NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 2, 2009

10:46 a.m.

EXTRAORDINARY SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads for a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, December 1, the Senate met in Extraordinary Session pursuant to adjournment. The Journal of Monday, November 30, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved

as read.

Senator Klein.

SENATOR KLEIN: Madam President, there will be an immediate meeting of the Finance Committee, followed by an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Pending the return of the Rules Committee, may we please stand at ease.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

There will be an immediate meeting of the Committee on Finance in the Majority Conference Room, Room 332, immediately followed by a meeting of the Committee on Rules.

The Senate will stand at ease pending the return of the Committees on Rules.

(Whereupon, the Senate stood at ease at 10:48 a.m.)

(Whereupon, the Senate reconvened at 11:13 a.m.)

ACTING PRESIDENT STEWART-COUSINS: The chair recognizes Senator Smith.

SENATOR SMITH: Thank you, Madam President.

Madam President, can we have order, please.

ACTING PRESIDENT STEWART-COUSINS: Order, please.

Senator Smith.

SENATOR SMITH: Yes, Madam President. Can we return to the order of reports of standing committees for the Rules Committee report.

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, we will return to the order of reports from standing committees.

The Secretary will read.

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

Extraordinary Session Senate Print Number 3, by Senator Duane, an act to amend the Domestic Relations Law;

11, by Senator Savino, an act to amend the Civil Service Law;

12, by Senator Perkins, an act to

amend the Public Authorities Law and the Executive Law;

21, Senate Budget Bill, an act authorizing the Commissioner of Taxation and Finance;

22, Senate Budget Bill, an act to amend Chapter 50 of the Laws of 2009, enacting the Public Protection and General Government Budget;

23, Senate Budget Bill, an act to amend the Insurance Law; and

Extraordinary Session Senate Print Number 26, by the Senate Committee on Rules, an act to amend the Retirement and Social Security Law.

All bills ordered direct to third reading.

ACTING PRESIDENT STEWART-COUSINS: The chair recognizes Senator Smith.

SENATOR SMITH: Thank you, Madam President.

And, Madam President, at this time I move that we adopt the Rules Committee report.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of adopting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The report of the Rules Committee is adopted.

Senator Smith.

SENATOR SMITH: Yes, Madam President. At this time could we move to the reading of the Extraordinary Session Calendar Number 4.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator Duane moves to discharge, from the Committee on Rules, Assembly Bill Number 3 and substitute it for identical Senate Bill Number 3, Third Reading Calendar 8.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 8, by the Assembly Committee on Rules, Assembly Print Number 3, an act to amend the Domestic Relations Law.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

SENATOR LIBOUS: Madam President, could you make it clear that we're doing substitutions right now and not the bill.

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Libous, we are substituting and we are not doing the bill at this moment. These are substitutions. Substitutions have been ordered.

The Secretary will continue to read the substitutions.

THE SECRETARY: On page 4, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 11 and substitute it for the identical Senate Bill Number 11, Third Reading Calendar Number 9.

ACTING PRESIDENT STEWART-COUSINS: Substitution is ordered.

THE SECRETARY: On page number 4, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 12 and substitute it for the identical Senate Bill Number 12, Third Reading Calendar Number 10.

ACTING PRESIDENT STEWART-COUSINS: Substitution is ordered.

THE SECRETARY: On page 4, Senator C. Kruger moves to discharge, from the Committee on Finance, Assembly Bill Number 21 and substitute it for the identical Senate Bill Number 21, Third Reading Calendar 11.

ACTING PRESIDENT STEWART-COUSINS: Substitution is ordered.

THE SECRETARY: On page 4, Senator C. Kruger moves to discharge, from the Committee on Finance, Assembly Bill Number 22 and substitute it for the identical Senate Bill Number 22, Third Reading Calendar 12.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: On page 5, Senator C. Kruger moves to discharge, from the

Committee on Finance, Assembly Bill Number 23 and substitute it for the identical Senate Bill Number 23, Third Reading Calendar 13.

ACTING PRESIDENT STEWART-COUSINS: Substitution is ordered.

THE SECRETARY: And on page 5, Senator Smith moves to discharge, from the Committee on Rules, Assembly Bill Number 26 and substitute it for the identical Senate Bill Number 26, Third Reading Calendar 14.

ACTING PRESIDENT STEWART-COUSINS: Substitution is ordered.

Senator Smith.

SENATOR SMITH: Madam President, at this time could we please move to the reading of Extraordinary Session Calendar Number 4.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read Extraordinary Session Calendar Number 4.

THE SECRETARY: Calendar Number 11, Assembly Budget Bill, Assembly Print Number 21, an act authorizing the Commissioner of Taxation and Finance to administer.

SENATOR SMITH: Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a message of necessity here at the desk.

SENATOR SMITH: I move that we accept the message of necessity.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message of necessity is accepted.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you very much, Madam President.

I of course vote yes on this tax amnesty. I just wish we would have done it a lot sooner.

Back during our original budget process, I advocated for a tax amnesty and showed that presently New York State has over $4.2 billion in outstanding tax arrears.

Other states have been a lot more successful, unfortunately, than New York in collecting well over 10 percent through tax amnesty programs. So I'm happy we are doing it now. We certainly need the money at this point. It's supposed to generate over $250 million, which I think is a very conservative estimate.

But I hope, going into the next budget cycle, we become much more aggressive in collecting taxes. I think we should post the names of those people who owe taxes over the Internet. I think we should deny someone state professional licenses if they owe taxes. I think that aggressive approach will make

sure we get the uncollected tax revenue that we so badly need here in New York State.

I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you. Senator Klein to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 12, Assembly Budget Bill, Assembly Print Number 22, an act to amend Chapter 50 of the Laws of 2009, enacting the Public Protection and General Government Budget.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Yes, Madam President. Is there a message of necessity at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a message of necessity at the desk.

SENATOR SMITH: At this time I ask that we move to accept the message of necessity.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message is accepted.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 12 are Senators Diaz, Lanza and Padavan. Ayes --

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: I would just briefly like to explain my vote.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: You know, this process has taken it seems like forever to get here. And, you know, I certainly don't believe it's the panacea of any deficit reduction bill that we could have obtained during open discussions and debate over the various provisions.

However, the reality is we have to cut the deficit, and if this is the best bill that could be put together by the Majority at this point in time, I think we have a responsibility to vote for it since we are going to be back into this discussion in much greater detail in a matter of about four to six weeks when the real problem develops during the next budget cycle.

Also, I think if -- the school districts at this point in time have been not cut in the midyear like they begged us for. But if a school district at this point in time doesn't see the writing on the wall for next year and start planning immediately, then they're going to have a more serious problem next year than they otherwise would have.

So I'm imploring all of the school districts to understand the realities of life and to start planning now. They dodged the bullet in a midyear cut, but next year is going to be something different, and they'd better operate as efficiently as possible.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator DeFrancisco. How do you vote?

SENATOR DeFRANCISCO: I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the affirmative.

Any other Senator wishing to

explain his or her vote?

Announce the results.

THE SECRETARY: Those recorded in the negative are Senators Diaz, Lanza and Padavan.

Ayes, 59. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 13, Assembly Budget Bill, Assembly Print Number 23, an act to amend the Insurance Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Yes, Madam President. Is there a message of necessity at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a message of necessity at the desk.

SENATOR SMITH: Madam President, at this time I ask that we move to accept the message of necessity.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message of necessity is accepted.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 13 are Senators Diaz, Lanza and Padavan.

Ayes, 59. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Smith.

SENATOR SMITH: Madam President, at this time could we please stand at ease.

But I ask that the members stay close to the chamber because we will be at ease only a short time.

ACTING PRESIDENT STEWART-COUSINS: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:29 a.m.)

(Whereupon, the Senate reconvened at 11:54 a.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Yes, Madam President. At this time can we please move to continue the reading of Extraordinary Session Calendar Number 4.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will continue to read Calendar Number 4, Extraordinary Session.

SENATOR LIBOUS: What calendar number are we on, Madam President?

ACTING PRESIDENT STEWART-COUSINS: This is Extraordinary Session Calendar Number

4.

SENATOR LIBOUS: Which bill on the calendar?

ACTING PRESIDENT STEWART-COUSINS: It is Calendar Bill Number 8.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 8, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 3, an act to amend the Domestic Relations Law.

SENATOR SMITH: Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a message of necessity at the desk.

SENATOR SMITH: I move that we accept the message of necessity.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the message of necessity --

SENATOR DIAZ: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS:

All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed?

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message is accepted.

The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 10, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 12, an act to amend the Public Authorities Law and the Executive Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 31. This act shall take effect March 1, 2010.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62. Nays,

0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 9, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 11, an act to amend the Civil Service Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Madam President.

I know there was a similar bill like this about five years ago that passed this chamber. I'm voting no today, and the reason why I'm voting no is that just a few

moments ago we voted on almost $3 billion in cuts and reductions. This bill, while it's said to be a cost savings bill, is going to give the Governor the opportunity to hire 500 people. And it's under the guise of cost savings.

I don't think the time for this bill is now. We just spent a considerable amount of time over four weeks in trying to do a DRP. We finally came to an agreement with our colleagues. And to give the Governor the authority to hire 500 people when we just cut state agencies makes absolutely no sense to me. There may be a time for this when we qualify and see what the savings is, but the time is not now.

I vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 9 are Senators Flanagan, Larkin, LaValle, Leibell, Libous, Maziarz, Nozzolio, Ranzenhofer,

Robach, Saland, and Volker.

Ayes, 51. Nays, 11.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Smith.

SENATOR SMITH: Madam President, will you please recognize Senator Perkins.

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins.

SENATOR PERKINS: Thank you very much, Madam President. I just wanted to explain my vote on the public authorities reform bill.

First, I want to acknowledge that this is a very significant piece of legislation that I think speaks well to all of us.

And towards that end, I want to just acknowledge my colleague Assemblyman Brodsky for the wonderful work that he's done over the years in shepherding this bill not only on his side but helping us on this side do as well.

Then I have another colleague, the

former chair of this Committee on Corporations and Authorities, Senator Flanagan. I want to thank him for the work that he's done in the past as the chair of this committee and working with this particular issue.

To my ranker, Senator Larkin, thank you for the support.

And then, most importantly, I want to acknowledge the leadership of the Senate Majority, Senator Sampson and Senator Smith, for the support that they've given me in being able to be the chair of this very important committee at this very important time.

There have been others that have been very important that I want to make sure I acknowledge because of the extraordinary amount of work that they have to suffer through with me, and that includes our central staff that has worked very hard. And I'd have to of course acknowledge our counsels Shelley Mayer and Graham Ennis in that regard.

And then I have an extraordinary staff, including the counsel to my committee, Denise Outram. We have a -- not an intern, a

fellow that has been working very hard on this, and I want to acknowledge Umair Kahn for the work that he's done, and to my staff in general.

You know, this, as I pointed out, is a very, very important piece of legislation. I know that there have been some reservations. I want my colleagues to know that this is just the beginning, it's not the end. I think there's a lot more work that we can do. I think that the public will be very happy about the work that we have started to do and of course that we will continue to do.

There obviously are some important highlights of this legislation that I'd like to just make note of. For one, it's going to strengthen the power and independence of the Authorities Budget Office. For two, invest the Comptroller with the authority to review contracts over $1 million.

It will increase the Senate oversight over the selection of the chief executive officers of the most significant public authorities. It will define the

fiduciary duty of the board members, mandate public authorities to include legal, financial, and other professional service contracts to minority and women-owned business enterprises. And it will ensure labor protections; that is, labor piece agreements for the development of hotels, convention centers, for lands controlled by public authorities.

There is obviously much more to this that I'd like to share with you, but nevertheless I want to thank everybody for their support. I think that this speaks well to all of us.

Thank you so much.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Perkins.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 14, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 26, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith.

SENATOR SMITH: Yes, Madam President. Is there a message of necessity at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Smith, there is a message of necessity at the desk.

SENATOR SMITH: I move at this time that we accept the message of necessity.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message of necessity is accepted.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator C. Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President.

I rise to support the Tier V legislation, but I just want to clarify something for the record. Because my concern is, notwithstanding the importance of this legislation, it seemed this legislation was brought upon us rather quickly in this process.

But I think it's important just to clarify for the legislative history that I've been advised by counsel that pursuant to this bill, with respect to the calculation of the 20 percent maximum increase for total earnings, out of that 20 percent, 15 percent -- that's 20 percent less 5 percent -- can only come from overtime.

And that means that if an increase of total earnings is $20,000, $15,000 of that $20,000 can come from overtime. The balance comes from contract raises, promotions and

other sources.

I'm also advised that the new Section 1203 in this legislation is not based solely on base salary but also on total earnings, is as currently the method of figuring the final average salary.

With those representations made to me and those advisements made to me with respect to the bill, I vote in favor of the bill.

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Senator C. Johnson will be recorded in the affirmative.

Is there any other Senator wishing to explain his or her vote?

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Thompson recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Smith.

SENATOR SMITH: Yes, Madam President. At this time could we please stand

at ease again.

But I also ask members in the chamber to stay close to the chamber, as it will be a short ease.

ACTING PRESIDENT STEWART-COUSINS: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:03 p.m.)

(Whereupon, the Senate reconvened at 12:20 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Smith, we've completed the noncontroversial reading of Extraordinary Session Senate Calendar Number 4.

SENATOR SMITH: Madam President, then at this time could we please move to the reading of the controversial calendar of the Extraordinary Session.

ACTING PRESIDENT STEWART-COUSINS: If the Secretary would please ring the bells, members are asked to come to the chamber for the controversial reading of Extraordinary Session Calendar 4.

The Secretary will read.

THE SECRETARY: Calendar Number 8, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 3, an act to amend the Domestic Relations Law.

SENATOR DIAZ: Explanation.

ACTING PRESIDENT STEWART-COUSINS: Senator Duane, an explanation has been requested.

SENATOR DUANE: Thank you, Madam President.

Madam President, this legislation would merely provide me and tens of thousands of other New Yorkers equal rights in New York State. It would provide me with the exact same rights that you have, Madam President, and that each and every member of the New York State Senate presently has. It would make me equal in every way to everyone else in this chamber.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz.

SENATOR DIAZ: On the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz on the bill.

SENATOR DIAZ: Thank you, Madam President.

And ladies and gentlemen, members of the New York State Senate, today we have come to a day that none of us maybe would like to be part of. This is a day where we decide a very serious and a very important issue for the whole State of New York.

Same-sex marriage, their sponsors, their supporters and their community has spent a lot of money, a lot of time, a lot of effort to come to this day. Last year they raised a lot of money from mostly of every single state in the nation to contribute to members of the Democratic Party to take away the Republican Party's strong position against gay marriage and to be sure that the Democratic Party come to power.

So in order to get to this day, as I said before, they raised a lot of money. And there was commitments made.

I could talk to you about two commitments made by the leader of this chamber, Malcolm Smith. There was a

commitment made to the followers or supporters of same-sex marriage, and there was a commitment made to me. Those commitments have been -- none of them were kept.

And to play with people's emotions and to don't comply with what you promised is wrong. It is wrong, it's not leadership, it's treason.

So today is a very serious day. So let me talk to you about the irony of the whole situation. The Republican Party, when they were in control, the members of the Senate, the Republicans, when they were in control for 42 years, they never allowed this to happen. Now that they lost the majority and became the minority, everyone is depending on them to make this happen.

Yes, ladies and gentlemen of the State of New York, listen carefully to what I'm saying. For this legislation to pass, it is the Republican Party, the one that a lot of money was spent to get them out of power, to produce the votes, the necessary votes for this to pass. So people are asking to the

other side of the aisle: We took you out, we spent money against you. Now we need you. Help us.

Don't get confused. This is a Democratic agenda pushed by the Democratic Governor, a Democratic Senate President, Malcolm Smith, Senate President John Sampson. And this Democratic agenda needs Republican support to pass.

The reality is that it has been the Republican Party with their -- the Republican Party and their family values, it has been the Republican Party with their moral values, and it has been the Republican Party with their family values that for years and years has been kept these values in the whole nation alive.

Now -- but now they are being asked to throw away their values, to throw away whatever they have been doing in the whole nation and whole world to keep family values and moral values, traditional values, and to produce the necessary votes for this to pass.

Same-sex marriage between a man and

a man and a marriage between a woman and a woman is not only opposed by us evangelicals. There are many of those that think and believe it is only us evangelicals that want to oppose same-sex marriage.

All the major religions in the world also oppose it. The Jewish religion oppose it. The Muslim religion oppose it. The Catholic religion oppose it. As a matter of fact, just a few days ago the Catholic bishops of New York released what they called the "Manhattan Manifesto" in which they are expressing their opposition to same-sex marriage.

And not only the evangelicals, not only the Jews, not only the Muslims, not only the Catholics, but also the people of the nation oppose it. In 31 states of the nation -- Madam President and ladies and gentlemen -- 31 states of the nation, the majority of the states in the nation that the people have gotten the opportunity to vote for this issue, the people have rejected it.

Alabama, Alaska, Arizona, Arkansas,

California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine -- just did it -- Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. The majority of the people in the nation has opposed, by their will, same-sex marriage.

Only five states out of the 50 allow same-sex marriage. This is because they have legislation that allow same-sex marriage. In order for those five states to get this done, it has to be through some politicians or some judges. The people never, in any state -- people have rejected it. People are opposed to it. But let's find some politicians. Let's put some politicians in power so those politicians, or governors, so they could put some judges so they would do it to them.

But we take it to the people, the people don't -- oppose that. So let's do what Mayor Bloomberg did. Let's go against the

will of the people by doing through politicians and do away with the people's will. And that is wrong. And that is wrong. Let the people decide.

The State of Massachusetts, they have same-sex marriage because the court did it, not the people. The State of Connecticut, they have same-sex marriage because the court did it, not the people. The State of Iowa, they have same-sex marriage because the court did it. The State of Vermont, they have same-sex marriage because the legislature did it. And the State of New Hampshire, they have same-sex marriage because the legislature did it. But they're not the people. Let's get some legislation, let's get some people do it.

So I say let the people decide. Do it in a resolution. Let the people decide with it.

Ladies and gentlemen of the State of New York, I conclude by saying if you put this issue before the voters in a referendum, the voters will reject it. So they have to raise money to elect legislators and governors

that when in power will do away -- and as I said before, will do as Mayor Bloomberg did, do away with the will of the people.

So I call on you, ladies and gentlemen, members of this body, members of the Republican Party: Remember your roots, remember your values, remember your stand on family values, traditional values, moral values. Go back to your defense of the traditional values.

Join me. Join me, a Democrat, join me, a Hispanic, join me, a Puerto Rican, join me, a black and minority, join me, a Democrat from the City of New York in saying no to this legislation. And let's one day in the future bring it in a referendum to the people to the people of the state.

I thank you, Madam President. I believe this is not easy to you guys. But my anger and my disappointment is not with the gay community, it's with my leadership of this body. They have not been straight with me, they have not been straight with Tom Duane, they have not been straight with people. And

that way we come to a point when we're voting.

So this is the day that the Lord has made. This is the day that we have to decide in something that affects a lot of people and something that is important to people -- important to me, important to Tom Duane, important to some of you, important to the whole State of New York and to the nation.

God bless all of you, and thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Diaz.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

Senator Diaz just said this is a vote many people didn't want to come. For many of us, this is a vote that we have been waiting for. This is a vote that we came here to take.

And I believe that this is not like every other vote we take, because I think this is a vote that is not about morality and is not about religion, because this doesn't

affect any religious institution, as I'll discuss. And this is not about morality, because you can't legislate morality, ladies and gentlemen.

But you can legislate justice. And this vote today, in my view, is about whether or not the members of the New York State Senate here today are going to participate in and step up to the challenge of being representatives of the American people. Because to me, this is very much about the essence of the United States of America.

What made us different from every other country that existed before was a commitment to an ideal that had never been advanced before. These are the words that launched us: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

Great words. But all of us know that the facts on the ground, as we now say,

did not support these words when the Declaration of Independence was written. Slavery was widespread, women couldn't vote, in many places could not own property. Jews and other non-Christians suffered under a whole array of discriminatory disability laws.

So some people say the Declaration of Independence was a lie, that the words were a sham. But I know that offends many of my most conservative colleagues, to say the Declaration of Independence wasn't true.

And I have to say here today, unequivocally, I agree with you, that is offensive. Because for me, all of American history supports the notion that our mission as a nation is to make those words ever more true, to expand the vision of a nation in which all are created equal.

It took until 1848, in the great town of Seneca Falls, for a group of women to issue a declaration declaring that all men and women are created equal. It took until 1865 for the 13th Amendment to the Constitution to outlaw slavery. And every generation is

called to step up to this challenge of participating in the quintessentially American work of making Thomas Jefferson's words ever more true. And today we are challenged to join this great tradition.

This is not a matter of religion, this is a matter of equality. Same-sex couples can already get married. Connecticut, Massachusetts, Vermont, Canada are right next door. There are same-sex couples living in New York State now who are married. But gay New Yorkers cannot get the same treatment in the secular government offices authorized by us, authorize by the government of the State of New York, that they can get in Connecticut, Massachusetts, Vermont, and Canada.

Senator Duane is treated equally to the rest of us in those states. But he is not treated equally in the county clerks' offices and the courts and the administrative agencies of the State of New York.

This bill does nothing to take anything away from heterosexuals. For better or worse, our rights to marry stay the same.

And we know, because they've had marriage equality for five years in Massachusetts, and we know what happens when you pass it. No religious institution is affected. Churches, mosques, synagogues, temples continue to perform only those ceremonies that comport with their beliefs and traditions. Our discrimination laws stay the same. Our human rights laws stay the same.

In Massachusetts in five years there has not been one challenge to a religiously affiliated organization for denying rights to a same-sex couple. It just doesn't happen. This myth that this is going to affect religious institutions is a myth. The facts do not support it.

All this bill says is that in the county clerks' offices of our state and the courts of our state, in the administrative agencies that we authorize, that we create, that enforce the 1324 laws and rules that define the scope of their reach with the term "marriage," for the first time all men and women will be created equal.

That is all this bill does. It recognizes that we're not better than Senator Duane. He is our equal. We're not better than any of our gay brothers or sisters.

So, my colleagues, we know what this law will do. It will expand the essential American idea of equality. And we know what this law won't do. It does not affect religious institutions, it doesn't take anything away from anybody. This bill hurts no one but gives the American ideal of equality to many, many people.

So I urge you, my colleagues, don't get distracted. Keep your eye on what this is about. Vote for justice, vote for equality, vote your affirmation for the proposition that all men and women are created equal. Vote yes. Please. This is our moment. Vote yes.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Adams.

SENATOR ADAMS: I must have spoke several times on this floor, and I've never

been more nervous than I am today to speak on this topic. Because this is an important topic, I think for me and this chamber. And I believe that there are certain moments here where we can benchmark our lives by the vote we took.

I want to read off a list of states like my colleague, who I have so much respect for, Reverend Diaz, and I admire his position. I believe he's taking a position from his heart and not from his mind.

Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, Mississippi, North and South Carolina, Tennessee, Texas, Virginia, District of Columbia and Nebraska -- all states that at one time or another sold blacks into slavery and participated in legal slavery.

Because the numerical majority is in one place does not mean they're in the right place. We are in the position right now where we have to lead the country in the right place.

A few important quotes that I think we must read and we must hear:

"The amalgamation of the races is not only unnatural, but is always productive of deplorable results. The purity of the public morals, the moral and physical development of both races, and the highest advancement of civilization ... all require that [the two races] should be kept distinctly separate, and that connections and alliances so unnatural should be prohibited by positive law and subject to no evasion."

These were rulings not about same-sex marriage, these were rulings about interracial marriages. This was the law of the land. It was only until 1967 -- do you believe it, 1967 -- before my son could marry Senator Griffo's daughter, if he wanted to, or Lanza's family member. It was only since 1967 that if DeFrancisco's child wanted to marry my son or wanted to interact with them, it was illegal. 1967.

And the comments and the hate and the speech. But it doesn't stop there. I was

amazed when I pulled down some of the quotes. These types of marriages are abominable, according to Virginia law. If they were allowed, they will pollute America, interracial marriages.

Thank God for computers and Google search. Go read what they said about blacks being able to marry. If you were to close your eyes, you will hear the same comments that are being made, the same statements that are being made about Tom Duane falling in love with someone and deciding he wanted to live in a relationship with that person. That's the same comment that my grandmother received in Alabama when she wanted to marry my grandfather. Same comments.

And they used religion. They said for blacks to marry each other it was an abomination. For interracial couples to fall in love, it was an abomination. It would destroy the institution of marriage. This is what we heard. This is exactly what we heard.

And I know there's some people that say, "Well, don't try to make this a civil

rights issue." I hear that comment.

There is no group in America that cannot take claims to going through some form of abuse. My Irish brothers and sisters, when they came to America, they were abused. My Italian brothers and sisters, when they came to America, they were called names and they were abused. My Asian, my Muslim -- all of us went through something to be decided that we too love America and we too have a right to prosper in America. That is all men and women of the LGBT community are saying. That's how important this issue is.

I respect the opinion of my colleagues that have religious beliefs, and I have religious beliefs. But when I walk through these doors, my Bible stays out. I must pass laws that not only protect one part of the state but the entire state.

And there's something special about New York. We have the legacy of setting the tone for the rest of the country. This is an important issue. And I'm asking us to send a message across the country that we are not

going to sit on the sideline and be a detached spectator in this full-contact sport called life as we start the process of fighting for rights of individuals merely to marry the people they love. That's what they're doing.

Don't try to romanticize, don't try to make this bigger than it is. Two individuals came together, enjoyed being with each other, loved each other, and are saying they want to marry each other. And I have quotes that are saying they don't have the right. We're reaching back into one of the most ugliest periods in America and bringing fast forward the same quotes that were said back then.

And I'm not going to be a part of that. I'm going to be a part of what's best about this country. I'm going to be a part of those who stood up and said yes, we should allow all the right to vote. I'm going to be a part of those who stood up and said yes, because someone comes from a particular geographical place on the globe, they should not be denied certain things.

I'm going to be a part of change. I'm going to be an agent of change. I am going to vote for this important legislation.

And I'm calling on all my colleagues, no matter how difficult it is in the political arena -- because I know that, you know, politics is going to play in some of our decisions. But it was difficult back then. There wasn't one black man on the Supreme Court when the decision was made to make some of these important changes. There wasn't one. But we did it. We did the right thing.

You don't have to be gay to respect the rights of those who are. You don't have to be black to understand the pains of slavery. You don't have to be Irish to understand the pains of those early Irish immigrants. You don't have to be Italian to understand the pains of those first Italian-Americans that settled on the Lower East Side and had to fight their way through the American system and were denied merely because of where they came from.

You don't have to be gay to respect that two people that meet each other and fall in love want to be married. That's why I'm voting aye for this bill, and I'm encouraging my colleagues to do the same.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Thank you very, very much, Madam President.

First, I'd like to apologize to I know the advocates who are out there today for marriage equality, or those that were listening, that it took so long. I think one of the positive changes we can make on this issue and others is not to be afraid to vote our conscience, not to be afraid to put bills on the floor and openly debate those bills. So I think this hopefully is the start of something very, very important.

I also want to thank my fellow colleague from the Bronx, Reverend Diaz, for his passionate statements today. I know they come from his heart.

But I most especially want to thank my colleague, my friend, Senator Tom Duane. I had the privilege, when we were in the minority, of sitting next to Tom for two years. We talked a lot about a lot of things -- world events, personal events. But most importantly, Tom Duane taught me some very important lessons. He taught me about love. He taught me about fairness. He taught me about doing the right things, not for political reasons, because these decisions we make here have such ramifications on people's lives.

And I know, Tom, how important and how hard you worked on this. And I think we owe it to you and we owe it to the entire gay community around the State of New York to pass this legislation.

I want to thank my colleague Senator Eric Adams for citing the very important case, the seminal case, I believe, in this area, even though it didn't affect directly gay Americans, but African-Americans, the case of Loving vs. Virginia.

When you read the facts of the case about a black woman wanting to marry a white man, and you read some of the statements made, you would think you're reading a case that was take placing in the Jim Crow South or maybe even before Reconstruction. But as Senator Adams said, it was a case that was decided in 1967.

I think it's important to read part of the decision in this case because I think it certainly holds true today. When we're talking at that time about African-Americans, today we're talking about gay Americans.

It says that "Marriage is one of the basic civil rights, fundamental to our very existence and survival. To deny this fundamental freedom and in so unsupportable a basis as the racial classification embodied in these statutes is surely to deprive state citizens of liberty without due process of law. The 14th Amendment requires that the freedom of choice to marry not be restricted by insidious racial discrimination. Under our Constitution, the freedom to marry or not

marry a person of another race resides with the individual and cannot be infringed by the State."

We're fast-forwarding to present times. And I think it's also important to read the statement by Mrs. Loving, who on the 40th anniversary of this landmark decision put out a statement that read: "Surrounded as I am now by wonderful children and grandchildren, not a day goes by that I don't think of Richard and our love, our right to marry and how much it meant to me to have freedom to marry the person precious to me, even if others thought he was the wrong kind of person for me to marry. I believe all Americans, no matter their race, no matter their sex, no matter their sexual orientation, should have that same freedom to marry. Government has no business imposing some people's religious beliefs over others, especially if it denies people their basic human rights."

Well, I know Ms. Loving would probably be proud of us today that we're

taking up this very, very important issue. She'd be even more proud if this bill passes today. Because she fought for the right to marry someone she loved, here we are today fighting for the right for gay Americans and gay New Yorkers to marry who they want to marry.

But, you know, we can go through, you know, all of the different cases and case law. We can talk about a city comptroller report put out by Billy Thompson that says that if we pass marriage equality it will be of benefit for New York City to the tune of $200 million over a three-year period. We can talk about the fact that if we pass this legislation we will allow gay New Yorkers to actually be granted the same rights of other New Yorkers that is currently contained in 1,324 statutes in our state.

But I think, most importantly, it's always important to put sort of a face or a story. And certainly I have that story.

I'm very proud of the fact that I grew up in a two-family home with my

grandparents. My grandparents were Holocaust survivors from Poland. I always remember, when I was about 8 years old, sitting around the Passover table and always asking my grandmother why she didn't have any family members -- no aunts, no uncles, no sisters, no brothers. She was the only member of her family that was able to make it to the United States, and it's because she married my grandfather she was able to come here and become an American citizen. Her entire family was wiped out even before they got to the concentration camps.

So this was a woman who lived in America, didn't have the benefit of growing up or sitting down at family dinners with any family.

And I always remember too that my uncle, my Uncle Gilbert, had a best friend that he grew up with his entire life. He grew up in the house when I was young, so I always remember his friend Jay. Him and Jay used to do everything together -- sporting events, go out with girls together.

And years later, Jay sort of disappeared. And the reason why he disappeared is he realized all his life he was suppressing certain emotions, certain feelings. And he was very upset with the fact that he was gay. At that time he couldn't be open about it. It hurt his family. Unfortunately, his family disowned him.

But he met someone very special named Bill. My grandparents made it a point, because Jay was disowned by his family, to make sure that Bill and Jay were at every family dinner: Thanksgiving, Passover, Friday night Shabbos dinners. It was something very important to my grandmother.

And I always remember asking my grandmother. Because my grandparents, you know, grew up in an Orthodox household, they were very religious people. And I asked my grandmother. My grandmother says: "I lived through the Holocaust. I saw hatred, the worst kind of hatred. And to discriminate against someone or not accept somebody because they love someone of the same sex would be, I

think, something that my parents and people who are lost wouldn't be able to understand."

Also, like any Jewish grandmother, she used to always say that Jay was very handsome, he was an investment banker, and he's entitled to have somebody. He's a very good catch.

(Laughter.)

SENATOR KLEIN: So I know all of us here today are, I hope, happy that we're finally taking up this important piece of legislation.

But I know for my friend who's no longer with us, Jay, and his significant other, Bill, the horror when Jay died really began for Bill. All those statutes and laws that I stated, they all impacted Bill in a terrible way -- inheritance, healthcare benefits, life insurance, you name it. And I think, more importantly, it was the indignity that Bill had to suffer that he wasn't allowed to be at the bedside of the person he loved for more than 25 years as a married couple.

So I want to ask my colleagues once

again to make a decision today not based on political reasons, not based on which political party will support you because of your vote, but because this is an issue of fairness and it means so many to people we love and respect.

I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Valesky.

SENATOR VALESKY: Thank you, Madam President.

Just a few thoughts on what is a very difficult topic, certainly, for many. And when you stop to think about it, there are not many times that we in this Legislature consider questions that one might view as a difficult issue. So maybe we should stop and think for a moment of why this is so difficult. And I have certainly, as many of us have, been listening and talking and speaking with constituents of mine for many weeks and many months.

Why is it such a difficult issue?

I think when we address issues that have such emotion and such passion attached to them on both sides of the issue, that makes issues difficult. That makes issues very, very difficult.

But I think we as legislators owe it to ourselves and to those we represent to listen, to have conversations, to do research, to read, and ultimately to peel away the layers of emotion and get to the facts and get to the real question at hand.

And that question for me, after a long period of contemplation, that question for me gets to something that many of the speakers before me have indicated, but Senator Schneiderman, I believe, said: That this is not a matter of religion.

I think, colleagues, that more importantly than that, it can't be a matter of religion. Nothing we do on the floor of this Senate, nothing that can be done on the floor of senates from Maine to California can be done in violation of the United States Constitution. If it is, if we do, we have a

judicial system that will declare that unconstitutional.

This bill has a provision that explicitly indicates that no clergyman, no minister shall be required to solemnize any marriage when acting in his or her capacity. That's important. That's significant. But from my understanding of the United States Constitution, that provision isn't even necessary.

The Founding Fathers made it very, very clear that freedom of religion in a secular government -- that we have had and always had -- is one of the most important tenets of this democracy.

So when we look at the question, we have to look at the United States Constitution and its protection of religious freedom and look at the United States Constitution and its protection of liberty and equality for all men and women.

This bill does not, could not, and, as long as our Constitution remains the law of the land, could never affect in any way,

shape, or form and compel any house of worship in this country to do anything that is against their belief system.

So, Madam President, I think that it is very clear that this bill is about a civil, legal commitment that provides benefits to same-sex couples. And for those reasons, I will be supporting this particular measure.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Parker.

SENATOR PARKER: Madam President, on the bill.

ACTING PRESIDENT STEWART-COUSINS: On the bill, Senator Parker.

SENATOR PARKER: When my colleague and friend Tom Duane introduced this bill on marriage equality and sought support from fellow Senators, I joined him as a cosponsor really as quickly as I could because it was the right thing to do.

And really, the time to pass this legislation is now. And why is it now?

Because it is still the right thing to do.

Acting today to guarantee marriage equality is the right thing to do because without the right to marry, innumerable same-sex couples suffer under the psychological and economic strain of being separated out from other loving couples and being deemed unequal before the law. And many of my colleagues, Eric Adams and Jeff Klein and Senator Schneiderman, have talked about this historical problem.

And we have an opportunity today, colleagues, to change our history. This is the time that we strike a blow to one of the last levels of inequality that we find in these kind of laws in our country. And it's critically important that we do so because, to quote the Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere."

And we certainly see ourselves as people who stand for justice. I don't think that we can vote against this bill and against the rights of people to be married and be

engaged in a contract that in fact does not affect anybody else's lives negatively. We cannot do that and still call ourselves people of morality.

If you want to know where the morality stands, the morality stands in doing the right thing to make sure that everybody in this country has the same inalienable rights.

Denying same-sex couples the right to marry denies them some of their most basic civil rights. Denying the same-sex couples the right to marry denies them many important legal protections afforded by marriage. Allowing same-sex couples to marry will give them the same economic security protections and peace of mind that is enjoyed by heterosexual married couples.

And let's understand this, ladies and gentlemen, that this is a contract. Many of you are lawyers. You understand it is a contract. And if you don't believe it's a contract, your priest may be able to bring you together, but only your lawyer can break you apart.

(Laughter.)

SENATOR PARKER: So here are a few of the state and federal benefits granted to married couples that same-sex couples cannot receive until we pass this bill today. I'm just going to read a few of them to you.

Access to employer-provided health and retirement benefits for one's partner and nonbiological adopted children.

Access to a partner's coverage under Medicaid and Social Security.

Ability to visit or make medical decisions for an ill or incapacitated partner.

Right to sue for wrongful death of one's partner.

Ability to sponsor one's partner for immigration.

Marital children gain family stability and economic security because of their parent's legal marriage that is inaccessible to nonmarried children, including the enhanced approval of marital children in society and streamlined adoption processes.

Access to health benefits and

inheritance from both parents.

Right to maintain a relationship with one's nonbiological adoptive parent in the event of death of one parent. And this is in states without same-sex second-parent adoptions.

They also are denied currently, until we pass this bill in a few minutes, joint insurance policies for home, auto and health; joint parenting and joint adoption; bereavement or sick leave to care for a partner or child.

This debate needs to be about real people and not just abstract policies. It's about millions of real families in our country and the basic protections that all families need. The reality is that there are still many people in New York who do not agree with us on this issue. But despite what we've heard, actually the vast majority of New Yorkers actually do agree that we ought to pass this bill today.

But, mostly, the people of good faith in this state, you know, early on --

again, as Senator Adams indicated -- they did not accept interracial marriage, desegregation, women's rights, and other basic changes. And those changes have increased the freedom and fairness of our society and the great State of New York. And over time, they have come to see that they were wrong and the changes that scared them improved our great country.

I mean, as we sit here now, it's almost ridiculous to start thinking about the fact that even African-Americans at one point couldn't marry each other. It was illegal for African-Americans to even marry each other. The fact that at some point, Madam President, you were considered not even a person in this country, let alone be able to be not just a Senator and the chair of a committee but also the presiding officer of the Senate.

That's what we were. And I'm hoping that in a few years the idea that same-sex marriages wouldn't happen, wouldn't be able to be legal in this country, will be just as ridiculous. That that notion is as

antiquated, you know, as dinosaurs. And now is the time, because it is the right thing to do.

I'd like to end by reading a few quotes from a civil rights leader, Congressman John Lewis from Georgia. And he says: "It is time to say forthrightly that the government's exclusion of our gay and lesbian brothers and sisters from civil marriage officially degrades them and their families. It denies them the basic human right to marry the person they love. It denies them numerous legal protections for their families. This discrimination is wrong. We cannot keep turning our backs on gay and lesbian Americans. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation. I've heard reasons for opposing civil marriage for same-sex couples. Cut through the distractions, and they stink of the same fear, hatred, and intolerance I have known in racism and bigotry."

Congresswoman Jackie Speier of California says: "Marriage equality is perhaps the most profound civil rights issue of our generation." Let me repeat that sentence. "Marriage equality is perhaps the most profound civil rights issue of our generation."

So I stand before you today as a Senator, a New Yorker, and a man who has committed to fighting for civil rights throughout my life. And I will not stand aside now when I can fight to support the rights of same-sex couples and fight against discrimination against gays, lesbians, bisexuals and transgendered persons.

Ladies and gentlemen of the Senate, I stand before you today to ask for your support of marriage equality because it is the right thing to do and now is the time to do it.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Espada.

SENATOR ESPADA: Thank you, Madam

President.

I want to begin by thanking this chamber, all 62 Senators, whose own growth, political evolution, climaxed not too long ago to allow a debate on a bill whose destiny has not been predetermined, to have this kind of glorious debate and this kind of sharing of thought and of our core values.

If this vote were taken in my district today, same-sex marriage, marriage equality would fail. Reverend Diaz is correct about that. Our districts abut. We are primarily very, very poor, very, very African-American, Latino. We have the highest jobless rate in the state, over 14 percent unemployment in our county.

But this is not about demographics. Others have talked about this not being a matter of religion or morality.

I just want to dedicate a couple of minutes to those Senators who have not made up their mind. Because my mind has been made up a long, long time ago, despite the flavor of this issue in my community that has children

in schoolyards beating each other up because one may look too effeminate, because we're taught upon being delivered upon this earth that we're not to have and enjoy certain toys or certain dolls. In other words, it is so intrinsic and embedded in our DNA as a culture, as a society, that it has truly a life of its own.

But the matter has a life of its own here today, and the headlines that will be written are not just about a historic debate because we happen to have matured to that level, but as to whether or not this is truly a vote of conscience, my undecided colleagues.

Is it a vote of conscience? What is this thing called a conscience? It's that little voice, right, in all of us when we were growing up: That's what is right and what is wrong, little boy, little girl. We all grow up with that. You don't have to have a high school diploma, a GED, you know, a BA, a Ph.D. It is that inner voice that no matter how old you get or how dumb you remain, that's what's going -- or how smart you get -- that's what's

going to predetermine that vote of conscience.

It is constitutionally correct to vote yes. Yeah, I think it's morally correct to vote yes. Don't talk to me about not legislating morality. I understand that we build walls and we build signs. But we do that all the time.

But let's not be scared into ignorance to think that it is not morally correct to allow same-sex couples to enjoy the same rights as opposite-sex couples. That may take a long time to sink in and become part of the social and cultural fabric, but so be it. It is historically correct. The drumbeat and the precedents that have been cited are correct.

We have rationed out equal rights, civil rights for many, many years. States have adopted certain things at certain points. I mean, Iowa doing things on farmworkers' rights decades ago. Personally, I'm disappointed that we continue to ration out a debate on human rights. I'd love to have a comprehensive agenda of human rights be voted

on this floor that would include domestic workers, most of them black and brown; farmworkers, most of them black and brown. I would love it. So we're not done.

But as it relates to today, undecided Senators, let's write this headline for the New York Times, for the Daily News, for the Post, for El Diario. Let's write this headline for my tenth grandchild, whose sonogram was sent to me yesterday by my second son in the fifth month of that pregnancy. We start to send all off all of these messages. Let's send a message of hope. Let's set forth a drumbeat of equal rights for all by voting yes here today. And let's not continue to be scared into ignorance or pander to that in our communities.

Madam President, I would vote yes and encourage those undecideds to vote yes as well. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Savino.

SENATOR SAVINO: Thank you, Madam

President.

You know, like Senator Adams, I've spoken on this floor many times myself and have never been quite as nervous. Not because I'm not sure of my position or how I feel or what I think is the right thing to do, but because I'm not sure what's going to happen.

And that's rare for the New York State Senate. You know, rarely do we not know the outcome of bills before they come to the floor. And rarely have we faced an issue as important as this without knowing the outcome.

Tens of thousands of New Yorkers' lives are hanging in the balance in this debate. They are either going to go home today knowing that we made history here in New York State, or they're going to go home incredibly disappointed but certainly unbowed, and the struggle will continue.

But I hope that we are going to make that history here today. I hope that we are going to take that step forward to continue the promise of Thomas Jefferson that Senator Schneiderman so eloquently talked

about or eradicate the inequality that Senator Adams described so painfully.

I hope that we're going to make that choice. Because I reject, even though I have great respect for Senator Diaz -- and I do. And he's not here, but I do have great respect for him, and I have great respect for his religious convictions.

But this vote is not politics. It's not about Democratic politics or Republican politics. It's not about who contributed to what campaign. It's not about who tried to make this body one party or another. It has absolutely nothing to do with that. This vote is about an issue of fairness and equality, not political.

It is about the fairness of people who are of the right age, of sound mind, who choose to live together, share everything together, and want to be able to have the protections that government grants those of us who have the privilege of marriage and treat it so cavalierly in our society.

That's all this is about. Whether

Senator Duane and his partner Louis, who are two of the most committed people I've ever met -- I will tell you, I am over the age of 40, and that's all you're going to get from me --

(Laughter.)

SENATOR SAVINO: -- but I have never been able to maintain a relationship of the length or the quality that Tom Duane and Louis have. Why should they be denied the right to share their life together?

I don't know Assemblyman O'Donnell's partner, but I know he is as committed to him as Tom is to Louis, and as my friend Matt Titone is to his partner Josh.

These are relationships that I envy, and in fact we all should envy. And all they ask for is to be treated fairly and equally and be able to plan for each other in the event something happens to them. The same way Senator Lanza does for his wife Marcele, or Senator Flanagan does with his wife, or any of those of us here who are married are able to plan and protect the person that we love.

You know, I've also been lobbied, quite interestingly on this bill, by people on both sides. I'll tell you one funny story. I was on 6th Avenue in Manhattan, I was in my car. I was driving to make a left turn onto 52nd Street. I was stopped at a light, I had my window open, and a young man on a pedicab stopped and stuck his head in the window of my car. Which I thought was kind of strange. But he recognized the Senate license plate on my car. And this was right during the week that the Assembly was taking up the vote earlier this year.

And he said to me, "Excuse me. Is there going to be a gay marriage vote in Albany this week?" And I said, "Yes, the Assembly is going to take it up, but the Senate probably won't take it up any time soon. I'm not sure when."

And he said, "Are you going to vote for it?" And I said, "Yes, I am." And he said "Why?" And I said, "Because I believe that people should be able to share their life with whoever they want and the role of

government is to administer that contract that they agree to enter into."

And he stopped and he said, "But they're changing the definition of marriage." And I said, "Don't get so excited about this marriage stuff." I said, "Think about this. We just met, you and I, right here at the stoplight. You stuck your head in the window of my car." I said, "Do you know tomorrow we go could go to City Hall, we could apply for a marriage license, and we could get married?" I said, "And nobody will there will ask us about the quality of our relationship or whether we've been committed to each other or any of those things. They will issue that marriage license and we can get married."

And he said, "Yes, that's true." I said, "And do you think we're ready for that kind of commitment?"

(Laughter.)

SENATOR SAVINO: And he stopped and he said, "I see your point."

(Laughter.)

SENATOR SAVINO: And that's

really what this is about. We in government don't determine the quality or the validity of people's relationships. If we did, we would not issue three-quarters of the marriage licenses we do.

(Laughter.)

SENATOR SAVINO: And I know there are many people in the religious community who feel that we're going to force this on them when that in fact is not true. We have never done that.

I'm a Roman Catholic. The Catholic Church has the right to deny me the sacrament of marriage if they determine the person I choose to marry is unfit or our relationship doesn't meet their standards. City Hall does not have that right. That will not change under this bill. That will never change. Religious institutions can continue to practice discrimination with respect to the sacrament of marriage. We don't, we shouldn't. We should not do it for gay and lesbian couples.

I know many people are concerned

about the destruction of the sanctity of marriage as well, and they view this as a threat. But let me ask you something, ladies and gentlemen. What are we really protecting, when you look at the divorce rate in our society? Turn on the television. We have a wedding channel on cable TV devoted to the behavior of people on the way to the altar. They spend billions of dollars, behave in the most appalling way, all in an effort to be princess for a day.

You don't have cable television? Put on network TV. We're giving away husbands on a game show. You can watch "The Bachelor," where 30 desperate women will compete to marry a 40-year-old man who's never been able to maintain a decent relationship in his life.

(Laughter.)

SENATOR SAVINO: We have "The Bachelorette," in reverse. And my favorite show -- which thank God only ran one season because it was truly distasteful -- was "The Littlest Groom," where 30 desperate women competed to marry a dwarf.

That's what we've done to marriage in America, where young women are socialized from the time they're 5 years old to think of being nothing but a bride. They plan every day what they'll wear, how they'll look, their invitations, the whole bit. They don't spend five minutes thinking about what it means to be a wife.

People stand up there before God and man, even in Senator Diaz's church, they swear to love, honor and obey -- they don't mean a word of it. And so if there's anything wrong or any threat to the sanctity of marriage in America, it comes from those of us who have the privilege and the right, and we have abused it for decades.

We have nothing to fear from Tom Duane and Louis. We have nothing to fear from Danny O'Donnell and his partner. We have nothing to fear from people who are committed to each other, who want to share their lives and protect one another in the event of sickness, illness, or death. We have nothing to fear from love and commitment.

My only hope, Tom, is that we pass this bill, the Governor signs it, and then we can learn from you and you don't learn from us.

I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator L. Krueger.

SENATOR LIZ KRUEGER: Well, I've been listening to my colleagues, and they've raised a lot of the arguments I wanted to make here today, Madam President.

But I was thinking about something that someone said to me this morning in the hall, which was "Thank you for going in there and voting yes." And I said, "But it's not a hard vote for me. I never had to think twice about this." And they said, "But for some people it is a hard vote."

And so what I've been thinking about is, is that true? A number of my colleagues have said that here today. Some people think it's a hard vote. And I've been a cosponsor since I think the day I got here to the Senate.

So why is it not hard for me? Of course I believe in the constitutional arguments that were made by Senator Schneiderman and Senator Valesky and the pointed arguments that were made by my colleagues Kevin Parker and Eric Adams about the correlations to civil rights fights in this country and the issue of racism in this country. And in our conference we talk about a lot about racism and that it's still a reality in our country.

And I'm thinking, why for me is this so easy? And I think the answer perhaps is because we all bring who we are to our jobs and our lives. And so for me I think it's easy because I'm a woman and I'm a Jew, and so I know about discrimination.

There was a discussion about people not being able to marry in this country until 1967, pointing out that Madam President didn't have rights as a human being under many state constitutions for many, many hundreds of years. Senator Klein told the story of his grand -- I think it was his grandmother who

was a Holocaust survivor.

So, for me, my grandparents came here to escape pogroms and escape discrimination, and so it's even a religious issue. I know we're saying it's not. It's not in that nothing in this bill makes any religion change anything they do or any clergy member change any practice they have or teaching that they have.

But in fact, I'm here in the New York State Senate because this was a country that guaranteed religious freedom. Which meant my ancestors could come here to practice their religion. And it's interesting that some people are talking about their religion teaches them they can't vote yes today, because my religion teaches, I believe, that I must vote yes today.

So I see myself as a New York Senator, as a woman. I don't understand as a New York Senator, as someone who respects the Constitution, how any of us could vote no. I don't understand as a woman how any woman could vote no. I don't understand as a Jew

how any Jew could vote no.

And I think each of us here today have their own experiences with discrimination in their lives and their families' lives, in loved ones' lives, that if they think about it and they think about what we're talking about today -- a fundamental right to equal treatment under our law -- I don't understand how anyone can vote no.

I know it's harder for some than others. But I guess I would stop asking the question of each other how can you vote yes. Ask yourselves how can you vote no.

I vote yes, Madam President.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Squadron.

SENATOR SQUADRON: Thank you very much, Madam President.

You know, it's such a small bill, it's just a couple of pages, but it's a very powerful bill. It's a bill, as we've heard from so many of my colleagues so powerfully,

that really has to do with what sort of government we have. Not an issue that I can speak on.

But I am going to give into the temptation to again quote Thomas Jefferson, who said, about religious freedom, "Among the most inestimable of our blessings in this country is the liberty to worship our Creator in the way we think most agreeable to His will, a liberty deemed in other countries incompatible with good government and yet proved by our experience to be its best support."

This is the argument, of course, that separation of church and state is about having a government that allows us to have our personal choices and our individual liberties. And it's an important one when we talk about this issue, and an appropriate one, because this little bill is about the kind of government we have that allows us individual liberties.

It's also a very, very personal bill, I think, for all of us -- I think not

just for Senator Duane, although certainly for Senator Duane, but also for all of us who are married.

As many of you know, I got married recently, I think maybe most recently among the members of this house. And I thank this house for getting back to the business in time for me to get and be able to be at my wedding. And it was the most moving and powerful experience I have ever had in my life. And it was an experience of great joy for my wife and for me and for our families.

It was also an experience that was missing something, because many members of our family weren't there. None of my wife's grandparents were there, none of my grandparents were there, my father wasn't there. They all passed away before I had the opportunity to meet and fall in love with someone and get married. And that's the reason they weren't there. And it was still a wonderfully joyous day despite the fact that they weren't there.

But for so many New Yorkers, for

many of the guests at my wedding, for one of my colleagues, the reason that marriage can't happen right now -- the reason that those gaps in the moment when they do finally get married will be greater -- is because of what we do in this State Legislature, is literally because of what we do today.

And I have to say this is an issue that I've felt very strongly about for a very long time. But the experience of getting married, of having a wedding that had those gaps has only made it more clear, has only added to my personal sense of responsibility that we don't in this house create for others marriages and partnerships that are delayed because we have some personal religious belief -- which is of great importance and should be highly respected, but shouldn't be imposed on other people's experiences.

This little bill is about the kind of government we have, it's about the personal experience that any of us have had who have ever gotten married or thought of getting married. But it's also about this kind of

religion we have. And I know Senator Diaz, I'm sure others are thinking very much about their religious beliefs and how to ensure that their religious beliefs can be carried forth in a way where the government doesn't get in the way.

And, you know, the Jefferson quote I read at the beginning of my statement isn't just about individual liberties. Separation of church and state, the freedom to practice religion, isn't just about each of us getting to do what we want. It's also about religion. And having a government that can make that distinction doesn't just protect us individually, it doesn't just protect our government, it protects our religions. It's one of the reasons that our country has such a rich and deep and strong religious tradition.

Jefferson also wrote: "I do not believe it is for the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines. Every religious society has a right to determine for itself its own exercises

according to its own particular tenets, and this right can never be safer than in its own hands, where the Constitution has deposited it."

This little law is about each of us and the experiences we have. It's about the kind of government that we have in this state and in this country. But it is also about the kind of religions that we have in this country and the freedoms that they enjoy. And for that reason, I will be voting yes.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

I certainly want to thank Senator Duane for his fierce and unyielding leadership and fight on this important issue.

And I thank my colleagues, all of whom have made such poignant remarks and comments on this particular legislation.

And I will only add that in my

family, in my culture, especially as it relates to my religion, I just want to remind my colleagues that it was always considered that if you were living together -- this is the old days -- if you were living together and not officially married, that you were actually living in sin.

So for those of us who believe in the religious tenet of why we should be supporting people being able to marry, we do not want them to live in sin.

In addition to that, I note that the whole institution of marriage has changed over time. So in fact, as several of my colleagues have pointed out, at one point in time the only way that we could be married as African-Americans in this country was that we could jump the broom.

And so even today some people who marry continue to maintain that part of the culture as it related to how African-Americans were actually able to marry. In addition to going through the official government, they also jumped the broom, just to solemnize their

marriage. I've seen that many times.

And in fact there are some states that I'm aware of that actually at one point in time recognized common-law marriage. So that if people live together long enough, they under certain circumstances could acquire the status of having been married officially and thereby being protected by the government tenets of marriage.

So there are really -- the institution of marriage is actually basically part of our government contractual process. And in addition to that, we also attach religious meanings and rituals to it. But I want to remind us that if the minister marries you and you don't go to court, you are not married. So it's -- the marriage really is concretized by the contract that is recognized and required by the government in every case.

So we're really talking about who we include in our statute as being eligible to go to court and to receive a marriage license which protects them from all of the aspects that the two of us are protected, Senator Suzi

and myself, if our husbands decide that, as often happens, they want to run away.

(Laughter.)

SENATOR MONTGOMERY: There are certain things --

SENATOR OPPENHEIMER: You can have them.

(Laughter.)

SENATOR MONTGOMERY: There are certain responsibilities and certain protections that we have. And I want everyone to have that. Why do we only want ourselves to have it?

So I am very much in favor. And I just want to make this statement especially to the people that I represent in my district. The ministers, many of whom are gay and/or lesbian. I want to talk about the doctors in my district; I represent them. I want to talk about the many of the choir directors. The churches would not exist if there weren't choir directors, many of whom are gay.

And I want to talk about people in all walks of life. African-American,

Africans, I represent them. Latinos I represent in my district, large numbers. White people. Black people. Men, women. They are my constituents too. I represent them. They would like to have the right to marry. Some of them will not care about it, but many of them -- any of them who would like to be married, I want to say to them today that I am going to vote so that you have every right that every other citizen has. They can get married.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Serrano.

SENATOR SERRANO: Thank you very much, Madam Chair.

This is really, truly a wonderful day. And as my colleague Liz Krueger so eloquently stated -- and I want to thank her for sharing with us her honesty and her passion. But for all of us who embrace the notion of this country, its greatness being its diversity, its embracing of all walks of

life in a real way. And that those principles separate our nation from all other nations in the world. And this is why we have become, in a relatively short amount of time, the greatest nation on earth.

And my colleagues have spoken about this as a civil rights movement, and I agree wholeheartedly. And every civil rights movement in our nation's history has indeed come through struggle. In every one of these struggles, there have been those who have said that if these civil rights measures were enacted, that our communities and our society would somehow spiral into chaos, that the sky will come crashing down.

Ladies and gentlemen, history has time and time again proven that extending civil rights further has made our nation more whole, more complete, and truer to the words recited by Senator Schneiderman. It will make our communities stronger. History once again will prove this civil rights movement to be right and correct.

No one should be subjugated to less

rights than anyone else. We are a diverse nation, and we should embrace that fully because it's our nation's greatest strength. Indeed, extending freedom through marriage equality is very much the foundation of the American ideal in its most organic form.

And with that, I will ask all of my colleagues to support this bill, to support this movement, to support this understanding that what separates this nation, with its innovative and revolutionary ideals, is that we dare to say the things that others refuse to say, that we dare to extend the freedoms and the rights that nations in times before did not extend to their people.

And that's why every day new immigrants are doing everything they can to get into this nation, to be a part of this American ideal and its innovative stance on the issues of equality, on the issues of fairness, and on the issues of true and fair debate and deliberation, as we have here today.

So I want to thank Senator Tom

Duane for his passion, his advocacy on this issue, for making it something that we can all truly understand and appreciate. And I want to thank all of the people of the State of New York who truly understand that we all cannot be free as a community, as a nation, as a state until all of us are afforded the same rights that each and every one of us should have.

I'll be voting yes, Madam President. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I've heard several of my colleagues talk today about being nervous, some talking about their decisions being easy, some talking about them being hard. There have been very few decisions that I've had to make in my life that I've spent as much time contemplating as this particular issue.

I grew up in a household where, if

you know what a "PK" is, that's a preacher's kid. My mother was the preacher in my family. And many of you who were gracious enough to come to her going-home ceremony in August got a sense of the strength of that woman and the person and the children that she raised and the kind of influence that she had upon our thinking.

And my father was a very quiet, unassuming man who believed that we should be outstanding and not stand out. But he was proud of the 10 children that he raised. There were heartsick moments and times when the decisions that his children chose to make didn't make him as happy as perhaps he would like to have been.

My eldest brother was gay. And publicly for the first time I think in my life that I've said that. And for a very long time it was certainly not something that my parents would admit and they certainly could not feel comfortable about.

My brother was born in 1930, and his talent and his sexual preference were not

acceptable. And so he left this country and went to France, and he stayed in Europe his entire life. He made a formidable career for himself, but it was not something that he could share with his family.

When I became of age, I began to look for my brother because he had disappeared from our lives. And my father worried, but he could not ask him to come home. And so I searched consulates across the world looking for him, and I searched embassies looking for him, and dead-letter boxes looking for him.

And one day I got a response. And he wanted to know why did I want him to come home. And I said to him: "Because your father needs to lay his eyes upon you." And he said, "My father does not want to see me." And I said, "But your sister does. And your siblings do."

And so he did come home. And after that, he made relatively frequent visits home. But he never could settle. And so he died in the south of France, and my youngest brother went to the village where he was living and

brought his ashes home.

I will not talk to you about who his mate was, because that was their personal business. But I do know that because of his status, those things that he should have been entitled to as a married couple he was not entitled to. And it caused strain between our two families, even though they were loving persons and partners committed to each other for many years and our families enjoyed their relationship. But at the death of his partner, the relationship became strained.

How do I equate the teachings of a lifetime and a relationship that we were bereft of for so many years, and how do I come and stand in the State Senate as somebody who has been supportive of choice and has always believed that the Constitution is a magic document and when the magic of that document is purely applied that truly freedom exists?

I am concerned about my siblings. My sister is now the minister. On the 27th of December, she is going to be made president of the World Ministry of Women. And I am proud

of her. I am proud of the stances and the postures that she takes. And she would not agree with the decision that I'm going to make today. But I am going to make the decision because, as I made the decision about choice, people have the right to choose.

This bill is not about encouraging people, enticing people, but rather giving them the right to make the choice for themselves. And if there's a condemnation in that choice, which is something that my church preaches, then that's between them and God.

And whether you believe it or not, nobody elected me -- not even the 99 percent plurality that I received -- elected me to be the moral arbiter of their decisions. But they did ask me to provide leadership.

And in that leadership, I hope that the 50 percent of the people who called my office and said "Vote no," they will understand that if they pick me as the leader, then they must trust that the decisions that I help to make on this floor are about total rights for all of the people that I serve.

Because the 50 percent who said "Vote yes," they have a right to expect my protection as well.

So, Madam President, today I will be voting yes.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President. On the bill.

I think, like many of us, this becomes one of the attempts at a great moment in a public service career.

I want to commend my friend Ruth Hassell-Thompson for her courage and for the conviction of her belief. And I certainly won't stand here and try to match the eloquence that I've heard so far today, that we've all heard so far today from this side of the chamber and hopefully we'll hear from the other side of the chamber on this bill.

But I think what I have to first start off with is saying thank you to Tom Duane. Tom, I admire you. I admire you for

your leadership on this particular issue, your dignity that you have demonstrated time and time again. And I admire you for your love for Louis.

You know, on January 10, 1998, I exercised my right to marry my wife, Elizabeth, who I hope is watching today. Dan, you talked about -- Daniel Squadron talked about the pride and love he felt on his wedding day. I can't wait to hear how much he enjoys the day when he sees his Elizabeth give birth to their first child, and hopefully it will be soon.

You know, this bill, it's simple. As Daniel Squadron and others have talked about, it's a simple bill. It does two things. It's about two things. But more importantly, it's not about something else.

First, it's about equality. It's about granting the right to a man or a woman, no matter who he or she loves and wants to spend a lifetime commitment with, it gives them the right to obtain equal access to a marriage license regardless of who they want

to marry.

You know, it's interesting, in listening to the debate here and also listening to the debates that have happened beforehand in the other house -- and I do welcome Assemblyman O'Donnell, sponsor of that legislation here today. And listening to that debate, oftentimes there's a discussion, it's been discussed beforehand in this chamber, outside this chamber, in dialogue, the notion of the civil union. Why not a civil union, why not a civil union.

Well, colleagues, that creates simply a separate but equal system. And it doesn't work. If you don't believe me, I ask you and I offer you to read the reports that have come out of the State of New Jersey and the State of Vermont that did a report when they passed their civil union statutes. And the realization is it just didn't work. And Vermont, in fact, changed it and went to marriage. And hopefully New Jersey will do the same thing too.

This bill is also about love. And

what's interesting, look at the history of marriage. You know, marriage historically oftentimes wasn't about love, it was about property rights. It was about families uniting for power. And oftentimes you heard about the loveless marriage. Two families, uniting, growing more powerful.

This is about love and about two individuals who love each other and want to express that love in a lifetime relationship and commitment and who don't need to be treated separate but equal.

You know, this bill doesn't force anyone to do anything. It simply requires the State of New York, the clerk of a municipality to issue a license. Our clerks issue birth certificates, our clerks issue death certificates. You give birth to a baby, you get a birth certificate. If unfortunately you lose a family member or you lose somebody, you can get a death certificate. This is simply issuing a license.

Now, a number of my esteemed colleagues here today have talked about

religion and the freedom of religion, quoted some of our Founding Fathers. You know, if this was an attack on religious liberty, if this was an attack on our religious freedoms, I know that I and all of us here would be standing shoulder to shoulder together, together, to fight that attack.

But that's not what this is about, ladies and gentlemen. This is about civil marriage. This is about civil marriage.

I think there comes a time for this body to step up. We've had a tough, tough six months, I think we can all agree. But I think there's a time for us as a body to shine.

I agree with Senator Klein and others who have said what's important about this debate is we're having this debate. And more importantly, it's important for our constituents to see how we're going to vote on this issue, because we are a representative democracy. The 62 of us here in this chamber were elected to represent our districts.

And so today, for my district, for my family, for my constituents -- for

constituents like Dan Pinello and Lee Nissensohn, who attempted to obtain a marriage license in one of my towns and were denied, I want them to be able to tomorrow get that license and to be married under the laws of the State of New York and be given the equal rights that I have, that Daniel Squadron has, that many of us have in this chamber.

I'll be voting aye. Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Perkins.

SENATOR PERKINS: Thank you, Madam President. I'd like to take a moment to speak on the bill.

First, I'd like to say to Senator Duane, love you, brother.

To my Assemblyman and constituent Danny O'Donnell, thank you also.

You know -- and to the movement, I want to thank you for your vigilance and your push to get to us where we are today. And you have made difference, and you've witnessed a

difference. So it matters that you are here and you have made a historic moment for all of us. So I want to thank you all for allowing me to indulge in this historic moment.

As I look around the room, history reminds me that more than half of the people in this room, Senator Montgomery, would not be here at another point in time. That many of us have had the privilege of these types of movements that have made a difference, despite the obstacles that we've had to face.

Sometimes those obstacles have been presented to us in terms of religious ideology, racial prejudice. However it may be, we've been always able to overcome, we've always been able to succeed.

So get ready, marriage equality is here. And it is inevitable. And you will be married. And Pam will be at the wedding, she promised me. As a matter of fact, November 28th we celebrated our 11th wedding anniversary. And we were destined to be someplace else; she decided it was best for us to be here, to make sure that we were a part

of this historic moment.

You know, one of my colleagues, Senator Bonacic, said to me "This is a great moment for our democracy. It's a great moment for our institution." And he's absolutely right. And it's absolutely -- no matter how this turns out, we have made history today. We have been a part of a historic moment today. And it is inevitable that we will be successful.

I want to say to Senator Hassell-Thompson, thank you for your courage in sharing your moment, your very special moment. I know how you are. And so that was very moving for me and encouraging for me to want to join you in speaking out and making sure that, for the record, my voice was heard.

I look forward to the vote. I look forward to the change that is inevitable, if not today, tomorrow. But nevertheless, it is a change that's going to come. And I can see Dr. Martin Luther King smiling down on us today in recognition that his sacrifice was not in vain.

I will be voting aye.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I guess I would like to start also by thanking the folks who have made this so real for us and made it an important issue for us to today be talking about at great length and coming to a vote on. You have been patient for years, and you finally said, We've been patient long enough, we need answers. And so I'm glad we're doing this today.

And I'm hopeful for a positive outcome. But no matter, this issue will be before us again, and hopefully sooner rather than later if it does not prevail today.

But other people have talked about things that I was going to talk about, so I'll just briefly mention that I feel strongly that certainly everyone is entitled to equal legal rights and protections and it doesn't exist in our government as far as survivorship, as far as retirement benefits, as far as

hospitalization, healthcare. I mean, there's, what was it, a thousand different pieces of state government that are interfering with the rights which should be declared for all people.

It has been mentioned by Dave Valesky that this is most assuredly a civil issue, it is not a religious issue. And it is clearly delineated in the bill that it is not a religious issue.

Some people have said to me it diminishes their marriage. I don't understand that. Because I have, as all of you know, been married many, many, many years. And why would it diminish my marriage? I have a very fine marriage. I have four wonderful children. I have many grandchildren. Why does that -- I don't understand when people say that to me.

Now, almost all of us, I know, have friends who are lesbian or gay. I mean, we certainly have many friends who are. And they are, for the most part, in serious, committed relationships of long standing.

And I don't understand why people wouldn't want folks like this who are stable, committed couples living in the house next to them. They are stable people. Isn't that what we want in our communities, to have people that have commitments to the community, to each other?

And I have to say I really admire the commitment and the loving relationship that I see between Louis and this big guy here. It's a very beautiful thing to see. I mean, I know sometimes there's discord, but hey, who of us doesn't have that in a long-term relationship. But for the most part, it is just so warm and loving to see you guys together. So, I mean, isn't this what we would want in our communities?

Liz spoke about being Jewish. Now, one of the foundations of Judaism is something called tikkun olam. And tikkun olam means, really, "repairing the world." And we see that as perhaps the most important function that we have as Jews. And that means that we have to, wherever we see discrimination or

hatred, we have to fight back. And we have to see what we can do in order to repair, repair the world.

And I personally have witnessed hatred and discrimination. I am very, very fortunate that my beloved husband, Martin, was able to escape Germany just prior to the Holocaust. And sometimes people ask me am I related to this other person they know who's Oppenheimer, or this other person. And I have to say no, because it is only my husband and his immediate family that got out from Germany. The rest of the family did not get out.

So we personally live with an appreciation of the devastation that hatred and inhumanity can cause in the world, making it much more difficult for many of us to try and heal the world.

My rabbi has quoted Rashi, who is one of our great sages, who said "All of the Ten Commandments are important, but one is so significant that it makes all the others commentary." I wonder which of us knows which

this is. And that is to do unto others as you would have them do unto you.

Well, we all seem to be getting quite emotional and quite personal in our conversations today, but this does hit a chord for all of us. And it is not just for the gay and lesbian community, it is for all of us, and a measure of all of our humanity.

So I want to thank Tom for his passion and for his consistency. And he sometimes asks is he my equal. He is more my equal. And he is dear friend, as he is to so many of us in this chamber. Thank you, Tom.

I'll be voting yes.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Madam President.

And yes, Tom, this one's for you and Louis, whom I consider both to be good friends.

I can sum it up in one sentence. I can't stand here and oppose discrimination

based upon religion, sex, creed, national origin, race, whatever, and condone discrimination against gay people.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Smith.

SENATOR SMITH: Thank you very much, Madam President. Thank you to my colleagues.

Thank you to the advocates, many of you who I know, many of you who have traveled across this country on behalf of this issue.

To Senator Tom Duane, who I know has put up with a lot. You've put up with disappointment, you've put up with being misled, you've put up with arrogance, and you've put up with those who represent themselves to you as friends and sometimes are not. I thank you for being disciplined and standing strong enough to move through all of this.

To my colleagues on this side of the aisle, the interesting thing is throughout

these last months people have come to me from time to time and asked me the question: "Why are you supporting marriage?" And when I would ask the question back to them "Why not?" a good number of them would retreat to the Bible. And they would tell me, "Well, the Bible says it is wrong."

What is wrong is not knowing what the Bible says and retreating to it. The Bible does not say same-sex marriage is wrong. The Bible talks about the importance of individuals and the importance of relationships and fairness and understanding one another and what is wrong is when you quote the Bible for your own purposes.

My suggestion to you, for those who call themselves Christian and fear the wrath of Christian results when you are not being honest and fair, is please don't quote the Bible or refer to it if you are not clear of what it really means.

Today is a question also about leadership. As Senator Espada explained, it would be real easy for a number of us to say,

"Well, polling in my district says this issue is not fashionable." I can retreat right to my church, 23,000 members in my church, who as a person who's very involved in my church, as trustee for my church, one who plays a major role in my church, it would be easy for me to hide behind that and say "Well, I can't do this because of my religious relationships."

Well, I submit to you that is exactly why I can vote yes on this bill. Because of my religious relationships, because of my religious conviction, because I understand discrimination.

I believe in some form or fashion everyone in this chamber has experienced discrimination. It's easy to talk about it from the African-American standpoint.

But I would daresay, when you experienced discrimination, it hurt. When someone came to you, whether it was because of your ethnic background, your religious background, your ideological beliefs and said to you, in your face, no, because of those reasons, it hurt. Especially when you know in

your heart it was the right thing to do.

I have a colleague who worked for me, Shawn Thompson, my former deputy secretary. So this day, him and his partner, who are expecting twins, cannot marry and complete their family. They are expecting twins, him and his partner, Tom. The completion of the family unit is not only children but being able to have that marriage bond.

And Tom and his colleagues and we are not asking you to do anything other than to give them that right. Everybody brings up religion. Everybody starts talking about, oh, the church. This is not a challenge to the church. A challenge to the church is when one walks into that room and says that they believe in a religious doctrine and know they have no faith at all.

Well, I have faith in Tom. I have faith in each and every one of you. I have faith in Shawn Thompson. I have faith in individuals in my family who are looking to get married, who I want to be able to stand

next to them when they get married. I want to be able to say to them "You have the same rights as I have," as everyone talked about here.

The world was going to cave in, Senator Adams, when they talked about civil rights. Senator Breslin, the world was supposed to come to an end when they talked about granting me voting rights. The world was supposed to come to an end when SONDA in 2002 was passed, Tom.

But yet and still, here we all are. We still go home, we have Thanksgiving, we enjoy the holiday season, we enjoy our vacations, we enjoy each other. Nothing has changed. What has changed is a person -- and this is what I'm asking you -- a person's individual right to feel good about themselves.

Do you know how it feels when you walk into a room as a Senator and people turn their head and look at you and you stand up proud, yes, I'm a Senator from the State of New York?

SENATOR LIBOUS: We used to do that.

SENATOR SMITH: That's because you feel about good about yourself. Do you know how good Tom and Louis will feel and the gentlemen and the ladies up there if they can walk into a room and stand up proudly and say, "Yes, I am married too, I have that right"? That's what we're asking today.

And I believe that this is the day that history is going to record that the New York State Senate stood up and did what is right. It takes one. It takes one.

Rosa Parks was that one person, Tom. If she did not say "I'm not going to the back of that bus," how much would not have changed, Senator Thompson? If Harriet Tubman did not say "I'm going to move some people under that Underground Railroad," how many things would not have changed, Tom?

It is my belief that history is going to record today, and we will be able to proudly say, it took one. Senator Tom Duane, who said I am not going to let this issue go

to rest. Tom is not fighting for this because it's the political thing to do. It's his life. You've said to me at times, "Once I get this, Malcolm, I don't even know if I need to stay in the Senate anymore, because I would have done what I need to do for my life and for my family."

Colleagues, we need to do this today. Not just a debate on the floor. I don't subscribe to people saying, well, this is a win because there's a debate on the floor. No, a win is 35 votes. Debating this on the floor is wonderful for democracy, I'm happy about it as well. But let's be the Senate that we have been. Bring a bill to the floor that passes.

This is a day that history needs to record that the Senate in New York State did the right thing and did the right thing for the people of the state.

Thank you, Madam President. I will be voting yes.

ACTING PRESIDENT STEWART-COUSINS: Thank you Senator Smith.

Senator Duane, to close.

SENATOR DUANE: Thank you, Madam President.

Thank you to everyone. My colleagues, the ones who have spoken, the ones who haven't spoken. Thank you to my colleagues who are for and against and undecided. And let me be honest, maybe a little less to the ones who are against.

(Laughter.)

SENATOR DUANE: There's still time to feel my gratitude in its fullness.

I want to thank you for your respect. I want to thank you for your collegiality. I want to thank you for your humor, your -- you know, your loss, sadness, happiness. I want to thank you for letting me be angry when I've needed to -- I mean, okay, rage. You let me have it. I let you have it, you let me have it. Thank you.

You know, you've -- I mean, you've let me, you know, be sad sometimes. Some of you have seen that. You know, I always bring my tissues with me. I consider all of your

offices, you know, a cry-appropriate zone. My office, tissues always out.

And, you know, and thank you for letting me have my inappropriate humor every once in a while too, between us (gesturing).

And thank you for your honesty to me, not just around this issue but on many issues. But maybe especially on this issue of marriage.

I know that in some cases, with some of you, I may be the only one who knows about a family member or a friend -- mostly the family members, who you haven't told and you told me. And, you know, I heard a new -- thank you. And for all the times when you felt that I was safe enough to share that with me, a family member, a friend. Living, deceased.

You know, I have to say also just because -- your staffs. My staffs. Our conference staffs. Members of the press. I know that everyone tells you stuff and -- but I want to say thank you to everyone who felt that I was safe enough to share something --

things as personal as you've been willing to share with me. It's an honor to -- that I'm humbled that you trusted me enough. And I -- I -- and your trust, I assure you and I know you know, is sacrosanct.

You know, I -- Louis would be here, but who knew what day we were doing this? How could you plan?

(Laughter.)

SENATOR DUANE: And, you know, I know -- you know, it's personal, it's not personal. It is personal, though. Right? I mean, it is personal. And, you know, thanks to the magic of the worldwide Internet superhighway, and just with the briefest of delays, I think he's probably watching. I don't know where the camera -- they're everywhere. Hi.

And, I mean, you know, maybe I could have planned it better, but, you know, I guess you know this about me. You know, my passion, up until the last second, you know, I'm like a -- and I say this, you know, I like dogs -- I'm like a dog with a bone. I

wouldn't let go of any of you up until the last -- the last second, I was still -- and you know what, there's still a few moments. I may still grab a few arms and not let you go. Because I'm not -- because I don't -- I can't -- I don't give up. I don't know how to.

You know, there's sort of a paradox about this. You know, the -- you know, the time is never right for civil rights. Right? The economy and wars and -- you know what, okay, push my shoulders down. Everybody, push your shoulders down -- the troubles we've had here in the Senate. There's never a good time for civil rights. It's never, ever, ever the right time for civil rights. I -- I know. I get that. But the paradox is it's always the time to be on the right side of history.

You know, I -- you know, for so many of you who agreed not to wait -- not to wait for California, not to wait for Maine, not to wait for Montana. And not to wait for New Jersey. We are beating New Jersey. Today. We're beating them today. They may

have the Jets, they may have the Giants, they are not taking this way from us. We're beating New Jersey.

Unfortunately, we are behind Iowa, Massachusetts, Connecticut, Vermont. I may have left one out, maybe not. Washington, D.C. Well, it's complicated. But yes, Washington, D.C.

And, you know, Louis and I, we could go to Massachusetts; we talked about it. We could have gone to Canada, Vermont -- lovely, the trees. Particularly this year, except for I never knew when I would go away because we were always being called here, but just as well.

You know, and a lot of you have socialized with me and Louis. You know, a lot of you have come to my district, and I hope I've showed you a good time. And I have visited a lot of your districts. I have met many, many of your spouses. It goes without saying, Louis and I treated your spouses, I think, with respect and warmth, and -- and you treated us that way also. Of course. I mean,

I would expect no less. Of course.

But now is the time to memorialize that. Now is the time to put that into law. That the same way we have treated you and you have treated us, that that goes into law. And that's on us today.

You know, I haven't had time to do this the past couple of years, but I -- I had -- actually, it's the thing I've missed the most in my life outside of this place, and that's that I've taught a high school civics class. And I've loved it. And being a teacher is incredibly hard work. I don't think I could do it full time, it's too hard. It's really hard work, being a teacher.

But I teach a civics class. By the way, years ago they thought marriage was already legal. Like I would have a class on same-sex civil marriage and they were like, well, isn't that -- they already think it's happened, those kids. I was like no, but -- thank you, but no. Hasn't happened yet. They're shocked. Shocked. Call MTV, it's not -- they're lying.

Anyway, I -- I -- there's one class, I give them a pop quiz. Which they hate. They're like, "But you didn't tell us to read anything. What do you mean, a pop quiz?" So you know what the pop quiz is? Name three people you admire the most. Now. I give them a time limit, they have to write it down, put their names on it, hand it in. Three people they admire the most.

I have to say mothers and fathers -- mothers, particularly, top vote-getters. So -- and mine, me too. But after that, after them, one is Nelson Mandela. I mean, he received the Nobel Peace Prize with de Klerk. It wasn't a high enough honor for him. I mean, I know it doesn't get any bigger than that, but Nelson Mandela, top on my list.

Harriet Tubman. She would be bringing people north. You know, there were no streetlights. They were in darkness. And they would travel at night, north, and she would say to them: "Feel the trees. The moss grows on the north side of the trees. It's dark, but you can feel your way. Feel the

moss on the north sides of the trees and keep going that way."

You know, okay, if we were around then and we didn't help people to find the moss on the north sides of the trees and come here to New York -- was one of the places they came to -- if we didn't help, wouldn't we want a do-over to fix that? Wouldn't we want another chance? Wouldn't we want a do-over?

I mean, this was -- you know, New Amsterdam was a place of tolerance.

Some of you maybe were -- actually, some of you were alive for this. What did we do to Japanese-Americans and Italian-Americans? We put them in camps. We took away their property. Men, women, children, we put them in camps. We did that.

Wouldn't we want a do-over? Wouldn't we want a do-over? Wouldn't we want to fix that? Wouldn't we want a do-over?

You know, Chinese-Americans, women weren't allowed here. Only Chinese men, no Chinese women. I mean, the people responsible for that, I mean I hope they would want a

do-over; right? I want to fix that. We were wrong.

I don't want a do-over. I don't think you want a do-over. Let's not have a do-over.

You know, the third person on my list is Harvey Milk. Before they made the movie. An amazing leader and a flawed human being. Right? All of us leaders, and we're all flawed. We wouldn't be here if we weren't. We're leaders, and we're flawed.

I want to say, you know what, I was out maybe not before Harvey, but I think I might have been. But I was out when Harvey Milk was around. I have been gay a long time.

(Laughter.)

SENATOR DUANE: I was going to say I'm an old gay. I'm an aging gay. I hope gracefully, but it's been tough here recently. But anyway, that's a whole other thing.

So okay. This is my story. I mean, you have family members, you have friends, it's their story too. You know, if you're a child and, you know, you're

African-American or you're Chinese-American or you're Jewish and you go to school and the other kids on the playground say, you know, anti-Semitic things to you or something racist, what happens for that child, right? They go home, they talk to their parents or foster parents or grandparents, whoever the adults are in their lives, and they say, you know, "This is what happened to me in school today. They called me this name. They did that." And then the adult, the parent, says to them: "Well, that's terrible. And that shouldn't happen." And maybe they'll talk about great people in history who are members also of that group.

And chances are the adult actually looks like that or is the same as the child and what they use the epithet towards them about. Right? And maybe even that adult is going to go for the school and say "How could you let this happen?" And "You need to stop this." And -- to try the protect their child. To do anything to protect them, right? Wouldn't you do that? Everybody would do that

for our children, right? Of course.

But, you know, if you're a little gay kid or a questioning kid and someone does that to you on the playground, you know what happens? You go home and you don't tell anyone. Because you think what you are is so bad you can't even tell the adults in your life. And some people it takes a very long time to get over it. Sometimes people never get over it.

You know, this is a story that's very meaningful to Christine Quinn, who you -- the speaker of the City Council, you know, who's just -- she's my best friend. And we had a conversation once about why it's so important to be out and to say who you are. And you know why? Because not doing it makes it seem like it's something you wouldn't want to be. That's what's wrong with not saying who you are. I don't think that -- I think -- I mean, I hope -- I don't believe that anyone here wants to perpetuate that.

So, you know, I'm getting to be an older gay. You know, I got a new gay hip. I

need another gay hip. You know, I hope I hope I'm growing old gracefully, but you have made it difficult for me. But I'm still trying. So you know, anyway, so I'm an older gay. But I know with your help and your support today -- today. Not a do-over, not oh, we should have. With your support today, today, soon I'm going to be a married gay.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Duane.

Are there any other Senators wishing to be heard?

Hearing none, the debate is closed. I ask the Secretary to ring the bell.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Could we please have a slow roll call on this legislation?

Would five members stand.

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Libous, seeing that five members have risen, a slow roll call has been called.

SENATOR LIBOUS: Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will please, when you finish ringing the bell, call the roll slowly.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll slowly.

THE SECRETARY: Senator Adams.

SENATOR ADAMS: To explain my vote.

ACTING PRESIDENT STEWART-COUSINS: Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Madam President.

I wasn't around to march with Dr. King. I wasn't around to deal with some of the atrocities that happened to our Irish-Americans. I wasn't around to deal with those issues with Italian-Americans. I wasn't around when Harvey Milk came out.

I'm hoping that New York State

comes out of the closet and understands that all Americans deserve the right to marry who they love. This is about love.

Go back in your mind and think of the time you met someone in your life, either your mate, your wife, your husband, and you looked in their eyes and you loved them and wanted them to be with you the rest of your life. No matter how you feel about them now, at one time you wanted to marry them.

(Laughter.)

SENATOR ADAMS: That's what this is about. That's what this is about. It is about two people being in love. And we have no right to prevent that.

ACTING PRESIDENT STEWART-COUSINS: Senator Adams to be recorded in the affirmative.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: No.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: No.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: No.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: To explain my vote.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you.

I guess before I say how I'm going to vote that you all know, I have to refer myself to a statement that Senator Adams made.

And I would like all of you, the children that are listening, the youth that are listening, and the people that are listening, that this is the reason why the nation is the way it is, this is the reason why so many crimes, so many of the respect for the elderly, the respect for the private

property, crimes, all kind of things, is because of this statement that Senator Adams said: "When I come through that door, I leave my Bible outside."

Don't, please. Don't. That's the wrong statement to send. The Bible should never be left out. You should carry your Bible all the time, like it to people or don't like it to people.

And Senator Malcolm Smith tried to lecture us on the Bible. And I could give some -- I could make some passages from the Bible, but, however, more important than that is to keep your word and to commit your word and to keep your word. And not to make other -- not to try to make other people as the bad guy when you don't want to do something, use other people to make them look as the bad guy.

So, Senator Smith, it is better to keep your word before lecturing about the Bible.

And, Madam President, I said many people that according to their religion that

don't go with this. I just forgot to say that also President Barack Obama, Senator Hillary Clinton, and President Bill Clinton, I am joining them in voting no.

ACTING PRESIDENT STEWART-COUSINS: Senator Ruben Diaz to be recorded in the negative.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Madam President, I vote yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Dilan will be recorded in the affirmative.

THE SECRETARY: Senator Duane.

SENATOR DUANE: I just need to correct a couple of things.

Actually, former President Bill Clinton is now for same-sex civil marriage. I guess he wants a do-over.

And senator -- former state senator Barack Obama, now President Barack Obama, when he was in the state senate, though there's some controversy about this, is -- I'm not going to say anything more.

I vote yes, Madam President.

(Laughter.)

ACTING PRESIDENT STEWART-COUSINS: Senator Duane to be recorded in the affirmative.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Madam President, yes as to this bill and yes as to as many do-overs as is necessary to get us home.

ACTING PRESIDENT STEWART-COUSINS: Senator Espada to be recorded in the affirmative.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: No.

THE SECRETARY: Senator Foley.

SENATOR FOLEY: Yes.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: No.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: No.

THE SECRETARY: Senator Griffo.

SENATOR GRIFFO: No.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: No.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes.

THE SECRETARY: Senator Huntley.

SENATOR HUNTLEY: No.

THE SECRETARY: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Yes.

THE SECRETARY: Senator O. Johnson.

SENATOR OWEN JOHNSON: No.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: No explanation. Yes.

Thank you.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: No.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: No.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: No.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: No.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: No.

THE SECRETARY: Senator Little.

SENATOR LITTLE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator McDonald.

SENATOR McDONALD: No.

THE SECRETARY: Senator Monserrate.

SENATOR MONSERRATE: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Aye.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Parker.

SENATOR PARKER: To explain my vote, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Parker, to explain his vote.

SENATOR PARKER: A couple of things.

I'm voting yes on this bill, and proudly.

I want to just remind people in this chamber and just implore them too as we come down the backstretch of the roll call, I know that, first, you know, there's some people who think that we can legislate morality.

I have never seen, properly, a legislature, whether it was Congress or a state legislature, properly legislate morality.

And as we do that, we ought to remember that there are a lot of people who we represent who don't share our morality. People also ought to be aware that Islam is the fastest-growing religion in the United States.

So as you start, you know, using this as a way to start talking about, you know, legislating morality, understand that the dynamics in our districts and the morality of a place -- especially in a state like New York, where there's large immigrant populations, those things can change extremely quickly.

So you might want to continue to do what the founders at least espoused, if they didn't do it in practice, which is to have an America that is open. And that's what this is about, is to have the openness so that people can express whatever they want to as long as it doesn't interfere with others.

What we're doing today is an opportunity to expand America and to give more people rights. But it doesn't interfere with anybody else's right.

Lastly, some people in here I know are afraid of their political futures. There is maybe four examples in the history of New York State where people have lost elections over one issue or one vote in the Legislature, maybe four in the thousands of people who have come through this chamber. No one is going lose their election.

So anybody who's hiding behind "I have a primary" or "I have an election," you know, frankly those are poor excuses for people not to do the right thing.

This is the right thing to do, and

we should do it now. I proudly vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Parker to be recorded in the affirmative.

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Be excused to explain my vote?

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins, to explain his vote.

SENATOR PERKINS: In his book Strength to Love, Dr. Martin Luther King wrote this about the separation of church and state: "The church must be reminded that it is not the master or the servant of the state but rather the conscience of the state."

In other words, regardless of our religious views on same-sex marriage, the pluralism of the USA and the Constitution-granted equality and equal access require commitment to the civil rights of all citizens.

I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins to be recorded in the

affirmative.

THE SECRETARY: Senator Ranzenhofer.

SENATOR RANZENHOFER: No.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: No.

THE SECRETARY: Senator Saland.

SENATOR SALAND: No.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Yes.

THE SECRETARY: Senator Savino.

SENATOR SAVINO: Yes.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Yes.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: No.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: No.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Squadron.

SENATOR SQUADRON: Yes.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: Yes.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes.

THE SECRETARY: Senator Thompson.

SENATOR THOMPSON: Yes.

THE SECRETARY: Senator Valesky.

SENATOR VALESKY: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.

THE SECRETARY: Senator Winner.

SENATOR WINNER: No.

THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 24. Nays, 38.

ACTING PRESIDENT STEWART-COUSINS:

The bill is lost.

Senator Smith.

SENATOR SMITH: Madam President, is there any further business at the desk?

ACTING PRESIDENT STEWART-COUSINS: No, Senator Smith, that completes the controversial calendar of Extraordinary Session 4.

SENATOR SMITH: There being none, I move that we adjourn subject to the call of the Temporary President, intervening days to be legislative days.

ACTING PRESIDENT STEWART-COUSINS: Subject to the call of the Temporary President, the Senate stands adjourned, intervening days being legislative days.

(Whereupon, at 2:55 p.m., the Senate adjourned.)