know, the trigger has to be pulled once for each bullet and the bang, bang, bang, I don't think, is truly accurate of what can be done with such a weapon. It can go bang, bang, bang, bang, bang, bang, bang, bang, as quickly as I can move my finger.

MR. MANNING: Or like that?

MR. LAVELLE: Yes.

MR. MANNING: Well, you know, are you basing that on any knowledge or what the woman is trying to point out to you up there? I mean, is there -- because my definition, you know, we can

-- minus my -- the hesitation between bangs, my definition of assault weapon is New York State's definition of assault weapon. You're now making -- you're now defining assault weapon and the way an assault weapon works to a host of semi-automatic firearms, which do not work in that fashion. I am not -- really, I am not parsing words, you are now saying it has a rapid and a rapid and accurate spray, which you really can't have a rapid accurate spray of bullets, that is just bad writing, but a rapid and accurate spraying of bullets in a wide area, which is -- which a semi-automatic firearm does not do.

MR. LAVELLE: Well, current law does define semi-automatic weapons as an assault weapon, current State law.

MR. MANNING: No, no, no, it does not. The automatic firearm or, in essence, a machine gun, which has been banned in New York State and also been under Federal regulation since 1934 is those military-style that you see in the movie that sprays everyone, which are, as you can see, they are used by gang, you know, gang bangers and drug dealers, they are already illegal but they are used. That is already illegal. These are firearms that have hesitation as they are being used, not this spray trying to shoot everybody in sight or everything in sight. That is already banned in New York State.

And, as you said, when we started this, we are trying to define them in a new way in order to get around the gun manufacturers and their changes. I don't know if we will ever be able to do that, Mr. Lavelle. If we will ever be able to incorporate them all,

but that is probably why, I will assume, that we are going to one characteristic versus the two characteristics because, again, changes are made and firearms are easily taken out of the definition of assault weapons under our definition. We are now just saying that we are going to find that these weapons do this thing in spraying bullets, therefore, even though they don't, therefore, they are assault weapons and they are going to be banned, and you name these firearms that do not spray bullets, that do not act in that fashion. It is just an inaccurate term. It is very poor writing. I know you didn't write it. I am not saying that you are not passionate about trying to get these, you know, so-called "assault weapons" off the street. But, what we are looking to pass right now would not even hold muster in a court of law. It is -- they are defined wrong. It is a very bad writing of a bill.

Do you think that we could find another way to define what semi-automatic, what you are calling, assault weapons , do you think we could find another way to define them, other than in a way that they do not work - that they do not function, I should say?

MR. LAVELLE: No, I mean, could we -- possibly we could, but I do not necessarily agree with you. I happen to think that the definition does describe what we are addressing. It does.

MR. MANNING: Okay. We will agree to disagree. Why are we moving to change from, and I said, I assume, but let me get you on the record, why are we changing that -- the definition of, at least, two specifically-prescribed characteristics down to a list of only one of these specifically-prescribed characteristics to be considered an

assault weapon in New York State under this bill?

MR. LAVELLE: And you are correct, we are doing it because of, you know, the loopholes that were found. We find that we need to tighten it and, therefore, any one of these characteristics that would be added to the weapon would change the definition to an assault weapon.

MR. MANNING: However, once we do that and bring it down to, and I think there were some colleagues here who decided during that vote for legislation that I felt was flawed and several others did, but those who did vote for the original assault weapon ban felt that, at least, two characteristics defined the firearm in such a way that it could be considered, and would not go into the realm of including hunting rifles and shotguns and, actually, Olympic-style pistols and guns like that. Once now that we have moved to one characteristic to be called an assault weapon, we are adding a whole new group of firearms in there, including these -- a whole list of guns, handguns, excuse me, in that, as well. Is there any concern that you have had that legally-owned and used hunting rifles and shotguns would now be redefined as assault weapons?

MR. LAVELLE: I would think that there would be that possibility, but legally-owned, such legally-owned weapons, can be grandfathered.

MR. MANNING: Well, I mean, they could if it was in your bill and if you think that, I think you have to be pretty darn sure if you are going to take away the rights of New Yorkers of

whether or not they can own a legally-fired rifle, pistol or shotgun. If you want to grandfather that, I think you should put grandfathering in it or we should not just think. We should be sure about those items.

MR. LAVELLE: We do have that in there.

MR. MANNING: Well, I daresay that those firearms would have to be rendered useless, turned into the police --

MR. LAVELLE: Or registered with the --

MR. MANNING: -- or destroyed in some fashion.

MR. LAVELLE: No, or registered with the State Police ballistic database; that is the only requirement, and I don't think that is too onerous.

MR. MANNING: The issue of those two police officers who were brought up, the undercover officers --

MR. LAVELLE: Yes.

MR. MANNING: As it says, "Was brutally murdered while attempting to purchase an illegal Tech-9, semi-auto, what were they killed with?"

MR. LAVELLE: I do not know what the weapon was they were killed with, but it was not assault weapon. They were not killed with an assault weapon. But what their job was, what they were doing that night, was arranging the purchase of assault weapons.

MR. MANNING: Right, absolutely, and they died heroes and what they were doing is trying to get illegal guns off the street.

MR. LAVELLE: That's right.

MR. MANNING: Sadly, it is used, as other cases in here were used, and I won't take more of my colleagues' time on a case-by-case basis on the cases that you're using here to try to justify why we should be taking law-abiding gun owners' firearms from them, but in that case, just for the record, so you should know, as the author of the bill, it was a .44 caliber handgun. So, they were shot dead, both police officers, by .44 that was illegally obtained which is not affected by this bill at all.

MR. LAVELLE: That is true.

MR. MANNING: They can still use a .44. Okay. I thank the sponsor.

Mr. Speaker on the bill.

ACTING SPEAKER LAFAYETTE: Mr. Manning on the bill.

MR. MANNING: Thank you very much.

I think we heard it from my colleague, the concern that many of us have and, as my leader said, that we will never oppose good legislation and we will never oppose good ideas or criticize the compassion and passion of others who feel strongly about this issue, but we will vigorously oppose bad legislation. The idea that the sponsor understands that, as I said, legal hunting rifles and shotguns and legal handguns might be declared assault weapons under this bill and deemed illegal, that that would be, in essence, what would happen, he believes, he thought, and, therefore, we could deal with, I believe, it was his quote, with grandfathering, is not an area I want to

go in.

I think, again, the comments that we made on the floor of this Legislature a few years ago stand. You are not going to deal with this scourge of guns used in an illegal fashion by just banning names and banning characteristics because gun manufacturers will just make changes, they will adjust in any way they need to adjust, in order to be able to sell these firearms in a different but legal way. To add in long-standing hunting rifles and shotguns is not the way to go about business. It is about to put away the scourge of illegal handguns and rifles and shotguns and assault weapons and, however you want to define them. Again, assault weapons really is an auto, and it is not a semi-auto but put those who use those in a criminal activity behind bars for good. I know it makes a great press release in an election year; it does not make good law.

In this bill, this will be the first time that it will include handguns such as the Olympic-style pistol that is used in the Olympics, but a "Saturday night special" is okay and still, is still outside this bill. The 16-time national champion in Olympic shooting, Rob Letham, his guns would be banned, but junk guns that are used on the streets of our major cities are still okay under this. Again, the .44 caliber that was used to kill the police officers is not even included in this. I would say that was a true assault weapon.

I will finish up.

My biggest fear with this, the dealer bill that we are about to see and other bills like that, the Gander Mountains, the Bass

Pros in our areas in the State, that means a lot of revenue and a lot of job creation. We can kiss them goodbye if we continue to do this because we will, effectively, kill legal sport hunting in this State for good if bills like this continue to be put up.

Thank you very much. I will be voting in the negative.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect on the first day of January, 2007, next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 7, the Clerk will read.

THE CLERK: Bill No. 2837, Rules Report No. 7, Koon, Tokasz, John, Destito, Ramos, Dinowitz, Hooper, Eddington, Zebrowski. An act to amend the Penal Law, in relation to the possession of armor-piercing, frangible or devastator ammunition.

ACTING SPEAKER LAFAYETTE: An explanation has been requested, Mr. Koon.

MR. KOON: Thank you, Mr. Speaker.



This particular legislation would add two materials to what is already in law in New York State for armor-piercing ammunition and that would be polymer plastics and ceramics. It would also make it criminally -- make it against the law in New York State to possess frangible ammunition or devastator ammunition in the State of New York.

ACTING SPEAKER LAFAYETTE: Mr. Burling.

MR. BURLING: Yes. Would the sponsor please yield for a couple of questions?

MR. KOON: Sure, Dan.

ACTING SPEAKER LAFAYETTE: The sponsor yields.

MR. BURLING: Are we currently seeing this type of ammunition on the streets? Is it something that is pervasive right now, David.

MR. KOON: Which type are you referring to?

MR. BURLING: What we are going to do -- apparently we have armor-piercing ammunition right now which is illegal in New York State, obviously.

MR. KOON: It is already banned in the State of New York.

MR. BURLING: All right, has been banned for quite awhile. But you are adding two new substances that you say are being used? Are they being used now on the streets? Are you seeing these being used in ammunition against officers and in the street, is it

something --

MR. KOON: We have no proof that these are being used now, but we do have proof that they can be used and they would be capable of penetrating the armor that a police officer wears.

MR. BURLING: Okay.

MR. KOON: But we are taking, we are becoming proactive in this.

MR. BURLING: I know that. I know your side is very proactive, David.

Now, so, nobody has been, there has been no evidence, so far, of anybody being, armor being pierced, police officers' vests being penetrated? This is something that you are not really seeing on the streets, but you are projecting that this could be a problem; is that true? This could be a problem? You are speculating? You are speculating that this could be a problem?

MR. KOON: Speculation or --

MR. BURLING: Okay.

MR. KOON: The --

MR. BURLING: So, we need to advance some legislation that would add this to the list of those materials that are --

MR. KOON: We just want to make sure that nobody makes bullets out of that material.

MR. BURLING: What materials are on the list that are considered armor-piercing already?

MR. KOON: Mr. Speaker, it is a little noisy in here.

ACTING SPEAKER LAFAYETTE: Please, a little courtesy to the gentlemen who are debating this bill.

MR. KOON: Dan, go ahead again. I'm sorry.

MR. BURLING: David, if you will, could you tell me what materials are currently on the list as being armor-piercing materials.

MR. KOON: What is already banned in New York State?

MR. BURLING: Right. What materials -- now, we are taking two substances, two materials, I think that is ceramic material and something else that breaks upon contact and we want to add those to those materials that can be used in an armor-piercing bullet to make them illegal and make them come under the definition of the Penal Code of being armor piercing. What are the other materials which are currently on the armor-piercing list; do you know? I mean, is it titanium; it is magnesium; is it tungsten; is it --

MR. KOON: Tungsten alloy, steel, iron, brass, bronze, beryllium, copper, or uranium.

MR. BURLING: Okay, so, copper. I mean, most bullets are lead or copper cased. I mean, for instance, I have a .45 caliber handgun and the bullet is --

MR. KOON: Beryllium copper, Dan.

MR. BURLING: Beryllium copper. Okay. Do you know, David, that most high-powered rifles, almost any high-powered rifle will completely penetrate a vest that a police officer wears?

MR. KOON: Dan, this is strictly armor-piercing ammunition defined for firearms only, meaning handguns.

MR. BURLING: Just handguns, strictly handguns. How about the .500 caliber Smith and Wesson handgun now? Do you think that that would penetrate a police officer's vest? I submit that it would. I won't wait for your answers. It will, trust me. Trust me.

MR. KOON: What they call handguns these days --

MR. BURLING: It will. Thank you, David, I appreciate your time. I would just like to address the bill very briefly, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Mr. Burling on the bill.

MR. BURLING: In the sponsor's own words, my colleagues on the other side are trying to protect us again by introducing some legislation to ban a couple of substances that may, that may find their way on the streets. So far, we do not see them on the street. There is no evidence that they have become part of the armament of the bad guys that are being used in armor-piercing ammunition.

Again, I think it is legislation that is unwarranted, unneeded, and I would encourage my colleagues to vote against it. Thank you.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect on the 1st

day of November next succeeding the date on which it shall have become a law.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

One moment, please. Rules Report No. 8, the Clerk will read.

THE CLERK: Bill No. 4471-A, Rules Report No. 8, Eddington, Bing, Lifton, Bradley, Ramos, Lavelle. An act to amend the Penal Law and the Executive Law, in relation to banning the sale, possession or use of .50-caliber weapons.

ACTING SPEAKER LAFAYETTE: An explanation has been requested, Mrs. Eddington.

MRS. EDDINGTON: Yes, Mr. Speaker. It is an act to amend the Penal Law and the Executive Law in relation to banning the sale, possession, use of the .50-caliber weapon; to ban the possession, sale and use of the .50-caliber weapon in the State of New York and to impose additional penalties for use of the .50-caliber weapon while committing certain felonies and to implement procedures for public compliance with the statute.

This particular legislation was introduced the last two sessions in the Assembly, and it passed the Assembly the last two

times, I am happy to say. We are recognizing now that even after last session -- or during last session, "60 Minutes" came out with a piece also called "The Big Gun" on 1/9/05 that detailed the dangers of and the accuracy of this particular weapon, the .50-caliber.

ACTING SPEAKER LAFAYETTE: Mr. Burling.

MR. BURLING: Would the sponsor yield for a couple of questions, please?

ACTING SPEAKER LAFAYETTE: Does the sponsor yield?

MRS. EDDINGTON: Yes, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: The lady yields, Mr. Burling.

MR. BURLING: Happy New Year, Mrs. Eddington, how are you?

MRS. EDDINGTON: Happy New Year to you, Mr. Burling.

MR. BURLING: Would you please tell the Assembly here why you feel this is so important? This is a dangerous weapon. Why we should all fear the legal owning of a .50-caliber weapon.

MRS. EDDINGTON: Yes, Mr. Speaker. This particular weapon is a very dangerous weapon. It is probably the most dangerous weapon in the military arsenal, and it doesn't serve any purpose other than military, and it should not be on the streets, at all. The police officers have spoken about it. It is armor piercing and it

creates quite a danger to our police officers, to airplanes on their takeoff or landing, helicopters; and so, we feel that it is very important, at this particular point in time, to ban a weapon that could cause such devastation.

MR. BURLING: This is a single-shot, .50-caliber weapon, right? It is not a repeating weapon, right, one shot?

MRS. EDDINGTON: Correct.

MR. KOON: One shot. So, there is a group of people, I understand, who use this .50-caliber, it is their sport, it is their sport -- Mr. Speaker. It is their sport to, actually, use this .50-caliber, it is a long-range rifle, to target shoot. Now, this legislation, would this specifically ban that particular rifle or would it ban, under the definition of a .50-caliber, all .50-caliber weapons?

MRS. EDDINGTON: No, it would not ban all .50-caliber weapons. The black powder weapon, the black powder .50-caliber weapon would not be included in that.

MR. KOON: Well, under the definition of a .50-caliber rifle, caliber being the measurement of a diameter. It is actually 500/1000ths and which is actually one-half of an inch. Any .50-caliber has a center-fire cartridge, primarily of brass. It has lands and grooves that imparts a spin on the projectile to make it more accurate. That is a .50-caliber. It is not a smooth bore. I do recognize that the muzzle loaders are not affected. But, I do believe that this would ban any .50-caliber, the definition of any .50-caliber rifle; is that not true?

MRS. EDDINGTON: It would only ban -- no, it would not ban -- it would ban the center fire. The definition that I have of a .50-caliber is a rifle, it is not a shotgun. And, it is a center-fire cartridge. Shotgun slugs, the slugs have paper or plastic casings. So, it would ban the -- not the .50-caliber muzzle loader, obviously, but the .50-caliber that is --

MR. BURLING: Right, I understand it would not ban a shotgun. A shotgun is a smooth bore. A smooth bore doesn't have lans and grooves. It is not classified as a rifle.

Let me ask you; let me just digress a little bit. You talked about airlines being shot down. Do you know of any case of an airline or any airplane, for that matter, has been shot down by a .50-caliber? This .50-caliber. We shot down a few of them in Vietnam, but I am talking about this .50-caliber.

MRS. EDDINGTON: Well, we don't have statistics on that, but you know what, Mr. Speaker, we can't be sure that it hasn't either.

MR. BURLING: Okay. So, again you are going to protect us. So, this is speculation that this possibly could happen?

MRS. EDDINGTON: Well, we are going to do prevention.

MR. BURLING: Right, right. Let me ask you something: How many police officers have been killed or other people, by a .50-caliber since this legislation has been introduced?

MRS. EDDINGTON: Well, a .50-caliber rifle, let us



see, .50-caliber rifle, like the one found at 9400 Grand View Road, this is from the Kansas City Star on 2004 - "Is an awesome weapon that fires a large -- the largest commercially available ammunition in the United States and the bullet blasts a very big hole."

So, while you stated before that it is only one cartridge, that one cartridge can cause unbelievable devastation, and it is accurate, that rifle is accurate up to 2000 yards, which is 20 football fields or over a mile. That is quite something, and the accuracy is quite something on this particular rifle. So, we thought, at this point in time, with the, you know, with the atmosphere that we are in, that this would be an important piece of legislation to pass for the protection of not only our country, but the police officers that are working in it.

MR. BURLING: But, I ask you again; it could be answered just a plain "yes or no," have any human beings been killed by the 50 -- this .50-caliber weapon since this legislation has been introduced; yes or no?

MRS. EDDINGTON: Well, "Firefighters and police officers dodged a hail of .50-caliber gunfire Monday." This is 2004, and they will attest to that. "The slugs left gaping holes in several of their fire trucks and ambulances."

MR. BURLING: Let it be put on record that no one has been killed by a .50-caliber weapon since this legislation has been introduced. What, Mrs. Eddington --

MRS. EDDINGTON: I don't know if we should wait

-- do we always have to wait for somebody to be killed before we do something that is productive?

MR. BURLING: Well, there are a lot of laws that we could pass, and they would be well-intentioned, but they would certainly take away from the rights of the people of New York State. Let me ask you something: What would prevent, let us, hypothetically, we pass this bill, a .50-caliber weapon has been banned, what happens when they come out with a .499-caliber?

MRS. EDDINGTON: I don't know.

MR. BURLING: Well, we start all over again, and we got a weapon that is just as dangerous and just as deadly.

Thank you, Mrs. Eddington. On the bill, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Mr. Burling on the bill.

MR. BURLING: Well, I want to make a point. You know, I have tried to make a few points. I don't really feel that this weapon is a danger. Obviously, you know, nobody has been killed by it. There have been no airliners that have been shot down. Again, it is speculation that it could be dangerous and we should ban it. But, what troubles me even more, and I want to go through this very carefully, this is a .50-caliber rifle. It has lans and grooves, .50-caliber means it is a half an inch in diameter because a caliber is a measurement of diameter, bore diameter. It fires a center-fire cartridge, which is brass. Let me tell you something about shotguns

that we use today, shotguns that we use for hunting deer. Shotguns come in about six different gauges, again, a measurement of diameter, bore diameter. There is the .410, in particular, remember that, the .410. Then there is the 28-gauge; there is the 20-gauge. There is the 16-gauge. There is a 12-gauge and there is a 10-gauge. Now, the 12-gauge and the 20-gauge are now used to hunt deer with rifled barrels, rifled barrels that now change them from a shotgun to a rifle with a bore that far exceeds the .50-caliber. And, let me equate something, the .410, the .410 shotgun is a very small-bored shotgun. It is .410/1000ths, okay, just under half an inch. But, they calibrate -- it is not a calibrate. They don't refer to it as a gauge. It is a caliber. So, you could take that caliber, that .410 and you can convert that, you can convert the gauges on a 28-gauge, a 20, a 16 and a 12 to a caliber.

The premise that I am making here is that the laws that we pass, the bills that we pass, we debate, and we debate them heavily in this Chamber because once they become law, they will be debated again. They will be debated in a court of law by attorneys, very well-trained attorneys, many of them who would like to see all shotguns, all weapons banned. And, I would make the argument, I would make the argument that a 12-gauge shotgun with a rifled barrel, which I use to hunt deer and thousands of New Yorkers use to hunt deer, with a sabot round, that it is a center-fire that is primarily brass, under the definitions of this bill, would be illegal. We would take away the right of hunters across New York State to be able to have the ability to hunt with a weapon of their choice, a gun of their choice, a

12-gauge, a 20 or a 16-gauge rifled barrel shotgun.

Now, this legislation, I argued this the last time and it has merit. I have had people come to me personally and ask me to explain it. They understand it. Certainly, some of the sharp attorneys in this country would understand it. Certainly, they would be able to debate that on the floor. They are a lot sharper than I am on these issues, these legal issues. There has been no attempt by the sponsor to change this to make it specific to this particular .50-caliber weapon. So, I can only assume that the intent of this goes much farther beyond than the banning of one particular .50-caliber rifle. It is to ban many other weapons. And, I would submit to my colleagues that this is extremely flawed. In no time at all, if you ban this, the next day they would come out with a .49-caliber and we would be right back here debating this again. It makes no sense. It is no danger to anyone. It has the potential of being dangerous, anything does. A 4000-pound car going 70 miles down the highway has a whole lot of potential. We don't ban those. So, ladies and gentlemen, this is an unneeded, unwarranted bill and I urge you to vote no. Thank you.

ACTING SPEAKER LAFAYETTE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAFAYETTE: Record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER LAFAYETTE: Ms. Glick to

explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I would like to commend the sponsor of this legislation.

ACTING SPEAKER LAFAYETTE: Excuse me, Ms. Glick. People standing in front and around Ms. Glick, please take their seats.

MS. GLICK: I would like to commend the sponsor of this legislation. I do think that we regulate automobiles and their use rather highly, and it seems appropriate. And, we have come back time and time again and made many changes in laws that have to do with the operation of motor vehicles because we recognize its utility, but that it is, in fact, a mechanism of great size and power and, therefore, there are appropriate restrictions that need to be taken.

And, while I appreciate the fact that there are sports people across the state who may enjoy using firearms and there are hunters, I do think that we are entering a new age when we have to be a little bit more careful in advance. We will hear a lot of discussion in the coming months about ways in which we have to impose higher penalties and greater restrictions on a wide range of human activity because we want to prevent either a terrible accident, or we want to prevent individuals from being harmed. Many of them are law enforcement personnel, and I believe that there are a great many in the law enforcement community who have stood up and said this is not a weapon they want out on the street legal and available widely. And, I think we owe it to the people who, just a couple of weeks ago, we

stood here and said we need to give them every protection possible, that this is one of those things that we can do for those very same law enforcement personnel we were so concerned about in December, we should be thinking of them now in January. So, I am pleased to vote in the affirmative.

ACTING SPEAKER LAFAYETTE: Mr. Butler.

MR. BUTLER: Thank you very much, Mr. Speaker.

Not to belabor the point, and I know we have debated this bill over the past few years, and I have spoken repeatedly about the potential impact on Remington Arms, who is a manufacturer located in my district, but I think the broader issue here is the impact on people who legally use sporting firearms and other manufacturers and salespeople. I think this is a feel-good bill and I know, as we have been discussing it, I think, you know, although it was not specifically said in previous debates, the discussion and the debate has revolved around the use of these types of firearms by terrorists to shoot down airplanes and things of that nature.

But, I am quite confident, Mr. Speaker, that they are not going to be too much influenced by legislation that this House puts forward, and it is another effect of feel-good legislation that is going to have an impact on legal sportsmen and legal manufacturers here in New York State. It is going to send a very chilling message to them, but it is not going to have an impact on the very people that really we are trying to get at and affect with this kind of legislation.

So, with that thought in mind, Mr. Speaker, I am

voting no and I encourage my colleagues to join me. Thank you.

ACTING SPEAKER LAFAYETTE: Thank you.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. An issue has come up as to whether this weapon has ever been used to murder anyone and this weapon is military ordinance. It is a sniper's rifle. More than 30 years ago a .50-caliber machine gun was jury-rigged by Carlos Hathcoat in Vietnam to assassinate an enemy officer.

The point becomes this: This is an extraordinarily dangerous weapon. And, the fact of the matter is, as to whether the .50-caliber has ever brought down an aircraft, there are parallel prosecutions going on today in New Mexico charging Jason Kearns with the August 6th, 2005 downing of a helicopter by using a 30-aut six round. Now, those of us who are familiar with some type of ordinance know that a 30-aut six round is dwarfed by a .50-caliber round, no question about that. If a 30-aut six can bring down a helicopter, I assure you a .50-caliber can bring down a helicopter and more.

Two points: I don't know that it passes the laugh test to suggest that those who drafted the Second Amendment, were they alive today, and let us look to original intent, I don't think it passes the laugh test to suggest that they would ever permit civilian sale, use or possession of so lethal a weapon.

And, finally, our passing a law in New York outlawing this weapon doesn't mean a terrorist isn't going to get it.

This weapon is mass marketed. However, I don't think that we, as New Yorkers, really need to do anything, especially as New Yorkers, need to do anything at all to make the lives of terrorists any the easier. I am pleased to vote for this measure.

ACTING SPEAKER LAFAYETTE: Mr. Miller.

MR. MILLER: Thank you, Mr. Speaker. I mean, we spent an awful lot of time this afternoon discussing the shapes of guns, the sizes of guns, the things on guns. To this day, I don't know how many people have been bayoneted with a bayonet mount on a gun in New York City. I don't know how many crooks got away because there was a flare suppressor at the end of their gun. And, I know that no one, that we are aware of, has been shot with a .50-caliber anything. Eighteen years ago Colt had a .50-caliber handgun, so it is not a new thing. The amazing thing is that we do this, and we try to impress people with the fact that we are concerned and worried about their well being. Outlaws do what outlaws want; it has nothing to do with what we pass here. That is why they are called outlaws and they could care less what we ban or what we don't ban.

But, if you want to get serious about gun control, instead of playing all of these games, why don't we put a significant mandatory sentence, in addition to any other sentence, on any felon who commits a felony while they possess a handgun. The handguns are what is killing people. This is just fluff. We make ourselves feel good, we make the people back home feel good. We will not save a single life by doing this, believe me, with the 20- or 30,000 gun laws



already on the books, this isn't going to make a difference, and it is for the sheer foolishness of this, and the fact that it will not save a single life, I am voting in the negative.

ACTING SPEAKER LAFAYETTE: Read the last section -- I'm sorry. Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 11, page 4, the Clerk will read.

THE CLERK: Bill No. 9280, Rules Report No. 11, Paulin, Silver, Lentol. An act to amend the General Business Law and the Penal Law, in relation to preventing the sale of firearms, rifles, and shotguns to criminals.

ACTING SPEAKER LAFAYETTE: An explanation is requested. Ms. Paulin.

MS. PAULIN: What this bill does is it addresses the illegal gun market, particularly straw marketers, straw purchasers.

ACTING SPEAKER LAFAYETTE: Mr. Stephens.

MR. STEPHENS: Would the sponsor yield?

MS. PAULIN: Sure.

ACTING SPEAKER LAFAYETTE: Mr. Stephens.

MR. STEPHENS: Thank you, Ms. Paulin. Could you be a little bit more specific as to what you mean by straw marketers?

MS. PAULIN: Straw purchasers, I misspoke.

MR. STEPHENS: Straw purchasers?

MS. PAULIN: Sure. What this bill is intended to do is to require gun dealers, those who sell firearms, rifles, shotguns, to keep appropriate records so that law enforcement would have a vehicle for tracing and tracking people who actually purchase those firearms, rifles and shotguns to determine whether or not someone is inappropriately buying those firearms, shotguns, rifles for another purpose, an illicit one.

MR. STEPHENS: Is that all this bill does?

MS. PAULIN: That is the main thrust of the bill.

MR. STEPHENS: Is there any requirement that gun dealers maintain liability insurance?

MS. PAULIN: There is a requirement that insurance is, as I would imagine, many gun dealers already have insurance for theft and, you know, for missing guns.

MR. STEPHENS: Is it not true, Ms. Paulin, that gun dealers, licensed gun dealers, are regulated by Federal law?

MS. PAULIN: Yes. They are all regulated by Federal law, yes.

MR. STEPHENS: And, do those Federal regulations, in any way, prescribe how guns are to be stored while they are in a gun dealer's possession?

MS. PAULIN: Not to my knowledge.

MR. STEPHENS: Is there specific provisions in this legislation regarding the storage of firearms while in the possession of dealers?

MS. PAULIN: Yes. It would require gun dealers, during on hours, to lock the -- to lock their firearms, pistols and rifles, except to be showing a specific one, which would be an employee/purchaser relationship; and during off hours, the requirement is even more stringent in that they would have to, essentially, separate the ammunition, separate the specific firearm and lock it away in a vault or in a very secure place.

MR. STEPHENS: Are there specifics as to what these vaults must -- is there a --

MS. PAULIN: I know we have specific language. I can reference it in the bill. The bill specifically says, "Every gun dealer shall implement a security plan for securing firearms, rifles and shotguns including firearms, rifles and shotguns in shipment. The plan must satisfy" -- that is not it. Here it is. "The plan shall satisfy, at least, the following requirements: Display cases shall be locked at all times except when removing a single firearm, shotgun, or rifle to show a customer, and customers shall handle firearms, rifles or shotguns only under the direct supervision of an employee." That is what I referenced earlier. "Number two, all firearms, rifles, and shotguns shall be secured, other than during business hours, in a locked fireproof safe or vault in the licensee's business premises or in a similar secured and locked area. Ammunition shall be stored separately from the firearm, rifle and shotgun and out of reach of the customer.

MR. STEPHENS: And what does this legislation

provide in the event that a licensed dealer in firearms is attending a gun show or some event off their premises?

MS. PAULIN: I don't think it addresses it.

MR. STEPHENS: Well, there is a definition for "gun show"; does that have any effect in this legislation?

MS. PAULIN: The "gun show" definition is identical to the "gun show" definition that we have in another section of law.

MR. STEPHENS: But, for purposes of this legislation, why is that a defined term?

MS. PAULIN: What we define is that we, essentially, say that a dealer -- sorry. We define where a gun dealer can sell in Section 905 on page 4, right under where we were just reading from, in a secure place. It says, "Every dealer shall sell or otherwise dispose of firearms and shotguns only at the location listed on the dealers' Federal firearms license or at gun shows."

So, we define "gun shows" because we, essentially, say that the dealer has to dispose of them as is appropriate on their license, and "gun shows" is likely to be listed if they want to sell at a gun show.

MR. STEPHENS: Would it be required that the gun show be listed on their license to allow them to sell at gun shows or is that just a general exception to the rule?

MS. PAULIN: This bill doesn't do that. It, essentially, doesn't do any more or less as it allows a dealer to sell at a gun show.

MR. STEPHENS: It does nothing more than allow a dealer to sell at a gun show?

MS. PAULIN: Well, if a dealer chooses to -- you know, gun shows, if you look at the gun show definition in the bill, which is already in the current law, you, basically, you know, there are certain people who can sell at gun shows and cannot sell at gun shows. This bill doesn't really -- doesn't change that.

MR. STEPHENS: Then, I am a little curious as to why it is included as a provision of your bill? Why there is a definition of it and why -- are you, specifically, authorizing dealers of guns to sell guns at gun shows? You are saying if they sell more than a certain number of guns --

MS. PAULIN: You know, currently dealers only sell at their shop or at gun shows so we just specify in the bill where dealers can sell.

MR. STEPHENS: Now, how does this add to or delete from the legislation that we passed in December having to do with the trafficking of certain guns? Is there any connection here at all.

MS. PAULIN: Well, when we passed this bill last year, which is identical in form, we passed the -- the other part of the bill, 2345, included all of the provisions that we passed during the special session. So, essentially, this bill and that bill, taken together, is last year's bill. We split it in half because that is what we got an agreement for.

MR. STEPHENS: So, in essence, this is the material that dropped off the table in negotiation between the two houses?

MS. PAULIN: Right.

MR. STEPHENS: Okay. That is an easy enough answer. Thank you very much.

ACTING SPEAKER LAFAYETTE: Mr. Townsend.

MR. TOWNSEND: Thank you, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: One moment, Mr. Townsend. Why is there a meeting in the back of the Chamber? Mr. Townsend.

MR. TOWNSEND: Thank you, Mr. Speaker. If the sponsor would yield for a couple of questions.

MS. PAULIN: Sure.

MR. TOWNSEND: Thanks, Amy. A couple issues here have raised some eyebrows, and if I may start with your first one on your liability coverage, it says that, "...requires that every dealer carry insurance coverage against liability for damage to property and for injury or to death for any person as a result of the sale, delivery, lease or transfer of a firearm, rifle or shotgun." Let us change the verbiage just a little bit and see how this works. If we require every dealer to carry coverage against liability for the damage to property or the injury or death of any person as a result of a sale, delivery, lease or transfer of an automobile, do we have this type of coverage requirement on our automobile dealers, and more people die in car accidents than die by the use of a firearm?

MS. PAULIN: Actually, car dealers that issue leases to other people, you know, when we lease a car, for example, that car dealer is responsible for having insurance on that vehicle.

MR. TOWNSEND: Well, I think you are talking about vicarious liability, which, actually, the Federal government took care of because we wouldn't address that issue here in State government.

But, is there any business in New York State where we mandate and require \$1 million of liability insurance for a product that they sell legally to a person that is legally entitled to buy it and if they go out and cause damage or death to a person or property they can come back and sue that business?

MS. PAULIN: Actually, car dealers are, you know, the issue of vicarious liability is a separate issue. They are required to have insurance for, you know, on their cars when they lease them, and that actually, is not -- that is not changed.

The additional areas where additional businesses that do require or we require, by law, insurance are collateral loan brokers, armored car carriers and there are insurance and bonds required in manufacturers of hazardous waste. And, in some of these requirements it does -- the threshold of a \$1 million is actually a minimal one.

MR. TOWNSEND: Is there a strict liability placed on auto dealers for the actions of individuals who purchase an automobile and have an accident? Is there a strict liability on that car

dealer? In other words, if I go out and have a accident with my Chevrolet, can I go back and sue the dealer or the person who I injure or the person whose property I damage, can I go back against the dealer?

MS. PAULIN: I don't believe so.

MR. TOWNSEND: And, we are going to put it on our firearms' dealers?

MS. PAULIN: Well, we are not creating another cause of action. Any current cause of action is the same. What we are merely doing is requiring insurance to cover the already existing causes of action.

MR. TOWNSEND: On the dealer who has no responsibility for that firearm once it goes out of the --

MS. PAULIN: The dealer could be sued now and be libel.

MR. TOWNSEND: Well, anybody could be sued for anything, but do we make them put up a \$1 million bond? And, we may not think it amounts much to WalMart or Dander Mountain or some of these big dealers, but if you talk to some of these firearm dealers who are in our communities, especially, in upstate New York, a \$1 million policy, to force them to be the only one who has to do this for an action they have no control over does not make a whole heck of a lot of sense.

MS. PAULIN: Well, current law would allow for them to be sued if the -- the law doesn't change, at all, in terms of their



liability. So, they can be sued now under a certain set of circumstances, and they can be sued no differently under this provision. The only difference is that what we are saying is that if they are sued and there is a victim, that there would be some way for the victim to be compensated.

MR. TOWNSEND: Well, that is an interesting point because when that firearm is discharged, the victim actually has a cause of action against the person pulling the trigger, not the individual who sold the firearm. Same with an automobile, if somebody ran it into a house and took off a front porch, it is against the driver of the car and not the individual that sold the car.

MS. PAULIN: And, that does not change. If that is the current law, that would not change under this bill.

MR. TOWNSEND: Then why are we forcing them to get a \$1 million liability policy, \$1 million per incident?

MS. PAULIN: There is a dangerousness inherent in a firearm.

MR. TOWNSEND: Well, that is -- I will beg to differ with you and I will use as an example this august House. I believe it was 1992, for the members who were here at that time, maybe '93, when we started all of this anti-gun legislation. If you remember correctly, in the back, in that corner, we had a plethora of weapons brought in here, everything from a snub nose .38 to Saturday Night Specials to assault weapons, that had been confiscated over the years by the New York State Police. There was a tremendous array of

firearms sitting back there. There were troopers all over this House protecting these firearms. I don't know if they thought we were going to pick them up and start to shoot across the aisle at each other, but there were troopers all over the place. My comment at that time, it was an awful waste of manpower. Were you here in that time when, all right? Well, let me tell you. All those guns sitting there, not a single person was shot, not a single gun went off. The gun, itself, does not hurt anyone. So, how can we hold the dealer responsible for the actions of an individual when they are the ones who actually pull the trigger and cause the weapon to fire?

MS. PAULIN: I understand your point. You know, let me give you another scenario. Before I was a legislator here I was a lobbyist at the county level and one of the areas that I worked on was a safe storage bill in Westchester County. And, I remember, because I didn't have as much personal knowledge about guns as I would have liked in order to make an appropriate recommendation for that bill, I worked very closely with the gun owners. And, I remember them explaining to me that if you put a safety lock on a gun, there is an inherent hazard in doing that. If you do it on a really repetitive basis, you know, because you do not want to be playing with the gun that much. When you buy a gun at a gun shop, I would imagine, if I was buying a gun, I would want the gun dealer to teach me --

MR. TOWNSEND: Have you ever bought one?

MS. PAULIN: -- how to appropriately put on a safety lock and take one off, and I can imagine, if we were playing with the

gun, so to speak, you know, and -- that there is a dangerousness inherent in fiddling with it, even in the gun shop, that you would want to have that actually happen because you would want to teach the potential person all about that gun. So, if you're doing that, there is a dangerousness inherent in fooling around with a gun that there would not be if you were buying a corkscrew in a hardware store. You would want to have an insurance appropriate to the specific dangerousness of that item.

MR. TOWNSEND: All right. So, if the gun dealer is showing you a firearm you want to buy and the gun goes off, should not have been loaded in the first place, I don't know what you let him put bullets in it for, but if it goes off, because you want to know how to load it, then I would say you are perfectly right, the gun dealer or their agent should be responsible and libel.

We are not talking about that. We are not talking about that. We are talking about once you take that gun out of the business and you are wandering around the streets of Westchester County, and you are showing somebody how this thing goes and you touch it off and either shoot somebody or shoot somebody's dog or put a hole through their stained glass window, the dealer, that sold you the gun should still be libel for your actions? Is that what you're saying?

MS. PAULIN: If a court determined that there was liability under the current law, if the court determined that there was some liability on the part of the dealer, all this bill does is it allows for some insurance coverage on that part. It doesn't change the liability.

It just changes the amount of protection we have for victims if there is a liability exposure?

MR. TOWNSEND: Let me ask you another question, talking about the gun dealer and the gun locks and all that. In this piece of legislation, 9280, what does this do over and above Federal statutes already in existence?

MS. PAULIN: On what provision? On --

MR. TOWNSEND: Well, let us take 905 because we heard Mr. Stephens talking quite extensively about 905 that provides a gun dealer may sell guns only in a location listed on the dealer's Federal firearms license.

MS. PAULIN: Yes.

MR. TOWNSEND: What does your bill do that is not covered under 18 US Code 923J?

MS. PAULIN: Just to paraphrase, because I am not sure I understand the question. Do you want me to explain what this bill does?

MR. TOWNSEND: What Section 905 does over and above what is already covered under Federal Law 18 US Code 923J, what does this bill do to expand upon that or to make this gun show provision stronger, safer or weaker?

MS. PAULIN: I am not an expert in Federal law. I do not have it side by side, I don't --

MR. TOWNSEND: Did you ever look at the Federal statutes to see if this was needed?

MS. PAULIN: What this bill does is it is a recordkeeping bill, and it allows us to go back and track purchases that would enable us to better prevent them in the future, would better -- would identify bad dealers, would allow us to really stop the illegal market intrastate.

So, as far as what the Federal government or the Federal law might require to license a gun dealer, they don't require this paperwork, which is very necessary. And, in fact, there was an -- the Justice Department, actually, did a review of the ATF, you know, the Alcohol, Tobacco and Firearms, that actually do the licensing, and the review found that only 4.5 percent of the nation's licensed gun dealers were actually inspected on a yearly basis and that most of their approvals were over the telephone. So, what we have is a situation where even if the Federal law does place some of the requirements, and again, I could be more specific at a later point, they are not doing a very good job monitoring the gun dealers. So, you know, very often what we do in the State law is when we see the Federal government isn't living up to all it needs to do, which is to protect us against bad dealers and to protect us against straw purchasers, you know, we would put something in State law and that is really what we are doing here.

MR. TOWNSEND: All right. So, you have a problem, as you said, you didn't really look into Federal law as it relates to this bill so see what impact it has. What about Section 265.17, sub 2 of the New York State Penal Law which covers, as you

talked about with Mr. Stephens, that this bill has to do with straw purchase, when it is already covered under the New York State Penal Law 265.17 sub 2, which strictly prohibits straw purchase. Why did you expand this piece of legislation to include that in here? What is the difference between your bill, 9280 and Penal Law 265.17 sub 2?

MS. PAULIN: Maybe you can just read me that section of the Penal Law? I don't have it in front of me.

MR. TOWNSEND: Well, it has got to do with the straw purchase provision requiring gun dealers to adopt measures to prevent guns from being diverted into the legal stream of commerce to individuals who are not legally entitled to possess such weapons as necessary Federal law and the State law, Penal Law 265.17(2) expressly prohibit the straw purchase of weapons. What does your bill here do that expands upon 265.17(2)?

MS. PAULIN: This section does not address gun dealers. It addresses the purchasers. So, you know, what we do in the new bill or what we do in this proposed legislation is, really, address the gun dealers and the whole issue of straw purchasers and trying to prevent it. You know, this is after the fact. You know, this is saying that if a purchaser is a straw purchaser, you know, is buying it for another person, then that is an illegal act and it is an illegal act and it should be.

MR. TOWNSEND: It is not an illegal act already under 265.17?

MS. PAULIN: But, not for gun dealers. It does not

prohibit gun dealers from actually being a party to that illicit act.

MR. TOWNSEND: So, your piece -- this legislation expands the definition on straw purchase to include dealers?

MS. PAULIN: What it does is holds the gun dealer accountable. You know, it says that, you know, "If you know that you are selling to someone." Let me give you -- I don't know if you remember two years ago there was that East Greenbush, that child, whose mother bought a gun at an East Greenbush shop, and went into a school and actually, you know, there were two teachers injured, thank God there was nobody else, but that mother, that gun dealer actually was aware that that gun was being purchased for a son who did not have even a hunting license. But, that gun dealer sold that gun anyway. It was a straw purchase. But, that gun dealer was not accountable under our current statute.

So, what this bill does is it would say to that gun dealer, it would put them on notice that if somebody came in and they were aware that that person was buying it for somebody else, that they would be potentially at risk for a Misdemeanor A under this current bill.

MR. TOWNSEND: Okay. We have got -- our time is up. Thank you, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Read the last section.

MR. TOWNSEND: I'm sorry, you said there were other speakers. I'm sorry, I misunderstood you.

ACTING SPEAKER LAFAYETTE: I did not say anything. I said if you needed an extra minute, I would be glad to give you another minute or so to allow you to finish the thought.

MR. TOWNSEND: I am allowed another 15, aren't I?

ACTING SPEAKER LAFAYETTE: Another 15?

MR. TOWNSEND: Am I entitled to it?

ACTING SPEAKER LAFAYETTE: You're entitled to another 15, if you want to take it.

MR. TOWNSEND: Is that the rules of the House, Mr. Tokasz?

ACTING SPEAKER LAFAYETTE: It seems you have the confidence of a lot of people.

MR. TOWNSEND: I am sorry, sir?

ACTING SPEAKER LAFAYETTE: It seems you have the confidence of a lot of people.

MR. TOWNSEND: Thank you.

ACTING SPEAKER LAFAYETTE: Okay.

MR. TOWNSEND: Sorry, Amy, the message I was getting was that there were other speakers; I am sorry. Just a couple more. Section 907 specifies, "Action must be taken before a gun dealer may sell a firearm to a retail customer." Already under Federal statutes, 18 US Code 922 T, an additional Federal law requires that dealers have on premise available for sale safe gun locks; 18923 G states that it requires the dealers to provide and sell a device to sell a



firearm and that proper recordkeeping requirements of 907 F duplicate Federal law under 18 US Code 923 G, I, E, whatever, you know, all of that. What, in this piece of legislation, further expands upon the Federal law?

MS. PAULIN: You know, again, you know, when those Federal requirements are -- you know, in order for a Federally licensed gun dealer to get that license, they have to fulfill certain Federal requirements. That is not unlike other businesses that are licensed both by the Federal and the State government. What we are doing here is we are saying that, you know, over and above, or in those Federal requirements, the State also has requirements for you to be licensed and these are -- and this is what they are. And, the reason they are appropriate is because we have an intrastate gun trafficking problem. I realize that, you know, in the debate for Special Session, you know, that there was a lot of focus, appropriately so, because of the police officers in New York City. And, that 85 percent of those crime guns are interstate.

However, you know, in areas outside of New York City, in Buffalo, for example, studies have shown that 45 percent of those crime guns are actually intrastate and, in fact, they are bought within a five-mile radius of, you know, of that location. So, we have an intrastate problem. And, while we have that intrastate problem, we must enact laws that allow us to check back and track and find out what is happening in our gun dealer shops and, in fact, data shows that even in New York City, in those cases where a dealer actually was

culpable, you know, there were ten dealers identified with the New York City crime guns; four of them were in New York State. So, even in New York City, for those guns that are gotten through a gun dealer, which is estimated to be about half, they were intrastate, as well. So, we have a problem to address. So, it is almost irrelevant what the Federal requirements allow us to do because they are not enough. We are not able to solve the problem. We have to do something here.

MR. TOWNSEND: Are you saying that 9280 expands upon the Federal statutes and makes them stronger?

MS. PAULIN: It requires different things. You know, we already -- you know, the interesting part about this is in our -- we already require gun dealers to do much of what we are requiring them here. We require that in our licensing provision, if you look at the back of the bill, you will see that section of the law that refers to licensing. And, we require gun dealers to already keep a lot of records for -- you know, for handguns, essentially, or firearms, anything that requires a license under New York State law. What we are doing by putting it in the business section is requiring those same things we are already requiring for firearms on long guns and rifles. And, it is very appropriate because in New York State when we started that database of crime guns in 2000, and we started keeping track, 1,000 of the 2,700 crime guns were long arms. But, we have no way of finding out where they came from because we only require our gun dealers to, essentially, record information on firearms.

MR. TOWNSEND: Are you saying that they do not

record the information when they sell a long gun to an individual?

MS. PAULIN: There is no requirement currently in the law.

MR. TOWNSEND: Is that in here now on long guns?

MS. PAULIN: Yes.

MR. TOWNSEND: Thank you, Amy. Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Yes.

MR. TOWNSEND: On the bill.

ACTING SPEAKER LAFAYETTE: On the bill.

MR. TOWNSEND: We already have many statutes on the books in New York, under the Penal Law, as I alluded to earlier in Section 265.17, and there are many, many more, but the Federal government has taken tremendous steps to protect the integrity not only of the dealers of firearms, but also the integrity of the people who purchase the guns and the populace that doesn't have any.

This piece of legislation does not expand upon any of the statutes that are already on the books covered by the Federal law that are enforced by the Federal Bureau of Alcohol, Tobacco and Firearms, which is a tremendous police agency dealing with gun dealers all across the country. I don't know who is going to -- they expect to enforce these further statutes. It is going to be a drain on our State Police and local law enforcement who already have a tremendous cooperative effort between local police, county sheriffs, State Police and the Bureau of Alcohol, Tobacco, and Firearms.

This piece of legislation, in my estimation, Mr. Speaker, is just a feel-good initiative to put into this gun package to infringe upon the rights of lawful gun dealers to do their business and do it lawfully, and upon the rights of lawful individuals to purchase and possess lawful firearms. Thank you, Mr. Speaker.

ACTING SPEAKER SWEENEY: Read the last section.

THE CLERK: This act shall take effect in 90 days next succeeding the date on which it shall have become a law.

ACTING SPEAKER SWEENEY: Record the vote.  
(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 10, the Clerk will read.

THE CLERK: Bill No. 9082, Rules Report No. 10, Aubry, Lentol. An act to amend the Correction Law, in relation to the duration of registration and verification for certain sex offenders.

ACTING SPEAKER SWEENEY: There is an amendment at the desk. Mr. Stephens to explain his amendment while the Chair examines it.

MR. STEPHENS: Thank you, Mr. Speaker. I offer up the following amendment, waive its reading, move its immediate adoption and request the opportunity to briefly explain it.

ACTING SPEAKER SWEENEY: Please go ahead.

MR. STEPHENS: Thank you, Mr. Speaker.

The bill-in-chief amends the Correction Law, Section 168 H to extend the duration of registration and verification of Level 1 and 2 sex offenders from ten years from the initial date of registration to ten years from March 31, 2007, whichever is later. The amendment which we offer today would substitute the language of Senator Skelos' S. 6019, that requires registration and verification for life of all sex offenders and only allows Level 1 offenders to petition for relief after 20 years on the registry.

I offer the amendment.

ACTING SPEAKER SWEENEY: The Chair has examined your amendment and found it germane to the bill before the House. On the amendment, the Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER LAFAYETTE: Announce the results.

(The Clerk announced the results.)

ACTING SPEAKER LAFAYETTE: The amendment is defeated. On the bill, read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER LAFAYETTE: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weisenberg to explain his vote.

MR. WEISENBERG: My colleagues, I want to tell

you, this is a very emotional issue that has come to view. It really is very upsetting when you deal with parents and families who have had children who have been molested or assaulted and making this a political issue really devastates what is reality here. We knew months ago that in this House, the Assembly was working to get legislation to address the fact this is going to sunset on the 21st, I believe, of January, and we were going to address this issue. The thing that bothers me is that the media blamed the Assembly for holding up legislation that would protect our families and our children. Nobody has ever come to any of us and really asked us what our position is, how are we moving in this direction to correct the ills within our society. And, unfortunately, instead of communicating with each other, we ended up with dueling press conferences on an issue that was so, I guess, devastating to so many people within our society.

But, I want you to know, as a member of this Assembly, I am very proud of the fact that we were working together and that we have an agreement on conference committees that are going to be working together to get a solution, and that is what this is really all about, and that is why I voted against the previous amendment because I know we are going to have conference committees and we are going to solve the problem, as we should, by working together instead of attacking each other; and I vote in favor of this legislation. Thank you.

ACTING SPEAKER LAFAYETTE: Mr. Conte, to explain his vote.

MR. CONTE: Thank you, Mr. Speaker.

You know, a couple of weeks ago, Doug Flutie dropkicked a field goal. It was unconventional; everybody kind of said, "Well, what is going on," but it was only three points. Here today I think the Assembly is doing the same thing. It is punting for a field goal. We are punting on the backs of the people of New York State, the backs of the kids of New York State.

The Governor has a five-point plan that he has put out that would protect the children of this State from sexually-violent predators of all natures, be they Level 1, Level 2 and Level 3. The Assembly Republicans have not only put together a six-point, seven-point plan, but we have gone out into our communities and asked people to sign petitions on our plan, and we have gotten, literally, thousands, if not tens of thousands, of signatures from regular New Yorkers talking about the need for legislation that makes it so sexual predators are civilly confined, but, more importantly, that we have lifetime registration for men who are likely to have a recidivism rate in New York State and prey upon our kids.

This legislation, actually, does not do it. It punts it for a year, gives us, you know, I don't know, it gives us what type of opportunity, maybe to get through the next cycle. I do not see the need. The people of New York, if you talk to them, will tell you over and over again, "Do what you can to protect the most vulnerable people here in New York State." Unfortunately, this is a three-point dropkick punt. It might look good. It might score three points, but it

does not make it so we have a touchdown, and we do not win the game.

I am going to be voting for this piece of legislation, and hopefully, as we move forward, the Assembly Democrats will come up with a plan that provides for the protection of the citizens but, most importantly, of our most vulnerable citizens, our children. Thank you, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Mr. Ortloff.

MR. ORTLOFF: Mr. Speaker, in explaining my vote, I would just like to observe what appears to be, I am not even sure what to call it. Last year, this Body passed a bill that extended the registration for ten years. The Senate passed a bill for lifetime. As of this morning, the difference between the two Houses was between ten years and lifetime, but with the passage of this bill, it is my understanding, that this bill now supercedes what we passed last year and it is now the position of this Body to extend the bill for only 14 months, to extend the registration only 14 months.

It appears to me, Mr. Speaker, and I hope I am wrong, that what we have done by the passage of this bill, moving from ten years to 14 months, is simply to widen the gap at the negotiating table in the conference committee so that this Assembly has more to bargain with than we had before. And, if that is the case, Mr. Speaker, I regret that fact.

I withdraw my request, vote in the affirmative, because this is all we have to vote on, but I hope that we come back



here in the next week and do something real to protect the women and the children of this State. Thank you, Mr. Speaker.

ACTING SPEAKER LAFAYETTE: Mr. Mr. Saladino to explain his vote.

MR. SALADINO: Mr. Speaker, on my vote. Two years ago I was out in my community campaigning and asking the public to elect me to this Body, and I campaigned on one issue and that issue was protecting children from predators, protecting children, not only in the 12th Assembly District, but across the State of New York, your children, your grandchildren, your neighbor's children and the children of your loved ones who we are all here to protect. Clearly in our heart of hearts we want to do everything we can.

There are a lot of bills out there that cannot get out of committee. There are some bills that will be reaching the floor, and I ask and impress each and every one of you that we do the utmost to keep our promise to the public and protect children from sexual predators. It is a no-brainer.

This bill is important, but it is also important to strengthen Megan's Law, the way Senator Skelos wanted it from the beginning, to make sure if they change their address without reporting, they go right back in prison, to make sure if they do anything that is of a continued threat to our children, we have a zero tolerance policy in this State and back it up in committee and here on the floor.

You know, passage of a strengthened Megan's Law legislation is woven into the fabric of my professional existence as an

Assemblymember, and I am thrilled to be here with you to vote yes on this bill today, but I ask that we do so much more. Please, ladies and gentlemen, be on notice. The people of the State of New York are watching. The media are watching. The loved ones of abducted and abused children are watching. They are demanding legislation to protect our children from the most heinous of crimes. I know you'll join with me as we continue on this year to pass every single bill we can to put our votes where our mouth is and make sure we leave no stone unturned, that is why I am voting yes on this bill and every single bill that will come before us this year, and I ask you, and I urge you to do the same. Thank you.

ACTING SPEAKER LAFAYETTE: Mr. Aubry to explain his vote.

MR. AUBRY: Thank you, Mr. Speaker, to explain my vote.

First of all, I want to thank all the members for their vote on this bill. It is our position that this is a responsible thing to do. There is, obviously, Federal legislation that is advancing that will create standards that will be held across the country to govern this very difficult issue. It is our position that we need to look at those. We do not need to be changing the laws in midstream, we need to look at those, anticipate that the Federal government will move on this issue, Congress has already passed it. We know that the Senate is continuing and looking at this issue. We will be in a position then to be guided by what the Federal government will require. And, in my

opinion, that is prudent for us to do so that there is some understanding across the State as to what the process and the procedures are going to be to ensure the safety of our citizens from this population. So, I am pleased that that will happen.

Just some things that you might want to know in regard to individuals who right now who will come off, as of the 21st of January, and that is what we are faced with. There is a deadline, the 21st of January, individuals start to come off, about 168. 223 individuals will come off at the end of January. And so, we care about, as I have heard my colleagues, protecting folks. We think the prudent thing is to extend what protection we have now, keeping them on the registry. There are a host of ideas that are there. Conference committees have been called for. We anticipate that they can begin this week if the Senate will setup their conference conferees. We are ready to do that work, to sit down and to come together with a bill that will extend the kinds of protections that everyone is calling for. So, in light of that, I withdraw my objection and vote in the affirmative. Thank you.

ACTING SPEAKER LAFAYETTE: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Tokasz.

MR. TOKASZ: Thank you, Mr. Speaker. Mr. Speaker, do you have any housekeeping or resolutions?

ACTING SPEAKER LAFAYETTE: No housekeeping, no introductions, no resolutions.

MR. TOKASZ: Mr. Speaker, before I call on Mr. Perry, because I do not believe the Minority needs -- I'm sorry, well we will call on Mr. Bacalles in a moment and Mr. Perry in a moment. The members should be aware that I will adjourn until tomorrow at 12, noon. Session will be at 12, noon tomorrow. There will be a series of committee meetings that I think the Majority was made aware of, but those committee meetings will be pushed back an hour and they will all be in the Assembly Parlor. So, at 11 a.m. will be Health; 11:15 Codes; 11:30 Ways and Means; and 11:45 the Rules Committee will meet.

And, so, the Majority members are going to have a brief conference when you hear from Mr. Perry. We may also have a conference tomorrow morning depending on what the Speaker tells us in our conference.

So, with that, Mr. Speaker, if you would call on Mr. Bacalles.

ACTING SPEAKER LAFAYETTE: Mr. Bacalles.

MR. BACALLES: Yes. There will be a Republican conference tomorrow morning, 10:15 in the Parlor.

ACTING SPEAKER LAFAYETTE: Thank you. Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. There will be a very brief Democratic conference in the Speaker's conference

room immediately after adjournment. Thank you.

ACTING SPEAKER LAFAYETTE: Thank you.

Mr. Tokasz.

MR. TOKASZ: Mr. Speaker I now move that the Assembly stand adjourned until tomorrow, Tuesday, January 10th, at 12, noon, tomorrow, being a session day.

ACTING SPEAKER LAFAYETTE: The House stands adjourned.

(Whereupon, at 6:36 p.m., the Assembly stood adjourned until Tuesday, January 10th, at 12, noon, tomorrow being a session day.)