NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

October 22, 2007

3:11 p.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, Jr., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT WINNER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, October 21, the Senate met pursuant to adjournment. The Journal of Saturday, October 20, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT WINNER: 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 Griffo.

SENATOR GRIFFO: Mr. President, I wish to call up Print Number 56, recalled from the Assembly, which is now before the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 19, by Senator DeFrancisco, Senate Print 56, an act to amend the Penal Law.

SENATOR GRIFFO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR GRIFFO: Mr. President, I now move to commit the bill to the Committee on Rules.

ACTING PRESIDENT WINNER: So

ordered.

SENATOR GRIFFO: Mr. President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Bill 4919, from Senator DeFrancisco; and Senate Bill 6365, from Senator Maltese.

ACTING PRESIDENT WINNER: So ordered.

Senator Griffo.

SENATOR GRIFFO: Mr. President, I wish to call up Calendar Number 1274, Assembly Print Number 1239.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1274, by Member of the Assembly Paulin, Assembly Print Number 1239, an act to amend Chapter 912 of the Laws of 1920.

SENATOR GRIFFO: I now move to reconsider the vote by which this Assembly bill was substituted for Senate Print Number 2858 on June 18th.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR GRIFFO: I now move that the Assembly Bill Number 1239 be recommitted to the Committee on Rules, and that the Senate bill be committed to the Committee on Rules also.

ACTING PRESIDENT WINNER: So ordered.

Senator Griffo.

SENATOR GRIFFO: Mr. President, I wish to call up Calendar Number 2087, Assembly Print Number 8015.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 2087, by Member of the Assembly Farrell, Assembly Print Number 8015, an act to amend the Tax Law.

SENATOR GRIFFO: I now move to reconsider the vote by which this Assembly bill was substituted for Senate Print Number 4558 on June 21st.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR GRIFFO: I now move that the Assembly Bill Number 8015 be recommitted to the Committee on Rules, and that the Senate bill be recommitted to the Committee on Rules.

ACTING PRESIDENT WINNER: So ordered.

Senator Griffo.

SENATOR GRIFFO: Mr. President, I wish to call up Calendar Number 1234, Assembly Print Number 8647A.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1234, by Member of the Assembly Weinstein, Assembly Print Number 8647A, an act to amend the Civil Practice Law and Rules.

SENATOR GRIFFO: I now move to reconsider the vote by which this Assembly bill was substituted for Senate Print Number 3166D on June 21st.

ACTING PRESIDENT WINNER: Call

the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR GRIFFO: I now move that the Assembly Bill Number 8647A be recommitted to the Committee on Rules, and that the Senate bill be committed to the Committee on Rules.

ACTING PRESIDENT WINNER: So ordered.

SENATOR GRIFFO: Mr. President, I wish to call up Senate Print Number 5891, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1658, by Senator Young, Senate Print 5891, an act to amend Chapter 78 of the Laws of 1981.

SENATOR GRIFFO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR GRIFFO: Mr. President, I now move to recommit the bill to the Committee on Rules.

ACTING PRESIDENT WINNER: So ordered.

Senator Skelos.

SENATOR SKELOS: If we could adopt the Resolution Calendar, with the exception of Resolutions 3488, 3527, 3582, and 3624.

ACTING PRESIDENT WINNER: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3488, 3527, 3582, and 3624, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 3527, by Senator Bruno, have the title read, and move for its immediate adoption.

And Senator Bruno would like to open it up for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 3527, commemorating the 110th Anniversary of the New York State Parent Teacher Association.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: If we could open that up for cosponsorship. If anybody wishes not to cosponsor it, they should notify the desk.

If we could take up Resolution 3582, by Senator Fuschillo, have the title read, and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 3582, urging the New York State Congressional delegation to eliminate the five-year expiration date and make the National "Do Not Call" Registry permanent.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 3624 is at the desk, by Senator Sampson. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 3624, commemorating the 50th Anniversary of the historic integration of Central High School, in Little Rock, Arkansas, and paying tribute to the courageous "Little Rock Nine."

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

All members not wishing to be a cosponsor on not resolution, please notify the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 3488 is at the desk, by Senator Trunzo. If we could have it read in its entirety, move for its immediate adoption, and I believe Senator Trunzo wants to open it up for cosponsorship and to comment on the

resolution.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Trunzo, Legislative Resolution Number 3488, paying tribute to United States Navy SEAL Lieutenant Michael P. Murphy, upon the occasion of being awarded the Congressional Medal of Honor.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to a truly courageous individual of distinguished purpose and true commitment who acquitted himself honorably during Operation Enduring Freedom; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to pay tribute to the memory of United States Navy SEAL Lieutenant Michael P. Murphy upon the occasion of being awarded the Congressional Medal of Honor; and

"WHEREAS, The first United States Navy SEAL since the Vietnam War to be awarded the Congressional Medal of Honor, Lieutenant

Michael P. Murphy is the third recipient since troops were sent to Afghanistan in 2001; and

"WHEREAS, A native of Patchogue, New York, Lieutenant Michael P. Murphy graduated from Patchogue-Medford High School in 1994 and attended Penn State University, where he received bachelor of arts degrees in political science and psychology and graduated with honors in 1998; and

"WHEREAS, Accepted to several law schools, Lieutenant Michael P. Murphy instead set his sights on becoming a United States Navy SEAL. He accepted an appointment to Officer Candidate School in Pensacola, Florida, and was commissioned an ensign on December 13, 2000, and graduated from SEAL training in 2001; and

"WHEREAS, On June 28, 2005, Lieutenant Michael P. Murphy was the officer in charge of a four-man SEAL element in support of Operation Red Wing tasked with finding a key anti-coalition militia commander near Asadabad, Afghanistan, when their mission was compromised; and

"WHEREAS, A fierce firefight

ensued, with more than 50 anti-coalition militia firing on the outnumbered Navy SEAL team. Despite the intensity of the firefight, and suffering from grave wounds himself, Lieutenant Michael P. Murphy risked his own life to save the lives of his comrades by moving into the open for a better position to transmit a call for help; and

"WHEREAS, While continuing to be fired upon, Lieutenant Michael P. Murphy calmly provided the location of his unit and the size of the enemy force and requested immediate support for his team; and

"WHEREAS, At one point, Lieutenant Michael P. Murphy was shot, causing him to drop the transmitter. He picked it back up and completed the call while continuing to fire at the enemy that was closing in; and

"WHEREAS, Severely wounded, Lieutenant Michael P. Murphy then returned to his cover position, where he continued the battle with his SEAL team. By the end of the two-hour firefight, he and two of his comrades were killed, while the fourth managed to escape; and

"WHEREAS, By his undaunted courage, intrepid fighting spirit and inspirational devotion to his men in the face of certain death, Lieutenant Michael P. Murphy was able to relay the position of his unit, an act that led to the rescue of one member and the recovery of the remains of the three who were killed in the battle; and

"WHEREAS, In addition to the Congressional Medal of Honor, Lieutenant Michael P. Murphy was the recipient of the Purple Heart, the Combat Action Ribbon, the Joint Service Commendation Medal, the Navy and Marine Corps Commendation Medal, the Afghanistan Campaign Ribbon and the National Defense Service Medal; and

"WHEREAS, The highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, the Medal of Honor is generally presented by the President in the name of Congress; and

"WHEREAS, Dating back to the Civil War, the Congressional Medal of Honor commemorates acts of military bravery

performed above and beyond the call of duty. Initially, only enlisted men could be considered for the award, but it was later changed to include officers as well; and

"WHEREAS, Lieutenant Michael P. Murphy is survived by his mother, Maureen Murphy, his father, Dan Murphy, and his brother, John Murphy, all of whom felt privileged to be a part of his life and rejoiced in his many achievements; and

"WHEREAS, The banner of freedom will always wave over our beloved New York and all of America, the Land of the Free and the Home of the Brave; and

"WHEREAS, Residents of this great state must never forget the courage with which Lieutenant Michael P. Murphy served his country, and must recognize that no greater debt is owed than that owed to those who gave their lives for their beloved nation and to those who continue to be missing in action; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the memory of United States Navy SEAL

Lieutenant Michael P. Murphy upon the occasion of being awarded the Congressional Medal of Honor; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of United States Navy SEAL Lieutenant Michael P. Murphy."

ACTING PRESIDENT WINNER: Senator Trunzo.

SENATOR TRUNZO: Mr. President, today in Washington, D.C., the family of Navy Lieutenant Michael Murphy will be presented with the Medal of Honor, our nation's highest military award.

Lieutenant Murphy was killed in action in Afghanistan on June 28, 2005, while his four-man Navy SEAL team was being fired upon by over 50 members in the Taliban militia.

Lieutenant Murphy moved into the open so he could radio a call for help. He showed no regard for his personal safety. He was shot, causing him to drop the radio transmitter, but was able to pick it back up and complete the call for help. He then made

it back to his teammates and continued the battle.

During the two-hour battle, he and two other members of the team were killed, and the fourth one was rescued.

Lieutenant Michael Murphy is a true hero, and we owe all the other men and women who have died defending our freedom a tremendous debt of gratitude.

Mr. President, I request that all members of the Senate be put on this resolution unless they ask not to be.

With that, thank you very much.

ACTING PRESIDENT WINNER: Thank you, Senator Trunzo.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

And to echo what Senator Trunzo has just said, I chair the Committee of Veterans, Homeland Security and Military Affairs for the state. And we all are aware and understand that the Congressional Medal of Honor is the highest award for valor that our country can grant. It is an award that is all too often

given, as in this case, posthumously.

Lieutenant Murphy, we have seen his family on the news recently telling us a great deal about their son and their great affection and love for him. And it gives us a greater understanding, I think, of the sacrifice that this brave young American made in order that the rest of us can enjoy the freedoms that we have.

The details that have come out concerning his action, this young Navy SEAL, is something that will live forever in the annals of our country and our great military traditions. So I join with my colleagues today in mourning his loss and in great gratitude for what he has done in protecting our great nation.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Leibell.

Senator Farley.

SENATOR FARLEY: Yes, I just rise to say thank you to Senator Trunzo for putting in this resolution honoring a truly great young man who gave his life for others in one

of the most heroic manners that anybody could speak of, if you look at the details of his death.

But also his parents. I saw them on television; how proud they were of what he did and of his life.

I appreciate the opportunity for my name to be on this resolution. This was truly a great New Yorker and a great American who gave his life for his country.

ACTING PRESIDENT WINNER: Thank you, Senator Farley.

Senator Maltese.

SENATOR MALTESE: Mr. President, I too rise and echo what Senator Leibell and Senator Trunzo have said, and Senator Farley.

Certainly the recognition that was accorded to this young man is a tribute not only to his own heroism and dedication and courage, but to his family and his friends.

The Medal of Honor, as Senator Leibell has indicated, is our highest award. It is an award that, as many of us know, is to be saluted even by the Commander-in-Chief, the President of the United States, when it is

worn by a recipient. Unfortunately, as Senator Leibell has indicated, too often and most often it is awarded posthumously for an act above and beyond the call of duty.

This young man was in a branch of the service, the Navy SEALS, that too often lose their lives. To lose his life in Afghanistan is a terrible misfortune. But certainly to lay down your life for your comrades and your country is something that should be kept in the annals of our nation's history forever.

I too join in commending Senator Trunzo and the other Senators for putting in the resolution, and I am most pleased to second it.

ACTING PRESIDENT WINNER: Thank you, Senator Maltese.

Senator Young.

SENATOR YOUNG: I rise to echo the sentiments of my colleagues and to point out that Michael Murphy carries on the bravery that we have in New York State.

Corporal Jason Dunham also received the Congressional Medal of Honor for his

actions in throwing himself on a live grenade to save his fellow officers. And today we add another name to that wall of honor.

And we're just so grateful for the sacrifices that these brave young men are making on behalf of freedom and on behalf of our country.

ACTING PRESIDENT WINNER: Thank you, Senator Young.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

The Senate stands at ease pending the return of the Rules Committee.

(Whereupon, the Senate stood at ease at 3:29 p.m.)

(Whereupon, the Senate reconvened at 3:49 p.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, could we return to reports of standing committees and take up the Rules Committee report at this time.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills.

Restored: Senate Print 2360C, by Senator Fuschillo, an act to amend the General Business Law;

3854B, by Senator Fuschillo, an act

to amend the General Business Law;

5750, by Senator Trunzo, an act to amend the Civil Service Law;

6000, by the Senate Committee on Rules, an act to amend the Tax Law;

4296, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

And Senate Print 6379, by Senator Bonacic, an act to amend the State Finance Law.

Reported to the calendar: Senate Print 755, by Senator Trunzo, an act authorizing the Town of Brookhaven;

1820, by Senator DeFrancisco, an act in relation to prohibiting;

3004B, by Senator Robach, an act to amend the Domestic Relations Law;

4157D, by Senator Golden, an act to amend the Vehicle and Traffic Law;

4875, by Senator Young, an act to amend the Criminal Procedure Law;

6136, by Senator LaValle, an act to amend the Education Law;

6232, by Senator Stachowski, an act to amend Chapter 276 of the Laws of 1993;

6407, by Senator Maziarz, an act to amend Chapter 62 of the Laws of 2003;

6428, by Senator Wright, an act to amend the Executive Law;

6431A, by Senator Lanza, an act to amend the Lien Law;

6444, by the Senate Committee on Rules, an act to amend the Tax Law;

6446, by Senator Golden, an act to amend the Real Property Law;

6447, by Senator Maziarz, an act to amend Chapter 487 of the Laws of 2007;

6452, by Senator Farley, an act in relation to validating;

6461, by Senator DeFrancisco, an act in relation to supervision;

6477, by Senator Padavan, an act to amend the General Business Law;

6478, by Senator Oppenheimer, an act to authorize;

6484, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

6485, by Senator Marcellino, an act to amend the Tax Law;

6487, by Senator Maziarz, an act to

amend the Labor Law;

6488, by Senator Maltese, an act to amend the Public Health Law;

6489A, by Senator Marcellino, an act to amend the Labor Law;

6490, by Senator Nozzolio, an act to amend the Labor Law;

6492, by Senator Golden, an act to amend the Civil Service Law;

6495, by Senator Maltese, an act to amend the Civil Service Law;

6498, by Senator LaValle, Concurrent Resolution of the Senate and Assembly;

6499, by Senator Skelos, an act to amend the Penal Law;

6500, by Senator Maziarz, an act to amend Chapter 433 of the Laws of 2007;

6504, by Senator Skelos, an act to amend the Public Health Law;

6505, by Senator Breslin, an act to amend Chapter 584 of the Laws of 2007;

6508, by Senator Fuschillo, an act to amend Chapter 33 of the Laws of 2002;

6509, by Senator Leibell, an act to

amend the Real Property Tax Law;

6514, by Senator Nozzolio, an act to amend the Civil Service Law;

6516, by Senator Libous, an act to amend the State Finance Law;

6517, by Senator O. Johnson, an act to amend the Tax Law;

6518, by Senator Padavan, an act to amend Chapter 611 of the Laws of 2007;

And Senate Print 6519, by Senator Flanagan, an act to amend the Labor Law.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, I move to accept the report of the Rules Committee.

ACTING PRESIDENT WINNER: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The

Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease.

ACTING PRESIDENT WINNER: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:54 p.m.)

(Whereupon, the Senate reconvened at 3:55 p.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: If we could now go to the noncontroversial reading of Senate Calendar Number 67.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 136, by Senator Fuschillo, Senate Print 2360C, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 631, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 6501B and substitute it for the identical Senate Print Number 3854B, Third Reading Calendar 631.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 631, by Member of the Assembly Pheffer, Assembly Print Number 6501B, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1113, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 5739 and substitute it for the identical Senate Bill Number 5750, Third Reading Calendar 1113.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1113, by Member of the Assembly Abbate, Assembly Print Number 5739, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1914, by the Senate Committee on Rules --

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT WINNER: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 2010, by Senator Fuschillo, Senate Print 4296, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2073, by Senator Bonacic, Senate Print 6379, an act to amend the State Finance Law.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2150, by Senator Trunzo, Senate Print 755, an act authorizing the Town of Brookhaven, Suffolk County.

ACTING PRESIDENT WINNER: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

2151, by Senator DeFrancisco, Senate Print 1820, an act in relation to prohibiting certain trucks with trailers.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Seward.

SENATOR SEWARD: Yes, to explain my vote, Mr. President, on 1820.

I commend Senator DeFrancisco for introducing this bill and having it passed today.

However, I'm going to be voting in the negative, only because there are communities in my district who are impacted by this legislation; they continue to have some questions about the bill which we hope to have resolved with the sponsor and others. In the meantime, I'm going to be voting in the negative.

However, this bill does address a serious problem, a serious issue that needs to be addressed, and I commend Senator DeFrancisco for tackling the issue. However, I will be voting in the negative at this particular time.

ACTING PRESIDENT WINNER: Senator Seward recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 56. Nays, 1. Senator Seward recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2152, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 7410B and substitute it for the identical Senate Bill Number 3004B, Third Reading Calendar 2152.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2152, by Member of the Assembly Morelle, Assembly Print Number 7410B, an act to amend

the Domestic Relations Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2153, by Senator Golden, Senate Print 4157D, an act to amend the Vehicle and Traffic Law and the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 130th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2154, by Senator Young, Senate Print 4875, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Young, to explain her vote.

SENATOR YOUNG: Yes, to explain my vote.

Earlier this year the Senate took the initiative and the leadership to pass a whole series of domestic violence bills. This one is a major step forward today, because what it does, it allows a victim of domestic violence to testify via closed-circuit television so that they won't be intimidated by their abuser.

So I want to commend everyone for their support of this bill, and I would urge everyone to vote yes.

Thank you very much.

ACTING PRESIDENT WINNER: Senator Young will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2155, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 9058 and substitute it for the identical Senate Bill Number 6136, Third Reading Calendar 2155.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2155, by Member of the Assembly Glick, Assembly Print Number 9058, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2156, by Senator Stachowski, Senate Print 6232, an act to amend Chapter 276 of the Laws of 1993 relating to authorizing.

ACTING PRESIDENT WINNER: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2157, by Senator Maziarz, Senate Print 6407, an act to amend Chapter 62 of the Laws of 2003 authorizing and directing.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2158, by Senator Wright, Senate Print 6428, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

2159, by Senator Lanza, Senate Print 6431A, an act to amend the Lien Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2160, by the Senate Committee on Rules, Senate Print 6444, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 405 of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2161, by Senator Golden, Senate Print 6446, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2162, by Senator Maziarz, Senate Print 6447, an act to amend Chapter 487 of the Laws of 2007.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2163, by Senator Farley, Senate Print 6452, an act in relation to validating certain acts.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2164, by Senator DeFrancisco, Senate Print 6461, an act in relation to supervision.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes. I stand today to vote aye on this bill.

This and a companion bill that was passed earlier today really is a direct response to a serious problem in the village of Skaneateles in the Auburn area, Aurora, basically of truck traffic, traffic that includes sometimes hazardous waste, sometimes garbage going through very sensitive areas like the village of Skaneateles and the town of Skaneateles.

And it's a serious, serious problem when these large trucks go through these areas in order to avoid the superhighways that are available, 81 and also the Thruway.

So I appreciate this bill being brought to the floor, and I think this bill will go a long way in correcting that serious problem in Skaneateles and some of the towns and villages adjacent to it. So for those reasons, I vote aye.

ACTING PRESIDENT WINNER: Senator DeFrancisco will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Seward recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2165, by Senator Padavan, Senate Print 6477, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2166, by Senator Oppenheimer, Senate Print 6478, an act to authorize approval of certain transportation contracts.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2167, by Senator Padavan, Senate Print 6484, an act to amend the Vehicle and Traffic Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 2168, by Senator Marcellino, Senate Print 6485, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President. I rise to explain my vote.

This bill is the result of a confusion that has --

ACTING PRESIDENT WINNER: Senator Marcellino, would you suffer an interruption?

SENATOR MARCELLINO: Sure.

ACTING PRESIDENT WINNER: The chamber is a little bit loud. Could you please have some order and give Senator Marcellino the courtesy of your attention. Thank you.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

This bill was put in to extend the deadline on the STAR rebate program by 30 days because of the confusion that has been created by the procedures that were established by the Governor's offices.

A lot of people have not gotten

their checks on time, their letters notifying them of their STAR codes were not delivered on time. Those who filed online have not received any notification yet, or a check, as to whether or not they got their rebates. There are differences in different communities throughout the state.

So we think we -- we know we need more time. This bill will provide us at least another 30 days so that our constituents can go out and do what they have to do and recognize that if they haven't already filed or if they haven't received that letter, they should file the appropriate forms to make sure that they are on record prior to the deadline.

So this bill should be passed unanimously, because it's to the benefit of all of our constituents.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT WINNER: Senator Marcellino will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2169, by Senator Maziarz, Senate Print 6487, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2170, by Senator Maltese, Senate Print 6488, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2171, by Senator Marcellino --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT WINNER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 2172, by Senator Nozzolio, Senate Print 6490, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 578 of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

2173, by Senator Golden, Senate Print 6492, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 545 of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2174, by Senator Maltese, Senate Print 6495, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2175, by Senator LaValle, Senate Print 6498, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 26 of Article 6 of the Constitution.

ACTING PRESIDENT WINNER: The Secretary will call the roll on the concurrent resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The resolution is adopted.

THE SECRETARY: Calendar Number 2176, by Senator Skelos, Senate Print 6499, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2177, by Senator Maziarz, Senate Print 6500, an act to amend Chapter 433 of the Laws of 2007 amending the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2178, by Senator Skelos, Senate Print 6504, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2179, by Senator Breslin, Senate Print 6505, an act to amend Chapter 584 of the Laws of 2007 relating to the definition of "Erie Canal."

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2180, by Senator Fuschillo, Senate Print 6508, an act to amend Chapter 33 of the Laws of 2002 relating to authorizing.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2181, by Senator Leibell, Senate Print 6509, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Chapter 655 of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2182, by Senator Nozzolio, Senate Print 6514, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 22. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2183, by Senator Libous, Senate Print 6516, an act to amend the State Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 2184, by Senator O. Johnson, Senate Print 6517, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of the sales tax quarterly period.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2185, by Senator Padavan, Senate Print 6518, an act to amend Chapter 611 of the Laws of 2007.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2186, by Senator Flanagan, Senate Print 6519, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President.

If we could go to the controversial reading of the calendar and have the bells

rung at this time. And we'll just stand at ease.

ACTING PRESIDENT WINNER: The Secretary will ring the bells.

(Whereupon, the Senate stood at ease at 4:14 p.m.)

(Whereupon, the Senate reconvened at 4:29 p.m.)

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up, on the controversial calendar, Number 2167.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 2167, by Senator Padavan, Senate Print 6484, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, the bill that's on the floor is the ill-advised concept of the Governor to allow illegal -- illegal -- aliens to not only get driver's licenses but ID, ID that will be

used for Motor Voter registration, allowing people to register fraudulently.

What is before us really -- and everyone has to make their own judgments in their hearts on what's right and what's wrong. This concept of the Governor that he did all by himself, to my knowledge -- never talked with the Speaker, with myself, with 210 of the other legislators, and just got it out there -- it is ill-advised, it is wrong, we believe it's unconstitutional, federally, and may be against the law presently in this state.

Senator Padavan has been a leader on this issue for years and years and years, as many of you have -- I know Senator Kruger, Senator Golden, Senator Maltese, Senator Lanza, people in the city, where you have large populations.

All of us are sympathetic to immigrants. My father was an immigrant, just like many of yours. Came over with his brother when he was 16, went through an arduous process to be legal.

Now, why on earth -- and I

understand the humanity of helping people, believe me I do. But there are other ways to identify and help people who find themselves in an illegal status with an inability to access many of the things that lead to a quality of life.

It's not fair to the 19 million people to disadvantage them, to punish them.

And I'm so mindful of the fact that 18 out of 19 of the terrorists of 9/11 had a driver's license obtained fraudulently, allowing them to access aircraft, secure buildings, public buildings and private, and go where they pleased to do the death and destruction that they did. And there are others like that.

And apparently the Governor doesn't know that Tennessee and North Carolina that did this have fairly quickly moved away from it, because of all of the negative impact of what happened.

Now, Senator Smith, you're leader there. Now, you have been partnering with this Governor for better or for worse. Today I'm going to ask you to partner for better

with your colleagues here in this chamber who know what's right and they know what's wrong.

And the people of this state, 72 percent of them in the last poll say this is wrong, it should not happen, it's a threat to our security here in the state.

Senator Leibell and Senator Flanagan and others did a hearing -- was it last week? Everyone there was testifying how dangerous to our security, to our democratic way of life this is.

Now, just think of the act of unilaterally, by yourself, saying you 300,000, 400,000 broke the law, but I'm going to fix it for you. I am going to allow you, illegal, to become and do legal things.

Well, how about the people that are legally here who went through this process? How about those that are still waiting months, sometimes years to go through the process? Kathy Marchione, thank you for being here. Kathy is the state president of the county clerks.

My county clerk, Frank Merola, I think today has filed a lawsuit to keep the

Governor from moving forward. Frank's the county clerk, and when things are, you know, the way they should be, he runs most of the time unopposed. Why? Because is he a public servant who does the right things, as is Kathy.

A resolution was passed imploring the Governor, asking the Governor to please think about what you are doing to the people of this state, the safety of the people, the law-abiding citizens.

This isn't Democrat, it's not Republican, it's not political. It is right and it is wrong. And I'm imploring the Speaker in the Assembly to come on into session. This is our third trip in session. We've done a lot of things; we're going to do more before we leave here, with confirmations and other things.

But this is important. The Assembly should take this up, get it on the floor, and give the members over there an opportunity to express their heartfelt feelings.

And I, like many of you, understand

that there are two sides to issues. There are two sides to issues. Issues are debatable. You can take a position and defend. Sometimes in our business, you tell me which side you want me to be on and I'll defend it, just as you do. But this is clearly wrong. So I'm appealing to the Governor to think about what he is doing.

And I'm going to share with you that we're going to be joining -- if he persists, we are going to do everything that we can to keep this from happening, whether it takes legal, litigation, whatever it takes.

This is wrong, and we cannot sit here as elected representatives of the people and let 72 percent of the population of 19 million people be disadvantaged by this action.

Senator Padavan, thank you for your leadership. And, Mr. President, I know that Senator Padavan has a lot more information that is very constructive and productive for this body to hear.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank

you, Senator Bruno.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

And thank you, Senator Bruno, for putting this proposed legislation, this proposed law in proper context. I think you laid the groundwork extremely well, so that we understand not only our motivation but our purpose here today.

In June of 2005, a bill came before this house that did basically what this bill does; namely, to ensure that driver's licenses or driver ID cards in this state would be given to those people who are legally in this country. And it passed this house 38 to 19, with bipartisan support.

The bill before us today is sponsored in the Assembly by Assemblywoman Ginny Fields from Suffolk County. And as you know, there are many individuals who have already spoken out on this issue throughout the state -- notably, the mayor of the City of New York, the county executive in Suffolk, former Mayor Koch and others -- who have

indicated their concern and feelings that what has been brought about recently by regulation generated by the executive branch is the wrong thing to do.

Now, the bill before us relates specifically to the application for or the renewal of a nondriver ID card or a driver's license. It amends Sections 490 and 502 to require applicants without a Social Security number to provide proof of their ineligibility for a Social Security number.

An example might be a student in this country with a student visa who wants a driver's license but is not working and is therefore not about to get a Social Security number.

It adds another requirement to the same section, that the applicant prove that he or she -- and I think this is the salient issue -- is legally authorized to be present in the United States. This is the bottom line of all of this.

Now, there are some other issues that had to be addressed. Some of the applications have temporary time frames. It

has to indicate, in terms of what we propose, when the license expires, when that effective date is, and be identified as a temporary license.

There are three objectives to be met by this legislation. The first one, to address the concerns, the findings of the 9/11 Commission. Which, as you know, was a bipartisan group that met over an extended period of time, came up with a very comprehensive report dealing with all the failures of our intelligence system and what was in place in this country prior to 9/11 that allowed these individuals to do what they did.

Among their recommendations are specific areas of tightening forms of identification. They specifically refer to driver's licenses.

The Congress, using the Commission's report as a point of departure, developed what is called the Real ID Act. It specifies what states by 2008, May of 2008, must be doing to maintain the efficacy, legitimacy, and the identity of the individual

who has a driver's license.

You can get an extension if the state is logistically unable, technically unable to comply. But in the process of doing so, they must submit a plan by February of 2007 as to what they plan to do. So in other words, it's serious and it's effective next year.

The policy that I think has been articulated recently by the executive does an injustice and is in violation of both of those two objectives that I cited, both the findings and the direction of the 9/11 Commission and the specific requirements of the federal REAL ID Act.

Therefore, that being the case, if these regulations were ever to continue in effect, a driver's license in New York State would not be a legitimate document for you to use to go up to the airport counter to get on a domestic flight to travel to some other part of this country. You could not use it to go into a federal building for whatever purpose.

Banks would take it with suspicion, particularly if you started transferring

money. Which, by the way, the hijackers did, among other things, with their driver's licenses that they obtained in New Jersey and Virginia and Florida.

So our driver's license, not being in compliance with the federal REAL ID Act, would be diminished in its value and inconvenience every citizen of this state. There are 11.2 million licenses in the possession of citizens of New York State. All of those licenses would be undermined in terms of their value and how you could use them and where you could use them if this regulation were to go into effect.

So that, Mr. President, is the essence of the bill before us. And I know that Senator Leibell, Senator Flanagan, and Senator Libous had an extensive hearing on this subject, and many people came before them, including the former Commissioner Martinez, who we had a lot of discussion with in 2005 and we know about the regulations he put into effect.

And let me tell you one fact about those regulations requiring a Social Security

number and other proof. Once that was put into effect, within months, going into the federal ID database, over 100,000 licenses popped up with phony Social Security numbers, 100,000. So obviously he did the right thing. And therefore we know the kinds of problems that could be generated.

And at these hearings, there were many others who came forward, and I'm sure the Senators that I mentioned would be happy to share that input with us.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Padavan.

Senator Smith.

SENATOR SMITH: Thank you very much, Mr. President.

Let me just offer a few brief comments. I know some of my colleagues have something else they would like to offer. And I know that this is a sensitive matter, if you will. For some reason it has become increasingly emotional for some individuals.

I am not sure whether it is right or appropriate to sort of, if you will,

characterize immigrants or all immigrants, if you will, in that 9/11 episode that I've heard so often characterized over the last couple of weeks, as though once an individual gets a license, they are a proponent of potential terrorism. I'm not sure if that is thoughtful, nor am I sure if that is the right road that we want to go down in terms of individuals.

As Joe said, we were all immigrants at some point in time. I myself, my family at one point wasn't even a full citizen, if you will, and yet still we became productive citizens of this society.

Let me also say that this is nothing new. And I'm not sure if everybody understands that, that this actual policy is in effect in eight other states around the country. And there is no major challenges to an individual's ability to be an honest citizen or an individual who will follow the letter of the law.

This is nothing new. It is not something that you can say, Well, it happens in New York first and we're the test tube and

we're not sure what's going to happen. It's already happening.

In addition -- and I think Joe did talk about one or two individuals who are in support of Senator Padavan's bill. And I obviously applaud Senator Padavan for being thoughtful in what he is trying to do. But unfortunately, I think his bill has gotten a little bit lost in some of the overarching rhetoric that has gone on around this whole issue.

Now, we all know Richard Clarke. He was an antiterrorist czar for not only Clinton but also -- a lot of your friends -- Bush. He was the antiterrorist czar for him as well. And he himself has said this is the right direction to go, given the fact that Washington has failed to act.

Many of you know the former commissioner of New York City, Commissioner Bratton. He has also came out in support of this policy change. He said it is the right way to go.

What you have is individuals that you now can track. And I dare say to you some

of you recently heard of the individual by the name of Chester Stiles. Chester Stiles was a individual who was raping young ladies, 13, 14 years of age. Chester Stiles recently was caught. You know how Chester Stiles got caught? A routine traffic stop. And guess what? His license had expired.

The fact that he had a license, they were able to track who Chester Stiles was, track the fact that he had not had a license that was authorized, and it also brought to light the fact that here is someone who had been raping children.

Had he not had a license, we would not have found out who Chester Stiles was. To this day, Chester Stiles would still be on the street.

Our own DA in Albany, Soares, had a similar episode where if it hadn't have been for a license.

So what this does is it actually brings people out of the shadows, if you will. You want to be able to know where individuals are, you want to be able to track them down if in fact you need to do so.

This is not something that you should be frightened about. I mean, everyone has gotten to the point where you are using such aggressive, fear-mongering language that the moment that someone gets a license, that automatically they're going to become a legal weapon, if you will. And I just don't see that being the case.

This is an opportunity to say to individuals who work in our society, who are contributing to our society to a certain degree, that they are now coming out of the shadows that so that eventually, in fact, they may become citizens, as Senator Bruno says.

Understand that if Senator DeFrancisco was on the line at the DMV to get a license and there was an illegal immigrant applying the same day as him, they do not get the license that same day. Senator DeFrancisco may get that license, because he is a bona fide citizen of the United States; that other individual that has to go through the process.

There is an antifraud security that they have to go through. It takes much more

time, and perhaps a week, a month or even more time before they actually get that license. It is not a matter of simply saying, I'm going to walk in there that day to the clerk's office and I'm going to pick up my license the same day as Malcolm picks up his. That is not the case.

The security measures, the technology that is going to be used is foolproof to the extent that it will make sure we know that person is not some potential terrorist, as we all rightfully have some concern or need to be concerned about.

So what we have here today is a bill that I know Senator Padavan worked very diligently on, put a lot of time in. But the policy which the Governor has put forward is one that is going in the right direction.

Understand, leadership requires you to take, sometimes, some bold positions. My own mayor -- good friend -- Mayor Bloomberg, on the congestion mitigation plan, that's a tough decision. That's a bold decision. And as much as the polls say he's going in the wrong direction, he continues to press on on a

matter that he knows is vitally important to the welfare of the people of the City of New York.

Same here. This is a bold decision. It's a tough decision. The majority of individuals, according to that poll, whoever did that poll, said that it's 70 percent of the people are moving in one direction. They have their opinion.

But as leaders of this state, we also have and are charged with the ability to make tough decisions and sometimes take decisions and move them outside of the box. Well, that's where we are today. This is not easy, but it's also a time where we have to stand up and stand up firm and tell the people of the state: You elected us to sometimes agree with you, because we are looking at a bigger picture.

And I think the direction in which this policy is going is one that we don't have to put our heads down and be shameful of. It's one that is right, it's one that makes the people of this state, those that are involved and contributing a great deal to this

state, say that we appreciate what they do and we don't fear the fact that they've been living amongst us for years, a million of them.

And I don't know what you plan on doing about that, but you have a million of them. Not ten, not a hundred, not a thousand. They are living right next door to you. And I think you'd rather know who they are and be able to track them if necessary.

So that's why I will not be supporting Senator Padavan's bill, although I do consider him a colleague and a friend. But on this one, I think it's the wrong direction.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Smith.

Senator Farley.

SENATOR FARLEY: Thank you very much, Mr. President.

You know, the 31 years I have been here, I have never seen an issue that has so polarized the public as this one. We can say anything that we want, they are outraged by this action of our Governor.

The county clerks, who are represented by the president up in the gallery, overwhelmingly rejected this idea. Congressman Gillibrand in this local area has rejected it. Congressman Weiner, Mayor Koch, Police Commissioner Kelly, Mayor Bloomberg, our own Senator Johnson -- it goes on and on.

Candidates, Democratic candidates running for office in Schenectady are urging you to sign a petition to ask the Governor to overrule this -- or to reverse what he's done.

You know, as a lawyer and as a law professor, as I read Section 502 it says that a person shall -- shall, shall -- provide a Social Security number in order to get a license.

A Social Security number is verifiable. We talk about some of the documents that the Governor is talking about, a passport. You can go to Tijuana and get a passport from any country that you want. Some of the passports that are issued from some of the nations around the world aren't passports worth the paper they're printed on.

Social Security numbers are

verifiable. He talked even that parole papers could be used as identification. It's absolutely insane what is happening.

Incidentally, Senator Smith, you mentioned that Chester Stiles was apprehended because he had an expired driver's license. I think he'd be in a bit of trouble if he had no driver's license.

We could go on and on on this, and so forth, but this is an issue that has totally polarized the general public. I have person after person after person coming up to me saying: "I'm a Democrat, and I think that this is terrible," "I'm not in any party, but I think this is terrible, what is happening," urging us to do something about it.

I think we're here to represent. And, you know, you can't get 72 to 75 percent of the people to agree that it's going to snow this winter. But I'll tell you something else: they have realized that this is a wrongheaded idea. It's something that we should reject.

Senator Padavan's bill is realistic. It addresses the problem.

I think clearly that what has been done is not only against the law and unconstitutional, I think that the Court of Appeals decision was somewhat ingenuous and did not absolutely reject what was said there. It says that he could do this, that sort of thing.

I think that we have to address this. I urge my colleagues to stand up and do the right things, what you're elected for, to represent the people that sent you here.

This is a key issue. It's national security. We have been, in New York State, the target of terrorism. This isn't just a partisan issue, this is an absolute issue of security for this state and this nation. And I think it's something that we must act on. The people are asking us to do it. And I hope at least this house is going to do it.

And let's hope that the Assembly, if they come back and vote on this, if they put that on the floor, it will pass in a New York minute, I'll tell you that right now.

And I urge everybody to support the legislation.

ACTING PRESIDENT WINNER: Thank you, Senator Farley.

Senator Volker.

SENATOR VOLKER: Mr. President, I have always said that I have always tried to stay away from what we characterize as real political issues. The interesting thing about this one is it's been made political by, unfortunately, the people in the Governor's office who have been pushing this issue.

The politics of it really doesn't bother me, I have to be honest with you. I help oversee homeland security for this state, with Senator Leibell and some other people. This issue, it's not the chord that has been -- that the people, in my opinion, have rung. That is, that they're opposed to it. That happens quite a bit. It's a big problem.

But the big problem is that I took an oath when I became a State Senator -- I took another one when I became an Assemblyman, and I took an oath when I was a police officer -- to uphold the law and the Constitution of our state and nation.

The Governor is saying, even though

this is a violation of federal law -- and you can argue whether it's a violation of state law. I think it clearly is. He doesn't have the ability to make such a decision. In fact, the sad part of it is it's also a violation of something else called democracy.

Governors have been overriding the legislative authority for years now. Pataki was just as guilty. And the media supported them. So it was okay to ignore the Legislature. More and more they've eroded the authority of the Legislature to make decisions. That's wrong.

But worse than that, in this case -- my concern is I live in an area that's the second major target in the state for terrorists. By the way, nobody is saying that most illegal aliens, or illegal whatever, are a problem. In fact, I regret the fact that the federal government has done such a bad job on immigration, I'll tell you that right now. And I've said it.

But the issue is that unfortunately what the Governor did in doing this -- well, it's not an executive order, it's just the

power of the DMV -- which is ridiculous, of course -- to override a statute.

What he's done, he's endangered -- what he would do is endanger the state and endanger this country, this state from people who would want to destroy us.

And I warn everybody, this bill is a bill you should think very carefully about not supporting. I've often said that there are very few bills in this Legislature -- death penalty, abortion, things like that -- that can wreck careers. This bill could.

Because remember, if anything happens, if this thing becomes the law of the state -- that is, if this order becomes effective -- and driver's licenses are involved, as they were on 9/11 -- and I read some stories about, well, they were all legal. No, they weren't. I don't know where the Daily News got that from, but they're wrong. I know a little bit about what happened on 9/11, and that's not true.

But if it happens, God forbid that we get a hit in this state and the people who do it -- and by the way, it could be almost

anybody. Now, the driver's license under this is now going to be degenerated. That is, as a document. I have spoken to all the reputable people I know who are involved in homeland security. Not one of them says this isn't going to be a problem for everybody. Not one of them.

Now, I understand you got some guy who used to be in homeland security, and he says -- you can always find that person.

I can tell you, I was asked to try to get people to testify who are former top people in this state for homeland security. They were reluctant. They said, "It's a political issue. It's not a real issue. We'll all testify against it, because everybody knows it's a bad idea." That's not even an issue.

I remind you of one thing. If we get hit in the wrong place in Western New York, the Eastern Seaboard will be shut down with power. There are issues here that many people do not understand about the homeland security and the security of this state and this nation.

The issue of undocumented aliens and all that, to me, yeah, it's certainly an important issue. We're not going to take a million people out of the state. That's ridiculous. Of course it's ridiculous. We know that.

The issue, though, is not that. The issue is security, terrorists. That's the biggest issue in this state. If we ever get hit again, God forbid, it's going to change the face of this state.

And you can say all you want, Well, this is a good idea because -- by the way, I talked to some insurance people. I said, where are they getting this idea that it's going to reduce insurance rates? Nobody seems to know where that idea came from. Many of the things that are being said are, I realize, to try to sell the idea of doing the driver's license and reducing the use of it.

I was talking to a former DMV person who was telling me, prior to 9/11 they were giving out these nondriver licenses based on a visa. So they said, "We'd better check on this and see what happens." What would

happen is -- and they had short-term visas -- they found out that 5,000 people took their nondriver's license back into motor vehicles and got driver's licenses without checking the visas at all, because it was the normal course of business.

I mean, you really have to understand that the DMV is not impacting people -- they don't go looking at everything. And especially now. If this happens, all sorts of illegal people will step through, including people probably who are not illegal aliens but just ordinary people who will get driver's licenses without being checked out. Because this will change the entire system.

When you decide that you're going to change a system that has been in place for all these years, you are making, in my opinion, a huge mistake.

My vote in favor of this bill doesn't have anything to do with illegal aliens, it has to do with homeland security and the security of my family, my region, and my state.

So I only say that because all the

things I read are interesting. And I understand the debate. I was just with a very prominent group of lawyers -- who are all Democrats, by the way -- and we talked about this issue, and they were all incensed because they said, you know, what the Governor is trying to do is override the Legislature without any recourse and tell county clerks -- many of whom are Democrats, by the way -- "you have to do this."

What they're saying is: "I took an oath also. I am not going to do it. And the reason I'm not going to do it, I am not going to violate federal and state law." Because they believe in the Constitution, and they believe in laws.

Too often on a state and federal level, people are just saying, Well, we don't like that law, so we're going to ignore it. Orval Faubus tried to ignore the law in Little Rock. The story is that Eisenhower realized that sending in troops for desegregation was unpopular. It was very unpopular. But he said, "The law of this land is the law of this land," and he sent those in. At Selma --

Senator Larkin is not here -- the same argument made. But the president said, "No, we'll uphold the law."

If you vote against this bill, you are voting against upholding the law.

ACTING PRESIDENT WINNER: Thank you, Senator Volker.

Senator Flanagan.

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

I was listening to the comments of my colleagues, starting off with Senator Smith, and he made a comparison to Mayor Bloomberg and the issue of congestion pricing and the action being taken here by the Governor and how it demonstrated fortitude and courage and leadership. And sometimes when you're demonstrating leadership, it's not that easy.

I would respectfully suggest that there's a major distinction between their two approaches. One is unilateral, one is by executive fiat, one is without public discourse, one is without legislative input, and that has become the style and of the

Governor. Who, perhaps we should remind each other, basically said, in July: I don't need the Legislature. I will run government through my state agencies, and I will implement the policies that I believe to be in the best interests of the public and, frankly, the Legislature be damned.

Now, Mayor Bloomberg does deserve credit because he took on a heavy issue, but he's gone through a process that includes the legislative process, a deliberative one, and it seeks the input of not only various constituencies but the public at large. So there's a fundamental difference.

There have been no public hearings. This was done under the cloak of darkness, in secrecy, and put together over a period of months without any legislative input.

The first hearing on this matter occurred when the Senate had a hearing with Senator Leibell and Senator Libous, through their respective committees. That was the first opportunity we really had a chance to ask questions of the commissioner, for four and a half hours.

And the Governor has not seen, didn't feel any need to ask anybody here what our constituents may think and what the appropriate approach would be, and that has been very deleterious as we move along here.

Everything is now out. All these things should have been discussed beforehand, at the front end of the process. So I'm going to make some points that I think may be different from some people.

I believe what the Governor is doing is illegal. I believe it violates state statute, the motor vehicle law. I believe it violates the State Administrative Procedure Act. And I also believe it violates federal law, and federal law in two respects, REAL ID and HAVA. And some of those laws that we passed here in the State of New York affecting HAVA were enacted prior to the policy that the Governor is trying to forge.

I would add the Governor talks about safety and security for the driving public. If that's the whole crux of this, then why, frankly, are we giving nondriver IDs to people who are illegal immigrants? If it's

all about the driving public, then we should at least differentiate that way.

And one of my colleagues, I'm not sure who, referenced what we're doing to, in essence, undermine the people who are actually trying to go through the process the right way.

These are facts that come from the Department of Homeland Security: In 2003, 64,000 people; 2004, 66,000 people; 2005, 84,000 people; 2006, 104,000 people. Every year it's gone up, for the last four years.

These numbers, ladies and gentlemen, are the people who have become naturalized citizens in the State of New York, legal immigrants in the State of New York. So for the last four years, 317,000 people somehow found the wherewithal to get in the process, start it at the beginning and work it through to the end.

By adopting the policies that the Governor is advocating, we're essentially telling those 317,000 people, sorry for all your time and effort, sorry for all your expense and aggravation and frustration, but

we're just going to change the rules of the game midstream. That's bad public policy.

The commissioner sat before the committees and raised a number of different points and answered questions. And I will give him credit for sitting there for four and a half hours. Frankly, it probably could have been longer, because that was the first time anyone had a chance to engage in a real discussion with the commissioner.

Now, there was a lot of discussion about safety and security and how well DMV works with law enforcement. And yet I found it ironic, when pressed, the commissioner said any of the information that they have will not be shared with any other law enforcement agencies without a court order.

If you're talking about safety and security, homeland security and terrorism and the safety of the driving public, and you're lauding all your efforts with law enforcement agencies, why in God's name do you have to say, I'm sorry, we have it, and if we don't throw it away and we keep it, you can't have it unless you walk in here with a court order?

I frankly was aghast at what the commissioner was saying. And many of my colleagues were there for over seven hours of testimony for that entire day. That is another bad step in this process.

And we do differentiate now. Let's not forget the fact that we differentiate right now in terms of our licenses. If you're under 21, you get a different license. If you're here on a temporary visa but you're here legally, you get a different license.

But now that's changed. That's not even waiting till December. Someone who's here illegally can go into DMV today -- and it's happening -- and you can go in and say, I want the same license that everyone else gets, and the clerks have to issue it today. So there's a change that's happening already.

Now, there have been points made about the costs of this program. There have been points made about technology. Commissioner Swarts was before the committee and again said nothing is foolproof. Those are his words, not mine: Nothing is foolproof.

We don't know enough about this technology. I'm surprised to hear the Minority Leader get up and talk about the efficacy of this technology, because frankly we don't know, because it's never been vetted.

Because we have this thing called the State Administrative Procedure Act which allows for things like this to be published in the state register the right way. It allows for public comments -- not only from individuals but, frankly, from people who are experts in this field.

How do we know that the facial recognition technology is the best? How do we know that the scanners that they're talking about using are going to be the best ones for ferreting out fraud? We don't know that. We haven't seen it.

And now that the Governor is under the gun, he went into NYU last week and now he's talking a little bit more about the details. Kind of throwing a few things out there for people to digest. That is why we have a process.

There's been reference to other

states that have enacted legislation like this. And I actually went and looked at them. I don't agree with some of their laws, but each of their states actually went through the statutory and legislative process and involved the public and the legislature. They drafted bills. They allowed for comment. They allowed for debate.

They used the deliberative process that somehow the Governor really thought was a good thing when he was Attorney General but now doesn't really think that the rule of law is something that he should have to abide by. That's bad for the public, and it's certainly bad for this Legislature.

I also believes that this violates REAL ID. One of the things the commissioner talked about, if you are here now on a temporary visa, say you have a two-year visa, you can get an eight-year New York license. Federal REAL ID is going to say when that law is fully implemented that it has to be coterminous. If you're here for that period of time, that's how long your license should be.

Now, our state knows that. The Commissioner of Motor Vehicles knows that. The Governor knows that. But yet they're pushing ahead on a policy that will directly violate federal law.

Common sense would dictate -- and the public would like to know -- sure, somebody is here legally, give them a license. If they're here for two years, why are we giving them an eight-year license? It doesn't make sense and, frankly, it will violate federal law.

One of the clerks -- there's a number of clerks here today. At the hearing, they provided excellent testimony. And I would underscore part of -- and forgive me, Kathy, I'm going to butcher your last name. I hope it's Marchione. Okay, close. She testified about the role of the clerks. And one of the things that's lost in this whole discussion is what we should really be thinking about driving.

Driving is a privilege. Driving is not a right. All we have to do is look at various sections of the motor vehicle law in

every different way, shape and form to understand that we take people's privileges away when they do something wrong. We don't grant them immediately up front, and there are very valid reasons for so doing.

And, in fact, the county clerk referenced the DMV handbook -- not something written by me, not something written by her -- which repeats at least seven times on one page that driving is a privilege. Those are the words from the Department of Motor Vehicles, not some outside institution.

And we seem to lose sight of that fact in this debate, and certainly the Governor has lost sight of that.

Now, also the commissioner talked about forms of identification. This is another reason why this should be vetted through the process. He's talking about expanding the acceptable forms of ID from 46 to maybe as high as 60. And there are many of them that are under consideration, but we're not sure which way they're going.

In fact, we're not really sure what all of them are, because they're being leaked

out and there's not a full list. And people can't really decide what they're going to think or not, and they're not allowing people who are frankly experts in this field to look at what's there.

And finally, on Motor Voter. The first two years I was here, I chaired the Administrative Regulations Review Commission, so I know something about the State Administrative Procedure Act. It is there for a very important reason.

Parallel that to the Election Law in the State of New York. Senator Dilan had the good fortune or misfortune, depending upon one's viewpoint, of serving on the conference committees involving the Election Law.

When we enacted Election Law changes, it was pursuant to HAVA, which was federal law to ensure the integrity of elections all across the country. Our statutes said for a first-time voter you can register by mail and when you go to the polls, if you are a first-time voter, you have to provide identification in one of two forms, either a Social Security number or a valid

driver's license.

This policy of the Governor essentially repeals that statute, because there's no way to verify someone's immigration statute under the Governor's policy. He wants all the licenses to look the same. So there's no way, if somebody comes in now under the new policy, there's the potential for fraud that could be rampant.

And yes, ladies and gentlemen, I do believe that can and actually will happen if we move forward with this policy.

I believe that this violates the Election Law, I believe it violates HAVA, and it in essence is going to repeal the statute that we enacted -- and we enacted it based on the premise that a Social Security number and a valid driver's license in the State of New York were two basic, very clear indices of citizenship. Now we're not going to have that.

So it's about driving, it's about the process, but it's also about voting and the integrity of the electoral process. And my constituents are like many of the other

people in the room. At least 75 to 80 percent strongly are opposed to this policy. And now that information coming out that people who are illegal immigrants could potentially be voting, that's making them even madder.

So as this issue unfolds, it only underscores why this should have been done in a completely different way. Regardless of the outcome and regardless of one's philosophy, we are violating the law and the Governor is violating the law, more accurately, in his approach. It was ill-conceived, it's ill-advised, it's inappropriate, and it is bad for the public in the State of New York.

ACTING PRESIDENT LITTLE: Thank you, Senator Flanagan.

Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

First I want to comment on Senator Padavan. You have been a watchdog in this area over the course of many years and have led all of us in being aware how critical these issues are.

I would like you all to step back

in time with me to 9/11/01 and think of the days that followed those tragic events. And we were brought back into session shortly thereafter. Does anyone here think that we would have considered this legislation in those days following 9/11?

But what has happened is exactly what our enemies predicted, that as time went by, we being a democracy, we would forget and we would get soft.

I'm going to suggest that for every elected official in this state, whether you're a member of this legislative body or hold another public office, we have one responsibility that trumps every other responsibility that we have, and that is the safety of our constituents. Their physical health, their well-being.

And in the course of a year, the vast majority of issues that we discuss don't really touch on that. They touch on education dollars, library dollars, taxes.

But go back to our number-one responsibility, the health and well-being of our constituents. I chair the committee that

has oversight of homeland security. And I'm going to suggest to you that there will not be in our term, the one in which we're serving now, a more significant issue than the one we are discussing and debating today. We all know the cost that we've paid -- the state most dearly -- in this war on terror.

Just before this, we in effect eulogized a young Navy lieutenant who died in combat, Lieutenant Murphy, in that war on terror. Unlike previous wars, this one started out on our own shores. It's a different type of enemy. It's not one we have known before. It's not one that plays by any international rules. It's not an enemy that will be concerned with the Geneva conventions.

One of our most difficult issues is identifying who that enemy is. It will be rare that they wear a uniform. There will not be any battle flags. There will be no bugles. Identification is going to be absolutely crucial to win this war.

And that little document most of us carry in our wallets, that driver's license, is one of the key weapons that we in our free

society have with which to wage that combat. And in any way to diminish that document is to hand a huge advantage to those who would wish to harm our country and our state.

I'm absolutely convinced that what has been proposed by the Governor is not only a major step backwards in that process of identification but represents a national security nightmare.

I am truly amazed, in having spoken with many of my colleagues, that on an issue of this significance there was no attempt by Governor Spitzer to reach out to us, to discuss this, to say "I have something important, and I want to talk to you about it."

I would have certainly thought that as chairman of the committee that concerns homeland security, I might have received a phone call. If not from the Governor, from someone involved in his administration. I do not have that much faith that I like taking information on a critical issue such as this from press releases.

We had our hearing last week, and

it gave us a great deal of information, none of it particularly comforting. We heard about technology. My office has tried to find out what that technology is. Apparently it's something right out of "Star Wars." I never did care for, and especially at my age now, I don't like surprises.

I would have thought that we could have brought in some people, the Governor could have brought in his people, and we could have found out what this technology was.

That driver's license is known, in criminal justice circles and intelligence circles, as a breeder document. That small documents leads to hundred of other forms of identification -- as it did with the terrorists on 9/11 -- to approximately 400 different types of ID. It in and of itself is not foolproof, but you certainly don't want to go the other way and weaken it.

I asked the commissioner, on an issue like this, isn't this something that we can now slow down? Let's stop this, let's step back. We'll lower the rhetoric. But bring to us your experts, let's take some

time, let's take some months on an issue like this. Let's take a year. Because we're really not talking about the convenience of some, we're talking about the safety of all. That's what this issue is about.

I asked the commissioner, What if you're wrong? In an age of nuclear weapons that can be put in a backpack, what if you're wrong? And if you survive, what will you say to the others who are out there? What will you say to their families? What consolation will there be for them if you're wrong?

Governor Spitzer, err on the side of caution. These are dangerous waters, dangerous for our state and for our fellow citizens in other states. Reconsider your proposal.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Leibell.

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. On the bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz on the bill.

SENATOR DIAZ: I have heard so many powerful statements and so many of my colleagues on the Republican side talking about all the reasons why this should not happen.

Senator Bruno mentioned that those terrorists that attacked our state and our nation on 9/11, Senator Bruno stated that 18 out of the 19 of them had driver's licenses.

Senator Padavan stated that in June of 2005 a law was introduced to mandate Social Security as a requirement to obtain a driver's license.

Senator Farley mentioned all kind of reasons too. And it was said that 70 percent of the people of the State of New York are against the Governor's idea of giving aliens a driver's license. Seventy percent, they say.

Well, you know, I have to go back to when I was 18 years old and I joined the Army in Puerto Rico. And they sent me for basic training to Columbia, South Carolina, in 1960. And did you know what? About 80 or 90 percent of the people said that I was not

qualified because, of my color, to eat in the same place that they used to eat. Eighty and 90 percent of the people, they said that I cannot eat in the same place that they eat.

Eighty, 90 percent of the people told me that I cannot even drink water from the same fountain that they used to drink. But I saw dogs, dogs drinking from that fountain. But I cannot do it, because I was black. And 80 percent of the people was in favor of me and others not to drink water from the same place as the white people and not to eat in the same place with them.

So now 70 percent of the people in the State of New York say that this is not good for the state.

Back then, about 90 percent of the people said that blacks cannot vote because they don't deserve to vote. And they don't deserve to go to school, they don't deserve to go to the same schools. Ninety percent of the people didn't want blacks to study.

And there is many people, many people, many, many people that follow the majority, because it's always nice to be in

the majority side. So that people follow the majority, and especially, especially when that majority has been told so many lies and so many fears have been put in their minds.

If you tell me -- if you tell people that by issuing a driver's license to an alien 9/11 will come back and people will kill everybody else and people will destroy the state, of course they don't want it. Of course nobody want it, nobody will want them to get a driver's license.

But let me tell you a powerful statement. The day when Governor Spitzer announced that he will issue driver's licenses to illegal aliens, let me read you a powerful statement made in favor of that. Powerful statement. "I understand the merits of that. We have hundreds of thousands of aliens here, and I am not sure that it serves the public good to deprive them of their ability to go to school, to go to work, to do the kinds of things that you have to do to lead a normal life in this state."

That's a powerful statement. A powerful statement. Don't you agree? I'm

going to repeat it again.

(Laughter.)

SENATOR DIAZ: I mean, I love this statement. Madam President, I love this statement. This statement -- this statement broke my heart. "I understand the merits of that." Regarding Governor Spitzer's idea, "I understand the merits of that. We have hundreds of thousands of aliens here. I am not sure that it serves the public good to deprive them of their ability to go to school, to go to work, to do the kinds of things that you have to do to live a normal life."

Powerful statement. Do you know who made this statement? Senator Joseph Bruno. Powerful statement. This is something very powerful. You know, I admire Senator Bruno for this statement. It's a beautiful statement.

But let me tell you another statement, another statement made in favor -- even before the Governor was elected. Before the Governor was elected, we have on the Republican side there a powerful -- a powerful, a distinguished and honorable member

of the Republican Senate here. He made some powerful statement too, before even the Governor said anything. I'll tell what you he says.

He said -- no, he didn't even say it. He introduced a bill. So whatever he thought would be noticed by everybody. He introduced a bill, Senate Bill Number 7388A. And this is what he said: "Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity" -- and he says acceptable proof with or without visa stamps, valid documentation.

So that powerful Senator also said "Eligibility for a driver's license shall not be conditioned on a particular immigration status." He also said: "In addition, the commissioner also shall require that the applicant provide his or her Social Security number. A letter" -- this is powerful -- "a letter or form from the United States of America Social Security Administration stating that the applicant is not eligible for a

Social Security number will be enough to issue a driver's license to an immigrant."

Powerful. That was -- when was this? This was introduced by Senator -- a powerful Senator from Westchester County, Nicholas, Nick Spano. And that was April 21, 2006, before Governor Spitzer decided to do this.

So, ladies and gentlemen, Senator Bruno, in his statement, supported Governor Spitzer. Nick Spano -- no, no, no. The Governor, I think, took the idea from Nick Spano.

(Laughter.)

ACTING PRESIDENT LITTLE: Senator Adams, why do you rise?

SENATOR ADAMS: Will the Senator yield for a question?

SENATOR DIAZ: No, no, no --

ACTING PRESIDENT LITTLE: Senator Diaz -- Senator Diaz -- Senator Diaz, do you yield?

SENATOR DIAZ: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank

you. The Senator yields.

SENATOR ADAMS: I just want to be clear, because it's possible that the Majority Leader was misinterpreted.

What you read to us, was that in quotes or was that the press's interpretation of what he said?

SENATOR DIAZ: No, that's a quote from the press, the New York Times, on September 26, 2007.

SENATOR ADAMS: So there's two dots or two quotation marks --

SENATOR DIAZ: Yeah, yeah, yeah. There are.

SENATOR ADAMS: So that's specifically what he said?

SENATOR DIAZ: That is what he said in the New York Times on September -- oh, I'm sorry. I'm sorry. We -- through you, Madam President.

ACTING PRESIDENT LITTLE: Yes, thank you.

SENATOR DIAZ: Senator Adams, on September 26, 2007, the New York Times report is quoting Senator Bruno saying, "I can

understand the merits of that. We have hundreds of thousands of aliens here, and I am not sure that it serves the public good to deprive them of their ability to go to school, to go to work, to do the kinds of things that you have to do to live a normal life." End of quote.

SENATOR ADAMS: Would the Senator yield for another question?

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz, do you yield for another question?

SENATOR DIAZ: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR ADAMS: Are you saying that Joseph Bruno said this? The one that spoke today?

SENATOR DIAZ: I'm supporting this -- Madam President, through you.

ACTING PRESIDENT LITTLE: Yes, you may answer the question.

SENATOR DIAZ: I am supporting this, based on this quote.

SENATOR ADAMS: Thank you.

SENATOR DIAZ: And not only Senator Bruno did that, also Senator Nick Spano. So that means that the Governor is being supported by Senator Bruno and Senator Nicholas Spano, Nicholas Spano, from Westchester County. They are already on board, they're already supporting this. Because Senator Spano tried it before the Governor. So the Governor copied Nicholas Spano's idea.

So we should stop now. Now that we know that we have two powerful members of the Republican delegation supporting the Governor, or at least maybe one, we have to stop trying to confuse people and -- because, see, I understand that there are people here with good intentions, good hearts. But out there, out there there are people, racists, racist people.

Such as Congressman Tom Tancredo, candidate for president of the United States, that was invited to New York by Assemblyman James Tedisco to speak on this issue. And you know what he did? You know what he said? A

bunch of racist remarks against Hispanics and minorities and immigrants.

So there are people out there, and I'm not saying -- you have a good heart. These are people here with good hearts, with good intentions. But there are people out there using all this to fill their agenda, their anti-immigration agenda, their racism against Hispanics, their racism against minorities. And they're having a ball. They're having a ball.

And what are they doing? Oh, 9/11, they're going to kill all of us. I don't want to give them a driver's license because they're going to register to vote. Don't make me laugh. Please.

Do you know that the easy -- the worst laws to stop corruption from people who want to register to vote is now in New York State? People don't have to do anything. People don't even have to get a driver's license to register to vote, people go and do it by mail. They take the form, they sign it and send it, and they get their voting card. They don't need a driver's license to go and

register to vote. So stop lying to people, stop telling people the wrong thing.

I agree with you, I agree with you that maybe the Governor should have consulted. Okay, say that. Say the Governor didn't consult us. Okay, say that, and I'll say you right. I would agree with that. He didn't consult me either.

(Laughter.)

SENATOR DIAZ: Yeah, I learn about this when I was going to support it, yeah. So? But then let's be honest and say the Governor -- we are against it because the Governor didn't consult us.

Other states have done it. This is not a new invention. We have other states that have already done this. It's done. I don't see terrorism going up in those states. I don't see people being killed. I don't see people going -- that something bad happened in those states that will happen in New York State. Nothing happened, nothing. You know, like Scarface says in the movie: "Nothing. Nothing happened."

So, Madam President, we have to

stop telling people that if they give a driver's license to illegal aliens that everybody is going to be killed, that we're going to have -- that people are going to do this, they're going -- we've got people already on record supporting this.

And no matter how many times we're being told that it will be safer for the public because if people had insurance -- you know how many people without insurance and without driver's license kill people in the street and go along and nobody knows and they cannot stop it because they don't know what happened? I mean, people with driver's license, with insurance, that would be beneficial for the people of the State of New York.

So it's not often I agree with the Governor. I don't want you to go say no, no, he -- not me. Not me. When I have to say to the Governor -- and by the way, I think this is the first time that I am agreeing with the Governor. But I am already saying it, I think this is the first time I agree with him, and I agree with him on this one. He is doing

something beneficial for the state, beneficial for the people.

And this is something with a good heart, something that will benefit people, and something that will agree with this statement: "I can understand the merits of that. We have hundreds of thousands of aliens here" -- ladies and gentlemen -- "and I am not sure that it serves the public good to deprive them of their ability to go to school, to go to work, to do the kinds of things that you have to do to lead a normal life."

They have chosen your state to be their home. Let's let them live and work and support their family.

Thank you, Madam President, for your tolerance to me.

ACTING PRESIDENT LITTLE: Thank you, Senator Diaz.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: I'm sorry, I'm going to cede my time to Senator Serrano, since he had asked to go prior to me.

ACTING PRESIDENT LITTLE: Senator Serrano.

SENATOR SERRANO: Thank you.

Thank you, Senator Krueger.

It's really amazing to sit here and listen to the fear-mongering on this issue that the other side of the aisle is putting forth.

The facts are that voting for Senator Padavan's bill will make our roads less safe. It will make driving a car and owning auto insurance more expensive.

But just to clear up some of the things that have been said here in this chamber which I find really amazing -- this whole idea of having a driver's license will just give everyone who wishes to do harm a free ride on airplanes. The facts are that you never needed a driver's license to fly on a domestic flight. You never needed to prove immigration status to fly on a domestic flight. You can fly domestically with a foreign passport, nothing more.

And to continue to beat this drum about 9/11 and saying that -- creating this correlation between immigration and 9/11 -- there is no connection between immigration and

terrorism. And it's so unfortunate that this great nation, which was built on immigration, which separates us from the rest of the world as being a place to welcome the tired, the poor, those who are looking to make a better life for themselves, to continually say you're a terrorist, you're coming here and you're going to do harm to this nation, is very unfortunate.

Another issue that was brought up in this debate is voting, that this executive order by the Governor will make it easy for unqualified or undocumented people to register to vote.

Well, as it stands right now, you swear or affirm when you fill out a voter registration card that you are a citizen. There is no proof that's needed when you register to vote. There is no immigration-status proof that's needed. So none of that changes.

Now, if you want to have a conversation with the Board of Elections about changing that policy, fine, we can have that conversation. But this plan does not change

that.

Another issue that I heard brought up was REAL ID, that this will undermine the REAL ID Act. Well, if you dig a little deeper, you'll see that not one driver's license in the United States of America currently is in compliance with REAL ID. REAL ID will take place, will come together in the year 2013. And right now there is not one driver's license in the United States that fills all of the criteria that is spelled out in REAL ID.

So this issue would have had to have been -- the issue of having REAL ID would have had to have been revisited at that time anyway.

And the Governor's plan just makes sense because it makes our driver's license more secure. Whether you agree with this plan or not, at the end of the day getting a driver's license will be more difficult. It will not become easier, because there will be stipulations in place, additional antifraud measures that currently don't exist that will be in place, that will make it more difficult

for anyone to bring forth fraudulent identification to get this driver's license.

Another thing that is very important is that this will save insured motorists in this state $120 million annually on their insurance costs.

Because there are so many unlicensed drivers in this state, because they cannot purchase auto insurance because they have no license, they are driving around as a liability to all of us. And I personally want to know that I'm driving on the roads with qualified drivers. And I would like to save some money on my auto insurance, because it is too high. And everyone in this state will agree with that.

So as we continue to listen to the other side talk about 9/11 and the horrible things that were done to this state, to New York City and to this state and our nation, we're talking about people who wish to do harm to this nation.

So instead of going out and having a blanket approach towards immigration, why not spend more time and effort going after

people who choose to do harm to this great nation? Instead of hurting the immigrants who are only here to seek a better life and to get away from what their oppression is in their homeland, so they can have better opportunities here for themselves and their families.

And it's unfortunate, since we are a nation of immigrants, that now those who are the grandchildren of immigrants themselves do not feel the same level of empathy for the immigrants who are coming in now only wishing to have the same opportunity.

And because the federal government does not have a clear path to citizenship, because of the failures of the federal government to create a proper procedure for immigrants, that is why we have so many undocumented.

I can guarantee you that most of most if not all undocumented immigrants would love to be citizens, would love to have documentation. But the system is stacked against them, it's too expensive and it takes too long. And that's what needs to be

reformed.

So I urge all of my colleagues here to vote against Senator Padavan's bill, because it's the wrong thing to do, it will make us less secure. And I urge my colleagues to vote --

ACTING PRESIDENT LITTLE: Senator Larkin, why do you rise?

SENATOR LARKIN: Madam President, would Senator Serrano yield for a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Serrano, do you yield?

SENATOR SERRANO: Certainly. After I finish my last statement.

ACTING PRESIDENT LITTLE: So you don't yield.

SENATOR SERRANO: One second, Senator.

I urge my colleagues to vote against this bill because it really does not do the State of New York any good to keep our heads in the sand any longer about immigrants -- unless we're planning on deporting all of them, which will ruin our state's economy.

Yes, Senator.

ACTING PRESIDENT LITTLE: Thank you. Senator, do you now yield?

SENATOR LARKIN: You're echoing a statement that was made by the Commissioner of Motor Vehicles before the joint committee meeting last week, where he said we will save $124 million. When he was asked "Prove it, tell us," he said, "Well, that's what somebody in the Insurance Department said."

What is your answer?

SENATOR SERRANO: Well, the state of New Mexico, Senator --

SENATOR LARKIN: I didn't ask about New Mexico, Senator, I'm --

SENATOR SERRANO: But this is proof --

SENATOR CONNOR: Point of order, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Connor.

SENATOR CONNOR: He asked a question. Let the Senator answer the question.

ACTING PRESIDENT LITTLE: Thank

you. Senator Serrano, answer the question.

SENATOR SERRANO: Madam President, through you, eight other states in this nation have implemented this plan. And all of these states have seen a reduction in their auto insurance costs. New Mexico has seen a reduction by one-third.

SENATOR LARKIN: Thank you very much, Senator.

But my comment to you is that was over a week ago, and the Insurance Department has not sent us anything that they said they would. So until they do it, I think somebody should be very careful about saying how much we will save.

SENATOR CONNOR: Point of order, Madam President.

Senator Larkin is out of order again. He is asking a question? Is he asking the Senator to yield? Or is he making a statement when he doesn't have the floor?

ACTING PRESIDENT LITTLE: Thank you.

SENATOR SERRANO: Madam President, currently auto insurance rates are

as high as they are partly because there are so many uninsured motorists on the roads, unlicensed motorists on the roads. And they're driving. Whether we like it or not, they are driving.

And this plan brings them out of the shadows and brings them into the system. It is documenting the undocumented. It is the smart thing to do.

And until the federal government cleans up their act, this plan actually creates records of who is here in this state, who is driving, and it ensures that we have qualified drivers on the road. And insurance companies, because there are more insured motorists on the road instead of uninsured, it lowers the premiums.

Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on the bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Nozzolio on the bill.

SENATOR NOZZOLIO: Madam President and my colleagues, I appreciate hearing the passionate debate being exercised. I'd like also to inject some passion into that debate.

Before I do, though, I think Senator Serrano, who I listened to very intently, made some good points. Particularly the fact that this issue is not about immigration.

What this issue is about is the use of state identification processes. And that the first requirement under the federal government's REAL ID Act is for the establishment of legal status. You have to have legal status in order to comply with that act.

I also listened intently to Senator Diaz. I think one fundamental item that Senator Diaz failed to mention to this body was that the licenses provided to those individuals that Senator Diaz had indicated were in fact individuals who are here legally. Legally, through visas, through other forms of legal, processed entry into the United States.

Last Friday I stood in a chapel in Skaneateles, New York, along the shores of Skaneateles Lake, to attend a funeral service, a funeral service for Laura Lee Morabito. Laura Lee, who was one of the victims of September 11th. Incredibly, after six years, on September 12, 2007, her remains were identified.

Laura Lee was on that fateful American Airlines Flight 11. That day her body was slammed into the trade towers. She was on that plane, she was killed. It took six years to identify her remains. Incredibly, her wedding ring was also part of the identification process.

And on that day, Friday, last week, her husband Mark more by to, presented their wedding ring to his in-laws, the mom and dad of Laura Lee Morabito.

I can't help but think that the perpetrator of that horrendous act, the individual who drove that plane into the trade towers, got on the plane in the first instance because of a phony driver's license.

I took a plane ride last week. As

I was entering into the security wing, I was asked for my identification. I pulled out my New York State Senator ID -- bar-coded, signed, if found, call the New York State Police at a toll-free number. The attendant looked at that New York State Senator ID, looked at the photo, looked at me, looked at the ID, and said: "May I see your driver's license, sir?" To me, that said it all.

Your Senator ID is underneath a driver's license ID as an identifying tool. And that's what this legislation is all about. It's the identifying tool that this state, under Governor's Spitzer's proposal, will provide those who are here illegally.

And to suggest that in any way those who oppose Governor Spitzer's policy are in any way against immigration is disingenuous at best. Senator Bruno indicated his father came here from Italy. My father came here from Italy. My father, as many of your grandfathers and grandmothers, came to America from another place. They came here for all the same reasons.

And I'm not trying in any way,

shape or form, by my opposition to Governor Spitzer's proposal, to cast aspersions on those wonderful immigrants who are coming to this country. But frankly, the federal government has a process. That is a process to document. It is a process that every immigrant that came here legally had to comply with. And for us to say that that process should be ignored says that our laws of this state should be ignored.

You took an oath of office to uphold the laws of this state. So did I. And I know that we all wish our citizenry would do the same. But what gives an individual the right to break the law regardless of the motive?

Change the federal immigration policies. That's your right. That's your responsibility. We support you in that effort. But don't disregard those laws that exist today and don't sanctify those who have broken the law by providing them an illegal identification tool.

I spoke, as you spoke, to many who come to this country, and I asked them what

they thought. I wish I could speak to my grandfather, who has long since passed, what he thought when he left his son, his parents, his wife, his daughter to come to this country and work for seven years before he saw his kids again. My father, Alberto Nozzolio, didn't see his father from his age 5 to his age 12, while his father spent seven years complying with the immigration laws of this country provided to him, complied with them to the letter, so he could bring his family here legally.

What about "illegal" do you not understand on your side of the aisle who are supporting Governor Spitzer's ill-conceived policy? It sends a terrible signal to everyone.

Madam President, that is why I oppose it aggressively, I will continue to oppose it, and that's why the legislation before us is the legislation that should be enacted.

Thank you very much.

ACTING PRESIDENT LITTLE: Thank you, Senator Nozzolio.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I'd like to say that this debate over driver's licenses is the most interesting issue that I've worked on since I was elected to the Senate. The passions on both sides are tremendous.

But as the debate has evolved, I think in the last few weeks one thing has become clear. Those of us who support the Department of Motor Vehicles, the DMV, and the Governor are returning again and again to the relatively mundane facts of how this process will work, while unfortunately a lot of people on the other side seem to be engaged in a game of can you top this as hyperbolic rhetoric escalates to fill the space created by a national conservative media that quite honestly is seeking to fan the flames of the ugliest sort of social conflict a nation can have.

And I would urge all of you to listen carefully to what I'm going to say, because you invited into your hearing people

who -- I don't think anyone on the other side of the aisle is here to fan the flames of the ugliest social conflict we can have, but you invited people into your hearing who clearly are.

And we have to very cognizant that we are not writing on a blank canvas. There is a national effort right now to blame and target and scapegoat a vulnerable minority group for other ills in our society. And this time it's not Jews, it's Japanese, it's not blacks, it is undocumented immigrants.

Don't kid yourselves that you're not playing in the shadow of Lou Dobbs and Tom Tancredo and the Ku Klux Klan, who have had a boom, according to the Anti-Defamation League, in their recruiting because they have switched their attention from blacks and Jews to immigrants.

So let's not pretend that we're writing on a blank canvas. Let's go to the facts. And I hope that on my side of the aisle we will stick to the facts, because there have been a lot of facts, supposed facts presented here today by my colleagues on the

other side that are simply untrue. We have to try to return to them again and again, because history teaches us that the only way to fight the demagoguery of fear is with an unwavering commitment to the truth, to the facts, and that over time people will get it.

Senator Diaz spoke earlier, and he made a very important point. At various points in our history, a majority of the people have been in favor of discrimination. You know, if you took a poll in 1948, probably 72 percent of Americans said, Yeah, we shouldn't force integration on the southern states.

We have an obligation to lead, and we have an obligation to tell the truth. So let's go to the truth.

First fact, central fact: 13 million undocumented immigrants are not going away. So I quote from the great mayor of New York City, a strong supporter of your conference: "We need to get real about the people who are now living in this country illegally, in many cases raising families and paying taxes. The idea of deporting these 11

or 12 million people" -- this was last year in his testimony to Congress; it's now 13 million -- "about as many as live in the entire state of Pennsylvania, is pure fantasy. Even if we wanted to, it would be physically impossible to carry out if we attempted it, and it would be perhaps the largest roundup and deportation in world history. The social and economic consequences would be devastating."

Mayor Bloomberg continued: "For decades the federal government has tacitly welcomed them into the workforce, collected their income and Social Security taxes, which about two-thirds of undocumented workers pay, and benefited immeasurably from their contributions to our country. Now, instead of pointing fingers about the past, let's accept the present for what it is by bringing people out of the shadows, and focus on the future by casting those shadows aside permanently." The mayor of the City of New York.

That's fact one. They're not going away. We can bring them out of the shadows or we can continue this charade, this deception

of the people where you pretend that by demeaning them, by harassing them, by taking away their driver's licenses, they're going to go somewhere else. They're not.

Fact two -- fact two, Madam President. This is a --

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos, why do you rise?

SENATOR SKELOS: Would Senator Schneiderman yield for a quick question?

SENATOR SCHNEIDERMAN: I will after I'm done. But I will yield later.

Fact two, Madam President, the immigration system is not just broken, it is in chaos. You're all acting as though the system for distinguishing legal from illegal is simple.

We had a constituent of mine in my district who was very proud of the fact that he was getting his green card. He was processing it, he brought documents, he was getting his green card. He then went one day down to Federal Plaza to pick up his green card, and they had decided somehow, in the

bureaucracy, that his mother's marriage to an American wasn't legal. He never got a chance to go home to get other documents. He was deported, and he ended up in Santo Domingo.

The immigration system is not just broken, ladies and gentlemen, it is in chaos. It is unclear whose visas are valid for what purpose. And when you talk about illegals, you are lumping together people who were here on visas and overstayed and have to make a technical correction and people who came across the border with coyotes. It's not fair to say this is a group of illegals and that we know the difference between legal and illegal; we don't.

And every immigration reform proposal at the federal level provides some path to legalization for certain groups of undocumented immigrants. We have to, for the reasons Mayor Bloomberg stated. And I respectfully suggest that the people Eliot Spitzer's proposal and the DMV proposal would bring out of the shadows are the people who will be first in line as soon as we enact such a proposal.

Fact three. The Governor's plan does not make it easy for undocumented immigrants to get licenses. The DMV professionals -- and I know this because I lobbied them to do this earlier. You know, this is a big issue in my district. And they said: No, we're waiting until we get this worked out just right.

They have set up a separate system, a separate unit. No immigrant is going to get a license over-the-counter. Their documents are going to go to the special unit with state-of-the-art photo-comparison technology, document-verification technology -- the same thing that we use when people come into the country to verify a foreign passport. In addition to a foreign passport, they're going to have to have other points of identification so we can know where they live.

This is not a simple process. These are professionals. And I would urge all of you, if you actually saw the PowerPoint by Commissioner Swarts -- and I understand from DMV that no Republican member of the Senate has requested him to come to the district with

a PowerPoint; I have, and it's very persuasive -- will understand that these were professionals.

It was done in collaboration with the Insurance Department, in answer to Senator Larkin's question. The AAA has issued a report that unlicensed drivers are five times as likely to flee the scenes of accidents. They're very expensive to have on the roads. The Insurance Superintendent ran the numbers based on what other states have experienced.

I'm sure that Superintendent Dinallo will be happy to share the information with you; I don't know why it hasn't gotten to you now.

But this is a prudent system that will not make easy for people to get licenses. That's fact three.

Fact four, this does not violate any state or federal law. It is amazing to me that members of this Senate can stand up here and assert that the Governor's reversal of a Pataki administration reversal of policy, done exactly the same way Governor Pataki did it, can violate state or federal law. It's

outrageous. He's doing exactly what Pataki did, exactly what Pataki did.

You have made assertions -- and I know that there's been the threat of a lawsuit based on the 1995 change to the Vehicle and Traffic Law. Well, this is that bill. It was voted on by many members who are still here today. This law and the legislative history make it explicitly clear the only reason it required that if you have a Social Security number you must now provide it when you get a driver's license was to provide for welfare reform, including suspension of driver's licenses of persons delinquent in the payment of child support.

I assure you, if this had been something targeted at undocumented immigrants, someone here probably would have mentioned it. It was never mentioned.

And before and after this law was passed, the Pataki administration, Spitzer administration have always given licenses to people without Social Security numbers. So that's just an illusion.

The notion about REAL ID, I'm not

even going to go into the details of it. The assertions about the REAL ID Act are absolutely false. The REAL ID Act does contemplate licenses for immigrants.

The REAL ID Act will not go into effect until 2013, and we don't even know what it's going to hold because the regulations haven't come out. It may never go into effect, because other states are opting out.

But the assertions that this violates REAL ID are demonstrably false. So there's no legal claim against this policy.

Fact five, crime and terrorism. And this is where we start to creep into Lou-Dobbs-and-Tom-Tancredo-land.

The assertions made here that this has to do with terrorism are outrageous. This doesn't have to do with terrorism. This doesn't have to do with crime. Anyone who comes in and submits all their documents and waits at their home address to get their documents back from the DMV who is harboring terrorist ambitions is such a fool he'll never be able to carry out his plans. This is not what the 9/11 terrorists did, this is not what

any terrorists did.

I would urge all of you to take a look at the facts as Commissioner Swarts has presented them in his PowerPoint. There are 152,000 people who had licenses, undocumented immigrants before, who haven't been able to renew them because of the Pataki administration change in administrative policy. Please, go out there and make me a list of every one of those 152,000 people who's been accused of a terrorist act. It's not there. We're talking about hardworking people who want licenses to support their families.

The 9/11 terrorists had -- if you're going to do false documents, do false documents showing you were here legally, which is exactly what every one of the 9/11 terrorists did. This would have no application to a single document submitted by a 9/11 terrorist, and you should take that out of the equation. It is insulting to the hundreds of thousands of hardworking immigrants in my district and other districts, who are just trying to make money for their

family and support their people, to associate them constantly with the despicable perpetrators of the 9/11 atrocity.

Incidentally, when you come to crime, I would note for you all that there are significant studies, including "The Myth of Immigrant Criminality," which was published by a distinguished professor at the University of California. Do you know that in the 18-to-39-year age range -- which is the key crime years, as we say -- immigrants, undocumented immigrants commit crimes at one-fifth the rate of native Americans, because they're trying to avoid the police? And actually, when they're assimilated, they start to, you know, get assimilated to American criminal conduct also. These are the safest people you can have.

And Michael Bloomberg has also noted that crime goes down in cities like New York that have large numbers of undocumented immigrants.

So these aren't criminals, these aren't terrorists. Let's put that aside. And let's focus on fact six, which is what I

really want to concentrate on today, because I'm not going to spend a long time on it. But you all are playing in dangerous territory. This is an issue where racist demagogues are in our house. Are in our house.

Ladies and gentlemen, you called a hearing after the October 3rd hearing of the Assembly Republicans, who called a hearing and tried to again make it appear that 9/11 was somehow associated with this. They invited Tom Tancredo in. Tom Tancredo, a distinguished member of Congress, the leading anti-immigrant demagogue in the country. It's a disgrace that he was invited here.

But you know what made it worse? On October 15th, when the Senate Republicans held their hearing and invited a group of witnesses, a few were public officials -- a few were former public officials. Three out of the four witnesses who were just experts were all members of this network associated with the group Federation for American Immigration Reform, founded by John Tanton. John Tanton has been called, publicly, "the mastermind of contemporary nativism."

You brought into our house at that hearing three individuals, including Pater Gadiel, the president of 9/11 Families for a Secure America. Here's one of his many quotes: "Americans must sleep with loaded pistols at their bedsides because so many of them have been attacked by illegal aliens." That's the guy you brought into our house.

You also brought in Michael Cutler. Michael Cutler runs his organization, the Center for Immigration Studies -- here's what a Republican Congressman said about them. "Tanton" -- who's the founder of these groups -- "set up groups like the Center for Immigration Studies to take an analytical approach to immigration from a Republican point of view so that they can give cover to Republicans who oppose immigration for other reasons."

Ooh. And these are the people you brought in here.

You know who funds F.A.I.R. and these groups? The Pioneer Fund, which was started in 1937 for "race betterment." It is a fund that promotes eugenics. I never

thought in 2007 I would be here faced with a debate where people on one side are trying to talk about facts about a simple DMV policy and people on the other side are trotting in witnesses supported by eugenicists.

You are in dangerous territory here. This is not something where we should be as cavalier with our rhetoric as we are being. I would urge my colleagues on the other side of the aisle to take a deep look at your fellow travelers on this matter.

The people who we're talking about are not the people you should be afraid of. They are hardworking.

And finally, that brings me to fact seven. This proposal, Senator Padavan, is contrary to our most basic principles of justice. Immigrants are not different than you and me. Undocumented immigrants are human beings. And the more you denigrate them, the more you demonize them, the more you violate the most fundamental principles of our country and of our culture, quite honestly.

So, you know, the pilgrims were undocumented immigrants. There were a bunch

of signers of the Declaration of Independence who were undocumented immigrants. I was in Washington last week. The dome of the Capitol, I learned, was built by undocumented immigrants from Italy who had been based in the Bronx.

And if that's not good enough for you, let's go to something more fundamental. The story of the most famous group of undocumented immigrant workers in history, the Jews in Egypt. Oh. They were brought over in very similar circumstances. And as a result of that experience, the most famous story in our culture, the story of Exodus, enjoins all of you over and over again: "If a stranger sojourn with thee in your land, you shall not vex him." It's continued over and over.

Interestingly enough, Bible scholars have noted that the only admonition against discrimination that is repeated over and over again in the Bible is not discrimination based on gender or race or religion, it is discrimination based on oppressing immigrants among you.

So those are the facts. I hope

that you will all take a deep breath and look at what's happening to our Senate as we engage in this debate and feed into the flames of the next great civil rights struggle in our country.

I urge everyone here to vote no and for us to take a look at what's really happening here. Take your heads out of the sand. They're not going away. If you want to participate in the oppression and the demonization of these people and turn them into a hidden underclass, think about the consequences.

I urge everyone here to vote no, Madam President.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Yes, Madam President, if Senator Schneiderman would now kindly yield to a quick question.

SENATOR SCHNEIDERMAN: Yes, for Senator Skelos I would be happy to.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR SKELOS: You mentioned

Mayor Bloomberg and read certain comments that he's made concerning immigration or illegal immigrants in this country.

A question for you. And you talked about temperament and racism. Do you believe Governor Spitzer was correct in saying and showed temperament and self-control when he called Mayor Bloomberg's opposition to the licensing bill that he was morally and ethically corrupt or wrong?

SENATOR SCHNEIDERMAN: Thank you. Through you, Madam President. The Mayor actually is not opposing this bill. So the premise of the question is wrong. The Mayor has said --

SENATOR SKELOS: That --

SENATOR SCHNEIDERMAN: Excuse me. I'm allowed to answer.

The Mayor said that he had questions about the bill, but then he's come out to say that this is the Governor's call, in his usual temperate way. The Governor communicates in a slightly different fashion --

(Laughter.)

SENATOR SCHNEIDERMAN: -- but putting aside the issues of temperament, I think the Governor is absolutely right on the merits of his position, and I will stand by him whether he is blowing me kisses or yelling at me. He's just right.

SENATOR SKELOS: Madam President, again, my good friend from the west side of Manhattan has not answered the question.

Do you agree with the Governor's statement that when Mayor Bloomberg questioned, dared to question the policy, that he is morally and ethically wrong to do so?

ACTING PRESIDENT LITTLE: Thank you.

SENATOR SCHNEIDERMAN: To answer the question, I don't know that the Mayor was morally or ethically wrong, and I don't think he was. I think he raised technical objections that the Governor, I think, has proved to be correct about. And I think the Mayor was wrong, and the Mayor has backed off and said that. I don't think he's morally or ethically wrong.

SENATOR SKELOS: I've learned

that when my good friend from the west side of Manhattan does not want to answer a question correctly or directly, they speak quickly. So I guess --

SENATOR SCHNEIDERMAN: I -- can -- speak -- more -- slowly if it makes it easier for you.

ACTING PRESIDENT LITTLE: Point of order.

SENATOR SKELOS: My next question is, you know, you seem to insinuate if Republicans take a certain point of view that you disagree with, that there is racism involved.

I'm very proud of a bill that this house passed today that I sponsored, and passed unanimously -- and I hope the Assembly follows suit -- that would make it a felony to display a noose very similar to the burning of a cross or a swastika. So I don't think you have the right to lecture us in terms of our positions and the positions that we've taken against discrimination. Now --

SENATOR SCHNEIDERMAN: Can I get a question, Madam President?

SENATOR SKELOS: You know, one of the nice things about --

SENATOR SCHNEIDERMAN: Can I get a question, Madam President?

ACTING PRESIDENT LITTLE: Just a moment --

SENATOR SKELOS: I made a statement. Let me finish what I want to say now.

SENATOR SCHNEIDERMAN: Well, you can when you have the floor. I'll sit down, and you can speak.

SENATOR SKELOS: One of the great things about these little BlackBerrys: "Dear Neighbors: Like many of you, we're opposed to Governor Spitzer's proposed rule which would forcer county clerks to issue" --

SENATOR SCHNEIDERMAN: Madam President, I'm sorry, could Senator Skelos save this for when he has the floor? I'd just like to finish my remarks --

ACTING PRESIDENT LITTLE: Senator Skelos is asking you a question.

SENATOR SCHNEIDERMAN: He is not asking me a question, Madam President. He

made a statement --

ACTING PRESIDENT LITTLE: If you wait long enough -- Senator Schneiderman, he's asking a question.

SENATOR DUANE: Madam President.

ACTING PRESIDENT LITTLE: Hold on. Senator Duane.

SENATOR DUANE: The Senator yielded for a question.

ACTING PRESIDENT LITTLE: And Senator Skelos is asking it.

SENATOR DUANE: The Senator did not yield for a novel preceding a question, the Senator yielded for a question.

ACTING PRESIDENT LITTLE: As long as it ends in a question mark, it is a question.

SENATOR DUANE: One-sentence question, please.

ACTING PRESIDENT LITTLE: There is no rule --

SENATOR SCHNEIDERMAN: But I would like to talk about the issue that he raised --

ACTING PRESIDENT LITTLE: Senator

Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, I have the floor. Do I have the floor?

ACTING PRESIDENT LITTLE: Out of order. There is no rule here that says the question must be a one-sentence question.

SENATOR SCHNEIDERMAN: I know, but --

ACTING PRESIDENT LITTLE: Let Senator Skelos ask the question.

SENATOR SCHNEIDERMAN: I'll be glad to sit down.

SENATOR DUANE: Eric, just remove your yield.

ACTING PRESIDENT LITTLE: Let the Senator ask the question.

SENATOR SCHNEIDERMAN: I would no longer yield to this question, because I'd like to answer the first part of the question.

ACTING PRESIDENT LITTLE: No, you don't have the floor any longer.

SENATOR SCHNEIDERMAN: Then I don't have the floor, I'll talk about it later. Thank you.

SENATOR SKELOS: Could I ask you another question?

SENATOR SCHNEIDERMAN: We're not having a good experience here with these questions.

(Laughter.)

SENATOR SCHNEIDERMAN: In response to that question, Senator Skelos, you said something about your bill on the noose. I would love to address --

ACTING PRESIDENT LITTLE: Senator Schneiderman, will you yield for another question from Senator Skelos, yes or no?

SENATOR SKELOS: That's okay.

ACTING PRESIDENT LITTLE: Will you yield?

SENATOR SCHNEIDERMAN: Why don't we let other people talk, because there are other people after --

SENATOR SKELOS: Madam President, if I could just speak on the bill, then.

Because obviously, you know, we've shown flexibility as a majority to have decent discussions when you felt it's important. Senator Duane, we've given you tremendous

leeway in the past session when we wanted to have more or less an open and frank discussion. And now "You're out of order; Madam President, would you rule on this."

So I will just speak on the bill, because obviously --

ACTING PRESIDENT LITTLE: Senator Skelos, on the bill.

SENATOR SKELOS: -- you are looking to stifle discussion.

SENATOR DUANE: Madam President, is there a list?

ACTING PRESIDENT LITTLE: Senator Skelos is speaking on the bill now.

SENATOR SKELOS: I'm on the bill. I'm not asking a question.

ACTING PRESIDENT LITTLE: He's been called on.

SENATOR DUANE: But, Madam President, I don't believe that Senator Skelos has the floor. Senator Schneiderman has the floor.

ACTING PRESIDENT LITTLE: I have called upon him and given him the floor.

SENATOR DUANE: Madam President,

he yielded for a question.

ACTING PRESIDENT LITTLE: That is over with.

SENATOR DUANE: Senator Skelos is not asking a question.

ACTING PRESIDENT LITTLE: Senator Duane, you're out of order. Senator Skelos has the floor. I've yielded the floor. He is speaking on the bill.

SENATOR DUANE: Is he on the list? I don't --

ACTING PRESIDENT LITTLE: Senator Skelos, on the bill.

SENATOR DUANE: Madam President, I just think -- I really think things have -- are a little bit out of control here in terms of the regular parliamentary order.

ACTING PRESIDENT LITTLE: You can appeal the ruling of the chair. We have a list. We have several members who are also going to speak. I selected Senator Skelos to speak on the bill. He is the Deputy Majority Leader.

SENATOR DUANE: Madam President, by the way, I am permitted to bring up a point

of personal privilege. Senator Skelos invoked my name, so I'm allowed to respond, I believe.

ACTING PRESIDENT LITTLE: I don't believe he asked you a question, though.

SENATOR DUANE: He doesn't have to ask a question. He just has to say my name.

ACTING PRESIDENT LITTLE: Would you state your point of order, Senator Duane.

SENATOR DUANE: My point of personal privilege has to do with Senator Skelos raising my name regarding how debate is happening today in the context of how it happened previously to this.

So the point I would like to make on that is generally, Madam President, if we are following the regular order of debate here and if we're following Robert's Rules of Order, then it's very easy to follow what's going on and who has the floor, and in fact that is the collegial way to do it. And I have never objected as long as things were being done in a collegial manner.

The issue that was raised that caused me to object that caused Senator Skelos

to mention my name was Senator Schneiderman yielded for a question. However, Madam President, a question was not forthcoming. And my objection, and all of our objection, was based on there was no question there.

So Senator Schneiderman very nicely -- and more politely than perhaps I would have been -- basically said, All right, go ahead, Senator Skelos, say whatever it is you want to say.

But that does not allow Senator Skelos to start mentioning our names as if we're doing anything wrong, because we didn't do anything wrong. We were following parliamentary behavior.

So it's fine with us if Senator Skelos wants to speak and then Senator Schneiderman gets to regain the floor.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: I believe that Senator Schneiderman had finished his conversation and did not yield to Senator Skelos.

SENATOR SCHNEIDERMAN: But I'm going to speak again.

ACTING PRESIDENT LITTLE: I then chose Senator Skelos to have the floor. He is now going to speak on the bill.

SENATOR SKELOS: Thank you.

Madam President, I do support this bill. And I believe I did ask Senator Schneiderman a question, whether he believed with Eliot Spitzer's comment about Mayor Bloomberg being ethically and morally wrong in questioning, dare questioning the Governor's policy change.

I was also mentioning how it seems whenever Republicans disagree, somehow there's an insinuation that it's racial. You know, I'm reading on one of the blogs right now -- and this is a wonderful tool to have -- it says: "Dear Neighbors:

"Like many of you, we are opposed to Governor Spitzer's proposed rule which would force county clerks to issue driver's licenses to undocumented immigrants without the Social Security card.

"But rather than just complain about it, please join us in a petition campaign asking Governor Spitzer to reverse

his position on this important issue. Please sign the petition, have your neighbor sign it, if time permits, and return it to us at the following address."

And it goes: "In our view, a driver's license is a privilege, not a right. Those immigrants who cannot prove that they are here legally should not be extended the privilege. It's that simple."

And this petition drive and the language came from a number of candidates, two candidates, who are running on the Democrat line in Schenectady, a Mr. Jasenski and a Mr. Godlewski, who are running for the county legislature. They're Democrats.

So Republicans and Democrats should have the right to oppose the Governor's policy concerning the licenses.

But what also is troubling to me is we're granting this privilege to those who are here illegally, plain and simple. On our Senate ID that comes off my driver's license, the same picture. My concern, again, it goes back to illegality.

You know, most of us in this room,

Senator Bruno mentioned it, my grandparents came from Greece as immigrants. My grandfathers came at age 16 and 17. They came to this country legally, waited their turn, sought the American dream, saw a license as a privilege, saw the right to vote as a privilege that they had to earn, coming here legally.

And I think this is what's troublesome to myself and to 72 percent of the people of the State of New York, that we're talking about people not being here legally and extending them privileges that so many generations and those who went and fought wars have fought for to protect the right to vote, the privilege to have a license, and many of these other things.

So I would urge my friends, and my expectation is hopefully before the evening is over that this will be a bipartisan support of the legislation rejecting Governor Spitzer's ill-conceived and just, quite honestly, wrongheaded regulations.

ACTING PRESIDENT LITTLE: Thank you, Senator Skelos.

Senator Rath.

SENATOR RATH: Thank you, Madam President.

I rise to bring a perspective from the western end of New York State, the several of us from the western end.

My district does extend all the way over to the Niagara River. Leaning large and tall at the Niagara River entrance from Fort Erie, Canada, to Buffalo, New York, is the Peace Bridge. Almost in the shadow of the Peace Bridge is a suburb of Buffalo, an old steel town called Lackawanna. Sound familiar? The Lackawanna Six, the terrorist cell?

We have been advised that it's not correct, not fair, inappropriate to be thinking in terms of any linkage of our concern about driver's licenses and people who are here to do us ill. But let's take a look at immigration policies of other countries.

If you're at all familiar with Canada, at all familiar with Toronto, you know of the huge international culture that is Toronto. If you know anything about the Toronto airport, you don't want to fly in and

out of there because it is so full of so many people.

Let me tell you, when you go across the Peace Bridge from Buffalo to Canada, you are asked: "Where were you born?" You say Buffalo, you say Syracuse, you say Manhattan. "Fine, you go ahead."

You come back into the United States from Canada, and you are asked "Where were you born, and may I see your driver's license?" Because you're not let back into New York State unless -- and the United States; not just New York State, the United States -- unless you show your driver's license.

This is a very valuable document to people in my district, in my community, throughout Western New York, because we go back and forth across the border all the time.

I'm chairman of Tourism. The discussion in the tourism community about the economic disadvantage of not being able to use our driver's licenses as a form of identification has been rampant ever since the discussion of REAL ID started.

But let's not go there about the economic concerns, let's stay on the safety concern and look at what that bridge is. There are four bridges, three of them very busy. Three of them in Senator Maziarz's district, Senator Thompson's district, and one of them in the Buffalo area, Senator Thompson's district also.

Those bridges can be lined up for two to three hours on a busy weekend. The Canadians had several of us there, Assembly and Senate people, a month or so ago to see how busy those borders are. Can someone slip through on a forged document? I'm sure they can. I'm sure they could.

How can we prevent this at our borders? It's a serious, serious issue. When you live in a border community, you are poignantly aware of how serious it is.

Senator Leibell urged us to err, if necessary, on the side of caution. Let us go slowly. Do we not want to give immigrants, bona fide immigrants who are working here in our fields in Niagara County and Genesee County, picking beans, picking fruit, doing

what they do -- no, we don't want to disadvantage them. Do we want to talk of how we could help them, what we could do? Sure, I'm willing to come and sit and work on that.

But to do something so quickly and with so little preparation and so little discussion seems very ill-advised. And if we do have to err, let us err on the side of caution until we can work this thing through.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Rath.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

You know, securing the nation's borders is obviously a huge problem and a controversial problem throughout the country. It's not New York's problem.

Madam President, they had an article in the paper a couple of weeks ago about a town that straddles the border, the community hall has a line painted down it. Everybody uses it. You want to cross the border, you go to that town, one side of the

town, no fences.

Yes, legally, you're supposed to walk way up wherever and check in as you go back and forth over the border with a box there with a guy in it. You think people do that? You think people in the community hall check in, blocks away, before they go to the other side of the community hall? No. I think the library is split and shared too.

Securing the borders is a big problem. I have a staff member whose family has a house on a lake up there, and they regularly get in a speed boat and go over to Canada and come back and all. I say, "Well, what do you do?" "Well, you're supposed to phone in from the boat, say 'I'm coming over.'" There's no check.

So, I mean, who are we kidding? Our New York State driver's license is going to stop a determined terrorist from getting into New York State or into the country?

And I'm not in favor of those people getting into the country. But we're pretending here, we're pretending to be doing something about a huge problem that concerns

the entire country and for which the federal government has been unable to come up with a solution.

You know, years and years ago -- because the United States is unique. We're one of the few countries, including democracies, that doesn't have a national ID card. And I remember that being proposed 30 or 40 years ago. You know who the big opponents were in Washington? Conservative Republicans. "Oh, Big Brother, they want to give us all a national ID card, that's terrible."

Well, I happen to believe that in this country you have a right to privacy. You don't have a right to anonymity. And I've said that before as we've debated various Penal Law provisions about identifying yourself to police officers and so on.

So who are we kidding here? We're exploiting the public in New York State by feeding into their concerns about a national problem and pretending that we can either do something to make that better or make it worse in New York State.

Our driver's license -- and by the way, I've said this 20-some years ago. Social Security numbers. When that law passed in the thirties, and I think in reaction to a lot of conservative concerns -- "oh, you're going to give everybody a number" -- it says right in the Social Security Law -- and I haven't looked in there in about 10 years, but it says in there the number shall be used for no other purposes but Social Security and taxation.

Now, when I went to college, I had a college ID with my Social Security number on it. Almost every kid which America that went to a school had an ID or a number, you used the Social Security number. Illegally. For decades. For decades.

Now we've backed off from that approach. And you know what the funny thing is? Not because it was against federal law. Because a little thing called identity theft reared its head in the last 15 or so years.

Although the Senate hasn't caught up. We make our Senate employees fill out a time sheet every two weeks in quadruplicate. And every two weeks they put, in a

quadruplicate form -- you know, we rip off and keep the yellow ones, they stack in a corner in your office. It has every one of your staff members' Social Security numbers on it. It's a wonder we don't have a huge identity theft problem around this Capitol.

Why do you need that? The personnel office doesn't know their Social Security number so they have to put it down every two weeks on a quadruplicate form? Talk about that with the administration of this house. I've brought it up for the last couple of years, and they go: "Oh, yeah."

The fact of the matter is Social Security numbers should be used for Social Security and tax purposes. Driver's licenses should be used for driving.

What I want to know from a New York driver's license is, the name on there is the name of a real person, it's the only driver's license he or she has, and they really live at the address that's stated on the driver's license. And their eye color and all the other stuff is accurate. And they know how to drive, they've passed a driving test, they've

taken the courses we require.

That's what we ought to be doing with driver's licenses. And I don't give a hoot if they're from Mars if they pass all those things, because I want, when they get behind the wheel and on the highway with me and my family, to know they know how to drive and they have insurance.

Because now people are out there -- I'm not so sure they know how to drive that well, and I certainly am sure they don't have licenses or insurance. And that's a threat to all of us.

And the federal government ought to be doing something about securing the nation's borders and figuring out how to deal with the immigration problem. That's beyond us. And anybody in this house is just engaging in huge pretense if they claim that some bill we pass here is going to secure the nation.

Because our driver's license is good, no terrorists will be allowed in New York State? Last time I looked, you could drive here from Pennsylvania or New Jersey or anywhere else in the country and you don't

show any ID when you across into New York or New York City.

So how are we more secure? We're talking about people having driver's licenses who are already here. They're here. Nobody is getting a New York driver's license so they can get into the country.

So it's just who are we playing to? Of course the public, they're frustrated about the inability of the federal government to secure the borders. It feeds into other angers about who might be taking whose job. But that's unworthy of this house.

The procedure for getting a driver's license the Governor has proposed is better than what we've had. A Social Security card is a piece of paper. There's no photo on it, there's a number on it.

And a lot of misleading stuff is being put out in the press by people who should know better and put out on this floor by people who should know better.

Voting. The only requirement in New York law concerning citizenship is you check off the box, under oath, that says "I am

a New York citizen."

You do not have to -- wrong about HAVA. I am surprised that a member here that I thought knew HAVA -- the HAVA law that we passed and you voted for -- and you voted for, Senator Flanagan -- the HAVA law we passed said that a newly registered voter by mail who has never showed ID before shall be notified and when they go to vote for the first time shall present one of the following IDs: Driver's license or a DMV nondriver photo ID, or other current and valid photo identification.

Oh, you know, the one that says you work at the A&P, that will do. It's got your picture on it. Does it say you're a citizen? No. Or a copy of a current utility bill, bank statement, government check, paycheck, or any other government document that has the name and address of the voter.

You can show them something from the INS to notify them to get out of the country. It will have a return address from the government, and it will have their name and address.

Or if you want to avoid that, you can mail in with your application a copy of your driver's license or nondriver photo ID or the last four digits -- last four digits -- of your Social Security number.

Now, they can't check you out with the last four digits. They don't check you out. The Board of Elections doesn't check citizen status. Maybe we ought to fashion some way that we can. But again, that's beyond the State of New York. We're the victim of a federal government that can't secure the entire country.

Or a copy of a utility bill or bank statement or government paycheck. So, you know, if you send them in a copy of your ConEd bill, what's that prove? Your name and address and at that address you have electricity or gas. That's good enough to vote.

So it's totally phony to scare people in New York State or to make irresponsible political charges that somehow or other, under this change in the processing for driver's licenses, that people will be

able to vote who can't vote now.

And in fact, why a driver's license? It's not proof -- under the Pataki regime, it's not proof of citizenship. A legal immigrant with a green card or a visa could get a driver's license, get a Social Security number if they have the kind of visa that says you can work or a green card. And you can get a driver's license.

Still, you can't go vote with it. It's a felony. You're not a citizen. Enforcement -- and believe me, I've had Election Law cases over the years and I've had a subscribing witness to a petition in court finally admit they weren't a citizen.

By the way, this individual was a registered Republican. And a registered Democrat. With two different birth dates. You see, she could get paid to carry petitions for candidates in either party.

And finally, after a series of questions because she has history of these multiple registrations going back 15 years, the judge leaned over and said: "Madam, are you a citizen? You've been getting signatures

for 15 years as a Republican and as a Democrat. Are you a citizen?" She said "No."

Her testimony ended there, when he gave her her Miranda rights and told her to go get a lawyer.

(Laughter.)

SENATOR CONNOR: But you know what -- by the way, the signatures got tossed, both parties.

But our DAs have to take that seriously. It's not a cute little old Tammany Hall war story from the 19th century. It's a felony. And if there were a few prosecutions, people wouldn't do it.

But it has nothing, nothing to do with the driver's license. And this new driver's license -- and it frankly is shocking and, to me, scandalous to scare the voters and have newspaper stories that, ah, people are going to vote illegally because of this.

Our voter registration system depends 99 percent on voluntary compliance with the law. As do many other areas of our law. Or, as I said, hey, our whole tax system, IRS, depends on voluntary compliance.

Only they got auditors. Our voter system depends on voluntary compliance, frankly, without the auditors.

But I really think we've got to tone this down. It sounds great, you got a great issue, 72 percent. Let's tell the truth to the people. It's not so frightening.

And I certainly won't feel any more secure if you had to take a blood test to get a driver's license. Because the country's borders aren't secure, and the state's certainly aren't. So who are we kidding here? You telling me a terrorist can't drive up from Delaware or some other state because our driver's license is so secure?

Madam President, I'm going to vote no on this bill. It doesn't address a real problem the federal government better get around to addressing, the real problem of immigration.

ACTING PRESIDENT LITTLE: Thank you.

Senator Parker.

SENATOR PARKER: On the bill, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Parker on the bill.

SENATOR PARKER: It seems like here we go again with us trying to diagnose and solve the problem of the Mayflower complex in this chamber. And it seems that the Mayflower complex means that people believe their family came here on the Mayflower and no one else has any rights or access to any privileges that the United States has to offer. And I think that's really deplorable.

This legislation is racist. This legislation is anti-immigrant. I think that we should save ourselves the embarrassment of having to vote on it and pull it off the floor right now, frankly.

But let me just tell you the facts. And the fact is we all care about security. And it's nice to hear about upstate borders and, you know, somebody, you know, blowing up a corn silo up someplace in Lawrence County, and that's cute. But at the end of the day, we're the ones who live in New York City.

And, you know, I remember 9/11 because that was an important day for me. I

was running for office for the first time. I remember the look on the face of the people in my campaign as they ran screaming from poll sites and train stations and -- just really people not knowing what to do.

I remember my campaign manager running out of the office and getting in his car and racing, trying to get there, because his girlfriend worked in the building across the street.

I remember my niece being with me and breaking down in tears because she worked in the building and was supposed to go to work that day, and we had had an argument about her coming to help me in my first election and she decided at the last minute to come see me instead of going to work. And she's here exactly because of that.

So when people start talking about this 9/11 thing, this is not no abstract thing, these are not random people to me. This is a girl named Bridget who I went to school with since elementary school who worked in the building and died that day. I have to see her mother every day who still lives down

the block from me.

This is about, you know, Chief Vernon Richard, who was a very close friend of my family, who died that day, who was a firefighter and died that day doing his job.

So when people play politics with this very, very horrific thing, it really, really, really sticks it to me. Because I have -- you know, I can still smell the smell of the flesh and the metal and everything that we all who lived in city, you know -- and some people whose districts live closer than I did. And in Flatbush I can remember that smell.

I still have papers that floated from the sky that day, burnt on the edges, that landed on my lawn and scattered the streets. And Flatbush, you know, is miles away.

This is not a game. This is not a political football and every time, you know, you get uncomfortable you yell 9/11. These are people's real lives. And if we really cared about this, let's talk about what the real facts are.

The fact of the matter is there are

people who are still very scared. And I'm ashamed that my colleagues would prey on that fear. And when I talk about that, I'm not just talking about people upstate. My sister, who lives across the street, had to quit her job because she will not ride the train anymore. Because right after that they had the sarin [sic] scare and all that stuff, and people were talking about being trapped in the subways. She will not ride the train.

You know, these are real people. These are not, you know, just, oh, something may happen. These are real people and real things that are going on.

So the fact is I care about security too. I really want to see my community, I want to see the state, I want to see everybody's community who represents people in this chamber, I want to see your districts and your people and your constituents safe like I want to see my family safe. I really believe that. And I know you do too.

And that's why I really applaud the Governor on making this move, because really

this bill does part of the job of doing that. And so you look at it, the fact of the matter is that this bill -- I'm sorry, not this bill, this executive order by the Governor is attached to a number of initiatives by the DMV.

So one of the things they're going to be used is photo-recognition technology, and that's going to be -- you know, the fact is that technology is going to allow us to match up photos so we can make sure that one person/one license is the rule of the DMV. Right?

And at the end of the day, as many of my colleagues have indicated, a driver's license should be simply that, a license for driving. We want to make sure that people, you know, have good eyesight, they can see the road, they read the signs, that they know the signals, that they can understand, you know, how the traffic flow runs.

We'd like to make them eligible to receive insurance. Right? What we know from AAA is that an unlicensed driver is five times more likely to be involved in a fatal accident

than a licensed driver. And so we want people to be licensed in part because we want them to be safe.

We understand that the fact of the matter is is that not only will there be photo comparison and recognition technology but there will also be document verification.

So, you know, I don't want to disagree with my colleagues too much, but the reality is despite this executive order, somebody who does not have a Social Security card cannot walk into the DMV today or tomorrow and get a license on the spot. It's impossible, because of the system.

First of all, they haven't even started phasing in system for about another month and a half. Right? Or two months. And they will phase it in over time, and the technology will be available.

But also document verification will be part of this new system, where they will collect foreign passports, they will collect one of 40 other documents that has to be attached to your foreign passport in order for you to meet the requirements.

And they will be, you know, going through and verifying and doing authentication on people's backgrounds and who they are. Right? Not no big homeland security thing, just to make sure that Kevin Parker's photo in here is that Kevin Parker is who Kevin Parker says, Madam Chair. That's what this license is for. That's the process that the DMV will be going through.

And so, you know, many of us have taken foreign trips. If you haven't taken one, let me suggest that you do. And when you come back into the country, or even when you go to another country, what you'll see oftentimes is they take your passport and they slide it through a little machine, and something pops up on the screen with your information on it.

Those verification workstations are going shortly to be available at the DMV. That's an important security feature so we can help verify information. Not every foreign passport has those kinds of features on them, and in those cases documents will be collected and over a six-to-eight-week period they will

be analyzed and they will be auth -- I should stop using that word -- they'll be verified, to make sure that those documents are in fact real documents.

And in the cases where somebody presents a document that is a forged document, they will be turned over to the authorities for prosecution. As they should.

We should be making citizenship the goal of our immigration policy. But frankly that is outside the purview of this chamber, outside the authority of the state government. And frankly, the President has totally messed up the INS.

And so yes, when you talk about people who have applied and been naturalized, what you have forgotten is that those people applied 10 and 15 years ago, which is pretty much the waiting time that it takes for somebody to become a citizen of this country. If you don't know, check with INS. Because at the end of the day, we have a slow and ambiguous path to citizenship in this country. Very slow, very ambiguous. And it changes every week.

And so, I mean, for us to fool ourselves and act like, you know, just go apply, become a citizen, you know, is ridiculous. And I'm somebody who advocates being a citizen.

In fact, on Saturday at Brooklyn College I'm cosponsoring something with CUNY to do an immigration citizenship drive in my district. Those of you who would like to come and help people gain the American dream, come on by. Because, you know, that's an important function in terms of the leadership in our districts. We ought to be encouraging people to become citizens.

But we also ought to be realistic about what happens every single day, and that people are applying and INS is losing their documents, they have appointments and, you know, they give them the wrong day. And, I mean, I've heard it all in terms of the broken system that the INS has.

And we certainly shouldn't be punishing people who are trying to simply make a living, people who are trying to take their children to school, people who are trying to

use a vehicle for work. We shouldn't be penalizing those people because we have not created a clear and fast and unambiguous path to citizenship.

But the fact is is that this executive order by the Governor saves money. And I've often heard from my colleagues in this chamber that we ought to put more money in the pockets of our citizens. I agree. And specifically on the issue of driver's insurance, I mean, car insurance in this state is astronomical, particularly in the five boroughs. And the opportunity to put $121 million back in the hands of the citizens of New York State is an opportunity I don't think that any of us should pass on. And so, you know, we really ought to make sure that we do that.

We are not just simply saying no Social Security number, no Social Security cards. We're switching out an ineffective means of identification, simply a card with a name and a number on it, for something that is actually used by our Department of Homeland Security every single day.

So it's interesting to me that people who are worried about homeland security have not petitioned the federal government to say passports are not good, everybody coming from another country ought to have a Social Security number. Even though, of course, they couldn't, because they're from another country. But being that you think the Social Security number is the Holy Grail of identity documents.

But the reality is that a Social Security card does not have a biometric, it doesn't have a photo. It's not necessarily -- you know, it's a flimsy little piece of paper with a name and a number on it. You know? And certainly a passport, even a foreign passport that we are going to great lengths to verify certainly provides more security than we did.

This bill unfortunately -- and the fact of the matter is that this bill represents a failure of leadership. It represents a failure of leadership. And really what I'm hearing my colleagues across the aisle say to me is that you know what, we

have failed to do the things we can do in the State of New York to make New Yorkers safer, and so we're going to scapegoat the Governor and immigrants because of our failure of leadership.

The fact of the matter is that the folks on the other side of the aisle have failed to come up with a real solution to how we deal with first responders. We have right now significantly less cops than we did the morning of September 10, 2001. And we know that police officers are our number-one first responders.

Where are we on that? Where's the leadership to make sure there are police officers, you know, in the streets of New York City where, if you want to talk about a terrorist attack, that's where the Brooklyn Bridge, Statue of Liberty, Empire State Building, Radio City Music Hall BAM, you know, Marina del Rey -- I mean, we have lot of historical sites in New York City that frankly don't have the protection that they ought to have simply because we haven't provided the kind of incentives that we need.

You think that a cop standing on a beat for $25,000 can't get a bribe, and if I'm going to blow up something, I can't pay off a cop making 25 grand? We have clerical assistants in here making more than 25 grand, and we're asking people to protect our lives every day for 25 grand and a couple of benefits? I mean, we need to do better than that. And we're a better state than that.

The reality is that, you know, the fact of the matter is that this legislation today represents a failure of leadership for the Republicans in the State of New York to talk to their Republican president and get more homeland security dollars.

Don't tell me that Wyoming gets more money per capita than New York State, you know, because -- and we have a Republican Majority Leader in the Senate, Madam Chair, and we have been impotent to get money from their president who they endorsed and who they elected to bring money here to protect, while you're going to lecture me about the safety and security of the people in this state. This is a failure of leadership.

And, further, this bill is a failure of leadership because you failed to do the one piece that the Governor asked you to do to make this a more secure document. Which is if you wanted to bring a bill to the floor today, you should have brought a bill that makes a residency requirement for a driver's license. Which we currently don't have and we need to do by law. And we need to do it legislatively.

And so, you know, if we bring that bill to the floor, that will even help make this state more secure than it is as we stand here. But currently it's not, because you haven't done that. And we need to bring this bill to the floor in a real way.

I mean, the reality is from a terrorist perspective if you have a diabolical plot to blow up a corporate headquarters and you're going to fill a truck with explosives and you've going to drive this truck into a lobby and detonate yourself, Madam President, why would you let not having a driver's license stop you from doing that?

So you're going to load the truck

up, you know, you've got your route, you're going to run this thing in, you've said all your prayers, you're ready to blow up yourself up and take this corporate monster down -- and, right, you know what, don't have a valid ID. My bad. Maybe next week. Maybe I'll go to another state. I mean, it's absolutely ridiculous.

And we all know that the folks who were involved, these horrendous men who were involved in the terrorist act on 9/11 all were here within the confines of the law. They had done nothing illegal until that point. All their documents were in order, they had -- in fact, the only reason why we knew who they were was because they had driver's licenses and had other forms of ID.

You know, the fact of the matter is this. From a law enforcement perspective, creating an opportunity for people to get a driver's license is frankly the best thing to do for law enforcement. Why? Because the best database for law enforcement -- point blank, period -- are the 50 databases of the DMVs of the country. Point blank. That's it.

And so, you know, more often -- and some of you were in law enforcement and you know how many times did you go to DMV. But you can't go to DMV if those records aren't there. If you don't have people who have signed up to get driver's licenses.

And so, you know, if we really are interested in protecting ourselves, we'll do what is important, which is make sure that people are on the grid, make sure that we can start with a photo and an address and some approximation of where people's locations are.

Malcolm Smith talked about that earlier in the case of this pedophile who was recently attacked [sic].

And then the other point I wanted to make was about the 9/11 Commission. Because, you know, there's been lots of talk about the 9/11 Commission and what they said and what they didn't say. But in fact one of the things that they did say in their fact sheet was "We did not make any recommendations to state governments about which individuals should or should not be issued a driver's license. We did not make any recommendations

about licenses for undocumented aliens."

They said it was irrelevant. It was irrelevant. Providing licenses and access for people to drive their cars to and from work and to and from school and to use their license to drive a truck or a cab or something like that is irrelevant to the security of this nation.

And if we really want to make this country more secure, we really ought to do the things that we know works. Provide more money for first responders. We should make sure there's a residency requirement for the driver's license in the State of New York. And we should continue to support the Governor and make sure there's a proper appropriation this coming session for the DMV so we can secure all the document scans and the right personnel so that we can continue to do the kind of background checks that we ought to.

But certainly I don't think that it is appropriate for our city, our state, or our municipal governments to be supplementing the role of INS. INS needs to do its own job, and they need to fix their own house. And they

should not be asking us, on top of all the other unfunded mandates that we get as a state government, they should not be asking us to also do the job of INS. It's not our job. Let them do that. And they should do it. I'm not saying don't do their job; they should do it. But they ought to let us, in fact, do the jobs that we need to.

I guess lastly, to hear my colleagues on the other side of the aisle talk about process, I couldn't have asked for this in my wildest dreams. Couldn't have asked for it in my wildest dreams. Because I've never heard so much conversation about process in my life.

In the five years I've been here, it wasn't until this year, when we got a Democratic governor, that in fact we had our first public hearing regarding any issue of significance from the Majority in the Senate. I mean, not on any of the things that were important.

In fact, in 2002, when Governor Pataki changed the rule and started requiring it -- the rule was actually in place from a

paper perspective, but it wasn't being enforced at the DMV. But when they changed the rule and many of us made objections to it, I didn't hear any calls for public hearings then on your side. I didn't see anybody jumping up and saying: Well, this is a significant change to the law and you're now enforcing something that you hadn't enforced, Madam President. So, you know, why are we doing this now?

And, I mean, at the end of the day I would love to see lots of public hearings on lots of issues --

ACTING PRESIDENT LITTLE: Excuse me.

Senator Flanagan, why do you rise?

SENATOR FLANAGAN: Madam President, would Senator Parker yield?

ACTING PRESIDENT LITTLE: Thank you. Senator Parker, do you yield to Senator Flanagan for a question?

SENATOR PARKER: I am almost at the close of my comments. And when I do that, I would love to yield for Senator Flanagan.

ACTING PRESIDENT LITTLE: Thank

you. The Senator does not want to yield at this time.

SENATOR PARKER: May I continue, Madam President?

ACTING PRESIDENT LITTLE: You have the floor. You may continue.

SENATOR PARKER: Thank you.

I mean, in fact, if people wanted to talk about -- I mean, if you want to talk about the process and not being informed and not being involved, I've had a bill that actually does what the Governor has done in the executive order. I've had that bill for at least three or four years, and I haven't been able to get it reported out of committee. I haven't been able to get anybody to even give me a real face-to-face conversation about the bill. And I'm not even talking about passing it; let's at least have a conversation.

Let's bring some bills to the floor that you disagree with that we can debate and let fail, as opposed to just seeing, you know, the Republican Majority's bills come up day after day after day after day that you know

are going to pass because you have the numbers and, whether we like it or not, you just ram them down our throats without any kind of conversation.

If you want to talk about the failure of Albany, that is what the failure of Albany is. And the fact of the matter is this bill represents, you know, a continued tradition of that failure.

I mean, so I'd like to see some public hearings. I'm glad that people are now all of a sudden concerned with the Constitution. Because I know when Senator Balboni had a bill that was a homeland security bill that actually made exemptions to the Constitution and to the Bill of Rights, people voted for it and people weren't concerned about that. It was like, oh, don't worry about it, they'll settle it in court. Now all of a sudden everybody's concerned about, you know, protecting the Constitution.

And so I'm glad to see that it's a brand-new day here in Albany. I look forward to more public hearings on some issues of relevance that don't deal with the Governor

but in fact go to the point of helping the young people in the state, that go towards helping the seniors of the state, that go towards protecting working families in this state. And I look forward to joining with you to make sure that this continues to be the most secure state in this great United States.

Thank you, Madam President. I'll yield if the Senator wants to ask.

ACTING PRESIDENT LITTLE: Senator Flanagan, do you continue to ask a question?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT LITTLE: Senator Parker, do you yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR FLANAGAN: You made at least four or five references to the fact this is an executive order. You are aware that this is not an executive order. This is a policy that's --

SENATOR PARKER: A policy change at the DMV. Excuse me, I misspoke. It is a policy change of the DMV.

SENATOR FLANAGAN: And do you think it's appropriate for DMV to share information with law enforcement agencies?

SENATOR PARKER: I think that when DMV thinks it's appropriate, they should share information with law enforcement. And actually, my understanding is that they do all of the time.

SENATOR FLANAGAN: Did you attend the hearing that was chaired by Senator Libous and Senator Leibell?

SENATOR PARKER: I did not.

SENATOR FLANAGAN: During the testimony Commissioner Swarts talked about how well they worked with law enforcement agencies but said that they would not provide information to them unless they were being told to do so through a court order.

Do you believe that that's a sound policy, or should they voluntarily provide information? Because you did talk about safety and security.

SENATOR PARKER: Well, first, I understand that that is in fact the case naturally on the issue of immigration. So

yes, I do think it's a sound policy as it relates to immigration. That is in fact not just a policy of Commissioner Swarts but has also been the policy of Mayor Bloomberg and the administration in the City of New York.

SENATOR FLANAGAN: So you agree with the administration policy that the only time they'll supply this information -- they won't do it voluntarily, but they'll do it through a court order?

SENATOR PARKER: That immigration information should be obtained that way, yes, I do agree.

SENATOR FLANAGAN: I would just make one comment. This is really not normal for me to do this, but I'm going to make a point of personal privilege in relation to the some of the comments you made.

I'm extremely offended by part of your comments, and I take umbrage at what you said in two respects. One, I don't represent St. Lawrence County, but a couple of my colleagues do. You invoked September 11th, talked about the passion and the people you knew who died. Please don't denigrate any one

of my colleagues on either side of the aisle when you reference St. Lawrence County and the corn silo and how that's some type of cute reference.

To belittle one area of the state and to suggest that somehow New York City has a higher place when it comes to safety and security is exactly what you're accusing everyone else of doing.

And I'm a sponsor of this bill. I will match my integrity and my record with anybody in this chamber as to whether or not someone is racist. I'm proud of this legislation. You don't have to like it. I don't call you a racist, and I don't expect you to call me one in return.

ACTING PRESIDENT LITTLE: Senator Krueger.

SENATOR PARKER: Madam President, if I could respond.

Because if you think that St. Lawrence County has the same kind of terror threat as New York City or Brooklyn or Queens, then you must agree with the President and those people in Homeland Security who give

more money to Wyoming than New York. Which is why I guess Republicans haven't done their job in making sure that New York State gets the money it needs for homeland security. Because the reality is it doesn't.

And if you tell me that the Brooklyn Bridge and the Empire State Building and, you know, Radio City Hall and the Statue of Liberty have the same value as, you know -- I mean, what? I mean, tell me something that's up there that is going to be of real historic value that's going to make the terrorist target. None of those things -- they don't exist in the same kind of way. And that's --

ACTING PRESIDENT LITTLE: Senator Wright.

SENATOR PARKER: And I'm sorry that --

ACTING PRESIDENT LITTLE: Senator Parker. Senator Parker. Excuse me.

Senator Wright, why do you rise?

SENATOR WRIGHT: Thank you, Madam President. Because I have the honor of representing St. Lawrence County, and I've sad

sat here very quietly listening to my colleague demonstrate his lack of knowledge.

But I will point out that one of the primary security issues in St. Lawrence County is the hydro facility located at Messina, the hydro facility that provides power to the City of New York and all the other institutions that the Senator articulated.

So in truth and in fact, we deserve the same kind of protection, the same kind of representation that any other district in this state is entitled to.

And I agree with my colleague Senator Flanagan. We're here to debate an issue, not to be insulted about who we represent or how we represent them.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR PARKER: If I can continue.

And I'm sorry that everybody is so personally offended, but certainly I'm glad that no one thinks that it's offensive when

you bring things to the floor --

ACTING PRESIDENT LITTLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would Senator Parker entertain a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Parker, would you yield to Senator DeFrancisco?

SENATOR PARKER: Yes.

ACTING PRESIDENT LITTLE: Yes, the Senator yields.

SENATOR DeFRANCISCO: Would you be personally offended if someone called you a racist?

SENATOR PARKER: If I was a racist, no. And if I made racist statements, no. If I produced racist legislation on the floor of the New York State Senate, no.

I would say, you know what, if somebody's calling me that, maybe I should look at my legislation and the impact of my legislation and then make a determination on how I felt.

SENATOR DeFRANCISCO: So you wouldn't be offended.

SENATOR PARKER: I said -- I answered that question already.

SENATOR DeFRANCISCO: All right. Can you answer another question for me?

SENATOR PARKER: Yes.

SENATOR DeFRANCISCO: Can you tell me -- you've been talking about this is a bill against immigrants and so forth. Can you tell me the difference between someone who is an undocumented immigrant and an illegal immigrant?

Because I've heard that distinction being made, and I can't quite understand it. So could you enlighten me?

SENATOR PARKER: It's interesting that all of a sudden this becomes about immigration. And if it wasn't about immigration, then why are we talking about this?

I mean, at the end of the day everybody in this room -- you can play politics, you can play fancy talk with the words, but at the end of the day we all know that this affects approximately 152,000 people in the State of New York, some of them

undocumented, some of whom are undocumented may in fact -- may or may not be -- undocumented simply means you don't have the documents that people are asking for. Which does not necessarily mean that you are illegal.

So if I didn't have a Social Security card, if I didn't have a driver's license, I would be undocumented. Despite the fact that I'm legal, because I'm a naturalized citizen of the United States. So if you want to know the difference, that's the difference.

But it's interesting that we need to make these differences given the fact that this is not an immigration thing, as everybody has said. But at the end of the day, we all know who this affects.

SENATOR DeFRANCISCO: Could I ask him one more question, please.

ACTING PRESIDENT LITTLE: Thank you, Senator DeFrancisco.

Senator Parker, do you yield?

SENATOR PARKER: I do yield.

SENATOR DeFRANCISCO: So if I'm driving a motor vehicle and I don't have a

license, I'm not an illegal driver, I'm an undocumented driver?

(Laughter.)

SENATOR PARKER: Again, Senator, that's a matter of semantics. But I just gave you a very clear example. And hopefully -- let me say it slower so you can follow me. I, Kevin Parker, am a naturalized citizen --

SENATOR DeFRANCISCO: Point of personal privilege.

ACTING PRESIDENT LITTLE: Thank you. Senator DeFrancisco, point of personal privilege.

SENATOR DeFRANCISCO: You know, do you have to say everything sarcastic about every other member like you're going to say it slowly just so we understand it?

SENATOR PARKER: I said something to you; you apparently didn't understand it.

SENATOR DUANE: Madam President --

SENATOR PARKER: Let me say --

ACTING PRESIDENT LITTLE: Senator Parker. Senator Parker.

SENATOR DUANE: Let's

depersonalize, Madam President, please.

ACTING PRESIDENT LITTLE: Senator Duane, your comment, your point?

SENATOR DUANE: A point of order, Madam President.

I think we should depersonalize everything and just try to get back to the actual facts of the legislation.

ACTING PRESIDENT LITTLE: Thank you.

Senator Parker, have you completed your remarks? We have other speakers.

SENATOR PARKER: Oh, I have not completed my remarks.

Because, you know, there's been a number of things -- and again, I'm sorry everybody is so thin-skinned that they are -- you know, they're hurt by my comments. But I have a lot of people in my district and a lot of people in the state who are hurt by this legislation and who are hurt by the comments made in here. And somebody has to speak truth to power.

And the reality is -- the reality is is that if in fact the power plant in

St. Lawrence County is so vital to our energy supply, then Senator Wright, I expect you to lead a delegation this week to Washington, D.C., and demand that we get dollar for dollar what Wyoming gets for homeland security and put that money into St. Lawrence County and make sure my power supply is done, because when I go to BAM, I don't want the lights going out on me.

And so I'm saying that -- you know, like I said, this is a failure of leadership. And I really would look to see some real leadership on this issue. And you can't come and say you are for homeland security and not in fact do all the other things that relate to homeland security, like getting homeland security dollars, like making sure that our police officers are getting the money that they need.

Thank you very much.

ACTING PRESIDENT LITTLE: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. On the bill.

Well, there's a lot of passion here

in this room tonight on all sides. But I do want to just quickly want to go over some of the facts again for the record so that I can say afterwards that I listened to the whole debate, that I evaluated the arguments made on both sides, and that I was sure that my decision to vote against this bill was done with thought and with analysis.

Security is everyone's concern. There is no one who represents any citizen of the State of New York who isn't concerned about security in their own communities and across the State of New York.

This is not a bill about 9/11. As it has been said several times, the 9/11 Commission made it clear that driver's licenses, held or not held by the people who were terrorists who committed that heinous act, were irrelevant to what took place that day, although the existence of driver's licenses for some of the terrorists did allow our government officials to track their identity after the fact.

And I suppose that's the point I want to make here, that this is not a debate

about security from a homeland security perspective.

We had our previous colleague, Senator Michael Balboni, come and speak to us the other day and go over, from his analysis as the deputy secretary for the State of New York responsible for homeland security, why in fact the Governor's proposal to ensure that we had a stricter process for reviewing people's eligibility for a driver's license in New York State, while also recognizing the importance of having everyone who may in fact be driving in the State of New York in a database was in fact in the best interests of security of this state and of the people of this state.

So when I talk about security and driver's licenses, I'm looking at the facts that drivers who don't have driver's licenses contribute five times as many deadly accidents as licensed drivers. And so that an unlicensed driver is in fact a security risk to all of us every day when we're out there on the streets of whatever district we represent, whether we are in cars driving or in my

district, where you're more likely to be walking across the street with cars coming at you.

We want to have the people who are driving in the state of New York to have --

ACTING PRESIDENT LITTLE: Excuse me, Senator.

Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Madam President, will Senator Krueger yield to a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger, do you yield to a question?

SENATOR LIZ KRUEGER: After I complete my statements I'd be happy to yield, Madam President.

ACTING PRESIDENT LITTLE: Thank you. The Senator refuses to yield at this time.

SENATOR NOZZOLIO: She is not yielding to a question?

ACTING PRESIDENT LITTLE: She is not yielding.

SENATOR LIZ KRUEGER: As soon as

I've finished. Thank you, Madam President. The Senator will still be here when I'm done.

So I'm concerned with the security of making sure that everyone behind the wheel of car has been tested, has been licensed, has been reviewed and by law is supposed to have insurance. I feel that there's stronger security, and security experts seem to agree with us that having everyone in a database having been reviewed with actual documentation --

ACTING PRESIDENT LITTLE: Excuse me. Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Madam President, will Senator Krueger yield to a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger, will you yield to a question?

SENATOR LIZ KRUEGER: As soon as I complete my comments, I'll be happy to take as many questions as Senator Nozzolio likes.

ACTING PRESIDENT LITTLE: No, the Senator refuses to yield to a question.

SENATOR NOZZOLIO: Madam

President, the record reflects that Senator Krueger again refuses to yield to a question?

ACTING PRESIDENT LITTLE: Yes, Senator Krueger has refused.

SENATOR NOZZOLIO: Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR LIZ KRUEGER: Certainly. Thank you, Madam President.

So again, the proposal as it has been laid out by the Governor, through the DMV policy change, is to ensure that everyone has to submit documentation in order to get a driver's license. In fact, if they are a noncitizen, they have to submit a passport from another country which is a much more restrictive requirement than we place on anyone today.

And in fact, under the proposal as laid out by the Governor and by Senator Balboni, there will be a new proposal process in place at the DMV for having a document verification unit, document scanning workstations, photo-comparison technology,

and, they hope -- again, if we move legislation -- a residency requirement in New York State.

We need to make sure that the facts of this debate here tonight confirm what the actual issue is. The State of New York had a policy of allowing people who did not have citizenship to get driver's licenses up until a few years ago. We are not just going back to that system, but we are building into place a much stricter process for requiring documentation.

Now, I suspect that not everyone who's not here legally will go forward and get themselves a driver's license. I suspect that if you're one of the small, small percentage of people who are here in this country who intend to do harm to this country, you're not likely to be the one who goes in to declare yourself with evidence to a government agency.

And so I think it's important that the record reflect that the type of security that we're debating tonight is actually the security for people who come in contact with automobiles throughout the State of New York,

all the counties of the State of New York, each and every day, whether they are drivers or whether they are pedestrians. And that what is important to remember here is you need to follow the details of the proposal.

I think that the Governor has done a decent job at giving us the evidence and arguments for his case. I think the fact that we have security experts from this state and around the country who have come out to support this plan highlights that point. I think the fact that some people seem to choose to make this issue one of a perception --

ACTING PRESIDENT LITTLE: Excuse me. Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Madam President, is Senator Krueger's statement completed enough so that she can find the time to yield to a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger, will you now answer a question from Senator Nozzolio?

SENATOR LIZ KRUEGER: Since apparently the Senator is on a very strict timeline, I will yield to a question and then

go back to my comments.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR NOZZOLIO: Madam President, thank you.

Could Senator Krueger explain to this body whether the license that will be provided under Governor Spitzer's proposal to illegal aliens will in fact designate that the person who holds that license is here illegally?

ACTING PRESIDENT LITTLE: Senator Krueger.

SENATOR LIZ KRUEGER: My understanding is that if you cannot prove that you have a United States Social Security number, that you will need to submit a passport from your home country.

So if you do not have a green card or a visa which would already allow you to get a driver's license, but you wish to get a driver's license, that you will need to submit a passport from your home country and that there will be a thorough review on the validity of that passport and other documents

you might be asked for before you got the driver's license, and that information would all be in the DMV database.

SENATOR NOZZOLIO: Madam President, will Senator Krueger continue to yield?

ACTING PRESIDENT LITTLE: Thank you, Senator Krueger. Do you continue to yield?

SENATOR LIZ KRUEGER: Yes, I will.

SENATOR NOZZOLIO: Madam President, does this proposal by Governor Spitzer require an illegal alien who obtains a driver's license under his proposal to carry with them their passport, their lease, other documentation that was required for them to obtain this license?

ACTING PRESIDENT LITTLE: Senator Krueger.

SENATOR LIZ KRUEGER: My understanding is once you are approved for a driver's license, what you actually kept with you on your person for purposes of driving would be a driver's license.

All a driver's license is for is to document your legal right to be behind the wheel of a car.

SENATOR NOZZOLIO: Madam President, through you, that as I understand Senator Krueger's answer, that there will be no requirement that anyone who obtains this driver's license under this specific circumstance, even though they're here illegally, when stopped by a law enforcement officer, that law enforcement officer will have no knowledge of whether this person is in fact an illegal immigrant, illegal alien or another member of the driving public. There's no difference in the license.

Is that not correct, Senator Krueger?

SENATOR LIZ KRUEGER: Yes, I believe you are correct, Senator, that the purpose of a driver's license is only for confirmation of whether you have the legal right to be driving and that if you were stopped by a law enforcement officer for violation of a driving law, that they would use the driver's license as they would for me.

If law enforcement was stopping me for some other reason not related to my violation of a traffic law, then as they might today for me or for you ask for other forms of ID, because the topic in hand was not were you driving in violation of New York State driving law.

SENATOR NOZZOLIO: Madam President, will Senator Krueger continue to yield?

ACTING PRESIDENT LITTLE: Do you continue to yield, Senator Krueger?

SENATOR LIZ KRUEGER: Certainly, Madam President.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR NOZZOLIO: Senator Krueger, it was my understanding you in your remarks indicated that those who are unlicensed in fact had a higher incidence or level of violations. Would you explain that?

SENATOR LIZ KRUEGER: Yes. There has been data produced by both the AAA and by various DMVs that people who are unlicensed drivers are almost four times -- excuse me,

let me reread that. According to the AAA, the unlicensed drivers are almost five times more likely to be in a deadly crash than licensed drivers.

SENATOR NOZZOLIO: Madam President, if I may continue, through you.

Does that not mean, Senator Krueger, that the individuals who are the statistics you are mentioning in fact at one point had a driver's license? They in fact are driving illegally because of a suspension or other violation of law, as opposed to not having a license in the first place, never taking a driver's test, never having that license in the very first instance?

In other words, what you're suggesting is a statistic that applies not to those who don't have driver's licenses but those who have violated the laws and had their license in fact suspended; is that not correct?

SENATOR LIZ KRUEGER: No, that is not my understanding, Senator Nozzolio.

That the research was done on just whether you did not have a driver's license.

The same way as the reasons you might not have a driver's license might or might not relate to your legal status in this country.

SENATOR NOZZOLIO: Senator Krueger, that may not be your understanding, but I think you need to look beneath the statistics you're citing --

SENATOR LIZ KRUEGER: I'm sorry, Madam President, is there a question?

SENATOR NOZZOLIO: Senator Krueger, I shall ask you, then, through the chair.

Senator Krueger, in citing those statistics, can she document for us are those statistics of drivers who have in fact been suspended and therefore demonstrate a poor driving record, or they're in fact drivers who never had a license in the first place? Which is it, Senator Krueger?

SENATOR LIZ KRUEGER: Madam President, I believe it's probably a combination.

We know of course that after we changed New York State driver's law under Governor Pataki, significant numbers of

immigrants lost their driver's licenses. So they might be situations where they once this a driver's license, then we took that driver's license away.

And now the Governor is hoping to be able to put them back into the system, back into the database with much stronger review and verification of who they are and their documents, whether it be U.S. documents showing that they've got legal status or a passport from their home country.

SENATOR NOZZOLIO: Madam President, still through you, it just doesn't make sense to me that all nonlicensed drivers who never had a license in the first place would have the same type of statistics that in fact Senator Krueger is citing for those who never received a license. Those who are violating the law are going to have a higher incidence of statistical violations of those driving laws.

And in fact, is not Senator Krueger aware of those county clerks who have cited this statistic time and again as being a fallacy of the incident level for driving?

SENATOR L. KRUEGER: I suppose that the Senator and I can agree to disagree on specific data here tonight, and we could both go back and pull more data for a future discussion.

I will stand by my argument that having people who are driving cars have driver's licenses, having taken tests, being in our database, being able to track whether or not they have been bad drivers and in fact should have their licenses removed and their privilege of being drivers taken away from them if in fact they prove to be bad drivers who don't follow our laws, is still in the best interests of the public.

It is better to have the information. It is better to be able to hold people to standards and ID them. And it is better to be able to have a situation where they can be found and penalized if they in fact are violating our driver's laws.

In regards to the follow-up part of his question, which I believe related to county clerks, some of whom are publicly in disagreement of this DMV policy and some of

whom are not, what's clear to me, from the information I've been provided, that they don't have the legal authority to disobey these policies.

There are plenty of us who don't like plenty of the laws that do get passed in the State of New York, whether we're legislators or elected officials as county clerks or private citizens. We're always going to have some people who disagree with the laws that we pass.

I think there is no one in this room who have taken an oath of office to be State Senators, who take very seriously their responsibilities and their rights to pass laws, who would disagree with the statement that we expect people to follow the law even if they don't think they like the law.

Thank you, Madam President. I'll close.

ACTING PRESIDENT LITTLE: Thank you.

Senator Golden.

SENATOR GOLDEN: Thank you, Madam President. I've heard an awful lot here

today. Pretty amazing. I've heard the Bible quoted. I've heard racism charges. I've heard them talk about it's not in the law.

You know, my father and my mother, they came here as immigrants. And they waited through the process, and they raised eight kids, and they lived the American dream. And what we're seeing here today is to all of those that waited in line, for all of those that are waiting to have and to make the American dream, we're going to say no, we're going to change that, we're going to give illegal aliens the gold standard of licenses here in the State of New York and welcome them. My poor father would turn in his grave to listen to this.

But we'll have to listen. We'll have to listen to arguments here that do not work. And we can see, when you're losing the argument, you'll almost stoop to anything. And that's sad.

Because it is in the law of the State of New York. And it is about 9/11. And it is about illegal aliens, not hardworking immigrants that came to this country and

worked their way through so that they could reach the American dream.

We see this policy in Tennessee and in North Carolina where it was tried, and they rescinded it. And one would ask, why did they rescind it? They rescinded it because it didn't work. They rescinded it because illegal aliens from around the country were going to those states and getting legal documents, legal licenses, and going back to their states.

In the state of New Jersey they were running down illegal immigrants to Tennessee, and they were getting them a license and they were getting them back within 24 hours, all for the cost of $950 each.

The federal government arrested the individuals that were doing that. And they rescinded both of those programs in both North Carolina and in Tennessee.

I've heard conversations from 2000 years ago in the Bible to eight states in this great country. It's not about the Holy Land, it's not about eight states, it's about the State of New York where we are about to issue

New York State licenses, the gold standard of licenses, to illegal immigrants.

I don't know -- Mohammed Atta, which we've heard today a couple of times, at least mention of the terrorists that attacked on 9/11 -- in Florida, when stopped without a license, recognized how important that document was to have a license. And 18 out of the 19 went out and got 38 documents, licenses and state ID cards.

And the 9/11 Commission stated that we had to do something about our licenses here in the State of New York. And guess what? The federal government passed the REAL ID Act so that we would never see the carnage and the death and the loss of life that we've seen on 9/11. And we paid the price here in this state: 3,000 people killed in this great state. Families that are still going through this and will go through this for the rest of their lives, year after year after year.

I haven't talked to one 9/11 parent that has agreed with this policy. They are sickened by this, because it's the wrong thing to do.

The REAL ID Act said that we have to implement this by 2010. And it has to be completed by 2013. And yes, there are changes going on on a regular basis into that act. But I think everybody here knows that this state will not be in compliance with the REAL ID Act.

So what does that mean? It means we can't get into buildings with our New York State license, we can't get on airplanes with our New York State license. But yet if you are a citizen here, you will be required to give your Social Security number. But if you're not, we don't need your Social Security number. So there's an extra burden placed on the citizens of this great nation.

The 9/11 Commission knows full well that there are illegal immigrants here and behind those illegal immigrants there are some that are terrorists, and they want to do harm to our nation. And there are sleeper cells right here in this state. And we want to go and give the gold standard to some of our sleeper cells.

I quoted Tennessee and North

Carolina. I've heard about voting. People want to say it's not about voting. Oh, it's definitely about voting. It's about giving an opportunity for tens of thousands of illegal immigrants to go and vote, not only here in this state but I believe it's also going on in other states, like in California, there is an effort afoot to do this.

We heard about a policy here in New York. I guess it's okay to have 50 different policies around the nation. New Jersey, you have your policy. Vermont, you have your immigration policy. Everybody, have a different policy.

Hillary Clinton doesn't think there should be 50 different policies. She believes it should be the federal government's responsibility.

I've heard Richard Clarke. For every terror expert that I've heard -- and I've only heard two so far -- there are 10 or 15 that have come out against this program. And I'm talking about real terrorist experts.

It only takes one terrorist, and that one terrorist only has to be right once.

Why? We were thumb down on New York State license. If anything, we should thank the Governor for enhancing the license and we should ask him to continue to enhance this license by continuing to make sure no illegal immigrants get this license and that the Social Security number is required and that we not only have the facial scan but we have an iris scan or a fingerprint so that we can increase the value of that license. So that we can protect this citizenry of this great state.

I love these arguments. I give you kudos. But you know what? Seventy-two percent of this great state, they say you're wrong. Police departments up and down the State of New York, they say you're wrong. County clerks up and down the State of New york say you're wrong. And the majority of the state and the majority of this nation say this is a wrongheaded policy.

Madam President, I hope that this bill goes on to be law. And I hope that the Governor recognizes who elected him and why they elected him to be the governor of this

state. And I'm hoping that the Governor of the State of New York will listen to the 72 percent of the people of this great state and will rethink his policy and do what the people that elected him to do will do.

Ladies and gentlemen, this is not something we should argue about. This is a no-brainer. This is about real policy, and it's about lives, about lives that can be lost. I hope that the Governor does that.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Golden.

Any other Senator wishing to be heard?

Senator Padavan, to close.

SENATOR PADAVAN: To close debate. Thank you, Madam President.

It's been a long debate and a great deal has been said, and I'm not going to try and extend the time in which we've been in this chamber any longer than necessary. But there are just a few things that I'd like to address. Most of them, actually, are matters of fact.

Several of you, one after the other, said this bill takes effect, the REAL ID Act, in 2013. Where you got that from I don't know. But it takes effect in May of 2008. Now, a state can ask for an extension for a year, but they have to submit a plan by February of 2008 as to what they're going to do to implement the federal REAL ID Act. There's no question about that. If you doubt it, look it up. If you want to, I'll give you copies of it.

Several of you have said that nowhere in the 9/11 Commission report or study did they say anything about driver's licenses. They said it multiple times. But most importantly, in their recommendations under the general heading of "Immigration Law and Enforcement," "Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses."

And so they did, the federal REAL ID Act.

"Fraud in identification documents

is no longer just a problem of theft. At many entry points to vulnerable facilities including gates for boarding aircraft, sources of identification are the last opportunity to settler that people are who they say they are."

That's in the 9/11 report. There is no doubt, no matter how you feel about this issue, that the bottom line is that what the Governor has recommended, through the DMV commissioner, is in direct violation of the REAL ID Act requirement. That is a fact. And you can dance all around it, up, down and sideways.

Now, personally I have not been in one night called a racist, a what? A demagogue. Thank you so much, Senator.

(Laughter.)

SENATOR PADAVAN: Maybe you'd like to add to that.

(Laughter.)

SENATOR PADAVAN: A fearmonger, a demagogue, a racist all in one night, as the prime sponsor of this bill.

But you know, Senator Schneiderman

said that Mayor Bloomberg didn't say what he said. Well, I have his exact words. "I'm really skeptical that we should be issuing driver's licenses willy-nilly because it then leads to lot of other problems in terms of voter registration and other things. But it's the Governor's call."

Now, I guess he's saying he doesn't like what the Governor did. Not a guess, it's a fact. So therefore, he's a racist too. A fearmonger too.

Now, the REAL ID Act passed overwhelmingly in the Congress, including our two U.S. Senators, Schumer and Clinton. So I guess they're racists or fearmongers as well.

We have a Congressman from Queens who's been very active. I'll quote him. Congressman Weiner said last week that he feels Governor Eliot Spitzer's controversial plan to issue driver's licenses to illegal aliens would run afoul of the standardized license requirements of the federal REAL ID Act. He said this concerned him because he didn't want New York City-issued licenses to become second-class licenses. He voted for

it, and he -- now, if you want to identify him as a racist, as a fearmonger or whatever, I think that would be really a stretch.

None of these people are. And neither am I. And you might disagree with the facts of what we're presenting, which I think is hard to do. You might disagree with the direction in which we're trying to go. But don't question our motivation. Don't do that. Because you're wrong.

Now, when the Governor reacted to the Mayor, this is what he said: "Mayor Bloomberg, he's dead wrong. Factually wrong, legally wrong, morally wrong, and ethically wrong." So he questions the Mayor's morality and his ethics.

And that's what you're doing here tonight, several of you at least. And so I guess you took the lead from the Governor in the way you presented your arguments. Doesn't make it right.

So, Madam President, I certainly hope that this bill will pass on a bipartisan basis. Hopefully the Assembly will take it up at some point in time. It has a Democratic

sponsor in that house.

We hope that perhaps, in view of what's going on here, that the Governor might reconsider what he's doing. We hope something positive comes out of all of this.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Padavan.

The debate is closed. The Secretary will ring the bell and read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: To explain my aye vote on this legislation.

I am not going to repeat much of what was said; it's been said over and over. But the fact of the matter is a driver's license is a privilege. It should be granted to people who are following the laws of the

State of New York.

If they're not here legally, they're not undocumented, they're illegally here, and they should not be provided with that privilege. If they're simply undocumented, then get the documents and become a legal resident of this country.

And if the system makes it very difficult to get the documents, then work to change the immigration system. But there is a rule of law. And that rule of law applies to everyone, not just people that are here legally.

Secondly, Senator Padavan just talked about the federal REAL ID Act which is being violated. But our own statute of the State of New York, 502 of the Vehicle and Traffic Law, requires a Social Security number to get a license. And that is a law, that's not a policy.

And there's another reason why you can vote for this bill. If you're here as a legislator making laws, by voting against this, based upon the Governor's policy, you don't belong here. There's no reason to pass

laws if the Governor can just say "This one I don't like, I'm going to change the policy."

So for all of those reasons and many, many more, I'm going to vote aye and I would urge this to be a bipartisan vote. When Governor Pataki was wrong with his budget and didn't give enough school aid, we as Republicans overrode the veto. You should override a bad policy of this Governor by passing this legislation.

Thank you.

ACTING PRESIDENT LITTLE: Thank you. Senator DeFrancisco will be recorded in the affirmative.

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Madam President.

I did not join the debate because not much more can be said about the righteousness of this bill as far as I'm concerned.

I would point out that the Governor, early in his first several months, clung very dearly to an over 70 percent mandate that he believed he received from the

voting public I would only ask that he and those that support him on this bill consider the other mandate that is before us today, and that is that more than 70 percent of the residents and citizens of this state do not believe in what is he trying to do with illegal aliens receiving driver's licenses the way he is prescribing.

I'm supporting the New York State clerks. I'm supporting the over 70 percent of my constituents that believe that the Governor and those who would support him is wrong in this issue.

And I vote for this bill for the very simple reason that it is factually right, it is legally right, it is morally right, and it is ethically right.

I vote yes.

ACTING PRESIDENT LITTLE: Senator Alesi will be recorded in the affirmative.

Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Madam President.

I enthusiastically vote yes on this piece of legislation to block Governor

Spitzer's plan to give driver's licenses to illegal aliens.

You know, I proudly come from a district that also has corn silos, just like Senator Wright's district. And not only do we have corn silos, we have a lot of common sense. And I can tell you without hesitation that the vast majority of the people of my district have the common sense to know that the Governor's policy is wrong. It threatens our safety, it threatens our security.

And I was just reading the newspaper, some of the clips, and one of the articles really stood out to me. It says "Illegals Road Hazards: Two states fail the test," and it talks about the fact that North Carolina had this policy in place and they withdrew it in four years. In Tennessee, it took less than two years for them to understand and realize the mistake that they had made because of the rampant fraud, the organized crime that was associated with giving driver's licenses to illegal aliens.

So we should have the common sense in this chamber to reject the Governor's plan.

And I'll tell you what. I was elected, you were elected, Governor Spitzer was elected to represent the needs and the desires of the people of this state. It's time that my colleagues on the other side of the aisle and Governor Spitzer listen to the people of this state and stop this policy.

I vote yes.

ACTING PRESIDENT LITTLE: Thank you. Senator Young will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Madam President.

I'm voting against this bill based on the recommendation made by Senator Bruno, which says "I can understand the merits of what the Governor is trying to do. We have hundreds of thousands of aliens here, and I'm not sure it serves the public good to deprive them of their ability to go to school, to go to work, to do the kinds of things that you have to do to live a normal life."

And I'm also following the recommendation made by Senator Nicholas Spano

when he introduced, on April 24, 2006, when he introduced Bill 7388A, where he made four recommendations:

One, acceptable proof of identity shall include -- shall include -- a foreign passport with or without visa stamps. Number two, eligibility for a driver's license shall not be conditioned on a particular immigration status. Number three, a letter or form from the United States Social Security Administration stating that the applicant is not eligible for a Social Security number shall be accepted. And, number four, a statement or form by a witness with a valid New York driver's license attesting, under penalty of perjury, to the identity and address of the applicant will be accepted.

Based on Senator Bruno's recommendation, and based on Senator Spano's piece of legislation which he introduced here, I am voting against this bill. Because if I voted for it, if I vote for it, I'm voting against the recommendation of Senator Bruno and the bill that Senator Spano introduced.

And I don't want to go against

Senator Bruno.

(Laughter.)

SENATOR DIAZ: I don't want to go against him. I want to go for him, and I want to support that statement and I want to support Senator Spano, who has a good heart, who tried to do a good thing for the immigrants of this state.

So I'm voting no.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz will be recorded in the negative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, I thank my colleague for his bipartisanship. And I too want to add my negative vote on this bill in a bipartisan way.

We've heard a lot of talk here today about immigration. I don't think this bill is about immigration. I think it's about security. This is a bill to promote security within New York State.

When former Senator Balboni spoke to us last week, he made a very compelling

argument for security. And nobody can say that he is soft on security.

It has nothing to do with 9/11. Nothing. Absolutely nothing to do with 9/11.

This bill, in my opinion, does nothing to promote security. I believe that it is a one-house bill. We're going to see the end of it within the next few minutes. And let's start revisiting this issue cooperatively and constructively without the acrimony and without the hostilities.

And I vote no.

ACTING PRESIDENT LITTLE: Thank you. Senator Stavisky will be recorded in the negative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I'm glad we're finally getting some of this out on the record so that the assertions of facts can be checked later.

As I indicated, I don't think the facts are on the side of the proponents of this bill. There has never been a requirement

that you have to produce a Social Security number to get a -- indeed, the bill you just voted for provides that people can get driver's licenses, some people who don't have Social Security numbers. That's always been the law.

The REAL ID Act was unanimously passed because it was attached to a must-do appropriation bill having to do with the war in Iraq and with emergency relief for the victims of Hurricane Katrina.

I certainly, you know, urge all of you to read all of the statements by the 9/11 Commission.

After the statements that Senator Padavan cited, there was confusion, and a fact sheet was issued by the commission saying: "We did not make any recommendations to state governments about which individuals should or should not be issued a driver's license. We did not make any recommendations about licenses for undocumented aliens." It's just wrong to suggest that they did it. All these quotations out of context of other commentary is irrelevant.

But finally -- finally, my friends, I am not suggesting that anyone in this room is a racist. But I would suggest that the people you are supporting in this endeavor and who are providing support for you, the people from F.A.I.R. who you invited to the hearings, are people who really you should be very careful about who you're bringing into this house.

We have an obligation to lead and to be responsible. And the senior advisor to F.A.I.R., Garrett Hardin -- again, this is the group you invited in here -- when asked by Tucker Carlson, a good conservative commentator, why he supported eugenics, he said: "What is your problem with that? Should we subsidizing people with low IQs to have as many children as possible and not subsidizing those with high ones?"

There is racism out there. There is anti-immigrant demagoguery out there. And my only caution to you is let's be careful, as we pursue the facts on this, not to bring it in here.

This bill does not advance the

cause of public safety. This bill does not advance the cause of antiterrorism. This bill does not advance the cause of sane immigration policy. I urge everyone to vote no.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Schneiderman will be recorded in the negative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Madam President.

We've heard a lot of things, as was said before, some very harsh words on the floor which I frankly never thought we'd hear, but we've heard them. And I wish they would not appear again. They don't deserve to be said on the floor of this house for any reason, for any purpose. It's wrong.

However, we've heard a lot of interesting things today. One, we've heard a quote that's from a former member of this house stating that he would support this bill. Let me read a quote when he voted for Senator Padavan's bill in 2005.

"So here's the conflict" -- this is from a transcript, the official transcript of the Senate. "So here's the conflict. On the one hand, Frank Padavan is absolutely correct. This bill is what the federal government has how said we must have. And in three years, if we don't adopt this type of language, guess what happens? Our driver's licenses will not be usable for any federal purpose. That means getting into a federal building, that means getting on a plane, and that means doing anything else."

He follows up, when he was explaining his vote: "If you don't have a secure driver's license system, you're much more vulnerable as a society."

Those are direct quotes from Senator Michael Balboni, at the time Senator Michael Balboni. If you want to see that we haven't taken them out of context, I'd be happy to share this with you or copy them for you so you can have this.

I also heard some very interesting interpretation of the Bible from one of our colleagues, who was equating the Jewish people

brought in slavery to Israel with illegal aliens who snuck into this country. I don't think my Jewish friends would appreciate the comparison. I suggest we rethink that interpretation of the Bible.

Thank you, Madam President. I vote aye.

ACTING PRESIDENT LITTLE: Senator Marcellino will be recorded in the affirmative.

Senator Perkins, to explain his vote.

SENATOR PERKINS: Thank you very much. I'm not going to be able to vote for this legislation.

First of all, I want to commend the Governor for his vision in presenting us with this new policy. I think it is the right policy at the right time.

I'm very concerned, as one whose family has suffered a loss in 9/11 -- my cousin, Clyde Frazier, Jr., was killed then. And I'm very concerned about the fact that the driving force, the driving argument with respect to this legislation is about

terrorism.

The whole rationale is that immigrants and terrorists somehow or other go hand in hand. And I think that that type of argument can only lead one to conclude that this is a political hatemongering campaign that has absolutely nothing to do with the merits of the policy.

Especially when you consider the fact that this is not a new policy, this has been used in eight other states. There have there have not been any terrorist reports coming from those states in the implementation of the policy there.

And so I cannot see how we can make terrorist arguments about this particular policy and then be so disingenuous and unfair and insensitive as to bring in 9/11 as a part of why we should not be using this new policy.

So I think that I can appreciate some people's sensitivity about the passion that may have been expressed, and maybe some nerves touched. But nevertheless, it's a bad piece of legislation that is driven by arguments related to terrorism and coupling

terrorism with immigrants.

ACTING PRESIDENT LITTLE: Thank you. Senator Perkins, how do you vote?

SENATOR PERKINS: I vote no.

ACTING PRESIDENT LITTLE: Senator Perkins will be recorded in the negative.

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you, Madam President.

First, let me just apologize to any of my colleagues who are offended by my remarks. I certainly have a great relationship with many of you on both sides of the aisle and certainly was not trying to be offensive.

However, I stand by the fact that I think that the consequences of this legislation, which is what I said, is racist and I think is anti-immigrant. And I say that exactly because we had this -- we've now developed all this legislation after 9/11 when we were attacked in a horrible manner by people who were nonwhite.

But when Timothy McVeigh blew up

the building in Oklahoma, when the Unabomber came out, I didn't see any legislation, I didn't see anybody posting any pro-racial profiling thing that said let's look out for white men who are loners and let's gather them and start interrogating them or let's, you know, stop them from their privileges in the United States.

And those are the kind of things, the unintended consequences -- or intended, for some people -- are in fact what makes this problematic.

Let me applaud the Governor, because the Governor has done the right thing. I think, you know, that sometimes, yes, we are supposed to be representatives of our districts. And I think I am. My district is overwhelming against this legislation and for what the Governor has done. But they also elect us to be leaders.

And so on one hand I am representing my community, but I'm providing leadership for the whole state on this issue, because it's important for us to be able to make the distinction, as I said, between

somebody who is undocumented who may not have a Social Security card or may not have a driver's license or a passport and somebody who is illegal, which may not in fact be the same thing.

It is not our job, as people of the State of New York generally, or the DMV of the State of New York, to be INS, ICE, or the Department of Homeland Security. They should do that.

And I'm happy to go to Washington with any one of my colleagues who are interested in that and talk to the president, talk to the head of Homeland Security, talk to the INS to get a speedy and less ambiguous process for citizenship and to make sure we get the dollars that we need and deserve here in New York State to protect everything from people to silos.

So let's, you know, stop pretending that this legislation does what it needs to. We're adding document analysis, we're doing scanning, this new policy --

ACTING PRESIDENT LITTLE: Senator Parker, how do you vote?

SENATOR PARKER: This new policy also includes making sure that we're doing photo identification.

ACTING PRESIDENT LITTLE: How do you vote, Senator?

SENATOR PARKER: And I'm voting nay against this, because the policy of the Governor is a good policy.

Thank you.

ACTING PRESIDENT LITTLE: Thank you. Senator Parker will be recorded in the negative.

Senator Seward, to explain his vote.

SENATOR SEWARD: Thank you, Madam President.

Throughout this debate I would agree with those who say that the issue of the high number of illegal and undocumented immigrants in this country is truly a federal issue, and I call on the Congress and the administration in Washington to deal with this issue. There's no argument on that point.

But the question before us is, what is an appropriate response as the State of

New York to the large number of illegal immigrants in our state?

I would submit that the appropriate response is not to relax the qualifications and the requirements for obtaining a New York State driver's license. It's contrary to what other states are doing. It's totally contrary to where the federal government is headed.

That's why I support this legislation and will be voting aye. It is not anti-immigrant. In fact, I would suggest that the Governor's policy and recommendation here is a real slap in the face to legal immigrants who have come to this country legally and are playing by the rules. The Governor's policy is a slap in the face to those people.

And this legislation is not hatemongering, it's an honest attempt to close a loophole that the Governor is attempting to create that will provide an opportunity for those who are coming to this country to do us harm. They can walk right through that loophole that will be created.

So this is not hatemongering, it's not anti-immigrant. This is a national

security issue. And I say that it's very important that we move forward with this legislation. I hope that the Governor will see the light, I hope the Assembly will do the same, so that this policy will not go into effect.

It's an honest attempt to do the right thing on those that are supporting this legislation. I vote aye.

ACTING PRESIDENT LITTLE: Thank you. Senator Seward will be recorded in the affirmative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Madam President. Thank you. I'm going to explain my vote.

I want to thank my colleagues for this debate. I've listened carefully to both sides, and I've gleaned a lot. And I have also looked at what the Governor has proposed and, further, I've had an opportunity to speak with the former Senator who is now heading up the state's Homeland Security Office.

And I trust him. I think that he

would not lead us wrong. I don't think he would like lie to us just to satisfy the wishes of the Governor, even though he does work now with the Governor.

But he made it very clear and by talking to him I understood clearly that the issue that we're dealing with in terms of the driver's license is that they have created a much more secure process and mechanism and product. And that we, by doing this, we will end up being the state in the nation with the most secure license. And so I really think that this is an opportune time for us to move in front of the pack, do the right thing.

And by all means it is totally, I think, destructive, disruptive to have us going around the state evoking the name of -- someone even invoked the name of Mohammed Atta. Of all things. What is this we're talking about?

So we should be making sure that our constituents -- I'm very happy when farmers come to Brooklyn, and I'm very happy when people from Brooklyn go wherever they go throughout the state to visit the home of

Harriet Tubman and to see the beautiful Erie Canal and appreciate the beauty of New York State. We're one state, Madam President.

And this is a policy for our state. It is a policy for securing, creating a more secure driver's license. And so I hope that all of us will stop talking about Mohammed Atta and start talking about this opportunity to bring our state together to create a unified driver's license that we can have more security from all of us in this room, all of the citizens, and including illegal immigrants.

So I'm voting no to this legislation.

ACTING PRESIDENT LITTLE: Thank you. Senator Montgomery will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2167 are Senators Adams, Breslin, Connor, Diaz, Dilan, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Onorato, Parker, Perkins, Sabini,

Sampson, Schneiderman, Serrano, Smith, Stavisky. Also Senator Duane.

Ayes, 39. Nays, 19.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Madam President, if we could return to the noncontroversial calendar and take up Calendar Number 1914, please.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1914, by the Senate Committee on Rules, Senate Print 6000, an act to amend the Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Madam President, if we could recommit to the Committee on Rules Calendar Number 2171, please.

ACTING PRESIDENT LITTLE: So ordered.

Senator Libous.

SENATOR LIBOUS: Madam President, there will be an immediate meeting of the Labor Committee in the Majority Conference Room.

ACTING PRESIDENT LITTLE: Thank you. The Labor Committee will meet immediately in the Senate Conference Room.

SENATOR LIBOUS: Madam President, if we could return to reports of standing committees.

ACTING PRESIDENT LITTLE: Reports of standing committees.

The Secretary will read.

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

As executive director of the New York State Foundation for Science,

Technology and Innovation, Edward Reinfurt, of Albany.

As a member of the New York State Employment Relations Board, Barbara C. Deinhardt, Esquire, of Brooklyn.

As a member of the New York State Foundation for Science, Technology and Innovation, Carter F. Bales, of Oyster Bay.

As a member of the Board of Trustees of Cornell University, Elizabeth D. Moore, of Sleepy Hollow Manor.

As members of the Advisory Council on Alcoholism and Substance Abuse Services, Roy Kearse, of Amityville; William Magwood, of Newburgh; Patrick McKenna, of Averill Park; Paul N. Samuels, of New York City; and Pamela G. Wilkes, of Voorheesville.

As members of the Advisory Council to the Commission on Quality of Care and Advocacy for Persons with Disabilities, James H. Bopp, of Garrison; Denise A. Figueroa, of Cohoes; Anna Marie Lusins, of Oneonta; Andrea Haenlin-Mott, of Cortland; Regis Obijiski, of Kingston; William E. Reynolds, of Loudonville; and Elizabeth Wickerham, of Saratoga Springs.

As members of the Mental Health Services Council, Mantosh J. Dewan, M.D., of Syracuse, and John V. Oldfield, Ph.D., of Syracuse.

As a member of the Public Health Council, Debra Fraser-Howze, of New York City.

As members of the Board of Visitors of the Creedmoor Psychiatric Center, Lula Fisher, of Queens Village, and Alfred Koral, of Oakland Gardens.

As a member of the Board of Visitors of the Rockland Children's Psychiatric Center, George A. Hoehmann, of Nanuet.

And as a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office, Richard W. Bossert, Ph.D., of North River.

ACTING PRESIDENT LITTLE: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nominations.

SENATOR LIBOUS: Second.

ACTING PRESIDENT LITTLE: Thank you. The question is on the nominations as

read by the Secretary. All those in favor of the nominations say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: All those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: Senator Volker.

SENATOR VOLKER: Just one second, if I might. I just want to say congratulations to Ed Reinfurt.

It's been suggested by my colleagues that I shouldn't speak very much, but I just want to say congratulations to Ed Reinfurt, who's a long-time friend.

And good luck in your new position.

ACTING PRESIDENT LITTLE: Thank you.

Senator Perkins.

SENATOR PERKINS: You know, I just want to take a moment to personally congratulate all up there. But there's one who is -- I must say he's more special than the others by virtue of the fact that I have the honor of being the State Senator in the

seat that he once held as the State Senator from Harlem. It's Carl McCall.

And he actually gets credit for me not only being here but starting my whole career in the political process. So I just wanted to thank him for his public service and -- are you still up there? Oh, you haven't done him yet.

Oh, I get a chance to say it again.

(Laughter.)

ACTING PRESIDENT LITTLE: Thank you.

Senator Farley.

SENATOR FARLEY: Yeah, I thought I had the wrong list also.

But I just want to say something on behalf of Ed O'Malley Reinfurt -- his mother was an O'Malley.

And I've known him for over 30 years. If anybody is eminently qualified for this job, it's he. He has followed the Legislature and seen us through thick and thin. And he's taking on an incredibly important job as this area and this state becomes the high-tech center of the United

States equal with any other place.

And Ed Reinfurt will be a magnificent nominee. And of all the people that have been appointed or confirmed, I think he's truly outstanding, and I support his nomination.

Thank you.

ACTING PRESIDENT LITTLE: Thank you.

I'd like to offer our congratulations to Ed Reinfurt as the executive director of the New York State Foundation for Science, Technology and Innovation.

Congratulations, Ed.

(Applause.)

ACTING PRESIDENT LITTLE: I'd also like to offer the congratulations of this body to Barbara C. Deinhardt, who has just been appointed to the New York State Employment Relations Board.

Congratulations, Barbara.

(Applause.)

ACTING PRESIDENT LITTLE: The nominees are hereby confirmed.

Senator Farley, for a motion.

SENATOR FARLEY: Yeah, I have a motion.

Madam President, I wish to call up Senator Wright's bill, 3414, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1235, by Senator Wright, Senate Print 3414, an act to amend the Penal Law.

SENATOR FARLEY: Madam President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT LITTLE: The Secretary will call the roll on reconsideration of the vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR FARLEY: I now move to commit this bill to the Committee on Rules.

ACTING PRESIDENT LITTLE: So ordered.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT LITTLE: Senator

Libous.

SENATOR LIBOUS: There will be an immediate meeting of the EnCon Committee in the Majority Conference Room. Immediately.

ACTING PRESIDENT LITTLE: Thank you. The Environmental Conservation Committee will meet in the Senate Conference Room immediately.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT FUSCHILLO: Immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:32 p.m.)

(Whereupon, the Senate reconvened at 8:40 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Maltese.

SENATOR MALTESE: Mr. President,

I'd like to announce an immediate meeting of the Crime and Corrections Committee in the Majority Conference Room.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Crime and Corrections Committee in the Majority Conference Room.

The Senate will stand at ease until that committee is finished.

(Whereupon, the Senate stood at ease at 8:41 p.m.)

ACTING PRESIDENT GRIFFO: Senator Griffo.

SENATOR PADAVAN: Mr. President, there's an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT GRIFFO: Immediate meeting of the Finance Committee in the Majority Conference Room.

(Whereupon, the Senate reconvened at 10:27 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: If we could

return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 5745A, by Senator Stachowski, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

6180A, by Senator Golden, an act to amend the Military Law;

And Senate Print 6521, by Senator Maziarz, an act to amend the Workers' Compensation Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: All bills directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move to accept the report of the Rules Committee. And if we could take that up at

this time.

ACTING PRESIDENT GRIFFO: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1604, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Bill Number 8224A and substitute it for the identical Senate Bill Number 5745A, Third Reading Calendar 1604.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1604, by Member of the Assembly Quinn, Assembly Print Number 8224A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2187, by Senator Maziarz, Senate Print 6521, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2188, by Senator Golden, Senate Print 6180A, an act to amend the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now go to the reports of standing committees and take up the Finance Committee report.

ACTING PRESIDENT GRIFFO: The reports of standing committees.

The Secretary will read.

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

As member and chairman of the Manhattan Transportation Authority, H. Dale Hemmerdinger, of New York City.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Maltese.

SENATOR MALTESE: Mr. President, realizing the lateness of the hour, at the same time I want to say a word on behalf of the nominee.

I have known Dale and members of

his family for some years now. He and his sons have put into my community, in the Glendale community, one of the largest developments that we've ever had.

He has continued, from the very inception, of turning an area of old knitting mills and decrepit and decaying warehouses and buildings into a thriving area, one of the finest malls in Queens County and the City of New York, probably, if not the finest.

He has indicated a willingness to work with the community, has constantly met, has donated part of the premises to the Queens Symphony Orchestra, Bobby and the Strays, groups, nonprofit groups, has in many cases served as a venue for other nonprofit groups.

I want to say that I met with him shortly after his nomination. He indicated an interest to continue that spirit of cooperation as chairman of the MTA. I know he has big shoes to fill, following our good friend and colleague Peter Kalikow. At the same time, I think his experience and background in business will serve him well in this position.

And I believe he will serve, as he's indicated to the committee just now, that he will meet with Senators and legislators with interests and concerns. We've indicated some of those interests as far as the impending fare rise, and he's indicated that he's willing to have an open mind and take a look at the implementation and the timing of those fare rises, if they ever take place.

I am very pleased to second the nomination of Dale Hemmerdinger as a member and chairman of the MTA.

ACTING PRESIDENT GRIFFO: Thank you, Senator Maltese.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

It's a rare occasion where I vote against the nominee; I believe it's the Governor's prerogative to make such appointments.

However, I vote against this nomination mainly as a protest to the MTA's continuing policy of fare increases. For those who ride the Long Island Railroad, Metro

North, this year the MTA is proposing a 6.5 percent yield increase. And what many people do not understand, a yield increase could means upwards of an 8 percent or more increase in actual fares.

These proposed increases, which the nominee has indicated he would not oppose when I asked him most directly, come on top of a 25 percent increase in 2003 and at least a 5 percent increase and more, depending on where you commuted from, in 2005.

Also, the nominee would not state his opposition to the MTA's proposal beginning in 2010 that there be an automatic fare increase every two years.

The people of Long Island, I know many on Metro North, while we're encouraging people to get out of their cars, get on the trains, increasing fares is going to be absolutely counterproductive.

At this time, with a looming billion-dollar surplus within the MTA, I have to side with our comptroller, Tom DiNapoli, Speaker Silver, who have indicated that this is not an appropriate time for a fare

increase.

That being said, I will be voting no on the nomination, if the record will so indicate, although I do indicate to the nominee that I do look forward, if confirmed, to working with him in order to avoid fare increases, improve service and certainly security within our rail system.

ACTING PRESIDENT GRIFFO: The record will so reflect.

Senator Adams.

SENATOR ADAMS: Yeah, I rise to support this nominee, but even more so to say to the nominee that we spoke, during conference and earlier, about some of the issues around his membership. And I want to say and I want to make it clear that I thought it was unfair and it was wrong, and I wish I could have communicated with him beforehand.

I don't have a problem with individuals that are friends, no matter what ethnicity you are, to come together, to socialize. You know, I don't understand where we get this belief that white men can't sit down and be part of a group, as long as

they're not teaching hate, as long as they're not trying to hurt individuals, as long as they're not encouraging violence.

Groups come together. African-Americans come together, Asians come together, Italians come together. Groups come together, they coalesce around what they're familiar with. And I don't think it defines a person's character because they decide they want to be around friends and have some form of associations.

And I think that some of the things that was said was a smear on probably a person that has a great character, probably have great contributions to the city. And I want to apologize for those that just haven't matured to the level to state the mere fact that you associate and you're with people who have like minds or that you agree with is interpreted the wrong way.

And I believe that this is an excellent opportunity for us to have a person part of the MTA that's going to bring a wealth of knowledge and experience. I think the Governor made the right decision. And I'm

going to write an op-ed to send a message throughout the entire city that we have to stop the process of believing that suffering and pain is unique to only one particular group.

We have men and women who were Irish that came here and had to coalesce together to survive. We have Asians, we have Italians. All groups, when you come here to America, you have to assimilate together until you are able to find your footing.

And so it is not wrong for white men to sit in a room, smoke a cigar, and have jokes with each other. I do it with my African-American friends. I know Hispanic individuals that have Hispanic organizations. It's not wrong. And I believe that you were given a black eye for something that you didn't do that was wrong.

And for those who interpret it as wrong, I think they need to look inside their own lives and see that we all coalesce among people who we have like thoughts and like things in common.

So again, I think the Governor made

the right decision. I welcome you on board to the MTA. Continue doing the great things that you're doing. And I hope that we will all mature to the level that we don't view each other differently because we don't quite understand.

Congratulations to you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Adams.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. I rise to second my colleague Dean Skelos's comments.

You know, a person who picks up the train where I live in Syosset spends approximately $203 for a monthly ticket. They get into the city, if they need to take a subway, there's another $70 plus to ride the subway. We're close to $300 now just for transportation, just to get to work. Out of a monthly paycheck, that's not a small amount of money.

And if that's going to go up and going to go up periodically, regularly, that's going to far outstrip their ability to pay,

their ability to survive. Nobody's income is going to increase as fast as those fare increases are going to increase.

That has to be looked at, sir. You have to take a hard look at that. You can't follow on this one, you have to take a hard look and find out how you can save that system and save these people who have to use that system.

Because what's happening is they're being forced out of the trains where we want them, they're being forced out of mass transportation where we want them, and they're being forced back into their cars where we don't want them.

The Mayor is going through a whole situation to try to bring in congestion pricing to eliminate cars from the city, and the MTA and the Long Island Railroad and Metro North are going to a system which is going to put people back in their cars. That's ridiculous. It's got to stop. It's a cycle.

The Comptroller points out that the goals that the MTA said they would achieve for savings and whatever were only up to about

40 percent of what they said they could achieve. They haven't even achieved their own goals. Before we start looking at fare increases and picking the pockets of the riding public, we really ought to look back into our own house and clean it up and start fixing it.

I've been saying this for years. I had problems when Prendergast was the president of Long Island Railroad, and I had problems with the previous president of the railroad. It's just too darn much money. And it's taking the working person out of the train system.

And there is no competition, so they can only go to the cars. And that's impossible. That's just impossible. On Long Island we don't have that much of a mass transit. This amounts to mass transit, and you're forcing people out. So I think that's not a good thing.

Two hundred dollars, going up to going up to over 216, plus the subway. God forbid you need a cab; you got a problem. We're taking people away.

So that with the other problems, with the gap and the inability to solve that situation -- we had a lady today at the station where I live fall into the gap. A 60-year-old woman went into the gap. Signs and everywhere, they still haven't solved the problem as to how to fill up space between the train and the platform on the Long Island Railroad. This is after several years of pushing.

It's frustrating, sir. It's frustrating. And this has to change. This has to stop. We need some movement in the right direction. What I see is movement in the wrong direction.

So respectfully, again, I make the same offer as my colleague. We're more than willing and more than happy to work with you to come to some kind of conclusion in a positive way for the working people, for the riding public of our system. You talked about cleanliness and all the rest of that, which is another problem. I'll be more than happy to work with you on this.

But just to let you know how

serious I feel on this issue and how strongly I feel on this issue, I would like the record to show that I will be voting no.

ACTING PRESIDENT GRIFFO: The record shall so reflect.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

Welcome aboard. I want to express my support for this nomination and my appreciation for what I believe will be an important leadership role that he will be playing and has apparently shown his willingness to play.

There's obviously a learning curve that he will have to navigate, but I'm confident, based on the conversations that we've had both during the hearings and after, that he's interested in doing a good job for the people of the City of New York and especially for those who use the public transportation system.

He understands the role that he has that play as a leader and is looking forward to playing that role, and I want to commend

him for accepting this great task. This is not an easy job. It's not even a glamorous job. And I'm sure he'll find out sooner rather than later, as he begins to encounter his constituents, who generally speaking are very vocal about how much they love the system and how much they would like the system to be responsive.

Clearly fare increases and other related matters are of great importance, and I'm looking forward to help him navigate through this new role as our chairman of the MTA.

I vote yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. On the nomination.

I want to thank Chairperson Libous for moving this nomination and its subsequent follow-through by the Finance Committee.

Mr. Hemmerdinger will be someone who follows in a tradition of presidents of the MTA of people who come out of a business background, who understand that the MTA will

have people running it on a day-to-day basis that are well-versed in transportation -- but someone who will understand the financial status of the MTA, someone who understands that as a businessman the real purpose of our transit system is to get people to work so that the economy of the city and the suburbs and downstate in the MTA region will continue to flourish. Because if we can't get people to work, we don't have any business going on at all.

So there's always been that balance between the chairman of the board and the executive director, one sort of running railroad and one saying, hey, there's a bigger picture here; we have to worry about the bottom line, but we also have to worry about the healthy economy of our region.

Mr. Hemmerdinger and his family have a long tradition of doing business in New York, but doing business with a conscience. He understands that New York City is a diverse and vibrant place and that the MTA is really the engine that keeps New York City's economy going and the region's economy

going, coupled with the suburban railroads, Metro North and the Long Island Railroad.

So I congratulate the Governor for this nomination. I'll be voting in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President.

I'd ask that the record simply reflect that I cast my vote in the negative on this nomination.

ACTING PRESIDENT GRIFFO: The record shall reflect.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

I too ask that the record reflect that I cast my vote in the negative on this nomination.

I sat in on the Finance Committee meeting. And while I applaud the nominee for his successes in the private industry and charitable endeavors, as Senator Maltese had spelled out, I was remarkably surprised at his

lack of knowledge of current issues.

When specifically asked about the gap and about fare increases, about congestion pricing and other issues, other transportation issues, the answers were very evasive.

This is an enormous task, and on-the-job training really concerns me. I agree with Senator Sabini that there's a long tradition of very successful businessmen and that he will be following that tradition, but they had a greater understanding of the metropolitan area and the transportation issues that face this state and the Island, where I represent.

We are facing enormous challenges on how to move people. And the congestion pricing is problematic for me as well. His answers just did not instill any confidence in me. And I hope that he's a quick study, because we sorely need that in the metropolitan area.

I'll be voting in the negative.

ACTING PRESIDENT GRIFFO: The record shall so reflect.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I really wasn't going to say anything on this nominee, but having sat through his interview and having remembered closely the interview of his predecessor, I thought that he at least addressed the issues with candor and honesty.

And the same kind of response, that the chairman of the board is usually responsible for mostly the business decisions of the MTA, and we have somebody else that runs the actual transit part. And to expect him to know all the transit answers is kind of an interesting reason to vote no.

I don't ever recall anybody voting no during the previous administration's nominees just because they weren't prepared. And I don't think this member was not prepared, I think he was prepared but was blatantly honest about saying "I'd have to look into this to get more detail."

He actually had some information on the gap but not the total ins and the outs of what they were going to do with the amount of money that they have already announced they're

going to spend on it.

So I just find it interesting that nobody took to that kind of selective decision to vote no during the past 12 years of all the people that came up, some of whom didn't know what they were here for. All they knew is that they were getting the job and that they would catch up when they got there.

I would have to say that this person will be a very capable leader. I think that his background in business and his success in business will bode us well in heading up the board for the MTA.

And I thought that his comments on trying to do everything he could to oppose any type of rate increases at any chance he could, but not being able to say for sure without knowing the downside of just saying "I'm against the current proposal," he said he would have to look into it before he could tell you if he could oppose the current proposal, but would look for any other way of doing whatever had to be done rather than increase the fares.

So, I don't know, at least what

that's what I heard. I must have been sitting in a different room. Or maybe it's my side of the room heard it differently.

So with that, I'm glad to have the opportunity to stand up and vote on behalf of this person and say that I think the Governor has made a great choice. And I think he'll do a great job, and I look forward to working with him in the future.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I want to congratulate the Governor on this appointment. I have known Dale Hemmerdinger I guess for 13 or 14 years. I believe back when, he served I think it was on the MAC board, first appointed by Senator Ohrenstein, and I reappointed him when I was leader.

That occasioned my getting to know Dale and spent many different occasions and learned that he is thoughtful. And I assure my colleagues who are worried about the future

of the MTA and fare increases and so on that Dale Hemmerdinger will think about this issue in new and creative ways.

He is concerned about our city and our region, its economy and the people who live there. He's the kind of person who cares about not just the prosperity of the business community but how that affects everyday New Yorkers, the average working people.

He will I know do -- I am confident he will do a tremendous job as chairman of the MTA. Again, I congratulate the Governor and my colleagues who support this nomination, and I wish Dale well.

Thank you.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nomination of H. Dale Hemmerdinger, as member and chairman of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: All those opposed.

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: The confirmation is approved.

We want to acknowledge that Mr. Hemmerdinger is present tonight. Please rise and accept our best wishes and congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As Commissioner of the Department of Economic Development, Daniel C. Gundersen, of Buffalo.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Rath.

SENATOR RATH: Second the nomination.

ACTING PRESIDENT GRIFFO: The nomination is moved and seconded.

The question is on the confirmation and nomination of Dan Gundersen.

Senator Rath would like to speak?

SENATOR RATH: Yes, Mr. President, I'd like to speak on the nomination and congratulate the Governor. I believe he made a very wise decision when he chose Mr. Gundersen, as Mr. Gundersen is now a resident of Western New York.

I would say that he has been as responsive if not more responsive than many public officials that I've had to deal with in the last number of years, and has taken a great deal of interest in the number-two industry in the State of New York, which is tourism, and of course recognizing that Buffalo and Western New York sit on the threshold of the great Canadian tourism world as we go back and forth across our border.

So I look forward to working with Mr. Gundersen. Welcome to being a resident of Western New York. I'm sure you'll fall in love with it and stay there for the rest of your life, like many other folks have.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rath.

Senator Thompson.

SENATOR THOMPSON: Well, let me first just say thank you for recognizing me, Mr. Chair.

Today is really exciting, or tonight. This is really great that we're finally confirming Dan Gundersen, who's been working very, very hard, logging a lot of miles on his car, working to serve so many people in upstate New York.

And I'm excited about this opportunity because Dan has -- he's very qualified, coming from Pennsylvania. And we need someone that's really going to focus on Albany, Syracuse, Rochester, especially Buffalo and Niagara Falls. And hopefully over the next couple of years we'll see the fruits of his labor through an improved upstate economy.

This is a great opportunity, and hopefully now he'll be able to finish building his team of people and experts. And I think now we also have to look at getting the rest of that ship in the right direction for upstate.

So I'm excited about him. We have

a lot of great expectations for Mr. Gundersen. And it is good that he does live in Western New York, but now it's about the results. At the end of the day, the rhetoric gets us moving, but the results is what makes a difference. And I'm certain that Dan Gundersen will do a very good job, and we're willing to work with him to help the upstate economy, because God knows we need help right now.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Just very briefly, because it's late.

I just wanted to join with the others that have seconded the nomination of Dan Gundersen, having had the opportunity of working with him already on some projects.

I'm very happy that he lives in Western New York, and it's for the benefit of everybody in both sides that he picked a place in upstate to live to continue his work as upstate head of the economic development.

We look forward to working with him

and getting a lot of things done, because we have a lot of problems in upstate. There's a lot of possibilities. And I think Dan is the right man to find those possibilities and make them work so we can turn around the upstate economy and get jobs for the people that live there.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Seward.

SENATOR SEWARD: Mr. President, I also rise to support the nomination of Dan Gundersen to be the upstate person in terms of economic development.

We certainly, as others have said, we need help in the upstate region. This body has passed the Upstate Now initiative. I know Dan Gundersen has many ideas in terms of how to revitalize upstate. The time now is for us to mesh, come together, roll up our sleeves, get to work.

I've been impressed already with Dan Gundersen's availability, responsiveness. He's traveled upstate, not only to the cities that have been mentioned by my colleagues but

some of the rural small counties as well.

The time is now to come together, do the job on behalf of the upstate economy. I look forward with working with you, Dan, and congratulations. I vote aye.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nomination of Daniel C. Gundersen, for the office of Commissioner of the Department of Economic Development. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The confirmation is approved.

Dan Gundersen is present. We wish you success and best wishes, Mr. Gundersen.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As director of the New York State Urban Development Corporation, Patrick J. Foye, Esquire, of

Sands Point.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: Nomination moved.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President. I stand here to second the nomination of Pat Foye.

In the short time we've had to deal with him in the Hudson Valley, I've found that he's open, willing to assist us in many, many of our projects. He's shown a wide grasp of what the Hudson Valley has and what needs to be done. And in my honest opinion, I think we'll be able to see greater things happen, and I appreciate everything that Mr. Foye has done.

And, Pat, I look forward to seeing you next week. Thank you for taking the job. I wouldn't want it.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator

Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Mr. President.

I have on numerous occasions met with Mr. Foye, and I must say to this body he brings a tremendous understanding and experience necessary for this job.

The economic development czar for the region that he's going to represent is critical to keep this state going strong, especially on Long Island.

I look forward to working with you, and I know you'll have a successful term in your office. And I thank you, Pat, for taking on this task.

ACTING PRESIDENT GRIFFO: Thank you, Senator Fuschillo.

Senator Skelos.

SENATOR SKELOS: Mr. President, I join with my colleague Senator Fuschillo in supporting this nomination.

I do so because I believe, with Pat -- and we will be meeting with him this week, to discuss the economic needs of Long Island. Long Island has been faring well in

terms of the economy, and certainly there has to be an emphasis in improving our economy upstate and throughout the entire state of New York.

My concern is that in last year's State of the State and budget, Governor Spitzer really had no plan in terms of maintaining the strength of Long Island, growing it, and then discussing what weaknesses are, what could potentially drag down our economy on the Island, and how do we prevent it.

I am confident that, with Pat, that his knowledge of Long Island, the needs of Long Island, that they will not be forgotten in terms of this coming budget and future budgets to make sure that we continue to have the strong economy that we do.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nomination of Patrick J. Foye as director of the New York State Urban Development Corporation. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO:

Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nomination is confirmed.

Mr. Foye is present. We extend our congratulations and best wishes for success, Mr. Foye.

(Applause.)

THE SECRETARY: As president of the Urban Development Corporation, Avi Schick, of Brooklyn.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: The nomination is moved.

The question is on the confirmation of the nomination of Avi Schick to serve as president of the Urban Development Corporation. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The confirmation is confirmed.

THE SECRETARY: As a member of the State Board of Parole, Michael A. Hagler, of Rochester.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: The nomination is moved.

The question is on the confirmation of the nomination. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The confirmation is approved.

I would now like to acknowledge, in the gallery, Mr. Schick and Mr. Hagler. We extend our congratulations to both of you, and extend our best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Zachary S. Weiss, of White Plains.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: The nomination has been moved. The question is on the confirmation of Zachary S. Weiss as a member of the Workers' Compensation Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The confirmation is approved.

Is Mr. Weiss present? Our congratulations to Mr. Weiss, and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of

the State University of New York Board of Trustees, Carl T. Hayden, Esquire, of Elmira.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nomination of Carl T. Hayden for an appointment on the SUNY Board of Trustees. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Mr. Hayden's confirmation is approved.

Mr. Hayden, congratulations and our best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the State University of New York Board of Trustees, H. Carl McCall, of New York City.

ACTING PRESIDENT GRIFFO: Senator O. Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: The nomination is moved.

Senator Perkins.

SENATOR PERKINS: Thank you.

I just want to express my support for this nomination and my honor to be here to be able to vote on someone who is a living hero of mine, someone who I've known since 1976, when he was here.

And he's had an outstanding career as a public servant as well as in the private sector, as an elected official. And actually, in that 1976 period he was involved in education as a State Senator, particularly with respect to what was known then as District 5.

He's gone on to lend his expertise on high levels with the New York City Board of Education, and now on the highest level of all as far as the state is concerned.

And at one time we were going to

make him our governor, but I guess now instead we'll make him our chancellor -- on our board.

So thank you so much for your public service and the opportunity that you've given me to be here in support of you.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the nominee.

I want to just add my voice to the chorus of those who are speaking on behalf of H. Carl McCall, our former comptroller, somebody who I think is an excellent choice for this board.

There is really nobody in public service with the kind of record and the kind of background that he has. Those of us who have entered public service, we only hope to be what he has done, being an ordained minister, being a State Senator, being a corporate executive, somebody who has served the United States government as an ambassador, head of the New York City Board of Education, on the board of the Division of Human Rights

here in the state.

And then as really the greatest state comptroller we've had in this state really since Alfred E. Smith, somebody who doubled the state pension fund. There is nobody here and none of us had in here not going to benefit from the great work that he's done.

I'm happy to see him in this new role. I know that he will in fact make SUNY perform in the way that it needs to. So I want to congratulate him and congratulate the Governor for making this important appointment.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

I too rise to give congratulations to H. Carl McCall and to thank him for his many years of public service to the State of New York and to all of us who, again, as Senator Parker, says aspire to have the kind of record and the kind of years of service, the testament to a caring and dedicated and

committed man.

To H. Carl McCall, we thank you.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Yes, Mr. President, I rise to congratulate both Chancellor Hayden and former Senator McCall.

They bring an unusual breadth of background to government, and I think we're very fortunate to be able to utilize their very unique experiences.

Chancellor Hayden served as chancellor of the Regents, and Carl McCall has an outstanding background both in the public sector and the private sector -- his experience as a State Senator, as an ambassador, as a businessman, and as the manager of our pension funds.

I congratulate the Governor on these two appointments. They're going to, I think, take the State University of New York to new heights, and I wish them both the best of luck.

Thank you.

ACTING PRESIDENT GRIFFO: Senator

Marcellino.

SENATOR MARCELLINO: Yes, Mr. President, I rise to congratulate both gentlemen on their achievement.

And I ask that they pay some attention and particular attention to one of the state universities that I represent in my district, SUNY Old Westbury. The current administration, led by Dr. Calvin Butts, doing yeoman's work and doing the best they can to try to move that college and move that university into a real leadership in the SUNY system, they can use a lot more help.

And I would ask that you pay some attention to that and give them the help they need so that that college can compete with those around it more successfully than it is already. They need your help, and I hope you'll be there to give it to them.

I vote aye.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nomination of H. Carl McCall as a member of the SUNY Board of Trustees. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The confirmation is approved.

We welcome back to the chamber Carl McCall and wish him best wishes and congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Frances M. Libous, of Binghamton.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, pursuant to Rule 9, Section 1B, I ask unanimous consent to be excused from voting on this particular nominee because I have a direct personal interest with the nomination.

ACTING PRESIDENT GRIFFO: Without objection, so ordered.

The Secretary will read.

THE SECRETARY: As members of the New York Job Development Authority, Peter J. Kiernan, of New York City, and Raymond Wayne LeChase, of Webster.

As a public member of the State Banking Board, P. Nicholas Kourides, of Rye.

As a member of the State Board of Real Property Services, Edgar A. King, of Schuylerville.

As a member of the Palisades Interstate Park Commission, Samuel F. Pryor, III, Esquire, of Bedford Hills.

As members of the Medical Advisory Committee, John Angerosa, Jr., M.D., of Scotia; Angela Diaz, M.D., of New York City; and Dennis P. Norfleet, M.D., of Oswego.

As members of the Advisory Council on Alcoholism and Substance Abuse Services, Gary Butchen, of Seaford; Peter Coleman, of Staten Island; Otto C. Feliu, of Syracuse; Karen A. Giles, of Altamont; Sherrie Gillette, of Plattsburgh; Lynda Marlene Karig Hohmann, Ph.D., M.D., of Albany; Katharine H. Briar-Lawson, Ph.D., of Wynantskill; and Kathleen A. Riddle, of Larchmont.

As members of the Advisory Council to the Commission on Quality of Care and Advocacy for Persons With Disabilities, Deborah S. Lee, of Flushing; Jeffry Luria, of Central Bridge; Mary Lou Mendez, of DeWitt; and Loretta H. Murray, of Brooklyn.

As members of the Mental Health Services Council, Sigfrido Benitez, of New York City; Sherry R. Grenz, of Delmar; and Paige A. Pierce, of Slingerlands.

As members of the Public Health Council, Anne C. Beal, M.D., of New York City; Jo Ivey Boufford, M.D., of New York City; and Ellen L. Rautenberg, of New York City.

As members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Batavia, Anthony M. Ferrarese, of New York City, and Wallace J. Kornow, of Oakfield.

As members of the Board of Visitors of the Bronx Psychiatric Center, Gerald M. Friedman, of the Bronx; Sylvia Hershkowitz Lask, of the Bronx; and Samuel Lopez, of the Bronx.

As a member of the Board of

Visitors of the Broome Developmental Disabilities Services Office, Alvern Gelder, of Binghamton.

As members of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Jane G. Allen, of Brantingham; Eleanora L. Collins, of Rome; Anna Maria DeRiemer-Gallay, of Ava; June C. McCarrell, of Ilion; and Jeannine Nolan, of Fayetteville.

As a member of the Board of Visitors of the Rochester Psychiatric Center, Eileen W. Farlow, of Rochester.

As a member of the Board of Visitors of the Rockland Psychiatric Center, James J. Farsetta, of New City.

As a member of the Board of Visitors of the Rockland Children's Psychiatric Center, Debrann A. Gianella, of West Nyack.

And as a member of the Board of Visitors of the Staten Island Developmental Disabilities Services Office, Polly Panzella, of Staten Island.

As members of the City University

of New York Board of Trustees, Hugo M. Morales, M.D., of Yonkers, and Marc V. Shaw, of New York City.

As members of the Adirondack Park Agency, Richard S. Booth, of Ithaca; Frank L. Mezzano, of Lake Pleasant; and Curtis F. Stiles, of Tupper Lake.

As a trustee of the Power Authority of the State of New York, D. Patrick Curley, of Orchard Park.

As members of the Empire State Plaza Art Commission, Louis Grachos, of Buffalo, and Agnes Gund, of New York City.

As members of the New York Convention Center Operating Corporation Board of Directors, Stephen L. Drummond, of Queens Village; E. Scott Gilbert, of New York City; Carl H. Loewenson, Jr., of New York City; Marc A. Ricks, of New York City; and Joseph E. Spinnato, of Muttontown.

As members of the State Council on the Arts, Laura L. Aswad, of New York City; Mary Schmidt Campbell, Ph.D., of New York City; Jeffrey Hayden Lynford, of Katonah; Natalie Merchant, of Tivoli; and Marta Moreno

Vega, of the Bronx.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at St. Albans, Domenick Porcaro, of East Rockaway.

As a member of the State Board of Parole, Lisa Beth Elovich, of Selkirk.

And as a member of the State Council on the Arts, Henry Eltinge Breed, III, of New York City.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the nominees as read by the Secretary. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are confirmed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move that we adopt the second Senate Resolution Calendar in its entirety.

ACTING PRESIDENT GRIFFO: On the

Resolution Calendar adoption, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, in consultation with the Minority Leader, Senator Bruno hands up the following notice of committee changes and asks that it be filed in the Journal.

ACTING PRESIDENT GRIFFO: Accepted and ordered filed in the Journal.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned subject to the call of the Majority Leader, intervening days being legislative days.

ACTING PRESIDENT GRIFFO: The Senate stands adjourned subject to the call of the Majority Leader, with intervening days

being legislative days.

The Senate stands adjourned.

(Whereupon, at 11:14 p.m., the Senate adjourned.)