

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 June 3, 2010

11 10:44 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT VALESKY: The  
3 Senate will please come to order.

4 I ask everyone present to please  
5 rise and recite with me the Pledge of  
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: In the  
10 absence of clergy, may we bow our heads in a  
11 moment of silence.

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

14 ACTING PRESIDENT VALESKY: The  
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,  
18 Wednesday, June 2, 2010, the Senate met  
19 pursuant to adjournment. The Journal of  
20 Tuesday, June 1, 2010, was read and approved.  
21 On motion, Senate adjourned.

22 ACTING PRESIDENT VALESKY:  
23 Without objection, the Journal stands approved  
24 as read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 Messages from the Governor.

3 Reports of standing committees.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I  
6 believe there's a report of the Finance  
7 Committee at the desk.

8 ACTING PRESIDENT VALESKY: There  
9 is a report of the Finance Committee at the  
10 desk.

11 The Secretary will read.

12 THE SECRETARY: Senator C. Kruger  
13 reports, from the Committee on Finance, the  
14 following nominations.

15 As a member of the Ogdensburg  
16 Bridge and Port Authority, Donald J. Hooper,  
17 of Ogdensburg.

18 As a member of the Administrative  
19 Review Board for Professional Medical Conduct,  
20 Linda Prescott Wilson, of Laurelton.

21 As a member of the Small Business  
22 Advisory Board, Jim Alesi, of East Rochester.

23 As a member of the Board of  
24 Trustees of the State University of New York,  
25 Joseph Warren Belluck, of New York City.

1                   As a member of the City University  
2                   Construction Fund, Noel N. Hankin, of New York  
3                   City.

4                   As a member of the Long Island  
5                   State Park, Recreation and Historic  
6                   Preservation Commission, David Bender, of  
7                   Middle Island.

8                   As a member of the Stewart Airport  
9                   Commission, F. Edward Devitt, of Montgomery.

10                  As a member of the Public Health  
11                  Council, Jodumutt Ganesh Bhat, M.D., of Malba.

12                  As members of the State Council on  
13                  the Arts, Carol Enseki, of Brooklyn, and Rita  
14                  Paniagua, of Syracuse.

15                  As commissioners of the State  
16                  Insurance Fund, Theodore K. Cheng, of New York  
17                  City; H. Sidney Holmes, III, of New York City;  
18                  and Kenneth R. Theobalds, of New Rochelle.

19                  As a member of the Board of  
20                  Visitors of the Broome Developmental  
21                  Disabilities Services Office, Margherita Anne  
22                  Rossi, of Binghamton.

23                  As members of the Board of Visitors  
24                  of the Capital District Developmental  
25                  Disabilities Services Office, Susan P.

1 O'Connor, of Delmar, and Kathe R. Sheehan, of  
2 Scotia.

3 ACTING PRESIDENT VALESKY:  
4 Senator Kruger.

5 SENATOR CARL KRUGER: Thank you,  
6 Mr. President. Can we please move those  
7 nominations.

8 ACTING PRESIDENT VALESKY: Are  
9 there any other Senators wishing to be heard  
10 on the motion to confirm the nominations?

11 Senator Alesi.

12 SENATOR ALESI: Thank you,  
13 Mr. President.

14 I respectfully request to abstain  
15 on voting for the member of the Small Business  
16 Advisory Board.

17 ACTING PRESIDENT VALESKY: The  
18 record shall so reflect.

19 The question is on the motion to  
20 confirm the nominations. All those in favor  
21 please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT VALESKY:     The  
2     motion carries. The nominees are hereby  
3     confirmed.

4                   Returning to the order of business,  
5     reports of select committees.

6                   Communications and reports from  
7     state officers.

8                   Motions and resolutions.

9                   Senator Klein.

10                  SENATOR KLEIN:     Mr. President, I  
11     believe there's a resolution at the desk by  
12     Senator Sampson. I ask that the title of the  
13     resolution be read and move for its immediate  
14     adoption.

15                  ACTING PRESIDENT VALESKY:  
16     Senator Klein, has this resolution been deemed  
17     privileged and submitted by the office of the  
18     Temporary President?

19                  SENATOR KLEIN:     Yes, it has,  
20     Mr. President.

21                  ACTING PRESIDENT VALESKY:     The  
22     Secretary will read.

23                  THE SECRETARY:     By Senator  
24     Sampson, legislative resolution commending  
25     Barry Addison upon the occasion of receiving

1 the Men of Distinction Award on June 10, 2010.

2 ACTING PRESIDENT VALESKY: All  
3 those in favor of adopting the resolution  
4 please signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:  
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The  
10 resolution is adopted.  
11 Senator Klein.

12 SENATOR KLEIN: Mr. President, I  
13 believe Senator Sampson has another resolution  
14 at the desk. I ask that the title of the  
15 resolution be read and move for its immediate  
16 adoption.

17 ACTING PRESIDENT VALESKY:  
18 Senator Klein, has this resolution been deemed  
19 privileged and submitted by the office of the  
20 Temporary President?

21 SENATOR KLEIN: Yes, it has,  
22 Mr. President.

23 ACTING PRESIDENT VALESKY: The  
24 Secretary will read.

25 THE SECRETARY: By Senator

1 Sampson, legislative resolution commending  
2 Eddie Egidio DiBenedetto upon the occasion of  
3 receiving the Men of Distinction Award on  
4 June 10, 2010.

5 ACTING PRESIDENT VALESKY: The  
6 question is on the resolution. All in favor  
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:  
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The  
13 resolution is adopted.  
14 Senator Klein.

15 SENATOR KLEIN: Mr. President, I  
16 believe there's a resolution at the desk by  
17 Senator Peralta. I ask that the title of the  
18 resolution be read and move for its immediate  
19 adoption.

20 ACTING PRESIDENT VALESKY:  
21 Senator Klein, has this resolution been deemed  
22 privileged and submitted by the office of the  
23 Temporary President?

24 SENATOR KLEIN: Yes, it has,  
25 Mr. President.



1                   ACTING PRESIDENT VALESKY:     The  
2     Secretary will read.

3                   THE SECRETARY:     By Senator  
4     Peralta, legislative resolution commemorating  
5     the 2010 FIFA World Cup South Africa, taking  
6     place June 11 through July 11, 2010.

7                   ACTING PRESIDENT VALESKY:     The  
8     question is on the resolution. All in favor  
9     signify by saying aye.

10                  (Response of "Aye.")

11                  ACTING PRESIDENT VALESKY:  
12     Opposed, nay.

13                  (No response.)

14                  ACTING PRESIDENT VALESKY:     The  
15     resolution is adopted.

16                  Senator Peralta has indicated that  
17     he would like to open the resolution for  
18     cosponsorship to the entire house. Any  
19     Senator wishing not to cosponsor the  
20     resolution should notify the desk.

21                  Senator Klein.

22                  SENATOR KLEIN:     Mr. President, I  
23     believe Senator Oppenheimer has a resolution  
24     at the desk. I ask that the title of the  
25     resolution be read and move for its immediate

1 adoption.

2 ACTING PRESIDENT VALESKY:

3 Senator Klein, has this resolution been deemed  
4 privileged and submitted by the office of the  
5 Temporary President?

6 SENATOR KLEIN: Yes, it has,  
7 Mr. President.

8 ACTING PRESIDENT VALESKY: The  
9 Secretary will read.

10 THE SECRETARY: By Senator  
11 Oppenheimer, legislative resolution honoring  
12 Edson Buddle and Benny Feilhaber, members of  
13 the U.S. National Men's Soccer Team, competing  
14 in the 2010 World Cup South Africa, taking  
15 place June 11 through July 11, 2010.

16 ACTING PRESIDENT VALESKY: The  
17 question is on the resolution. All in favor  
18 signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT VALESKY:  
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT VALESKY: The  
24 resolution is adopted.

25 Senator Klein.

1                   SENATOR KLEIN:     Mr. President, I  
2     believe there's a resolution at the desk by  
3     Senator Breslin and Senator Parker. I ask  
4     that the title of the resolution be read and  
5     move for its immediate adoption.

6                   ACTING PRESIDENT VALESKY:  
7     Senator Klein, has this resolution been deemed  
8     privileged and submitted by the office of the  
9     Temporary President?

10                  SENATOR KLEIN:     Yes, it has,  
11     Mr. President.

12                  ACTING PRESIDENT VALESKY:     The  
13     Secretary will read.

14                  THE SECRETARY:     By Senators  
15     Breslin and Parker, legislative resolution  
16     commending In Our Own Voices upon the occasion  
17     of hosting Say It Loud! 2010, to be celebrated  
18     June 4 through 6, 2010.

19                  ACTING PRESIDENT VALESKY:     The  
20     question is on the resolution. All in favor  
21     signify by saying aye.

22                         (Response of "Aye.")

23                  ACTING PRESIDENT VALESKY:  
24     Opposed, nay.

25                         (No response.)

1                   ACTING PRESIDENT VALESKY:     The  
2     resolution is adopted.

3                   Senators Breslin and Parker have  
4     indicated they would like to open this  
5     resolution for cosponsorship. Any Senator  
6     wishing not to cosponsor the resolution should  
7     notify the desk.

8                   Senator Klein.

9                   SENATOR KLEIN:     Mr. President, I  
10    believe there's a resolution at the desk by  
11    Senator Griffo. I ask that the title of the  
12    resolution be read and move for its immediate  
13    adoption.

14                  ACTING PRESIDENT VALESKY:  
15    Senator Klein, has this resolution been deemed  
16    privileged and submitted by the office of the  
17    Temporary President?

18                  SENATOR KLEIN:     Yes, it has,  
19    Mr. President.

20                  ACTING PRESIDENT VALESKY:     The  
21    Secretary will read.

22                  THE SECRETARY:     By Senator  
23    Griffo, legislative resolution congratulating  
24    Father Gaetano Thomas Baccaro upon the  
25    occasion of celebrating the 25th anniversary

1 of his ordination to the priesthood.

2 ACTING PRESIDENT VALESKY: The  
3 question is on the resolution. All in favor  
4 signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:  
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The  
10 resolution is adopted.  
11 Senator Klein.

12 SENATOR KLEIN: Mr. President, I  
13 move that we adopt the Resolution Calendar in  
14 its entirety.

15 ACTING PRESIDENT VALESKY: All  
16 those in favor of adopting the Resolution  
17 Calendar in its entirety signify by saying  
18 aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT VALESKY:  
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT VALESKY: The  
24 Resolution Calendar is adopted.  
25 Senator Klein.

1                   SENATOR KLEIN:     Mr. President,  
2                   there will be an immediate meeting of the  
3                   Veterans, Homeland Security and Military  
4                   Affairs Committee, followed by a meeting of  
5                   the Rules Committee in the Majority Conference  
6                   Room.

7                   Pending the return of those two  
8                   committees, may we please stand at ease.

9                   ACTING PRESIDENT VALESKY:     An  
10                  immediate meeting of the Senate Veterans  
11                  Committee, followed by the Rules Committee, in  
12                  Room 332 of the Capitol.

13                  The Senate will stand at ease  
14                  pending the return of those two committees.

15                  (Whereupon, the Senate stood at  
16                  ease at 10:52 a.m.)

17                  (Whereupon, the Senate reconvened  
18                  at 11:32 p.m.)

19                  ACTING PRESIDENT VALESKY:     The  
20                  Senate will come back into order.

21                  Senator Klein.

22                  SENATOR KLEIN:     Mr. President, I  
23                  believe there's a report of the Rules  
24                  Committee at the desk. I move that we adopt  
25                  the report at this time.

1                   ACTING PRESIDENT VALESKY:     There  
2     is a report of the Rules Committee at the  
3     desk.

4                   The Secretary will read.

5                   THE SECRETARY:     Senator Smith,  
6     from the Committee on Rules, reports the  
7     following bill direct to third reading:

8                   Senate Print 8017, by Senator  
9     Oppenheimer, an act to amend the Education  
10    Law.

11                  ACTING PRESIDENT VALESKY:     All  
12    those in favor of adopting the Rules Committee  
13    report signify by saying aye.

14                  (Response of "Aye.")

15                  ACTING PRESIDENT VALESKY:  
16    Opposed, nay.

17                  (No response.)

18                  ACTING PRESIDENT VALESKY:     The  
19    report of the Rules Committee is adopted.

20                  Senator Klein.

21                  SENATOR KLEIN:     Mr. President, at  
22    this time can we please go to a reading of the  
23    calendar.

24                  ACTING PRESIDENT VALESKY:     The  
25    Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2     418, by Senator Duane, Senate Print 5000B, an  
3     act to amend the Public Health Law.

4                   ACTING PRESIDENT VALESKY:     Read  
5     the last section.

6                   THE SECRETARY:     Section 8. This  
7     act shall take effect on the 30th day after it  
8     shall have become law.

9                   ACTING PRESIDENT VALESKY:     Call  
10    the roll.

11                   (The Secretary called the roll.)

12                   SENATOR LIBOUS:     Lay it aside,  
13    please.

14                   ACTING PRESIDENT VALESKY:     The  
15    roll call is withdrawn and the bill is laid  
16    aside.

17                   The Secretary will continue to  
18    read.

19                   THE SECRETARY:     Calendar Number  
20    480, by Senator Breslin, Senate Print 6270A,  
21    an act to amend the Insurance Law.

22                   ACTING PRESIDENT VALESKY:     Read  
23    the last section.

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



1                   ACTING PRESIDENT VALESKY:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     In relation to  
5     Calendar Number 480, Senator Ranzenhofer to be  
6     recorded in the negative.

7                   Ayes, 58.   Nays, 1.

8                   ACTING PRESIDENT VALESKY:     The  
9     bill is passed.

10                  THE SECRETARY:     Calendar Number  
11     532, by Member of the Assembly Brodsky --

12                  SENATOR KLEIN:     Lay the bill  
13     aside for the day, please.

14                  ACTING PRESIDENT VALESKY:     The  
15     bill is laid aside for the day.

16                  THE SECRETARY:     Calendar Number  
17     543, by Senator Stavisky, Senate Print 6958A,  
18     an act to amend the Education Law.

19                  ACTING PRESIDENT VALESKY:     Read  
20     the last section.

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

23                  ACTING PRESIDENT VALESKY:     Call  
24     the roll.

25                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT VALESKY: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 546, by Senator Savino, Senate Print 7454, an  
6 act to amend the Real Property Tax Law.

7 ACTING PRESIDENT VALESKY: Read  
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to  
15 Calendar Number 546: Ayes, 58. Nays, 1.  
16 Senator Padavan to be recorded in the  
17 negative.

18 ACTING PRESIDENT VALESKY: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 562, by Member of the Assembly Scarborough,  
22 Assembly Print Number 8827A, an act to amend  
23 the Social Services Law.

24 ACTING PRESIDENT VALESKY: Read  
25 the last section.

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

3                   ACTING PRESIDENT VALESKY:     Call  
4   the roll.

5                   (The Secretary called the roll.)

6                   ACTING PRESIDENT VALESKY:  
7   Announce the results.

8                   THE SECRETARY:     In relation to  
9   Calendar Number 562, recorded in the negative:  
10   Senators Flanagan, Golden, O. Johnson, Lanza,  
11   Larkin, Marcellino, Nozzolio, Ranzenhofer,  
12   Saland and Volker.

13                   Ayes, 49.   Nays, 10.

14                   ACTING PRESIDENT VALESKY:     The  
15   bill is passed.

16                   THE SECRETARY:     Calendar Number  
17   567, by Senator Oppenheimer, Senate Print  
18   6875A, an act to amend the State Finance Law.

19                   ACTING PRESIDENT VALESKY:     Read  
20   the last section.

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

23                   ACTING PRESIDENT VALESKY:     Call  
24   the roll.

25                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT VALESKY: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 577, by Senator --

6 SENATOR KLEIN: Lay the bill  
7 aside for the day, please.

8 ACTING PRESIDENT VALESKY: The  
9 bill is laid aside for the day.

10 THE SECRETARY: Calendar Number  
11 579, by Senator Klein, Senate Print 1897A, an  
12 act to amend the Penal Law.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect on the first of November  
17 next succeeding.

18 ACTING PRESIDENT VALESKY: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT VALESKY:  
22 Senator Klein, to explain his vote.

23 SENATOR KLEIN: Thank you,  
24 Mr. President.

25 One of the problems that still

1 exists in our communities throughout the State  
2 of New York is high insurance rates. And  
3 sometimes those rates are exacerbated by the  
4 forgery of certificates of insurance and other  
5 insurance documents. This legislation would  
6 enhance the penalty to a felony for anyone  
7 engaged in the forgery of insurance ID cards.

8 So I think this is going to go a  
9 long way towards making sure that our rates  
10 are reasonable and also that individuals  
11 aren't driving in New York without valid  
12 insurance.

13 I vote yes, of course,  
14 Mr. President.

15 ACTING PRESIDENT VALESKY:  
16 Senator Klein to be recorded in the  
17 affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 58. Nays,  
20 1. Senator Duane recorded in the negative.

21 ACTING PRESIDENT VALESKY: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 587, by Senator Valesky, Senate Print 7542A,  
25 an act --

1                   SENATOR KLEIN:     Lay the bill  
2     aside for the day, please.

3                   ACTING PRESIDENT VALESKY:     The  
4     bill is laid aside for the day.

5                   THE SECRETARY:     Calendar Number  
6     596, by Senator Foley, Senate Print 4987A, an  
7     act to amend the Volunteer Firefighters  
8     Benefit Law.

9                   SENATOR KLEIN:     Lay the bill  
10    aside for the day, please.

11                  ACTING PRESIDENT VALESKY:     The  
12    bill is laid aside for the day.

13                  Senator Klein, that completes the  
14    reading of the noncontroversial calendar.

15                  SENATOR KLEIN:     Mr. President, at  
16    this time can we please go to a reading of the  
17    controversial calendar.

18                  ACTING PRESIDENT VALESKY:     The  
19    Secretary will ring the bells.

20                  Senators are asked to proceed to  
21    the chamber for a reading of the controversial  
22    calendar.

23                  The Secretary will place Calendar  
24    Number 418 before the house. The Secretary  
25    will read.

1                   THE SECRETARY:     Calendar Number  
2     418, by Senator Duane, Senate Print 5000B, an  
3     act to amend the Public Health Law and the  
4     Insurance Law.

5                   ACTING PRESIDENT VALESKY:  
6     Senator Hannon.

7                   SENATOR HANNON:     On the bill,  
8     Mr. President.

9                   ACTING PRESIDENT VALESKY:  
10    Senator Hannon, on the bill.

11                  SENATOR HANNON:     Mr. President,  
12    this is a proposal which would purport to  
13    limit commercial health insurance plans from  
14    creating tiers, extra tiers for prescription  
15    drug formularies. And it would do so with  
16    language that says you can't create tiers that  
17    have higher cost-sharing or deductibles or  
18    co-insurance than now exist.

19                  And while I frankly agree with that  
20    goal, one of the readings of this, in my mind,  
21    is that an insurance company not required to  
22    cover any specific drug -- because we don't  
23    have a formulary that's universal in this  
24    state -- might instead of be limited in what  
25    type of cost-sharing it imposes upon a holder

1 of the plan by simply dropping the drug  
2 altogether, thereby frustrating what we would  
3 hope to do, which is better the lot of the  
4 consumer.

5 And so while I'll support the goal  
6 of this, I am troubled by the way it's  
7 presented. And thank you for your chance to  
8 explain my vote.

9 ACTING PRESIDENT VALESKY: Thank  
10 you, Senator Hannon.

11 Senator Liz Krueger, on the bill.

12 SENATOR LIZ KRUEGER: Thank you.  
13 Briefly on the bill, Mr. President.

14 I just wanted to say, in supporting  
15 and cosponsoring the bill, I have heard from  
16 so many New Yorkers who suffer from long-term,  
17 chronic, tragic, tragic diseases about their  
18 inability to pay for drugs, their fear that if  
19 their insurance companies are able to  
20 skyrocket the rates, are able to put limits on  
21 their ability to get these drugs, that they  
22 will literally be left home-bound, unable to  
23 continue their lives, even at risk of death --  
24 again, at risk of death -- because of  
25 inability to pay for the drugs they need.



1                   The United States government  
2           recently moved forward with an attempt to  
3           ensure a national healthcare system and access  
4           for everyone to healthcare and health  
5           insurance. It doesn't kick in completely for  
6           several years, and even then I don't think  
7           anyone in this room thinks it's the end-all,  
8           be-all, magic pill solution to the problems of  
9           access to healthcare in our country.

10                   But this bill that we're going to  
11           pass today, I hope with everyone's support, is  
12           at least an attempt to ensure that people with  
13           chronic and severe illness -- where, thank  
14           you, the pharmaceutical industry has been able  
15           to come up with solutions -- that no one who  
16           needs these drugs will be prevented from  
17           having access to these drugs because of lack  
18           of affordable.

19                   And again, why do you have health  
20           insurance? So that it's there for you when  
21           you need it, when you are the person who ends  
22           up sick, when you are the person who ends up  
23           needing the medical care, when you need those  
24           prescription drugs that are completely  
25           unaffordable to you as an individual.

1                   We have to make this the law of  
2                   New York State. So thank you, Senator Duane,  
3                   for sponsoring it. And of course I'll be  
4                   voting yes.

5                   Thank you, Mr. President.

6                   ACTING PRESIDENT VALESKY:     Thank  
7                   you, Senator Krueger.

8                   Are there any other Senators who  
9                   wish to be heard?

10                  Seeing none, the debate is closed.

11                  The Secretary will ring the bells.  
12                  Senators are asked to proceed to the chamber  
13                  so that we may take up the roll call as  
14                  expeditiously as possible.

15                  The Secretary will read the last  
16                  section.

17                  THE SECRETARY:     Section 8. This  
18                  act shall take effect on the 30th day after it  
19                  shall have become law.

20                  ACTING PRESIDENT VALESKY:     Call  
21                  the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT VALESKY:  
24                  Senator Seward, to explain his vote.

25                  SENATOR SEWARD:     Yes, thank you,

1 Mr. President, very briefly.

2 I must reluctantly vote in the  
3 negative on this bill because, as I look at  
4 it, I view it as a legislative solution  
5 looking for a problem which just currently  
6 does not exist in New York State because of  
7 the fact that our State Insurance Department,  
8 by regulation -- Regulation 62 specifically  
9 prohibits coverage limitations which are based  
10 on a type of condition or treatment, and does  
11 avoid here in New York some of the abuses and  
12 problems that admittedly have occurred in  
13 other states.

14 So we are already protecting some  
15 of the individuals that this legislation seeks  
16 to protection through the regulation of the  
17 Insurance Department.

18 We have no higher tiers in  
19 New York. There is no Tier 4. The department  
20 has not approved any additional tiers, which  
21 speaks to the good regulation that we have in  
22 New York.

23 So I reluctantly vote no.  
24 Obviously, this regulation would prohibit,  
25 going forward, some innovative solutions to

1       dealing with the problem of the high cost of  
2       prescription drugs in New York State for those  
3       that need them. And particularly in light of  
4       the federal healthcare and health insurance  
5       reforms that we've seen, when we will very  
6       much need some of those innovative solutions  
7       going forward.

8               So I reluctantly vote in the  
9       negative.

10              ACTING PRESIDENT VALESKY:  
11       Senator Seward to be recorded in the negative.

12              Announce the results.

13              THE SECRETARY:     In relation to  
14       Calendar Number 418, Senator Seward voting in  
15       the negative.

16              Absent from voting:   Senators Diaz,  
17       Sampson and Winner.

18              Ayes, 55.   Nays, 1.

19              ACTING PRESIDENT VALESKY:     The  
20       bill is passed.

21              Senator Klein, that completes the  
22       reading of the controversial calendar.

23              SENATOR KLEIN:     Mr. President, at  
24       this time can we please go to a reading of the  
25       supplemental calendar.

1                   ACTING PRESIDENT VALESKY:     The  
2     Secretary will proceed with a reading of the  
3     supplemental calendar.

4                   THE SECRETARY:     Calendar Number  
5     730, by Senator Oppenheimer, Senate Print  
6     8017, an act to amend the Education Law.

7                   ACTING PRESIDENT VALESKY:     Read  
8     the last section.

9                   THE SECRETARY:     Section 2. This  
10    act shall take effect on the same date and in  
11    the same manner as a chapter of the Laws of  
12    2010.

13                  ACTING PRESIDENT VALESKY:     Call  
14    the roll.

15                  (The Secretary called the roll.)

16                  THE SECRETARY:     Ayes, 59.

17                  ACTING PRESIDENT VALESKY:     The  
18    bill is passed.

19                  Senator Klein, that completes the  
20    reading of the Senate supplemental calendar.

21                  SENATOR KLEIN:     Mr. President, at  
22    this time can we please go to a reading of the  
23    supplemental active list.

24                  ACTING PRESIDENT VALESKY:     The  
25    Secretary will proceed with the reading of the

1 Senate supplemental active list.

2 THE SECRETARY: Calendar Number  
3 373, by Member of the Assembly Abbate,  
4 Assembly Print Number 7203C, an act to amend  
5 the Education Law.

6 ACTING PRESIDENT VALESKY:  
7 Senator Saland, why do you rise?

8 SENATOR SALAND: Mr. President, I  
9 thought we were on the supplemental active  
10 list. I did not realize we were on the  
11 supplemental calendar.

12 And I wish to be recorded, if I  
13 could ask to do so, in the negative on the  
14 bill on that calendar.

15 ACTING PRESIDENT VALESKY:  
16 Senator Saland, with unanimous consent, you  
17 will be recorded in the negative on Calendar  
18 Number 730.

19 SENATOR SALAND: Thank you.

20 ACTING PRESIDENT VALESKY: The  
21 Secretary will read the last section on  
22 Calendar Number 373, the first bill on the  
23 supplemental active list.

24 THE SECRETARY: Section 3. This  
25 act shall take effect on the first of January

1 next succeeding.

2 ACTING PRESIDENT VALESKY: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT VALESKY: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 443, by Senator Seward, Senate Print 5775A, an  
10 act to authorize the City of Oneonta.

11 ACTING PRESIDENT VALESKY: There  
12 is a home-rule message at the desk.

13 Read the last section.

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

16 ACTING PRESIDENT VALESKY: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT VALESKY: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 597, by Member of the Assembly Rabbitt,  
24 Assembly Print Number 7753A, an act to  
25 authorize the Town of Ramapo.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

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

5                   ACTING PRESIDENT VALESKY:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     In relation to  
9     Calendar Number 597, Senator Bonacic to be  
10    recorded in the negative.   Also Senator  
11    Larkin.

12                   Ayes, 57.   Nays, 2.

13                   ACTING PRESIDENT VALESKY:     The  
14    bill is passed.

15                   THE SECRETARY:     Calendar Number  
16    601, by Member of the Assembly Rabbitt,  
17    Assembly Print Number 7776A, an act to  
18    authorize the Town of Ramapo.

19                   ACTING PRESIDENT VALESKY:     Read  
20    the last section.

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

23                   ACTING PRESIDENT VALESKY:     Call  
24    the roll.

25                   (The Secretary called the roll.)



1                   THE SECRETARY:     In relation to  
2     Calendar Number 601, Senators Bonacic and  
3     Larkin to be recorded in the negative.

4                   Ayes, 57.   Nays, 2.

5                   ACTING PRESIDENT VALESKY:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     653, by Senator Libous, Senate Print 7700A, an  
9     act to amend the Highway Law.

10                  ACTING PRESIDENT VALESKY:  
11     Senator Libous.

12                  SENATOR LIBOUS:     Mr. President,  
13     could I just speak on the bill for a moment?  
14     Explain my vote, I guess.

15                  ACTING PRESIDENT VALESKY:     Okay.  
16     Let us call the roll first.

17                  Read the last section.

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

20                  ACTING PRESIDENT VALESKY:     Call  
21     the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT VALESKY:  
24     Senator Libous, to explain his vote.

25                  SENATOR LIBOUS:     Thank you,

1 Mr. President.

2 This is a sad bill for me to have  
3 to stand up and talk about. This is a bill  
4 that designates a portion of state highway in  
5 the Village of Port Dickinson in honor of  
6 Police Officer Aldo Rossi, Jr.

7 Mr. Rossi was a very well respected  
8 citizen and police officer in the Village of  
9 Port Dickinson. And one night he was on duty  
10 and had pulled someone over and was hit by a  
11 drunken driver and killed at 2 a.m. in the  
12 morning.

13 In proper respect for Mr. Rossi and  
14 certainly his family, a number of citizens who  
15 had great love and affection for Officer Rossi  
16 felt that it would be appropriate for us to  
17 memorialize him by dedicating this portion of  
18 state highway.

19 So I'm very honored to stand here  
20 on behalf of my constituents who promoted this  
21 idea, and to the rest of the Rossi family for  
22 the great loss, but in the line of duty in  
23 protecting all of the citizens of the Village  
24 of Port Dickinson in Broome County,  
25 Mr. President.

1                   ACTING PRESIDENT VALESKY:

2           Senator Libous to be recorded in the  
3           affirmative.

4                   Announce the results.

5                   THE SECRETARY:     Ayes, 59.

6                   ACTING PRESIDENT VALESKY:     The  
7           bill is passed.

8                   Senator Klein, that completes the  
9           reading of the noncontroversial supplemental  
10          active list.

11                  SENATOR KLEIN:     Mr. President,  
12          can we just briefly return to motions and  
13          resolutions. I have two floor motions.

14                  ACTING PRESIDENT VALESKY:  
15          Proceeding to motions and resolutions.

16                  Senator Klein.

17                  SENATOR KLEIN:     First,  
18          Mr. President, on behalf of Senator Ruth  
19          Hassell-Thompson, on page number 32 I offer  
20          the following amendments to Calendar Number  
21          575, Senate Print Number 7740, and ask that  
22          said bill retain its place on Third Reading  
23          Calendar.

24                  ACTING PRESIDENT VALESKY:     The  
25          amendments are received.

1                   SENATOR KLEIN:     Mr. President, on  
2     behalf of Senator Craig Johnson, on page  
3     number 35 I offer the following amendments to  
4     Calendar Number 618, senate Print Number 7448,  
5     and ask that said bill retain its place on  
6     Third Reading Calendar.

7                   ACTING PRESIDENT VALESKY:     The  
8     amendments are received.

9                   Senator Klein.

10                  SENATOR KLEIN:     Mr. President, is  
11     there any further business at the desk?

12                  ACTING PRESIDENT VALESKY:     The  
13     desk is clear.

14                  SENATOR KLEIN:     There being no  
15     further business, Mr. President, I move that  
16     we adjourn at the call of the Temporary  
17     President, intervening days to be legislative  
18     days.

19                  ACTING PRESIDENT VALESKY:     On  
20     motion, the Senate stands adjourned subject to  
21     the call of the Temporary President,  
22     intervening days being legislative days.

23                         (Whereupon, at 11:58 a.m., the  
24     Senate adjourned.)  
25