NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 7, 2007

11:25 a.m.

REGULAR SESSION

SENATOR JAMES W. WRIGHT, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WRIGHT: The Senate will come to order.

I ask everyone to please rise and repeat with me the Pledge of Allegiance to the Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT WRIGHT: In the absence of clergy, may we bow our heads in a moment of silence, please.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT WRIGHT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 6, the Senate met pursuant to adjournment. The Journal of Monday, March 5, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT WRIGHT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 518 at the desk, by Senator Robach. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: By Senator Robach, Legislative Resolution Number 518, memorializing Governor Eliot Spitzer to declare May 2007 as "Hepatitis C Awareness Month" in the State of New York.

"WHEREAS, Hepatitis is a known public health threat and is known to be caused by many viruses; and

"WHEREAS, Chronic viral hepatitis due to Hepatitis C has been a disease that has little or no public awareness due to its

nature as being largely asymptomatic until irreversible liver damage has occurred; and

"WHEREAS, Hepatitis C currently infects nearly 4 million Americans, including an estimated 158,000 New Yorkers, and there are about 30,000 new cases and approximately 10,000 deaths each year in the United States; and

"WHEREAS, The consequences of Hepatitis C cost approximately $7.5 million per 100,000 people; and

"WHEREAS, Hepatitis C is largely nonreported, and the public is uninformed about the virus; and

"WHEREAS, In the absence of a vaccine for Hepatitis C, emphasis must be placed on other means of disease prevention, including education of healthcare workers, emergency services workers, veterans and the general public; and

"WHEREAS, Hepatitis C has been characterized by the World Health Organization as a disease of primary concern to humanity; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to memorialize Governor Eliot Spitzer to declare May 2007 as 'Hepatitis C Awareness Month' in the State of New York, and to urge the citizens of this great Empire State to learn about the causes, symptoms, diagnoses and treatments for Hepatitis C; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable Eliot Spitzer, Governor of the State of New York."

ACTING PRESIDENT WRIGHT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 793, by Senator Larkin, have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 793, commemorating the 42nd anniversary of the Selma-to-Montgomery march for voting rights that began on Sunday, March 7, 1965.

"WHEREAS, It is the practice of this Legislative Body to commend publicly courageous acts which prompted important changes in state and national history; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to commemorate the 42nd anniversary of the Selma-to-Montgomery march for voting rights that began on Sunday, March 7, 1965; and

"WHEREAS, The Selma-to-Montgomery march for voting rights represented the political and emotional peak of the modern civil rights movement; and

"WHEREAS, Despite the Civil Rights Act of 1964 and the active attempts of the Student Non-Violent Coordinating Committee

(SNCC) to register the African-American voters of Alabama, no significant progress was made. One such place was Selma, Alabama. This small southern town of 29,000 soon became the focal point of the civil rights movement; and

"WHEREAS, Of the 15,156 African-Americans in Dallas County, Alabama, only 156 were registered to vote. On January 2, 1965, the Reverend Martin Luther King visited Selma and gave a fiery speech. In it, he stated: "Today marks the beginning of a determined, organized, mobilized campaign to get the right to vote everywhere in Alabama"; and

"WHEREAS, On 'Bloody Sunday,' March 7, 1965, some 600 civil rights marchers headed east out of Selma on U.S. Route 80. They got only as far as the Edmund Pettus Bridge, six blocks away, where state and local lawmen attacked them with billy clubs and tear gas and drove them back into Selma; and

"WHEREAS, Nearly 100 of the marchers were hurt that day in Selma. The next day, civil rights workers and clergy from across the nation rushed to Selma. On

March 9, 1965, many marched to the Edmund Pettus Bridge, where the marchers stopped for prayer and then, obeying a federal court injunction, returned to Selma; and

"WHEREAS, On March 21, 1965, after the court injunction had been lifted and the Alabama National Guard had been federalized to provide protection, the march began again; and

"WHEREAS, About 3,200 marchers set out for Montgomery, walking 12 miles a day and sleeping in fields. By the time they reached the capitol on Thursday, March 25, they were 25,000 strong; and

"WHEREAS, Less than five months after the last of the three marches, President Lyndon Johnson signed the Voting Rights Act of 1965, the best possible redress of grievances; and

"WHEREAS, in 1996, the Selma to Montgomery National Historic Trail, the highest tribute a road can receive, was created by Congress under the National Trails System Act of 1968. Like other 'historic' trails covered in the legislation, the Alabama trail is an original route of national

significance in American history, cannot be replicated, and is a destination unto itself; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 42nd anniversary of the Selma to Montgomery march for voting rights that began on Sunday, March 7, 1965."

ACTING PRESIDENT WRIGHT: Senator Larkin, on the resolution.

SENATOR LARKIN: Thank you, Mr. President.

I want to congratulate and thank my colleague Senator Cousins, because this was a joint venture on our part. And I thank you very much, Senator.

You know, 42 years ago there were some people in this chamber that were only a dream. But 42 years ago, this was a real dream. There had never been solid elections in Alabama. And the question came up constantly, When do we become full Americans?

I'm one American who served in combat when we had segregated troops. They weren't segregated in my mind. I was the

fortunate individual with four other white officers to command this company that went into combat and was a true, true unit of our fighting forces of the American armed forces.

In 1965 the first incident concerning this was a call from the Justice Department to the Secretary of the Army that there was problems in Alabama that they could not control within their own authorities.

The problem was, Governor Wallace had made it very clear that he wouldn't be a player to this action. At which time the President, through the Secretary of Defense and Secretary of the Army, designated certain individuals to go to Alabama. In my office of 98 officers, we drew straws. Not knowing that every one had a larger straw than I did, I got the small straw.

When I went to Alabama, my mission was to tell the Governor or his appointed assistants that there was to be an activation of the Alabama Guard. It never happened. Governor Wallace said, "You tell the President if he wants to activate the Alabama Guard, let him do it and let the federal government pay

for it."

And that's exactly what happened. The entourage that took place on the three marches -- the first march was a total disaster because of Bull Connor with his bullhorn -- and that's where he got it from -- and his hoses. And the second one, and the third one. The third one, when we marched out of Selma, the church -- I met Dr. King for the very first time. Most of my contacts had been with Reverend Abernathy, who was trying to keep a level hand on it.

You know, they talk about 575 people were there when the marches started. When we did the march on the 21st, the start of the four days, there were probably 3,000 people.

The control, just think about it. This was almost like a combat operation. We brought elements of the 11th Air Assault from Fort Benning, the 101st from Camp Campbell, Kentucky. We brought units from Fort Hood, Texas; Fort Lewis, Washington; and Fort Riley, Kansas. They were all assembled at the Maxwell Air Force Base in Montgomery, Alabama.

This was a joint venture. The Justice Department had overall responsibility, but the responsibility for safety and security was left to both guard and active elements of our armed forces.

Was it peaceful? Not necessarily. Because every night when we would put in and stop, as you and I spoke, there had to be a search of the area. We had engineers that went in with mine sweepers to find out if the land had been braced and anything for a major disaster. And the conduct of the armed forces during this was great. And then the next morning when we got up, they would go and sweep the rail, because the supplies were brought by rail.

We were very fortunate. Did we have skirmishes? Yes. They talk about a Reverend Reed, who was killed back in the 7th of March. But on the four days of the march, there was only one person killed, and that was after the march was completed. The lady's name was Viola Liuzzo. She was from Detroit, Michigan, and she was a member of United Auto Workers. Sad. Very sad. Because up until

that, the skirmishes were just harassment from people on the side, some few rednecks and stuff like that.

But just let's talk about the issue itself. We're Americans. And, you know, as I -- I just came back from Savannah, Georgia. And when I still see what goes on, I wonder what did we accomplish.

We got the Voting Rights Act. And I'm very proud to stand here, because I was stationed in the Pentagon at the time. The votes for the civil rights, for the voting rights, the necessary votes to pass that bill were delivered by Republican Senators. So you on that side of the aisle, remember, we were there when it counted.

So what have we accomplished? We still have bickering, we still have fighting. And sometimes we fail to realize that a lot of it is our fault. It's ours as adults -- not just State Senators or members of the Assembly or Congress. But we have to start to realize that what we impart to our young people in our schools and our communities and our churches and synagogues, that's where a lot of this is

going to melt out.

Again, I'm very proud that I was there. Trying, time-consuming negotiations, discussions, with one purpose in mind: as an American, to see a mission accomplished for all Americans.

Thank you very much, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

And I also want to thank Senator Larkin for sharing his story and certainly sharing the opportunity to be on the resolution.

We both put the resolution in, and I did not know that his compelling story has been told before on this very anniversary or around this very anniversary because of his involvement. And reminding us of the history that brings us here is so very, very important and vital. So I thank you for that.

The reason why I felt this was an important resolution to present was not that I was there, not that I got dressed after church

or went out to march and see what we could do to promote voting rights for African-Americans, because I was not. I was not able to vote; I wasn't old enough. I probably wasn't even conscious of the fact that people were fighting for what should have been their right as an American citizen at that time.

I certainly heard, however, of the Bloody Sunday and how young children, women, were beaten back from attempting to exercise their rights as American citizens. And I understood, after time and time again, how President Johnson decided it was time for the Voting Rights Act in 1965.

And I guess what I stand here to say is that all those things that happened didn't matter quite as much to me until a wintery Tuesday in November of 2006, when I became and the 35th District became the recipient of federal monitors that came to watch an election that would normally be an ordinary election.

It was the Voting Rights Act that allowed for someone like me to say I need

observers. And it was the Voting Rights Act that allowed hundreds of people who might ordinarily have been turned away to cast their votes.

And so not only do I owe a debt to those who walked before me, but this nation owes a debt. Because no one decided to march so that this act would be made, they decided to march just because voting is an American thing to do.

And no one would have thought 42 years later that we would not only be commemorating their sacrifice and their courage, but heralding the fact that the protection still exists.

So I'm certainly happy to join my colleagues in this resolution.

(Applause.)

ACTING PRESIDENT WRIGHT: Senator Adams.

SENATOR ADAMS: I rise in support of this item because I think that sometimes we have the tendency to romanticize history. We don't realize that we are still marching. And we're at the bridge again. The question

becomes now, what are we going to do at that bridge?

Side by side with us are those who are of the immigrant population. They may not be African-Americans from Alabama, but they're Chinese, Portuguese, Indonese, Japanese, Dominican, Irish. What are we going to do for them? Are we going to cross the bridge, or are we going to allow those individuals who believe America is a monolithic society that is not inclusive?

I believe it is inclusive. And I commend my colleague from the other side of the aisle as he indicated that our Republican colleagues back then stood side by side with us and pressed their shoulders up against the door of inclusion to ensure that we were all part of this great country.

The question now that lingers before us in this sentence is: Where are you now, my colleagues? Where are you now? Would you stand with me on this side of the aisle so when our children reflect on 2007 could you say we led the charge of gun control so we don't lose more young people and Dr. Kings of

today? Can you say that you joined us and led the charge to deal with Campaign for Fiscal Equity to ensure our children are educated? Can you say that you put in place the correct medical procedures so that black and brown grandmothers receive the same level of preventive care as their counterparts across this entire state?

Where are you now? Let us not sit back and dream and romanticize of how great it was to march with Dr. King. Are we marching with the Dr. Kings of today? That's the question.

What's great about this institution is that we have men and women from Rochester, from Troy, from all over the state that are coming here together with men and women from Brownsville and Bed-Sty and Harlem -- not to disrespect each other, not to believe that only my position is right and you are wrong. That's not the issue.

We are coming here with the voices of those who cannot speak on behalf of themselves. We are allowing each other the opportunity that other countries don't have,

to be able to debate and discuss and bring you into the streets of Brownsville as you bring me into the streets of Rochester, to bring me into the family of Troy, New York, as I bring you into the family of Harlem.

We can have a discussion to come together with one form of policy and procedure so as we stand in front of not the Pettus Bridge of yesterday, but the bridges of today, and cross them together -- as not only New Yorkers. I'm a firm believer that New York State has the ability to prick the conscience of the entire country, that not only can we set the tone for the counties in this state but the counties across the globe.

And as we think about that bridge, let's also think about, regardless of your position on the war, somebody's mother, somebody's brother, someone's son, someone's daughter, someone's neighbor is overseas in Iraq or Afghanistan fighting for those principles that we believe are true.

And we can talk about patriotism back then and criticize the patriotic posture now, but as long as our boys are coming home

to hospitals where they're not getting fair treatment, as long as our boys coming home and not having proper support, physical as well as emotional, as long as our boys are unsure the America they're coming home to is going to embrace them when they lose an arm or leg or when the anatomy of their soul is no longer in contact because they saw someone die that is precious to them, then we're not doing our responsibility at the edge of the Pettus Bridge of today's time.

So I challenge you, my counterparts across the aisle, but I also challenge my counterparts on this side of the aisle: We have a responsibility and an obligation not to believe that the march is over and not to leave this century with a question mark, but an exclamation point, that we have marched on and strong.

Thank you.

(Applause.)

ACTING PRESIDENT WRIGHT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Mr. President, I feel that Senator Eric Adams has

more than adequately expressed my sentiments. But I want to stand to support this resolution this morning.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Thank you, Senator.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

I also rise to support the resolution. But I would like to one more time tell you my story, the story that I have repeated over and over and over.

I was born in Puerto Rico, in a town called Bayamon. And as you can see, I am black. Because I was born in Puerto Rico, I am Hispanic.

And we black Puerto Ricans, we know a secret that many people don't know, but only us black Hispanics know that secret: That we don't fit in the black community because we are Hispanic, and we don't fit in the Hispanic community because we are black. And we don't fit in the white community because we are black and Hispanic. So this is a secret that

we black and Hispanic, we are in what we call the limbo stage.

We talk about racism. In 1960 I was just 18 years old and I went voluntarily and joined the United States armed forces, the Army, because that was a Vietnam era and I wanted to fight for my country. And I was sent to Columbia, South Carolina, Fort Jackson, for my basic training. And I was sent to that camp with many Puerto Ricans, and I was the only black among all the Puerto Ricans. They were as white as any one of you.

There I learned -- I learned -- and since that time on, you could say that I have been alone. I learned there, in Fort Jackson, Columbia, South Carolina, I learned the story of life. That was before Martin Luther King. I'm talking about 1960.

And I was there, and I learned to be called Puerto Rican spic. I learned to do the dirty work that nobody else used to do. I learned that I cannot attend places even with my uniform, with my Army, United States of America uniform, I cannot attend places other people could attend.

I got my first pass -- and I've been saying that over and over. I want you to understand that not only black America has this problem. We black Puerto Ricans and we black Hispanics, we have the problem with racism. And we have suffered this racism by blacks and by Hispanics.

And at that time I got my first pass, and I went to Columbia with my friends from Puerto Rico. And I sat down in that bar, with my uniform, proud, proud as an American fighting man that I was supposed to be. And the waiter came, took the order, and everybody ordered a beer. And I say -- and the waiter turned back. And I said, "Waiter, I want a beer too." He said, "Whatever you're looking for, we haven't got it." I will never forget that occasion.

And my friends from Puerto Rico, my white friends from Puerto Rico told me, "They don't want to serve you." And I say, "What am I going to do?" They told me, "You have to leave." And they stayed there. My Puerto Rican white friends, and they stayed in that bar.

So I don't fit anywhere. And when this march came and this thing come and this thing happens, yes, I'm proud, because they gave me some kind of liberty. But we still have a lot of way to go, a long way to go.

Racism is ugly. And people even laugh at your religion. Even in my own Democratic conference, they laugh at my religion. People laugh at you, people laugh. And that racism is not only in color, it's in creed and whatever.

So yes, I'm honored to support this resolution. But ladies and gentlemen, racism is still alive today. And we black Hispanics, I could tell you about it. Because blacks know they're black, and Hispanic, white Hispanics know they're Hispanic. But we are black and we are Hispanic. So what are we?

Go to Puerto Rico and see the governor's cabinet, find out how many blacks are there. Go to Puerto Rico and see how many black governors have been there. Go to Puerto Rico and see what's happening there.

Ah, what are you doing, you're putting down your people? No, I'm speaking

the truth here, that racism is alive today. Martin Luther King marched, we're glad, and he achieved something. And those people that marched achieved a whole lot of things for us. But we are still suffering, in New York, in Puerto Rico, all over the world, racism intact.

So, ladies and gentlemen, I'm proud to support this. But I'm going to end by saying, Mr. President, it's not over yet. We have a long way to go. My blood brothers and my Puerto Rican and Hispanic friends, remember, I'm watching.

God bless you all, ladies and gentlemen, for your patience, for your listening to me. But I'm venting today. Today, during the day, I'm going to vent. Today, not only now, later on, I'm going to continue venting. Because today I'm saying it all. And tomorrow the press going to call me all kind of names. But today you shall hear from me again.

Ladies and gentlemen, thank you very much.

ACTING PRESIDENT WRIGHT: Thank

you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to thank the sponsors of this resolution, both Senator Larkin -- I thank you for not only the resolution, but the role that you played and the history that you share. And certainly it really is an amazing thing to be part of the generation that actually has benefited, through the fact that -- in the fact that we now have a Senator who was a direct beneficiary of the march in Selma.

And let me say that Senator Cousins, you know, it was -- I think this particular incident was about a hundred years from the time that the emancipation was signed, and so there was one hundred years between the time that Africans in this country were freed from slavery. And certainly that was after a very bloody and vicious civil war in our country. And this particular incident was also part of a very violent and vicious time, civil war, in our country.

And I just am reminded that these incidents in our history should not be forgotten. And in fact I think it's important for the young people that we have here and the young people across our state should be very much aware that we have been free less time than we were in slavery as Africans in this country.

So these marches are important, and it is indeed important that all Americans have participated in each of those incidents, both in terms of the civil war as well as the civil rights struggle.

And I hope that, as Senator Larkin has indicated -- and Senator Cousins is living with the benefits of those incidents we should be able to pass on to young people in our state across the state in every community and every school. And I'm really very saddened by the fact that we have tried to institute as part of our state education system means by which we could pass on this information as part of the regular curriculum and somehow we've not been successful in doing that.

So most African-American young

people in this state don't realize that one of our heroes, the estate of one of our heroes, sits in the middle of Senator Nozzolio's district. They probably have never taken that trip to see Harriet Tubman's homestead. And they also don't know that across the street from her homestead is the home of Seward, who was an abolitionist, and he was white and in fact was responsible for her being able to have that homestead.

And so our people cross each other in many different ways. Our history is rich. Africans, African-Americans are very much a part of that history. And I am sad that we do not acknowledge that fact in every way that it makes -- it is important, especially to young people.

So I hope, and I hope, Senator Larkin -- and I would like to be able to not only have my name on this resolution, but I would like to work with you as you try to figure out ways we can make this incident and the civil rights movement, the people who were involved in it, the people who died in order to make it possible for me to be able to stand

here and talk to you, and for us to talk to each other -- I want our young people to have that understanding as part of the American dream, the American history.

And so I really, really appreciate and I join you in celebrating a moment in history that certainly we can be proud of the reason that it happened, but we can be proud of the people who were involved to make it happen and to bring us to this point.

And so thank you again, Mr. President. I hope that I can have my name associated with this resolution. And I hope that all of us can be part of it, because it is a celebration of American history. It's not black history, it's not white history, it's not redneck history, it's American history.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Thank you, Senator. I believe it is the sponsor's intent to open up the resolution.

Senator Huntley.

SENATOR HUNTLEY: Yes, Mr. President. I rise to support the

resolution.

I would also like to say, listening to Senator Adams, it brought back a lot of memories. I have participated, I could say, in more than half the marches for civil rights in this country. I have traveled to Selma, once my husband and I together and then once with our children after we had children.

And I've always been a believer in America for everyone. It's not about black America, it's about America. And I claim my American background. People will say to you -- I'm Afro-American, yes, but I'm American. I was born here. All of my parents, my grandfather, my father, my two adult sons, who are in the armed forces -- my son served at Desert Storm. And I am a true American.

And I just want to let you know how racism is still very much alive. Because my granddaughter in junior high school said to me one day, she says, "Grandma, why in the schools do they not talk about black history? Why do they not talk about Martin Luther King and what his achievements were?" They do in

the Afro-American schools, but if it's not the Afro-American schools, they don't talk about it at all.

So what I did, two years ago, I traveled to many schools in my district who were predominantly white, and I spoke to parents, I spoke to students. And I find it's not the students that are the problem. The students will all come together. I have great relationships with all kinds of students regardless of their ethnic background. It's the adults that create problems.

And I think until adults can realize that we're all in this country together, we're all Americans -- I have the same rights as anyone else, and I would never let myself be denied of those, or my children. So I have fought for rights, not only for Afro-Americans but for people in general.

And I want to support the resolution. And I hope people will remember that just because we talk about Martin Luther King or about going to Selma -- that's important, but we're still in a time where it is not fair for minorities. We have not

reached that peak that Martin Luther King expected us to.

I thank you.

ACTING PRESIDENT WRIGHT: Thank you.

Senator Larkin, to close.

SENATOR LARKIN: Mr. President, thank you. And I thank everybody who has contributed to these comments today.

What I'd like to do, Mr. President, is open it up to those who would like to be a part of this resolution.

And I again thank Senator Cousins for her cooperation on this issue that I think is something that we as Americans should not just talk about it, we ought to do something about it.

ACTING PRESIDENT WRIGHT: Thank you.

Senator Skelos, may we open the resolution to all the members?

SENATOR SKELOS: Mr. President, if we could put everybody on the resolution, all the members. If anybody wishes not to cosponsor it, they should notify the desk.

ACTING PRESIDENT WRIGHT: The Secretary is so directed.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: The resolution is adopted.

Senator Robach, you're recognized on the previous resolution.

SENATOR ROBACH: Yes, Mr. President, thank you. I am sorry that I was not in the chamber when the resolution was read on hepatitis C.

But I did want to comment very briefly that it is important that we take this time out as a state as we deal with a lot of things in healthcare, it's certainly important that we do this one as well. Hepatitis C is the most common chronic bloodborne disease, and one that affects a lot of people not only in the United States but here in New York.

And I want to just take a moment to

say that we do have the advocates here from Status C Unknown, which are a group of people that work towards not only shedding more light but making sure that there's adequate treatment and that we are really doing all we can to address this blood disease that, due to its nature, a lot of people don't know about until it really affects them in the later stages of their liver.

And I did want to thank them publicly for their work as well and hopefully, with this resolution and other efforts, as we continue to get our hands around a lot of healthcare issues, work to a day where we're treating this and hopefully decreasing the numbers of people with hepatitis C here in New York.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Thank you, Senator Robach.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 794 at the desk, by Senator Libous. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: By Senator Libous, Legislative Resolution Number 794, honoring Helen Corino Ferris upon the occasion of celebrating her 100th birthday on March 2, 2007.

ACTING PRESIDENT WRIGHT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: If we could just stand at ease for one moment.

ACTING PRESIDENT WRIGHT: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe I have a resolution at the desk numbered 808. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 808, urging the New York State Congressional delegation to oppose President George W. Bush's federal fiscal year 2008 budget proposal relating to healthcare.

ACTING PRESIDENT WRIGHT: Senator Bruno.

SENATOR BRUNO: Colleagues, Mr. President, I want you to just focus for a couple of minutes on this resolution.

We don't have to go through all that it contains. The bottom line is that healthcare in New York State is under siege. It's under siege out of the White House, where the proposals, if they are enacted into law, will take something in the neighborhood of $100 billion out of the healthcare delivery system over the next five years in the United States, about $2.8 billion in New York State.

Now, you couple that with the Governor's proposal that is before us in the budget, that state dollars takes out

approximately $1.3 billion. Coupled with Washington, unrelated to the President's cuts, adds potentially another $1.3 billion.

So you're talking $2.6 billion, the federal cuts, you're talking the results of the Berger Commission, which, when fully impacted, can be a quarter of a billion to a billion out of healthcare delivery.

Now, what is more important in people's lives -- your lives, your family's lives, your children, your neighbors -- than quality, affordable, accessible healthcare?

Education is important, and this Governor highlights its importance. He highlights its importance by breaking a record in spending for education, $7 billion over the next four years, $1.4 billion this year. And we applaud that, even though he has the distribution wrong. And we're going to try and help correct that as we go forward.

But the fact of the matter is you don't take money out of healthcare and put it into education. You don't take money out of healthcare and put it in other places. Not when you affect nursing homes, hospitals, home

care, prescription drugs, hundreds of millions of dollars. Do you know of any senior, anyone that needs prescription drugs that can do without them? Presently they trade, and have to, paying for their prescriptions, paying their rents, paying for food.

So we have a challenge before us. So this resolution, Mr. President, we're forwarding to Washington. I'm going to join a delegation of colleagues, with the Speaker, with many of the principals in New York State tonight and tomorrow in Washington, where we're going to meet with a combined delegation of all of our Congressional representatives.

This is not political. It's not Democrat, it's not Republican, it's not any other party. This is dealing with what is right. And we're going to be asking you, as we progress with this budget and with the negotiations, to stand up and be counted as to how you feel about delivering affordable, accessible healthcare to your constituents, your constituents throughout this state.

And I respect this Governor. He is a mover and he's a shaker and he's aggressive

and helps get things done. And we have partnered with him, and we're going to partner again later today in getting some critically important legislation done for the people of this state.

But, colleagues, there is nothing more important that we can address in this chamber as we go forward in our budget than delivering proper healthcare for you, your families, for your constituents. So I would respectfully ask anyone that would like to join this resolution, while we try and motivate people in Washington, especially out of the White House, to be doing the right things for the people of this state.

Because I know when we're done with our budget you will join with us and with the Speaker and Assembly, and hopefully the Governor, in doing the right thing for the people of this state in getting proper healthcare for themselves and their children and everyone else that's involved.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

And I thank Senator Bruno for bringing this resolution to the floor today.

And it's critically important that we work on a bipartisan basis to see that the cuts eliminated from Washington but also the cuts -- and I underline the word "cuts" -- are eliminated to protect healthcare in New York State but also to protect many of the wonderful individuals who provide healthcare services in New York State.

This past week I had the opportunity to meet with a number of the healthcare providers within my district, and they brought to my attention that actually the healthcare cuts that have been proposed by the Bush administration are actually not as bad to our hospitals -- well, they're none of the nursing homes, but to our hospitals in my district as what Governor Spitzer has proposed. That his cuts in some instances are twice what the Bush administration has proposed.

And I'll just mention one of my

hospitals, Long Beach Medical Center, that services a diverse community. They would lose, under Governor Spitzer's proposal, over 1 percent -- and he keeps talk about 1 percent -- to the hospital, and to the nursing home, they would lose 8 percent, and he keeps talking about 1 percent.

Now, what has this hospital done to turn its fiscal situation around? They have eliminated 66 positions. There's within no wage increase for the rank-and-file worker for two years, and there's been no salary increase for managers for three years. And they've frozen their pension plan effective December 31, 2006, so that they can end up with an approximately $58,000 budget surplus after being in deficit by over $4 million several years ago, in 2005.

So when you combine the proposed cuts from Washington and you combine and add to that the proposed cuts to Governor Spitzer, it's going to be no more increases for our healthcare workers at Long Beach Hospital and many of the other hospitals and nursing homes throughout my district, throughout Long

Island.

But I think it's also important to note -- and I was listening very carefully to what Senator Adams was saying about everybody at times walking the walk together. Well, you know what? I don't agree with him all time, but I agree with Reverend Sharpton and Reverend Jackson that these healthcare cuts would particularly in a negative way impact the minority community throughout New York State, whether it's providing services or whether it's helping those who work within the hospitals.

So I'm ready to walk the walk with Reverend Jackson when it comes to these types of healthcare cuts to the minority community. But I would ask my friends on the other side of the aisle to stand up with Reverend Jackson, to stand up with Reverend Sharpton and deplore, deplore the cuts that have been proposed by Governor Spitzer.

Speak up. It's about all of our constituencies. It's not about being an appendage to one individual, it's about representing your community. It's about

representing your constituents and speaking out, just as we have in the past with Governor Pataki. When he was wrong, we stood up as Republicans and overrode his vetoes. We had the courage to do it.

So I ask my friends, number one, support this resolution. But now you have to go the next step and help us fight the cuts that Governor Spitzer -- and they're cuts, they're not reform -- the cuts that Governor Spitzer has proposed, whether it's Long Beach Medical Center in my district, whether it's St. Francis Hospital, which is premier heart surgery, in Senator Johnson's district, throughout the state.

Join us. Join us and fight these horrible cuts.

(Applause.)

ACTING PRESIDENT WRIGHT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we ask for an immediate meeting of the Finance Committee in the Majority Conference Room.

ACTING PRESIDENT WRIGHT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Skelos, is it the intent to open the resolution to the members?

SENATOR SKELOS: Mr. President, I think we'll stand at ease now.

ACTING PRESIDENT WRIGHT: The Senate is at ease.

SENATOR SKELOS: Yes, I'm sorry, Mr. President, I didn't hear that. Anybody who wishes not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT WRIGHT: The resolution will be opened up to the members of the Senate. If you choose not to be on the resolution, please indicate so to the desk.

Thank you. The Senate will stand

at ease.

(Whereupon, the Senate stood at ease at 12:19 p.m.)

Whereupon, the Senate reconvened at 12:36 p.m.)

ACTING PRESIDENT WRIGHT: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT WRIGHT: The Secretary will read the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 25, by Senator Alesi, Senate Print 163, an act to amend the Penal Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WRIGHT: It shall be laid aside.

THE SECRETARY: Calendar Number 163, by Senator Padavan, Senate Print 1143, an act to amend the Criminal Procedure Law, in relation to statements.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 187, by Senator Saland, Senate Print 1651, an act to amend the Penal Law, in relation to identity theft.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 192, by Senator DeFrancisco, Senate Print 1829A, an act to amend the Penal Law, in relation to identity theft and --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT WRIGHT: The bill is laid aside.

THE SECRETARY: Calendar Number 199, by Senator Seward, Senate Print 2453, an act to amend the Criminal Procedure Law, in relation to authorizing peace officers.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 217, by Senator Skelos, Senate Print 434, an act to amend the Correction Law, in relation to requiring sex offenders to verify.

ACTING PRESIDENT WRIGHT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of January.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 224, by Member of the Assembly Silver, Assembly Print Number 3736A, an act to amend the Executive Law, in relation to establishing.

SENATOR DIAZ: Lay it aside.

ACTING PRESIDENT WRIGHT: Lay it aside.

Senator Skelos, that completes the reading of the noncontroversial calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, the Finance Committee was in session and a couple of members wanted to vote no on Calendar Number 199.

I'll move to reconsider the vote by which the bill was passed in order for them to vote. We're not opening up debate, just for those members to indicate their vote.

ACTING PRESIDENT WRIGHT: The Secretary will call the roll on reconsideration.

THE SECRETARY: In relation to Calendar Number 199, Senate Print 2453.

(The Secretary called the roll.)

ACTING PRESIDENT WRIGHT: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 199 are Senators Adams, DeFrancisco, Dilan, Duane, Fuschillo, Griffo, Hannon, Hassell-Thompson, Huntley, C. Johnson, L. Krueger, Marcellino, Montgomery, Morahan, Parker, Skelos, Stewart-Cousins and Young.

Ayes, 42. Nays, 18.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the controversial reading of

the calendar.

ACTING PRESIDENT WRIGHT: The Secretary will ring the bell for the controversial calendar.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, there's a report of the Senate Finance Committee at the desk. If we could have it read at this time.

ACTING PRESIDENT WRIGHT: Return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following nomination.

As Secretary of State, Lorraine Cortes-Vazquez, of the Bronx.

ACTING PRESIDENT WRIGHT: Senator Johnson, to move the nomination.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT WRIGHT: Senator Klein.

SENATOR KLEIN: I rise today in support of the nomination of Lorraine

Cortes-Vazquez as our next Secretary of State.

I've had the privilege of knowing Lorraine for many years. And you'll never find someone who's more dedicated towards the public good and towards public service. Every time she goes into the private sector, she comes back again, because I always believe that her true calling is public service.

She has a tremendous resume. She was vice president of government and public affairs for Cablevision, she was president of the Hispanic Federation, chief of staff to Assemblymember Roberto Ramirez, executive director of ASPIRA, and she was bureau chief at the New York City Department for the Aging.

She's a graduate of New York schools -- an MPA degree from NYU, a psychology degree from Hunter College, and her associate's degree from the Borough of Manhattan College.

She's someone who I think, because of her background and really because of her compassion and her ability to work with people, will make a great Secretary of State. I wholeheartedly support the nomination.

ACTING PRESIDENT WRIGHT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to second the nomination of Ms. Cortes-Vazquez. I had the privilege of voting for her for Regent. And it gives me great pleasure to have this opportunity to second her nomination today as someone who is a very hardworking woman and who has some goals and achievements, achievements behind her and goals before her, that I think will augur well for the State of New York.

Congratulation, Lorraine.

ACTING PRESIDENT WRIGHT: Senator Adams.

SENATOR ADAMS: I also rise in support of Secretary of State Lorraine Cortes-Vazquez.

As we know, the Secretary of State is one of the oldest governmental agencies in New York State. And she will be responsible for regulating a number of businesses and professions. I think that although it's impressive and important that she was the

president of government and public affairs at Cablevision, that she was the former chief of staff of Assemblyman Ramirez and executive director of ASPIRA, director of the bureau of programs, New York City Department of Aging, her graduate degrees -- all of those things are impressive, particularly her master's at NYU.

But what I am impressed with, particularly after meeting and interacting with her, is her Ph.D. in life. Her Ph.D. in life. She is able to touch real people for real issues and real solutions, and I think that's important.

Government, in my opinion, must be user-friendly. You know, we sit here and we walk inside these halls and we get used to it. But to countless numbers of New Yorkers, walking in this place, walking in the courtroom, walking in a real estate agency, it is intimidating and it is frightening. And unless government becomes user-friendly to our residents, then it's useless.

And I think that my friend, our new Secretary of State, she is an asset to the

greatest race alive, and that's the human race.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Parker.

SENATOR PARKER: Mr. President, on the nominee.

I, like the speakers before me, have a great respect for Lorraine Cortes-Vazquez's resume. It's extremely impressive.

I wanted to congratulate both the Governor on an excellent appointment to Secretary of State but also congratulate her on her continuing service and really congratulate the people of the State of New York, because in Lorraine we're getting somebody who has been toiling in the vineyards for many years.

She is now getting a promotion in her public service. She has done a great deal to help the people of the State of New York in many capacities, both in government and the nonprofit area and in corporate America. And there's nobody more suited for this position

and brings more to the job in terms of getting results than Lorraine Cortes-Vazquez.

And I want to congratulate her, and I will be voting in the affirmative on her nomination.

Thank you.

ACTING PRESIDENT WRIGHT: Thank you.

Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President.

I rise in support of the new Secretary of State. I think it's an awesome opportunity. This is an entity that definitely needs some continuation and development and also some reform.

I think she comes in at a time when I believe the department could be more helpful with nonprofit organizations, expediting that process, offering technical support and assistance to many of the nonprofits in the Western New York community.

Also, a couple of things that I'd like to say that I think that the agency can do as well, and I believe she's qualified to

help in those areas. One is in the grants division, helping with waterfront development, coastal development in the Buffalo/Niagara Falls region, and also getting up to Western New York more often.

Recently we had, from the other side of the aisle, a friend of mine, Chris Jacobs, who was the Secretary of State. His office was right next door to our new office. And he provided leadership in upstate New York.

And also being someone that's Latina, we don't have -- we only have one Hispanic or Latino or Latina who is elected to public office in Western New York, and I think it would be an inspiration if she can come up more often and share some of her ideas and experiences in this very high-profile leadership capacity.

But I do believe that this office can do more for community development, business development, and nonprofit development. And I look forward to working with our new Secretary of State.

Thank you. And I support her

nomination.

ACTING PRESIDENT WRIGHT: Thank you.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today is a glorious occasion for the Hispanic community. Today is the day that the Lord has made for the Puerto Rican community. We are about to anoint a woman, a Puerto Rican woman, by the name Lorraine Cortes-Vazquez.

That is something heavy. That's something that carries weight. Because Lorraine Cortes-Vazquez is not only a Puerto Rican Hispanic woman, she's one of the first appointments this Governor, Eliot Spitzer, made, recognizing the values in our community.

So I would like to express my appreciation to Governor Eliot Spitzer for the appointment of Lorraine Cortes-Vazquez.

But, ladies and gentlemen, a previous speaker has said that Lorraine was the executive director of ASPIRA, she directed the Hispanic Federation, she used to work in

the New York City Aging Department. Her husband is a good friend, Luis Vazquez.

Today, to see the importance of this appointment for our community, we have Assemblywoman Carmen Arroyo here. We have my son, Assemblymember Ruben Diaz, Jr. We have up there, with Lorraine, we have our leader in the Bronx, Assemblymember Jose Rivera, and Assemblywoman Naomi Rivera. That's to let you know how important this is for our community.

But titles, titles mean nothing when they go to people's heads. Because I know many people with a lot of titles. Even I know Senators that you cannot even talk to them, because titles go to people's head.

But Lorraine Cortes has so many titles. Lorraine Cortes has so many positions. And one thing that I could tell you about Lorraine Cortes, that she's always the same, down to earth. No matter how many titles, no matter how many positions. Executive director, vice president of Cablevision -- I'm fighting against Cablevision. When the -- when the -- when I see Lorraine, she's always respectful, always

there, always caring, always there.

Lorraine Cortes [in Spanish]. Lorraine Cortes, you are it. Eliot Spitzer has made one good one.

SENATOR MAZIARZ: Just one?

SENATOR DIAZ: Don't get me going, please.

Eliot Spitzer has made one good appointment. The best one that he has made is in Lorraine Cortes. And this Democratic Senator from the 32nd Senatorial District, where she live -- where she live, in the 32nd Senatorial District -- I am proud to say that I am the Senator representing the 32nd Senatorial District where the New York State Secretary, Secretary of New York State resides.

And I am so proud to be here, Lorraine. I love you, I love your husband, I love Eliot Spitzer for appointing you.

I'm voting yes.

(Laughter.)

ACTING PRESIDENT WRIGHT: Senator we are proud with you.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: I don't know what to say after that.

Que viva, Lorraine Cortes-Vazquez.

(Cheers; applause.)

ACTING PRESIDENT WRIGHT: The question is on the nomination of Lorraine Cortes-Vazquez as Secretary of State. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WRIGHT: Opposed, nay.

(No response.)

ACTING PRESIDENT WRIGHT: Lorraine Cortes-Vazquez is hereby confirmed as Secretary of State.

(Extended applause.)

ACTING PRESIDENT WRIGHT: On behalf of Senator Bruno and all the members of the Senate, please accept our congratulations and best wishes as you assume the new duties of your office on behalf of the people of New York State. Congratulations. Best to your family.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President,

can we go to the reading of the controversial calendar.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 25, by Senator Alesi, Senate Print 163, an act to amend the Penal Law.

ACTING PRESIDENT WRIGHT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. Would Senator Alesi yield to a question, a clarification question?

ACTING PRESIDENT WRIGHT: Senator Alesi, will you yield to a question?

SENATOR ALESI: Yes, Mr. President, I'd be happy to yield.

ACTING PRESIDENT WRIGHT: Senator Alesi will yield, Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President, through you.

I'd like to ask Senator Alesi, it's my understanding from reading what the existing law is, it says a person is guilty of false personation when, after being informed of the consequences of the act, he or she

knowingly misrepresented his or her identity to a police officer. Currently, this offense is a B misdemeanor.

So my question, Senator Alesi, is how does your legislation change the existing law that I just read?

SENATOR ALESI: Mr. President, through you, if I may, would the Senator like an explanation before the Senator asks a question directly on the bill? Or would the Senator like me to just the question?

ACTING PRESIDENT WRIGHT: Senator Montgomery, would you prefer an explanation?

SENATOR MONTGOMERY: Yes, Mr. President. I was intending to ask that.

ACTING PRESIDENT WRIGHT: Senator Alesi, an explanation has been asked for on the bill.

SENATOR ALESI: Thank you, Mr. President.

This bill does two things. It recognizes the danger of providing false information when it comes to someone identifying themselves to a police officer, recognizes the danger to society. And as a

result of that, it increases the penalties for doing that.

It also removes the loophole, which is a requirement currently in law that says a police officer must inform the person who is being asked for their identification that a false statement could land them in trouble.

ACTING PRESIDENT WRIGHT: Senator Montgomery.

SENATOR MONTGOMERY: So, Mr. President, through you, it's then the intent of the sponsor, Senator Alesi, to in fact remove the requirement that when a police officer approaches a person and that person may or may not misidentify himself or herself, the officer is required to inform that person that there are consequences for misrepresenting themselves and, in the event that they do so, it is currently a B misdemeanor. So it's a misdemeanor.

Is that what the intent of this legislation is? In other words, the police officer no longer would be required to say to that person, If you give me a false name, there will be consequences?

ACTING PRESIDENT WRIGHT: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

In my explanation I thought I was clear when I said that it did remove the loophole that exists in the existing legislation, which requires a police officer to inform someone that if they give false information as far as their identity, that there would be consequences.

So it is my intent to remove that loophole, hopefully that it will protect those people that would be victimized by anybody who is trying to give false information, for whatever nefarious reason they might be trying to do it for.

The second part of this bill, in response to the Senator's overall question as to what the bill does, is it does increase the penalties from a B misdemeanor to an A misdemeanor.

SENATOR MONTGOMERY: Thank you, Senator Alesi.

Mr. President, briefly on the bill.

ACTING PRESIDENT WRIGHT: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. I note that Senator Alesi has introduced this bill in prior years, and I have opposed it in the past, will continue to, along with several other of my colleagues.

I just want to make this comment on the bill. Senator Alesi talks about removing a loophole and he also talks about a victim, protecting a victim. And I'm unable to associate that with this legislation. Who is being victimized?

I don't see why it's not convenient or it somehow creates a safety issue for the police officer who stops a person. Especially since there are so many stops in my district, and in New York City generally, of young people, especially young African -- well, young men of color, let me just say that, are stopped frequently by the police.

So it seems to me that it's not an imposition on the police officer to say to a young person, when they are stopped: Listen, if you give me a false name, if you give me

the wrong information, it is a misdemeanor, so you need to tell me the truth.

Why wouldn't the police want to say that? What is the problem with the police having to give that kind of warning to a person that they stop? And especially since they stop so many people in my district and in my part of the state.

So I have to oppose this. I also am not clear why and what is the rationale for raising it from a B misdemeanor to an A misdemeanor.

So this really is very problematic for me. It troubles me that we continue to bring forward these kinds of bills which make it possible for, one, many more consequences of contact with police by certain people and, two, to increase the penalties.

So this is a pattern. I continue to oppose this way of addressing issues in our cities and our state. And I'm going to vote no on this legislation.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: The chair recognizes Senator Adams.

SENATOR ADAMS: In 2002 we had 97,000 UF-250s that took place in New York City. That is the role of the police officer, to stop someone and question them when they believe the person has committed some type of criminal behavior. In 2006 we had over 500,000. Eighty-five percent of those who were stopped were either black or Hispanic.

One of the important tools that we can give a police officer to use in his arsenal to fight crime is the Miranda warning. It tells the person who's about to be arrested what are his requirements and what he or she can or cannot do. We are empowering police officers by telling them that it is a crime to falsely impersonate yourself or give misinformation. We are hampering police by not allowing or requiring them to let that person know it's a crime.

When you have over 500,000 stop, question and frisks of young people -- many of them are young people -- and don't give them the opportunity to know before, you commit a crime you should tell us the truth, that allows them the opportunity to think of their

behavior.

Too many of our young people across the country, they receive their education of law enforcement from Hill Street Blues 101, not from the reality of policing.

This is the wrong direction to go. I don't know any men and women in law enforcement who would believe that in any way we are empowering them. I understand the spirit of my colleague. I understand his desires. But when you get down to the nitty gritty 101 of policing, nothing would hamper the ability of an officer to investigate, to implement, or to administer a law by not being able to tell a person it is against the law not to lie to a police officer in the area of their identity.

So we cannot cloak and disguise our desire to properly carry out the crime enforcement by not using some of the basic principles of the Miranda warning that is currently in place, that we should also have it when it comes down to explaining to a person you cannot lie about your identity.

ACTING PRESIDENT WRIGHT: Senator

Connor.

SENATOR CONNOR: Thank you, Mr. President.

Looking over the sheets, it looks like I may have voted for this bill in 2005 and 2006. But after I heard Senator Montgomery's comments and I heard the sponsor's explanation, and reinforced by Senator Adams said, I'm going to change my mind. And let me tell you why.

You know, there was a move after 9/11, renewed, to have everybody carry a national identity card. And civil libertarians get really upset by that. Some of them do. But I remember Professor Dershowitz, who certainly is not a pro-prosecution reputation, writing an oped saying, look, in this country you have a lot of rights. You have a right to privacy, you have a right to due process and so on, but there is no right to anonymity. There is no right to anonymity. It's probably what led me to, without looking at it closely, vote for this bill in the past.

But I am concerned because the

reality is grownups, unless they're hardened criminals or are wanted by the law, are going to give their correct name to a police officer. It's kids. It's kids who -- maybe a 19-year-old is worried that, gee -- I don't know, I could see my kid saying, I don't want to give my right name, they'll know who my dad is and, you know, it might be embarrassing to him because I'm cutting up with my friends on the street corner.

Kids would casually give a false name. A real wise guy might say his name is Michael Mouse. You know? Now, not a polite thing to do to a police officer, but we're not talking about circumstances where the police officer is necessarily in danger because he's getting an answer like that. We're not talking about circumstances where a police officer has to act really quickly.

I mean, look, if he sees a real crime taking place, he's going to arrest the person and not worry about asking the person's name until they're in cuffs and on their way to the station house, or maybe in the station house.

So we're not talking about those circumstances where the police officer has to be accommodated in the need to do things quickly and urgently. You know, you don't stop a bank robber and say, "What's your name?" You disarm them, you cuff them, put them in transport. You know, later on he's asked his name, usually when he's being printed.

So we are talking about the more casual encounters that police officers have, usually with young people on the streets. And I don't see any undue burden on the police officer to give the kid a second chance by saying, "Listen, you know, you give me a wrong name, it's a crime. It's a misdemeanor."

What's the big deal? Most kids are going to go: "Oh. Well, you know, I was just kidding, my real name is" -- whatever. So I don't see what's wrong with that. And I don't see the need to make it an A misdemeanor with a year in jail.

If the person was giving a false name because they're wanted, because there's warrants out, there will be other consequences

beside the B misdemeanor. But if the only thing the person does wrong is persist, for whatever reason -- they don't want their parents or whatever to find out they had any encounter with a police officer -- certainly a B misdemeanor is a pretty stringent penalty for that. Certainly most people would think, gee, you're guilty of a crime for doing that and you committed no other crime?

As I say, if you had a really ulterior motive, if the person has an ulterior motive for giving a false name, then there's other consequences. They obviously are wanted, there's going to be further investigations. And that's fine too.

So I'm going to vote no this year on this bill, because I don't see the necessity for it, I think it's really unwise and unnecessary.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Alesi.

SENATOR ALESI: On the bill, Mr. President. Thank you.

And I appreciate the comments of my

colleagues. Interesting to me that Senator Connor would change his vote when nothing really in society has changed except that those people who are victimized, the ones that really suffer because someone lies about who they are when a police officer confronts them, steals their identification, might be someone who has just perpetrated a crime, someone who might be a sex offender, a predator, any of those things.

The other side of the equation, my side of the equation, is recognizing that society is victimized when someone's identity is given falsely.

And this stems directly from an instance when a police officer pulled someone over and asked him what his name was, he gave him a false name, someone whose name was similar to his, and that innocent victim had to go through a whole series of trials and tribulations to reinstate himself because someone stole his name, someone used his identity when he was asked by a police officer.

We're not talking about police

officers that are just casually coming up to someone and saying, "What's your name?" That's not what this bill is about. This bill recognizes that someone who doesn't tell the truth when they're talking to a police officer has a reason to hide something.

All it does is recognize, in many cases, that if the police officer failed to say, "By the way, you're not three years old so you probably know this already, but I'm required to tell you that if you lie to me, there will be consequences" -- it recognizes that there are people that are going to lie. And if he doesn't give that warning, the case gets thrown out.

And so in the instance of that person that was a victim of false personation, nobody got punished for it. The liar got off scot-free because the police officer, for whatever reason, didn't say, "If you don't tell the truth, there's consequences."

So when we're looking to protect people, when we're looking to talk about victims, what we really need to do is say who's on the other side of the intent to lie,

to misinform when a police officer, who's charged with upholding the law and protecting all of us -- and not just some of your constituents, but all of your constituents -- recognizes that this offers protection to real victims.

In the case of Miranda, I don't want to open this up too much, but that happens at the time of arrest. Nobody's dismantling that. That isn't even part of this debate.

This debate is simply limited to the fact that if a police officer forgets to tell you that there are consequences for lying, which is something that every honest and decent person knows you don't lie to a police officer, if he forgets to tell you that, then there's no case. That offers protection to real victims. And it just steps up the penalty for those people who do lie. And that's appropriate.

ACTING PRESIDENT WRIGHT: Senator Adams, on the bill.

SENATOR ADAMS: On the bill, Mr. President.

Again, I want to say I understand the desire of my colleague in dealing with the issues not to hamper the ability of a law enforcement officer of carrying out his role of public safety.

And if we're not careful, when we pass laws in the sterilized environment of the Senate we don't realize the real practical dirty dealings of the real universe of policing.

When you look at crimes like disorderly conduct, resisting arrest, you see that they are victimless crimes, they're crimes that take place based on the police officer's encounter with a civilian. So here in this clean, pristine, sterilized environment, it seems unrealistic that the average 17-year-old that carries out behavior that's reflective and indicative of a youth, something that some of us have forgotten how we were.

But as one time I remember jumping the turnstile and a cop asking me what was my name, and I said it was John. And if you read the back of the chair, you'll know it's Eric.

We make mistakes as children. If we start the process of taking juvenile behavior and criminalizing it, we're going to create an environment of the criminalization of young people. And when I look at the UF-250s in New York City and see 85 percent of 500,000 were black and brown kids, I'm concerned. When I reflect on my 22 years of a police officer, from cop, sergeant, lieutenant and cracking the glass ceiling to become a captain, I'm concerned.

So for people to tell me that don't worry about this, the victims are going to be protected, that's a make-believe universe. In the real universe of policing you do not hamper the police by ensuring they verbalize that there's a crime that takes place if you improperly identify yourself.

Now, are we concerned about those who steal ID? Yes, we are. That's why we have laws that address those who use fraudulent means to take a person's ID. That's what the law is for.

But we cannot continue to push through, because it's politically expedient

and it sounds good, laws will impact on real people. The real people that I speak with every day, the real people that I protected as a police officer, the real people that sent me to Albany to make sure those who have never sat in a patrol car through the midnight hours, those who have never held large number of seminars and forums to educate young people on what they can do if they're stopped by the police.

It's not as though a third- or fourth- or fifth- or eighth-grader can sit in a school in this city or state and explain what are the laws and what aren't the laws. It's not as though that we have somehow embraced and taught our young people on what they could and can't do. No, we want to dupe them with a three-card-monte process of saying you made a mistake and now you are a criminal. That's wrong. That's wrong.

Because when 16-year-old John makes a mistake and lies to a cop and he's arrested and he becomes 19-year-old Bobby looking for a job, and he sits down to talk to American Express or Smith Barney or Citicorp and he has

to fill out an application that he was arrested, and the only reason he was arrested is because he's a liar and he made a mistake, corporate America is not going to say we understand. You know what? In the eyes of corporate America, he's a criminal.

So now Johnny is not employable and now Johnny becomes a real criminal because he can't get a job.

Stop it. The criminalization of our good kids for stupid mistakes is the wrong thing to do. There is no one in this chamber that could reflect on their childhood experience and can't say I made an error somewhere. It's a mistake to do that.

I respect the spirit of my colleague. I understand his passion of protecting the public. I understand his desire of making sure things are done correctly to empower our police officers. But if he or anyone else wants to take it from the position of just the straight old flatfoot cop that I was, this is not the way to go.

ACTING PRESIDENT WRIGHT: Any other Senator wishing to be heard?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WRIGHT: Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Mr. President. I'll try to be brief on this issue.

If I could be helpful at all in trying to clear up the confusion on the other side of the aisle, this is about protecting victims. It is appropriate. This isn't singling out somebody for some reason other than recognizing that victims of crime are victims, not people who are simply asked who they are.

And because of that, and because of the real world experience that I cited in my remarks earlier, I'm voting yes and I urge my

colleagues to vote yes as well.

ACTING PRESIDENT WRIGHT: Senator Diaz, to explain his vote.

SENATOR DIAZ: This is a school here. After listening to the captain, to the master, and his reason and his explanation, whoever votes in favor of that bill needs to be judged by a higher authority.

Mr., Senator, Captain Adams, I want to be like you when you I grow up. You convinced me with facts. You convinced me with words better said than anybody else. I voted yes last year. And listening to you on the reasons you're giving me and the way you put it, how could I vote yes? How could anybody vote yes? Mr. Senator Adams, you are it.

Thank you very much. I'm voting no.

ACTING PRESIDENT WRIGHT: Senator DeFrancisco, to explain his vote.

SENATOR DEFRANCISCO: I'll explain how someone could vote yes.

Number one, with respect to the Miranda warnings, you don't even have to give

those upon arrest, it's only when you want to question somebody. That is the specific purpose behind it. You can't use a statement unless the Miranda warnings were given.

With respect to whether it's good police practice or not, as Senator Adams suggested, to advise the person -- this doesn't say young people, it says person -- that if they lie about their identity they could get in trouble, if that's good police practice, this bill doesn't stop you from doing that if you choose to do that.

All this bill says is if you misidentify yourself, a police officer doesn't have to explain that that's wrong. And I think one phrase that Senator Alesi made was pretty clear, that a 3-year-old would know it's wrong. I mean, what are you explaining? What information are you giving to the person?

And if they make a mistake, God -- every one of us has made a mistake as a young person. That doesn't mean you're going to be prosecuted, tried and convicted. But it's a worse mistake to have a child or anyone else misidentify himself and then not be able to

have any consequences for it because the police officer failed to identify that this is something wrong.

To me, that's a horrible message to a young person. It's better there is a consequence because it is a wrong thing to do, especially to a police officer.

So I don't -- that's how I vote yes, Senator Diaz, and I would stand by that rationale.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Adams, to explain his vote.

SENATOR ADAMS: With respect to my colleague, some bills don't have to state that they identify young people. When you do an analysis of the interaction between police and civilian, the overwhelming number of interactions are young people, overwhelming.

Currently the reason I'm voting the way I am is because the current laws, as they state, if a person commits a crime and the police officer questions him and fails to give him his Miranda, then in the proceeding the fruits of the poisonous tree kicks into place,

where if the police officer questioned this person on dealing with a particular crime and that police officer didn't give the person the Miranda, you endanger the entire charge. So those systems that are put in place is to safeguard the public.

If a person commits multiple crimes and the only crime we're talking about is that he lied on his identity, you don't lose those crimes that he committed. That person would still be arrested for those crimes and prosecuted for those crimes.

So we're not jeopardizing the process of the criminal justice system by ensuring that that warning is in place beforehand. And that's why I'm voting no.

ACTING PRESIDENT WRIGHT: Senator Adams will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 25 are Senators Adams, Connor, Diaz, Duane, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Parker, Perkins, Sampson, Savino, Serrano, and Stewart-Cousins.

Ayes, 47. Nays, 14.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, just a reminder that there is a regularly scheduled meeting of the Crime and Corrections Committee at 1:30 in Room 124.

If we could continue with the controversial reading of the calendar.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 192, by Senator DeFrancisco, Senate Print 1829A, an act to amend the Penal Law.

ACTING PRESIDENT WRIGHT: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. Will the sponsor, Senator DeFrancisco, yield for a question?

SENATOR DEFRANCISCO: Yes.

ACTING PRESIDENT WRIGHT: Senator DeFrancisco, will you yield for a question?

SENATOR DEFRANCISCO: Yes.

ACTING PRESIDENT WRIGHT: Thank

you.

The Senator yields, Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you. Through you, Mr. President, I'm seeking a clarification from the sponsor.

And will the sponsor clarify the definition in -- the new definition, which is C, which is member of the armed forces? Does that definition include a person who is in the military reserve, whether or not that's on active duty or inactive duty?

ACTING PRESIDENT WRIGHT: Senator DeFrancisco.

SENATOR DEFRANCISCO: The intent of the bill is it doesn't differentiate between the two, and both would be included.

SENATOR CRAIG JOHNSON: I'm sorry, Mr. President, I didn't hear.

SENATOR DEFRANCISCO: The bill doesn't differentiate between active and nonactive, and so the intent of the bill is to include both.

ACTING PRESIDENT WRIGHT: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. I've been clarified. Thank you very much.

ACTING PRESIDENT WRIGHT: Thank you.

Is there any Senator wishing to be heard on the bill?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Calendar Number 224, by Member of the Assembly Silver, Assembly Print Number 3736A, an act to amend the Executive Law.

ACTING PRESIDENT WRIGHT: Senator Skelos.

SENATOR SKELOS: Can we now take up Calendar Number 224.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 224, by Member of the Assembly Silver, Assembly Print Number 3736A, an act to amend the Executive Law.

ACTING PRESIDENT WRIGHT: Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

Today is a major, significant day for the New York State Senate as we pass landmark ethics and lobbying reform legislation as part of a three-way agreement between all the parties, among all the parties. The Assembly has already passed this measure, and the Governor is obviously poised to sign it, as it is his program bill as well.

This will impose significant new standards for public officials in New York State, it will strengthen penalties for ethics violations and will establish an independent Public Integrity Panel to enforce ethics and

lobbying laws.

Certainly this agreement combines the current State Ethics Commission and the State Lobbying Commission. It certainly would also replace the current Legislative Ethics Committee with a new Legislative Ethics Commission that has a majority of independent members and requires some new disclosure requirements.

These are reforms will make state government much more transparent and open. It certainly builds upon the record of this body in the past. For over ten years we have proposed new strict lobbying and ethics disclosure forms and provisions in this house, and we've been out in front on this issue for many, many years.

Two years ago we took a major step forward when we passed legislation that I sponsored that implemented certain reforms with regard to procurement lobbying reform. And those were at the time the most sweeping reform and overhaul of the state's lobbying laws in a generation.

The reforms that we're doing today

are also very substantial. They would prohibit all gifts from lobbyists and their clients of more than nominal value, including travel, lodging, and other expenses, and broaden the type of lobbying activities that lobbyists must disclose.

It would ban virtually all honoraria for statewide officials, agency heads and legislators, and it would prohibit state employees from participating in any personnel decisions or contracting with regard to relatives.

It would prevent agency heads from becoming a candidate for any compensated elective office unless they resign or take unpaid leave of office and would prohibit elected government officials and candidates for elective local, state, and federal offices from appearing in taxpayer-funded advertisements.

And it would also close the revolving door by prohibiting former legislative employees from directly lobbying the Legislature for two years, and it would expand the revolving-door prohibitions on the

Executive chamber employees to preclude appearances before any state agencies.

These reforms and changes are sweeping and they are significant, and it is an example of how, when we work together, we can achieve some great results for the State of New York. And I commend them for your passage.

ACTING PRESIDENT WRIGHT: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today is a great day for the State of New York. Today we are passing a bill on ethics reform. We all know, we all know that we would not be here today passing this bill if it were not because Governor Eliot Spitzer and the New York media has pushed all of us to do this, especially the five men in the room.

Today we have a bill sponsored by Assemblymember Silver and Senator Bruno -- those are the leaders -- Silver, Bruno, the two Minority Leaders and the Governor. Because the press has been pressuring the leaders, today we have a bill that everybody

is taking credit on. We have to understand that we're doing it because of Eliot Spitzer.

However, people have told me, Don't speak on the bill, because you're going to do damage, damage to yourself. And other people have told me, Do you have a death wish to speak on this bill?

None of them. None of them. But I know that people look at me different than all of you. Because my positions on gay issues, because my position on abortion, because my position on moral issues, people look at me different than some of you.

And the way -- as I told my conference yesterday, I have tons of enemies there waiting for me to fall down and to get me. Reporters, community leaders, elected officials, DAs, they're all there, waiting.

And I'm not opposing the bill, I'm just going to give you my questions on the bill. Because there are things in this bill that open me, open myself to be a target. And tomorrow you might read the newspaper talking about me all kind of things. Because all it needs is someone to say that you did something

wrong, and the media jumps on you. They write everything about you that they could write, and they don't even care if what is written about you is true or not. And people read.

Now, they have some things here that I have been questioning for a month in my conference, and as of today I have no response. One of the sections, called "Honoraria," bans virtually all honoraria for speeches given at a public or private conference, convention, meeting, social event, meal or like gathering by statewide elected official agency heads legislators. Speeches unrelated to our public office are excluded.

And I ask this question, the question that I going to ask now, I asked that question in my conference. And you know what? People laughed at me. And the question I asked was this. What happens to people like me that are ministers? When we speak out there and when we have to preach out there, what happens to us?

You know the response I got in my conference? One of the members says, "Oh, allow me to collect the offerings." All the

members say, "Oh, I want to be your usher." Funny. It was funny. But all the members asked questions about their speeches out of religion, and that was okay. And that was okay.

But when I asked the question, when they say -- the law says speeches unrelated to their public office are excluded, you want to tell me that when I speak -- you know, ladies and gentlemen, I want to tell you, I want the people in my 32nd Senatorial District that are listening or viewing me to know that most of my speeches, when I preach, are based on what I do here. Most of my speeches when I speak in my church are based on the wrong things that are done in this place.

So it says speeches unrelated to their public office are excluded. So does that mean if I speak in my church and I talk about the atrocities that sometimes are done in this place or the immoral laws that sometimes pass here, I'm going to be subject to a violation of the ethical law because I'm speaking related to my work?

And someone that runs against me or

a reporter could take that and say Senator Diaz been accused of violating the Ethics Law, because it says that I only can speak about things that have nothing to do with my job here.

And I'm telling you, all of you today, and the people in my district, the ones that vote for me, it will happen with me. I will violate this law, because I will continue speaking in my speeches about things that happen here. Things that I believe are wrong, when I speak in churches, I will speak about the work that I do. I will violate the law. They're going to -- they're going to -- this is done specific to get me.

Let me tell you another thing. Taxpayer-financed advertisements. Prohibit elected government officials and candidates for elective local, state or federal office from appearing in taxpayer-funded advertisements or promotions, including public or community service announcements. Prohibit the use of taxpayer money to pay for such appearance.

What that means? I've been asking.

This State Senator -- none of you, but this State Senator, I'm going to speak for myself -- I contribute and I give money to Little Leagues, I give money to social groups, I pay for Family Days in all the housing developments in my district. I pay and I help with something called National Night Out. And you know, most of those groups, when they announce their event, they use my face and they put my name. This law says that if they do that, if they receive money from the public funds, I will be in violation of the ethics law.

My son and I -- see, in the County of the Bronx, we have Puerto Rican Day Parade, Dominican Day Parade, every kind of parade except we never had, in the County of Bronx, Afro-American Day Parade. My son and I together, with Miss Carmella Price, in the Bronx we organize the first Afro-American parade in the Bronx County. And we are now doing -- this has been going on for four years that we're going to do this year.

And we give money to that people to conduct the Bronx Afro-American Day Parade.

Carmella Price, my son and I, we did that. And when they promote the parade, they use our picture and they use our name.

They're going to say the law says that if they do that, I will be in violation of the Ethics Law. If a Little League or any organization in my district, the ones that I help, they do their party, they use T-shirts and they put my name in the back, I will be in violation of the Ethics Law.

If the flyer, as I said before, put my -- look at this flyer. Look at this flyer. It's my face. This flyer is done by the New York Library Association.

ACTING PRESIDENT WRIGHT: Senator Libous.

Excuse me, Senator Diaz.

Senator Libous.

SENATOR LIBOUS: Point of order, Mr. President. I believe the Senate rules do not allow visual aids on the floor.

SENATOR DIAZ: Okay.

ACTING PRESIDENT WRIGHT: Your point is well taken, Senator.

SENATOR DIAZ: Accepted.

Please forget that you saw that.

(Laughter.)

ACTING PRESIDENT WRIGHT: Thank you, Senator. We would not want to find you in violation of our rules.

SENATOR DIAZ: I never showed this here. It never happened.

But that is -- that face in that poster will make all of us in violation of the Ethics Law.

So this is a good day for New York. And Governor Spitzer got also with the media to do this, and the five leaders. But as of today, those questions that I have, nobody has answered to me.

Oh, it's a great bill. Of course it's a great bill. But I have so many enemies out there. People run against me, when people going to run against me, they're going to use -- how could I -- how would I know, how would I know if an organization throws a flyer with my face promoting their activity? How do I know? I'm going to be in violation of the Ethics Law because they're using my face.

So organizations cannot use your

face? If they receive public funds they cannot put your name in any of their literature, they cannot promote an activity with your name or your face? You cannot be in any announcement of any activity in the community because you want to promote an activity? I want to promote the Afro-American Day Parade in the County of the Bronx. I cannot be in any promotion because I will be in violation of the Ethics Law?

So this is a day that the law has made. We are passing a law -- and by the way, I am voting for it. And I will support it and I will vote for this law. I just wanted to tell you that you cannot ask me to speak in my church or in churches throughout the State of New York and not use things that is done here, because I will continue using that. And I will be subject to be in violation of the Ethics Law that we -- that I am approving today.

But I will continue using and preparing speeches and giving lectures throughout the state to the Hispanic community. To the Hispanic evangelical

community, I will continue giving lectures and speeches in what happens here.

And they sometimes will give me an offering. They sometimes will pay my fee. And they sometimes will give me something. Many times they don't, many times they do. My church will continue giving me my stipend, and I will continue speaking in my church against what I believe is immoral, against what I believe is no good, against what I believe is wrong. That's my job as a State Senator, that is my job as a preacher.

The bill says I cannot do that? Ladies and gentlemen, people that are watching me in my district, I will be in violation of the Ethics Law. The law says that community group cannot promote my face? I will promote one of the biggest things that I think will happen soon in the Bronx, the Afro-American Parade in the Bronx County soon will be the biggest thing that ever happened in the County of the Bronx. And I will continue promoting that, and I will continue fighting for that.

The Ethics Law says I cannot do it. People cannot put my name, people cannot use

my name, committees cannot use my name. And tomorrow the New York Post will put my name in their editorial: the corrupt Senator. And they will call me all kind of things. And there are people dying to get me.

You know sometimes what I think? Go ahead, hurry up, do it. As Jesus told Judah: Judah, I know what you're going to do, I know what it is you intend to do. And that was in the Last Supper. Hurry and up and do what you have to do.

People out there who are trying to get me, here is the opportunity. With this bill, they really have the opportunity to get me.

I'm voting yes, Mr. President. I'm voting yes, ladies and gentlemen. But I have to vent. I have to vent the funny things, the abuses and the things that happen even in my own Democratic conference when they talk about my religion and they think that it's funny. I will vote yes, and this bill will hang me.

Ladies and gentlemen, thank you very much. Mr. President, I just want to say that.

ACTING PRESIDENT WRIGHT: Thank you, Senator Diaz. You will be recorded in the affirmative.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I'm going to vote for this bill. I'm delighted that it has a total gift ban. I first proposed that as a Senate rule some, I don't know, eight or nine years ago. And we -- I certainly have observed, for the last I guess it's nine years, a voluntary gift ban that many of us committed to then. I think many of us have. I'm not sure newer members who have come in since then are as up to par on understanding what that meant.

This has many, many good provisions in it. Things that are not in it that I would like to have seen is I don't know why, when we do our financial disclosures, the amounts are masked out. I know how it got there. I remember, back when that passed in 1987 or '88, a particular leader being concerned about not showing the amounts.

But, you know, I told the press,

when they asked me about that: "You want to see?" Anybody can call my office since 1987 and get a copy of my ethics report with the amounts shown, the categories of amounts. Nobody ever asked. But it was always there. I've occasionally given it to a reporter who I had this discussion with.

I think that should be out there. I think we need to address the perception that's out there that's been fostered in certain quarters, you know, that somehow or other the Legislature as an institution suffers from ethical blindness or lack of sensitivity to ethical concerns.

Things that aren't in here that should be. Addressing what Senator Diaz did, because I agree. The honoraria ban, good government groups, the press got on it. Honoraria, honoraria. Let me say something, Mr. President. In 29 years here, and I've been known to give a good speech or two, I've never gotten an honorarium for a speech. Never asked. A couple of times it was offered. I said, "Nah, give something to charity."

In banning honoraria, it's interesting -- and it's what Senator Diaz tried to address -- there's an attempt to carve out things. Like there's a carve-out for if it's not related to your work here, you can do it. And you can get travel reimbursement if it's related to your other business or profession. I say to my lawyer colleagues, go give a speech somewhere and talk about the law.

And I have been asked to do that, to talk to lawyers' groups and other groups and explain election law. Everybody knows I do that. That's related to my profession. I practiced that kind of law, believe it or not, long before I was elected a mere 29 years ago.

How is it not related to what we do here, though? Someone will say, Connor got paid to go talk to this group and instruct them on the developing election law. And of course any good lawyer knows, if you go to a CLE course and all, part of the commentary is going to be, well, there have been proposals to change this, this is likely to change or a new law passed last year and it changed this.

That's what lawyers do, as lawyers. But how does that not relate to what I do here?

And I say to every one of my lawyer colleagues, go give a talk somewhere to a group that pays you to talk about your particular area or expertise in the law. And you tell me how that's never related to votes you take here or laws that get passed here. It always is.

And I say to other colleagues with outside interests, suppose you're an insurance broker or an insurance whatever, go give a talk in your other profession to a group on insurance. Get reimbursed for the travel to Kansas to give the speech. Get paid for your time. How is that unrelated to what the Legislature does? You work, you pass on insurance laws all the time.

And take any other area of business. If your profession is educator -- and, I don't know, we have former educators here. I know we once had a colleague a few years back, he was actually the chair of our conference -- we had two, actually. Their outside -- as they put it, their outside

business interests were they were educational consultants.

Now, they never did any work in New York State. I understood that. Didn't want the appearances of that. But how, being an educational consultant in Colorado, how is that not related to the work you do here on education issues?

So I think this attempt to carve out and protect members' legitimate outside interests will fail woefully. And that brings us to the point. What's really the point?

My colleagues, it's time to bite the bullet. Congress did it 30-some years ago, in the face of concerns that we have been hearing in the public these past years. Congress did it. They finally bit the bullet back in the late '70s and they said no more active, as opposed to passive, outside income. They also doubled their salaries and put a COLA feature in. And they eliminated all sorts of concerns.

Yeah, they got in a jam a decade later because there was an exception if you published books. And we all know the history

of that. And a couple of people got burned with their so-called publications that they were pushing on interest groups by the boxful.

But it's time to -- you know, this attempt to have it both ways isn't going to work. What Senator Diaz said is true. What I say is true. You think about it. You think about it before you go to some business or bar association or whatever event, forum, conference somewhere where you're being reimbursed for your travel and you're getting paid for your time. How does anything that goes on not relate to what this Legislature does?

And it's time, and I will have legislation to propose shortly, that we just bite the bullet. If you want to serve -- and look, let's get real, all of us who try and do something else. How much time do you really have to spend on your business or law practice? Very little. The demands of this job, in the 29 years I've been here, have just increased, increased, increased.

People say to me, Oh, you have a law practice. Yeah. Why do I do election law

besides the fact that I know how to do it? Well, July and August. Sometimes it's the end of November. That's about it. It works with our legislative schedule.

A real law practice with real clients? Not that all of you as candidates aren't real clients. I try and make you real clients to pay bills. Sometimes that doesn't work.

And by the way, the interesting thing is the press say to me -- you know, they say to lawyers, list your clients, list your fees, make them public. Now, we know, if we are lawyers, well, you have confidentiality problems doing that.

I always say to the press, go to the Board of Elections. You'll find all my clients. You'll find all my fees. They're in campaign reports. So I really -- that's why I never mind giving out my ethics disclosure with how much I make. If somebody diligently added it all up from the Board of Elections records, they'd know.

But it is time to bite the bullet. This attempt to have it both ways and to pick

on honoraria -- is the problem really that somebody gets a $300 honorarium and that's a bigger problem than somebody who gets some huge consulting or legal retainer contract and it's not clear to the public?

And I'm not saying you're not doing the work for it, but it's not clear to the public why you're getting that $100,000 or $50,000 check from a group that coincidentally has some indirect or direct interest in some legislation or whatever.

So it's really -- this attempt to please them and say, Oh, we got rid of honoraria -- oh, but we have these exceptions -- the exceptions won't work. The measure doesn't go far enough. Once they start picking at the holes in this and pointing fingers, we will not have cured the problem of perception. We'll be right back where we started from, with far less credibility.

So I'm going to vote yes, but I don't think this is the answer. And I have serious, serious concerns. And you, my colleagues -- you, my colleagues who have

outside business interests, ought to have the same concerns.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Any other Senator wishing to speak?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 46. This act shall take effect on the 30th day.

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WRIGHT: Senator Lanza, to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

I rise to support this bill. I will be voting in the affirmative.

I've heard the concerns, and they're valid. But as Senator Connor said, it's time to do something and the time is now. And I am pleased to be part of these historic reforms which I believe will bring accountability and transparency to this great

state government.

And I want to thank Senator Bruno for his leadership, Senator Winner as well, and all my colleagues who have brought us to this historic point.

In some respects this is the most important measure that we will address in this body, because everything else that we seek to do as we advance the best interests of the people that we represent, the success of all that, in part, depends on us getting this right.

And that's because it is important for the people to have trust and confidence in us that government will work effectively, efficiently, and honestly on their behalf. And that's because the compact that we have, the covenant that we have is with them, the people, not the Governor or some special interest.

And it's important that we have that trust as well. That, at the end of the day, is our lifeblood, the trust of the people who sent us here to do their bidding.

There have been practices that have

tended to erode that trust. I think this measure goes a long way in restoring that trust. And I think that this measure is important not just for what it does but for what it allows us to do, and that is to advance the best interests of the people of the State of New York, to deliver the best healthcare system, education, improve transportation, reduce government waste, reduce the onerous and punitive taxes that are driving families and businesses out of this state.

And so that's why I believe this is an historic day and this is historic legislation. And that's why I support it and I vote aye, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Lanza will be recorded as an aye.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you. To explain my vote.

I also just wanted to rise quickly to say how important I think this legislation is. I'm very proud that three bills that I

have carried in this Senate, in 2004, 2005 and 2006, actually are incorporated into this legislation.

And I know that there's controversy. And I know that some of our colleagues have raised concerns about the standards we are held to in this bill. But as I often explain to people in my own district, it is an honor, a privilege and a responsibility to serve as a legislator representing them. And we are the people who they give the power to to make the laws that they have to live under.

And so I make the argument that we should be held to higher standards than our constituents, because in fact no one put a gun to any of our heads and made us become New York State Senators or Assemblymembers or other public officials. We asked for their vote, their support. And we have an enormous responsibility to be accountable to them and for the laws of the state that affect all 19 million New Yorkers.

So I would argue that this is a beginning, that there are more laws we need to

move -- on campaign finance, on how we use our funds, on so many other reforms in this house and in the other house. So I am proud to vote for this bill, and I am delighted that we are going to move this into law ASAP.

Thank you. I vote yes.

ACTING PRESIDENT WRIGHT: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Maltese, on page number 16 I offer the following amendments to Calendar Number 172, Senate Print Number 1237, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT WRIGHT: The amendments are retained and adopted, and the bill will hold its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, a couple of things.

If the desk would please put all members of the Senate on the legislation that was just passed. If anybody wishes not to sponsor it, they should indicate to the desk.

ACTING PRESIDENT WRIGHT: The Secretary is so directed.

SENATOR SKELOS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT WRIGHT: There is no further business, Senator Skelos.

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, March 12th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT WRIGHT: On motion, the Senate stands adjourned until Monday, March 12th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 2:13 p.m., the Senate adjourned.)