NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:20 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon to give the invocation is a gentleman who needs no introduction, the Reverend Peter G. Young, of Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: As we enjoy a beautiful, sunny, spring day, may we pray for the improving good health of Senator Marchi and for all of the blessings, too, to our members in the Senate and their families.

God, by Your love You made a world where we have become neighbors to each other and we are enabled to love one another. Grant that we too may use the Senate to strive toward a way of life in keeping with God's plan.

We call upon all of the blessings

of this chamber for our troops that are now serving our country. We ask You this now and forever. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 26, the Senate met pursuant to adjournment. The Journal of Saturday, March 25, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on behalf of Senator Winner, on page number 23 I offer the following

amendments to Calendar Number 373, Print Number 4813A, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR NOZZOLIO: Madam President, on behalf of Senator Morahan, on page 28 I offer the following amendments to Calendar Number 443, Print Number 6909A, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and that bill will retain its place on the Third Reading Calendar.

SENATOR NOZZOLIO: Madam President, on page 34 I offer the following amendments to Calendar Number 547, Print Number 6905, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and that bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Madam President,

may we please have the reading of the noncontroversial calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 28, by Senator Skelos, Senate Print 5404A, an act to amend the Correction Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 432, by Senator Maziarz, Senate Print 5849A, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to lease or license agreements.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 474, by Senator Maziarz, Senate Print 6854, an act to amend the Civil Service Law, in relation to leaves of absence.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 533, by Senator Golden, Senate Print 6948, an act to amend Chapter 642 of the Laws of 2004, constituting Chapter 35A of the consolidated laws relating to the elderly.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 14. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 535, by Senator Morahan, Senate Print 1965A, an act to authorize Bais Mahari Assad to file an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 535: Ayes, 49. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

543, by Senator Johnson, Senate Print 6291, an act in relation to permitting the Salvation and Deliverance Church, Inc.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 543 are Senators Bonacic, Larkin, and Rath.

Ayes, 48. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 545, by Senator Volker, Senate Print 6634A, an act to amend the County Law, in relation to wireless communications service.

THE PRESIDENT: There is a local fiscal impact note at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator Saland, Senate Print 6762, an act to authorize the Town of Wappinger, County of Dutchess, to convey a permanent easement across.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 548, by Senator Larkin, Senate Print 415, an act to amend the Education Law, in relation to requiring institutions.

SENATOR MALCOLM SMITH: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 550, by Senator LaValle, Senate Print 840, an act to amend the Education Law, in relation to disclosure of gifts.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

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

SENATOR LIBOUS: Madam President, may we now read the controversial calendar, please.

THE PRESIDENT: The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Calendar Number 548, by Senator Larkin, Senate Print 415, an

act to amend the Education Law.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. I'd like to speak on the bill, Madam President.

THE PRESIDENT: You may proceed.

SENATOR LIZ KRUEGER: I won't ask Senator Larkin for an explanation, since we've had this debate in previous years, but of course he's welcome to get up whenever he wishes.

I'm asking my colleagues again not to pass this law, not because I don't believe that parents have the right to ask their college-age-student children about their grades, but rather that I don't think the State of New York should legislate it, for several reasons.

One, the federal FERPA law, Family Educational Right to Privacy Act, explicitly says -- 20 USC, 34CFR, Part 99 -- that a college should not provide this information to a parent unless the student has formally given permission for their grades to be provided to their parents.

And yes, it is true that you could go through a waiver request where parents asked for a release of student information to them, and colleges could ask the students to sign off on that. The fact is that you can already do that.

A parent can request copies of the grades from their children. A parent could even say "I won't pay next month's tuition if you don't give me your grades." Or a parent today, under FERPA, could get their son or daughter to sign a consent to release student information. So all of the above can already be done.

The danger, I believe, in passing such a law in New York State, in basically implying that the State of New York says colleges should and must release students' grades to parents, is it does violate FERPA. And it potentially puts our colleges and universities in a position where they could lose federal funding for violating the federal FERPA law -- which I know Senator Larkin does not want to have happen, none of us want to have happen.

And I understand the frustration of many of my colleagues on both sides of the aisle who have spoken in previous years about their own frustration that their own children don't necessarily want to share with them their college grades, and that knowing your son's or daughter's grades in college can in fact be, I suppose, a warning light for you that they might be having trouble in school.

But we've got the reality that when you turn 18, both under federal law and under so many laws of the State of New York, we recognize you're not a minor. We treat you as an adult. You have the right to vote. We send you now to war. And despite the fact that parents want to know this information, I don't think the state should legislate that colleges must give grades to parents.

But again, I do believe there is an answer. If you are sending your child to college and you are paying for it, tell them you won't continue to pay if they don't provide you with a copy of their grades.

I don't think this needs legislation. I think it's a dangerous road to

go down, particularly in light of federal law. And again, I don't think that the State of New York wants to involve itself at this level in adult child/parent relationships.

So I will continue to vote no for this bill, and I urge my colleagues to think this through and join me in voting no.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Senator Diaz.

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

Somebody just told me that I only have three years here, they were telling me that I'm a rookie. And yes, ladies and gentlemen, I am a rookie. But every day that I come here, I feel more amazed.

The Bible says that there are things, in the latest times, there are -- good things will be called bad and bad things will be called good. And there are things that, you know, we don't even have to discuss. A bill like this is something that we don't even have to discuss.

That's a good bill. Giving the authority of parents -- taking away the parent's authority not to know where -- what their children are doing in college when they send them to college is wrong. Parents should know.

Ladies and gentlemen, when are we going to stop, when are we going to stop putting money and putting other things before what's right? What is right is that if my children goes to college, I should know, the college should send me -- I'm a pastor, and every Sunday I ask, when the school gives them their grades, every member, even in college, elementary school, or even in Bible Institute, they have to bring me, as the pastor, their grades. And I see their grades, and I discuss with them their grades. And I'm only a pastor.

But to tell a parent you are not to meddle, you are not to interfere with your children when they are in college -- you know how many parents send their children to college and they don't know what they're doing? And then when something bad happens,

then we blame the parent. We blame the father, we blame the mother.

There are bills that come to this floor that sometimes I feel why are we discussing it, why are we arguing about it. There's nothing to argue about it. Parents should have the right to know, and the college should send the parent the grades of their children. They should know what their children are doing.

To take away that right from a parent is wrong. And if the federal government wants to take the money, they can take all the money that they want. But parents are parents no matter what.

Thank you, Madam President.

THE PRESIDENT: The debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January next succeeding.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 548 are Senators Andrews, Breslin, Duane, L. Krueger, Serrano, and A. Smith.

Those Senators absent from voting pursuant to Rule 9: Senators Fuschillo, LaValle, and Stavisky.

Those Senators absent from voting: Senator Parker.

Ayes, 50. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Libous, that completes the controversial reading of the calendar.

SENATOR LIBOUS: Mr. President, is there any further business before the house?

ACTING PRESIDENT MEIER: No, there is not, Senator.

SENATOR LIBOUS: Would you recognize Senator Valesky, please.

ACTING PRESIDENT MEIER: Certainly, Senator Libous.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

I believe I have a motion at the desk, and I'd like to have that motion called up at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6024A, by Senator Valesky, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

This bill, Senate Print 6024A, is about openness and government accountability, allowing people of the State of New York to have access to information --

ACTING PRESIDENT MEIER: Can we have some order in the chamber, please.

Senator Valesky.

SENATOR VALESKY: Thank you.

It's about the people of the State of New York having access to information that

they ought to have.

Specifically, this would require the state or any of its political subdivisions to file with the Office of the State Comptroller information regarding the bonding process, information including, at a minimum, the official statement, a copy of the prospectus, the total cost of the bond, and an estimate of the fees paid to bound counsels, underwriters, swap providers, counsels to the underwriters, and so forth.

This is very important information that is very, very difficult to find right now, if almost impossible. If we go back to 2004, in the Comptroller's report on public authority reform and his report about reining in New York State's secret government, as he had called it, he had found that the 17 authorities that have issued at least $100 million in debt have a total of $105 billion in outstanding debt -- $105 billion in outstanding debt. And the public, the people of the State of New York have very little recourse in terms of where this money is and how it's being spent.

So again, very simply, all of this information would be provided, required to be provided within 30 days to the Office of the State Comptroller. He would be required to establish a website where any member of the public could visit and see exactly where that money is going and how that money is being spent.

Mr. President, I urge a vote in support of this motion to bring Senate Bill 6024A to the floor.

Thank you.

ACTING PRESIDENT MEIER: Those in favor of the canvass -- Senator Breslin. No? All right. Those in favor of the canvass raise your hands -- yes, you can go.

Those in favor of the canvass, raise your hands.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Connor, Coppola, Dilan, Duane, Gonzalez, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, and Valesky.

ACTING PRESIDENT MEIER: The petition is lost.

Senator Libous.

SENATOR LIBOUS: Mr. President, is there any further business before the house?

ACTING PRESIDENT MEIER: There is none.

SENATOR LIBOUS: If there's no further business before the Senate, I move that we stand adjourned until Tuesday, March 28th, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, March 28th, at 3:00 p.m.

(Whereupon, at 3:44 p.m., the Senate adjourned.)