NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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March 26, 2007

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would ask all assembled to please join with me in observing our Flag by reciting the Pledge of Allegiance.

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

THE PRESIDENT: It is indeed a special day here in the Senate, as it is every year when we get this wonderful visit from Rabbi Shmuel Butman. He and all the other rabbis of the Lubavitcher movement have joined us today.

And so let me present to you Rabbi Shmuel Butman, in memory of the Grand Rebbe of the Lubavitcher, Menachem Schneerson, 1902 to 1994, of blessed memory.

RABBI BUTMAN: Boy. That's so nice, David.

Let us pray.

[Hebrew] Our Heavenly Father, we ask You to bestow your blessings upon all the members of this great institution, the State Senate of the State of New York. Bestow Your

blessings on them and the members of their family, for good health, long life, happiness and fulfillment in all their endeavors.

As mentioned earlier, we are here to celebrate the 105th birthday of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson. It is customary that we say the chapter in Psalms corresponding to our age, but we say the next chapter, because we are already in next year. So when the Rebbe becomes 105 years old, he is in his 106th year.

In the first verse of Chapter 106 in Psalms, written by King David, he says [Hebrew], which means: Thank Almighty God, for He is good and His benevolence is eternal.

There was a great sage, Rebbe Levi Yitzchok of Berditchev, and when you would ask him how he is, he would say [Hebrew], meaning: [Hebrew] I thank God for the past, [Hebrew] I thank God for the present. Almighty God is good. [Hebrew] I thank God for His eternal benevolence.

Each and every single one of us is thanking God. We thank God for the past, we

thank God for the present, and we thank God for the future, especially each and every one of you, who is elected by the great people of the State of New York to be their representative in the past, in the present, and hopefully in the future. You are the custodians of goodness, kindness, honesty, decency in the State of New York.

I remember that years ago when I went to Washington, in 1991, to open the United States Senate, your sister organization, the Rebbe told me: "Take a tzedakah pushkeh with you, and while you will pray, you should offer a dollar and let everybody see what charity should go for."

I'm going to do what the Rebbe asked me to do. I'm going to make this offering of one dollar, and on this dollar it does say: "In God we trust." They did not forget. On this dollar it says: "In God we trust," and I'm making this offering.

The Rebbe says we live in a special generation: The last generation of exile, the first generation of redemption. We can bring the redemption closer by doing more deeds of

goodness and kindness. Putting a dollar into a pushkeh is an act of goodness and kindness.

So I don't want you to think this is a fundraising campaign. However, if anyone wants to contribute one dollar into the pushkeh to do an act of goodness and kindness, that would be greatly appreciated.

May Almighty God bestow his blessings on you, as every Saturday we say a special blessing for you. In our synagogues on Saturday, we say [Hebrew]: All those who serve the public faithfully, as you do, [Hebrew], which means Almighty God himself should reward their deeds.

We as human beings are too small to be able to reward you for all the good things that you do. But Almighty God Himself, in His eternal benevolence, will reward you for all the good things you do and for all the service you offer for the great people in the State of New York -- and, by extension, to all the people in the United States and all the people in the free world -- for health, for happiness, for fulfillment in your personal life and in your communal life.

And let us say amen.

THE PRESIDENT: Amen.

SENATOR SKELOS: Mr. President. Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, I would like to once again welcome -- I'd like to welcome the distinguished Rabbi and learned Rabbi to the chamber.

And, Rabbi, I just want to point out that the dollar that the Lieutenant Governor gave you, he borrowed it from me.

(Laughter.)

THE PRESIDENT: Ten more minutes and we'll all agree on the avails.

(Laughter.)

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 25, the Senate met pursuant to adjournment. The Journal of Saturday, March 24, 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: Thank you, Mr. President.

I wish to call up, on behalf of Senator Marcellino, Print Number 699, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 144, by Senator Marcellino, Senate Print 699, an act to amend the Environmental Conservation Law.

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

THE PRESIDENT: The Secretary

will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR NOZZOLIO: On behalf of Senator Marcellino, I offer the following amendments.

THE PRESIDENT: The amendments are received and adopted.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you again, Mr. President.

On behalf of Senator Maltese, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 301.

THE PRESIDENT: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's one substitution at the desk. If we could make it at this time.

THE PRESIDENT: Could we have a little order in the chamber. I'm having trouble hearing Senator Skelos. And he did lend me a dollar earlier; I'd like to hear

everything that he says.

The Secretary will read.

THE SECRETARY: On page 21, Senator Oppenheimer moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 3358 and substitute it for the identical Senate Bill Number 1553, Third Reading Calendar 275.

THE PRESIDENT: Substitution ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 85, by Senator Maziarz, Senate Print 1621, an act to amend the Labor Law, in relation to directing a review.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE PRESIDENT: And the Secretary will announce the results.

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 118, by Senator Little, Senate Print 1129, an act to amend the Town Law, in relation to appointment.

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 PRESIDENT: Results.

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 205, by Senator Young, Senate Print 391, an act to amend the Vehicle and Traffic Law, in

relation to the definition of drug.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 54. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 227, by Senator Skelos, Senate Print 2625, an act to amend the Real Property Tax Law, in relation to adjusted base proportions.

THE PRESIDENT: By all means, 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 228, by Senator Skelos, Senate Print 2626, an act to amend the Real Property Tax Law, in relation to allowing.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 229, by Senator Farley, Senate Print 827, an act to amend Chapter 591 of the Laws of 2001 amending the Banking Law.

THE PRESIDENT: 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Larkin, Senate Print 223, an act to amend the Education Law, in relation to requiring institutions.

THE PRESIDENT: 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.)

THE PRESIDENT: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Well, we've debated this here in previous years, so I won't go through the debate with Senator Larkin again.

But in voting no for the bill, let me both make the same point that if not carefully crafted and implemented, passage of this legislation would violate the federal FERPA law, putting federal funds in jeopardy for our colleges.

And, second and most fundamental for me, if you're 18 and you're in college,

therefore you're defined as an adult -- we send you to war at 18 -- that you and your parents should work out the details of when you provide them grades.

I respect that many of my colleagues feel, having college-student children, that they sometimes don't know what they're doing. And they want to know more, and they want to be involved, and I totally respect that. I don't think we have to legislate it.

If your children don't want to give you their grades from college and they are dependents, don't pay the next semester's tuition until you get the grades. We in the Legislature don't need to be involved in this relationship.

I vote no, Mr. President. Thank you.

THE PRESIDENT: Senator Krueger will be recorded in the negative.

Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

You know, when I first sat in this chamber, I wasn't so many years -- just a few years out of school. And I opposed raising the drinking age because in my generation, in the late '60s and '70s, while New York had 18, we fought to get 18 in other places, because at 18 my generation was sent to war, and they weren't volunteers. A lot of them weren't volunteers.

And so when FERPA first passed, I thought that's great, why should the parents get the grades and all.

You know, was it Churchill that said when you get older, you know, you're a fool if you're not more conservative? Well, it's not that I'm older. I happen to have two college-age sons, and I write the checks. And yes, they're legally adults -- but, at 18, not mature.

In conference I offered Senator Krueger or any of my other colleagues who don't have college-age kids that they could adopt one and pay the tuition for a year and see if they want to see the grades or not.

But I think, on a serious level,

parents ought to know the grades. More importantly, they ought to know how their child is doing.

I went to a very sad funeral on Saturday of a young woman who had gone off to Yale, I guess flunked her first semester, then went to Columbia, flunked her second semester. You know, it took a while for her parents to catch on. She had a serious drug problem, and unfortunately she passed away last week from it.

So there are serious issues here. And I think we ought to rethink about the role parents play in the lives of 18- and 19- and 20-year-olds. If the school can't tell you if your child is cutting all their classes because they have some problem, whether it's substance or whatever -- psychological -- and they can't show you the grades, it's very hard for parents to take steps when their son or daughter is in some sort of trouble.

Albeit legally an adult, they are still learning and finding their way, and problems do develop. And I think we ought to be helping parents.

So I'm voting for this bill, and I applaud the sponsor for bringing it out.

THE PRESIDENT: Senator Connor will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I'm also joining my colleague Senator Connor in supporting this bill. I believe that a parent has all the right to know, as long as their children live in their home and they are responsible for those children, even though they are 18, 19, whatever age they are.

For a parent to send their children to a university, sometimes they have to spend money paying, helping their children in their education. And for them to be prevented of knowing the grades or how our children are doing in any university or college is something that I would not support.

I think that parents have the right. I voted last year for this bill. And again, I'm voting for it again. And a parent has all the right in the world to know. To

deny the parent the right to know is something that the State of New York should not get involved in.

So I'm supporting the sponsor and praising the sponsor of the bill and joining everyone that is voting in favor of this bill.

Please, Mr. Chairman, count me in favor of the bill. Thank you.

THE PRESIDENT: Senator Diaz will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 244 are Senators Breslin, Duane, L. Krueger, Parker, Perkins and Serrano.

Ayes, 54. Nays, 6.

THE PRESIDENT: The bill is passed in loco parentis.

THE SECRETARY: Calendar Number 263, by Senator Golden, Senate Print 2338, an act to authorize the executive director of the Office of Real Property Tax Services.

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 PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 275, substituted earlier today by Member of the Assembly Bradley, Assembly Print Number 3358, an act to amend the Tax Law.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 310, by Senator Seward, Senate Print 3020A, an act to amend the Insurance Law, in relation to

establishing.

THE PRESIDENT: 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, 61.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Is there any further business to come before the Senate?

THE PRESIDENT: There is no business at the desk, Senator Skelos.

SENATOR SKELOS: There being no further business, I move we stand adjourned until Tuesday, March 27th, at 3:00 p.m.

THE PRESIDENT: The Senate will stand adjourned until Tuesday, March 27th, at 3:00 p.m.

(Whereupon, at 3:28 p.m., the Senate adjourned.)