NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 9, 2010

3:53 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT VALESKY: The Reverend Peter G. Young, of Mother Teresa Community here in Albany, is with us this afternoon to offer an invocation.

Father?

REVEREND YOUNG: Thank you, Senator.

Let us pray. Today we host our guests from India, from the home area of Gandhi, and he was a leader of hope and mercy. We need examples too, in our financially difficult times, so our Senators can be agents of mercy.

We can remember instances when we needed a little mercy. Maybe we needed an extension on a project. Maybe we needed a loan. Maybe, as is often the case, we needed forgiveness from someone whom we had hurt.

Remember the sigh of relief when we received the mercy that was granted and the grief and disappointment when we had mercy denied.

O merciful God, You give us what we need and constantly forgive us. Now grant us the will to be gracious and generous in mercy toward all of our citizens in New York State. May we be known as Senators of mercy and of forgiveness.

Amen.

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, June 8, 2010, the Senate met pursuant to adjournment. The Journal of Monday, June 7, 2010, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT VALESKY: 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 Klein.

SENATOR KLEIN: Mr. President, I believe there are substitutions at the desk. I ask that we make these substitutions at this time.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the substitutions.

THE SECRETARY: Page number 36, Senator Griffo moves to discharge, from the Committee on Codes, Assembly Bill Number 1067A and substitute it for the identical Senate Bill Number 1989A, Third Reading Calendar 494.

Page number 41, Senator Sampson moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 10226 and substitute it for the identical Senate Bill Number 7139, Third Reading Calendar 606.

Page number 51, Senator Oppenheimer moves to discharge, from the Committee on

Local Government, Assembly Bill Number 10869 and substitute it for the identical Senate Bill Number 7677, Third Reading Calendar 738.

Page number 52, Senator Parker moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 520 and substitute it for the identical Senate Bill Number 5926, Third Reading Calendar 743.

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I wish to recall Senate Resolution Number 4106, by Senator DeFrancisco, which was unanimously adopted on March 9th. I ask that the title of the resolution be read and allow Senator DeFrancisco to speak on his resolution.

ACTING PRESIDENT VALESKY: The Secretary will place the resolution before the house.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution 4106, honoring the Baldwinsville Marching Band upon

the occasion of capturing the New York State Field Band Competition Championship.

ACTING PRESIDENT VALESKY: Senator DeFrancisco, on the resolution.

SENATOR DeFRANCISCO: Yes, I have this lovely group, this wonderful group up here from my district, the Baldwinsville Marching Band, the New York State champions, all of whom are excellent students as well. They certified that to me earlier. And especially the creme de la creme are the saxophone players in this group, the woodwind players, because we have a bond.

But in all seriousness, it's a wonderful accomplishment to win a state championship, and especially in such an area as a band competition, because that takes real teamwork and hours upon hours of practice to make it sound right.

And I really commend all of you, and I hope that you enjoyed your day in Albany. We haven't read the resolution because of the hour. However, each of you will receive a copy of the resolution and you can read it in your idle time after you read

extra materials rather than your schoolwork. And then you will be getting a double win from this visit here today.

So congratulations and have a great rest of the year and a great future.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

The resolution was previously adopted.

Congratulations to the New York State champion Baldwinsville Bees Marching Band.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, can you please recognize Senator Ruth Hassell-Thompson for an announcement.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to ask my colleagues to welcome to the chambers of the New York State

Senate the Ohio Youth Civic Leadership Academy, who are here with us from Canton, Ohio, and who are here with teachers and leaders from the NAACP and other organizations. They have been shadowing members of the Senate today.

And I would like to invite them and their leaders to just stand and be recognized. Some of our students -- please forgive me, and don't laugh if I mispronounce a student's name -- Sommer Brobst, Dalila Carter, Natalie Cheatwood, Mercedes Conethan, Andrea Dunn, Chantel Faulkner, Xavier Gibson, Pertrice Ingram, Darijah McCollum, Janay McCullough, Dashe Long, Ray Long, Jheri Morgan, Mikayla Morgan, Makayla Richards, Miles Smith, Jr., Shaquille Woods, Aaliyah Young, and Tyrique Key. These are our students that are visitings us today.

And I would like to offer the opportunity possible to Senator Adams, who cosponsored this shadow activity with me today, to also add to the welcome to our students.

And thank them and their leadership

for coming and for being with us and for shadowing and watching the way in which the New York State Senate is in operation. And welcome again.

ACTING PRESIDENT VALESKY: Thank you, Senator Hassell-Thompson.

Senator Adams.

SENATOR ADAMS: Senator Breslin is going through the role of being Senator Adams today, so I'm sitting next to him.

You know, I want to thank Mark Favors. He's up on top. This is a great program that he's putting together of these young, intelligent, energetic young people who are adorning our Senate chamber today. And they traveled from Ohio to see how the process operates and see how our seat of government actually goes about carrying out laws.

And when you sit down and you speak with them and you talk with them, there is a question mark that lingers over, you know, what our future looks like; you know, what is going to happen to our tomorrows. There's a question mark over what the country will be in the future. There's a question mark over some

of the ills that impact our society.

And when you talk to them, the question of how will we be turns into an exclamation point of saying we will be fine, because they understand what is needed in our country to make sure they move this country forward.

The winds of change have never been blown by adults, it has all been blown by young people. They've always had the lung capacity to blow the country in a direction that they would like it to go in. And it doesn't matter of their ethnicity, it doesn't matter of their religious belief, their genders. It's all about making sure they have the opportunity to go beyond what's in front of them.

I tell them all the time, don't embody the anti-Christopher Columbus theory, believing if you leave your block, if you leave your neighborhood, if you leave Ohio, you're going to fall off some philosophical globe. You're not. The world is round. Their hopes should be round. They're competing with people all across the globe.

It's not only about Brooklyn, but it's about Belgium. It's not about merely Bedford-Stuyvesant, it's about Budapest.

This is our global future. American students and young people shape the globe. The way America goes, so goes the globe. And so something as simple as putting the belt on your pants to treating each other with respect -- if our young people can't navigate the belt loops on their pants, they can never navigate corporate America. If they can't be kind to each other, then they won't be kind to their neighbors.

And when you speak to those young people who have visited us today, you get the inspiration that no matter how challenging things may be, they understand the challenges before them. And like many young people that came before them, they are going to stand up to the challenge.

And I wish them the best. I thank them for coming here. We learn more from you than you do from us when you visit us and have a one-on-one engagement. Sometimes, because we in this room are 62 men and women, we often

forget the very real issues we're there for. And so when you visit us, it helps us to stay focused, it helps us to stay grounded and understand what are our responsibilities and obligations.

Mr. Favors, I really appreciate what you do. He does this on his own. He volunteers to take these young people, he and his team, they volunteer to take those young people here to Albany. God knows no one comes to Albany unless they have to. And the mere fact that you do this with your own money, your own proceeds.

There's no excuse for failure. Yes, the budget is bad. Yes, we have to do cuts. Yes, we don't have all the revenue that we would like. But you know what? It has been bad before. We've come out of the bowels of depression. We've come out of the bowels of economic turmoil. We've come out of the bowels of slavery. We've come out of the bowels of all these things. Our young people need to know no matter how bad the conditions are, you can't be bad on yourself.

And, Mr. Favors, you're the spirit

of what's great about this country, of giving back and contributing back to our young people. People talk the talk; you walk the walk. And we are proud to be a member of the greatest race alive, and that's the human race.

And we thank you, Mr. Favors, and we thank the young people that have come into the chambers today.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Adams.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I'd just like to thank Senator DeFrancisco, Senator Hassell-Thompson, and Senator Adams for bringing to this chamber young people of positive accomplishments. Too often we read in the papers, we listen to on the radio, we see in the electronic media young people in a negative picture, in a negative impulse.

We have young people as our interns and staff around this chamber. We don't see

that very much, we don't see that broadcast. All we read about is young people when they get into serious trouble, when they do something wrong. That seems to be the preponderance of the media coverage of the youth of our nation and the youth of the world.

And I think what we've done today, thanks to the Senators who have brought these young people here today, is show that there is another side. And for those people who have a tendency to get down on the younger generation and say, "Oh, my God, what's the world coming to," well, we've just got to look up in the chamber and up in the galleries today, because we see a very positive picture. And the future is a good one, and the future is a bright one.

And Senator Adams, yeah, we may have a miserable budget and we may have some rotten times ahead for a while, but you're perfectly correct. This country, this state, this area has gone through bad times before. We will come out of it, and we will do very well. And it will be thanks to people like

the ones we're celebrating this afternoon.

Thank you very much for bringing these young people to our attention and to the nation's attention. Thank you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Marcellino.

A very special welcome to our guests from Canton, Ohio. We hope you enjoy your visit to the New York State Capitol.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator

Sampson, legislative resolution commending the West Indian American Day Carnival Association upon the occasion of hosting its 2010 celebration of "Carnival: A West Indian Experience -- People, Culture, Music."

ACTING PRESIDENT VALESKY: All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Sampson is opening the resolution to cosponsorship. Any Senator wishing not to cosponsor the resolution should notify the desk.

Senator Klein.

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

ACTING PRESIDENT VALESKY: Senator Klein, has this resolution been

privileged and submitted by the office of the Temporary President?

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Smith, legislative resolution honoring Principal Ericka K. Wala upon the occasion of her designation for special recognition by Peninsula Preparatory Academy at its 2010 Unsung Heroes Awards Banquet.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Carl Kruger. I ask that the title of

the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Senator Klein, has that resolution been deemed privileged and submitted by the office of the Temporary President?

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator C. Kruger, legislative resolution commending Monita Buchwald upon the occasion of her designation by the Metropolitan Council on Jewish Poverty as the recipient of the Chesed Award at its 34th Annual Legislative Breakfast on June 13, 2010.

ACTING PRESIDENT VALESKY: All in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Carl Kruger has another resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Carl Kruger, legislative resolution commending Rabbi Yechezkel Pikus upon the occasion of his designation by the Metropolitan Council on Jewish Poverty as the recipient of the Shimon Zweig Memorial Award at its 34th Annual Legislative Breakfast on June 13, 2010.

ACTING PRESIDENT VALESKY: All in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Breslin has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senators Breslin and Duane, legislative resolution commemorating the 40th Anniversary of the Capital District Gay and Lesbian Community Council, to be celebrated on Sunday, June 13,

2010.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Breslin has asked that the resolution be opened for cosponsorship. Any Senator wishing not to cosponsor this resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe that Senator Dilan has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

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

SENATOR KLEIN: Yes, it has,

Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Dilan, legislative resolution recognizing the PSA Voto Latino 2010 New York Census Project and the efforts of those who have made a reality.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Dilan has offered to open the resolution to cosponsorship. Any Senator wishing not to cosponsor the resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Skelos has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Skelos, legislative resolution honoring Jolene Boden upon the occasion of her designation as recipient of the Leadership Award from Beth Shalom/Oceanside Jewish Center.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Alesi has a resolution at the

desk. I ask that the title of the resolution be read and move for its immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Alesi, legislative resolution commending Genesee Valley Club upon the occasion of celebrating its 125th Anniversary on June 10, 2010.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at

this time I move we adopt the Resolution Calendar in its entirety, with the exception of Senate Resolution 5880.

ACTING PRESIDENT VALESKY: All in favor of adopting the Resolution Calendar in its entirety, with the exception of Resolution 5880, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I move that we take up Senate Resolution 5880, by Senator Stavisky. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Stavisky, Legislative Resolution 5880, commemorating the 50th Anniversary of the establishment of the State of Gujarat, to be

celebrated June 1, 2010.

ACTING PRESIDENT VALESKY: Senator Stavisky on the resolution.

SENATOR STAVISKY: On the resolution, Mr. President.

We are here to congratulate the State of Gujarat, which is celebrating its 50th jubilee anniversary.

It was formed 50 years ago from the 17 northern states or the 17 northern -- formerly the District of Bombay. There are approximately a quarter of a million residents from that state in New York, living in New York State right now. And in fact it's the largest immigrant community from India.

And as Father Young said earlier, Mahatma Gandhi is one of the most revered figures not just from India but throughout the world, with his policy of nonviolence.

Many of the people have settled in Queens, and we have a group in the chamber from Gujarat, the Gujarati, and they represent a rich cultural heritage. Living in Queens, they continue many of the traditions that they brought with them, and yet they are a very

important part of our community.

And in fact, in an area that I represent in downtown Flushing, 350 years ago we celebrated the Flushing Remonstrance, the birthplace of religious freedom here in the United States. So going back 350 years to the present time, they have brought with them an enrichment of our history, and I'm delighted to welcome them.

They are led by their leader, Dilip Choudhan. Welcome.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Stavisky.

A special welcome to our visitors today from the State of Gujarat, and congratulations on the 50th anniversary of the establishment of your state.

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I have several motions.

ACTING PRESIDENT VALESKY: You may proceed, Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Foley, I wish to call up Print Number 6459, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 138, by Senator Foley, Senate Print 6459, an act to amend the Highway Law.

ACTING PRESIDENT VALESKY: Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT VALESKY: The amendments are received.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Squadron, I wish to call up Calendar Number 532, Assembly Print Number 1730C.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 532, by Assemblyman Brodsky, Assembly Print Number 1730C, an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: I now move to reconsider the vote by which this bill was substituted for Senate bill 4313B on May 18th.

ACTING PRESIDENT VALESKY: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is before the house.

Senator Klein.

SENATOR KLEIN: Mr. President, I now move that Assembly Bill Number 1730C be recommitted to the Committee on Consumer Protection and the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, on behalf of Senator Breslin, I wish to call up Print Number 4767A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number

37, by Senator Breslin, Senate Print 4767A, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, I wish to call up Senate Print Number 4634, on behalf of Senator Oppenheimer, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number

242, by Senator Oppenheimer, Senate Print 4634, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is before the house.

Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, on behalf of Senator Addabbo, on page number 43 I offer the following amendments to Calendar Number 635, Senate Print Number 5442A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, on behalf of Senator Stavisky I move to recommit Senate Print Number 1375B, Calendar Number 637, to the Committee on Elections, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR KLEIN: Thank you, Mr. President.

At this time, Mr. President, can we please go to a meeting of the Rules Committee in the Majority Conference Room.

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

ACTING PRESIDENT VALESKY: An immediate meeting of the Rules Committee in Room 332 of the Capitol.

Pending the return of the Rules Committee, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:20 p.m.)

(Whereupon, the Senate reconvened

at 4:38 p.m.)

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

The Secretary will read.

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

Assembly Bill Number 10741, by Member of the Assembly Abbate, an act to amend Chapter 104 of the Laws of 2005;

By Member of the Assembly Schroeder, Assembly Print Number 10853B, an act to amend the Executive Law;

Senate Print 7800, by Senator Squadron, an act to amend the Public Housing Law;

And Senate Print 7860, by Senator Addabbo, an act to amend the Election Law.

All bills ordered direct to third

reading.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with a reading of the noncontroversial calendar.

THE SECRETARY: Calendar Number 243, by Member of the Assembly Cook --

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

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

THE SECRETARY: Calendar Number 457, by Assemblymember Gordon, Assembly Print

Number 7987B, an act to amend the Public Service Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR YOUNG: Thank you, Mr. President.

We know in this chamber that our dairy farmers have been suffering mightily for the last two years because of low milk prices, but this bill provides a great new economic opportunity to them. It lets dairy farmers sell renewable energy generated by agricultural waste back to the electrical grid.

Allowing farmers to better participate in the commercial energy market is good for the economy, and it's good for the environment. And for those reasons, I'm

voting yell.

ACTING PRESIDENT VALESKY: Senator Young to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 605, by Member of the Assembly Kavanagh, Assembly Print Number 620, an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 606, substituted earlier today by Assemblymember Rosenthal, Assembly Print

Number 10226, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 606, Senator Winner to be recorded in the negative.

Ayes, 60. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 621, by Senator Savino, Senate Print 4563C, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: In relation to Calendar Number 621, those recorded in the negative: Senators Griffo, C. Johnson, Marcellino, Ranzenhofer, Skelos, Winner and Young. Also Senator Robach. Also Senator Saland. Also Senator Larkin.

Ayes, 51. Nays, 10.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 626, by Member of the Assembly Gibson, Assembly Print Number 10705, an act to amend Chapter 777 of the Laws of 1986.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: Calendar Number 627, by Member of the Assembly Camara, Assembly Print Number 10728, an act to amend Chapter 613 of the Laws of 1996.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 628, by Senator Espada, Senate Print 6971, an act to amend Chapter 84 of the Laws of 1993.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 655, by Senator Foley, Senate Print 7444, an act to amend the Banking Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 657, by Senator Stavisky, Senate Print 7747, an act to amend Chapter 31 of the Laws of 1985.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 658, by Member of the Assembly Bing, Assembly Print Number 10118, an act to amend Chapter 219 of the Laws of 2003.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 659, by Senator Stavisky, Senate Print 7750, an act to amend Chapter 57 of the Laws of 2005.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 892, by Senator Breslin, Senate Print 7000B, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Breslin, to explain his vote.

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

This legislation I believe is landmark. It completes a long, detailed

period of time wherein advocates for autism, the Departments of Mental Health, Office of Mental Retardation and Developmental Disabilities, the Department of Health, and the Insurance Department were in continuing dialogue. There was a full-day hearing in October. And there was -- I found, as I said at a press conference earlier, I found there was as many different points of view on autism and the way to treat autism I think at least as there are states in this country.

But I believe this bill is the proper middle ground. It will allow for screening, diagnosis, and treatment of the autism spectrum disorder. It has no monetary caps, it has no age limits, but it is restricted in a way, because the treatments must be clinically acceptable, must meet the challenges of the medical profession to really work and really perform their function.

And the kinds of treatment will be determined by the Department of Health, which will be given 12 months to come up with a formula for treatments, and they'll be in consultation with the Office of Mental

Retardation and Developmental Disabilities, the Office of Mental Health, and the Insurance Department.

And I believe that this bill, long overdue, will finally begin to treat autism in the way it should be treated -- at an early age, an age when we can do a great deal medically. And it will be forgiving for those people who are challenged financially and will have kind of an equal platform and an equal ability for people to get treatment.

I look forward to the day when this passes the Assembly, which I believe will be within days, and the Governor signing it. And accordingly, I will be voted in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Breslin to be recorded in the affirmative.

Senator Fuschillo, to explain his vote.

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

I want to thank Senator Breslin,

working with your office, and Senator McDonald for his leadership.

It wasn't too long ago that I stood in the driveway of a neighbor of mine who has a young autistic boy with Senator Johnson, Assemblyman Weisenberg, and other colleagues in the Assembly, where we had firsthand that he had to refinance his house, take out a second mortgage because it cost him about $80,000 a year to provide for the proper treatment for his son with autism.

But today, this legislation now doesn't allow families to choose between going broke or providing treatment for their kids. Now, living with autism, as Diane Cahill said in a memo she sent us, is 24/7 for the families. And now the screening, the diagnosis and treatment will be covered here in New York State.

It's a great day for the families who have children with autism; it's a great day for New York State. I'll be voting in the affirmative.

ACTING PRESIDENT VALESKY: Senator Fuschillo to be recorded in the

affirmative.

Senator McDonald, to explain his vote.

SENATOR McDONALD: Thank you, Mr. President.

Thank you to all the leadership -- Senator Breslin, Senator Fuschillo, Senator Duane, all the folks that were involved in this. Thank you to the advocates that have been so patient and who came up here to communicate with us the problems that they face. And thank you to each and every individual member for making this a major issue, which it is.

I don't speak to you as a senator. I'm speaking to you as a grandfather of two autistic grandchildren, 5 and 7, two grandsons. I don't have to look very far to see the problems in the households or the expenses. They're right in my own family structure.

I'm fortunate; my family can help my daughter and her husband in any financial needs. But so many people don't have that good fortune. This being New York and

America, nobody gets left behind. And this is the very beginning of a program, an autism and similar disabilities program that we'll be adding to.

And as was stated earlier, there's so many different opinions on what kind of bill or legislation this should have been. It's very difficult. Something was better than nothing. And this was the beginning that gives hope to those people, that 1 out of 90 people right now who are being diagnosed with this problem as they're born.

These children grow into adults, and we as dedicated human beings will be with them to the end of their lives, helping them out. I hope and pray that we'll solve some of these health issues and mental issues, but we may not. So they look to us. And I'm proud of all of us -- regardless of the party affiliation, regardless of various opinions -- of staying together and doing something for the kind of people that we're here for, helping the people who can't help themselves.

So as more than a senator, as a grandfather, I want to thank you.

ACTING PRESIDENT VALESKY: Senator McDonald to be recorded in the affirmative.

Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. I too rise today to support this piece of landmark legislation.

First let me thank the bill's sponsor and chairman of the Insurance Committee, Neil Breslin. Over the past year, Senator Breslin and Senator Duane have been working with Senator Fuschillo, Senator McDonald and myself to put together this comprehensive piece of legislation.

Many of us in this Senate chamber have sponsored or cosponsored a variety of pieces of legislation, and finally we were able to put together a single piece of legislation that will enable our friends and our family and our constituents, those who have children or young adults who suffer on the autism spectrum disorder, finally give them the ability to finally get them the insurance coverage that they so desperately

need.

It's incredible. If you ask anyone, anyone who has a child with an autism spectrum disorder, they'll tell you how tough their life can be, how rewarding it can be but how tough it can be. And that time and the extra care that's involved in helping their child is all-encompassing. It's also very, very expensive.

Senator Fuschillo talks about his friend whose home we visited over last summer. And he told us the story about how he had to refinance his home. Unfortunately, that's all too common with families whose children suffer from autism. They have to refinance their homes, they have to take second and third jobs in order to pay for the tens of thousands of dollars it costs to provide the treatment, the diagnosis and the treatment for these children.

And what's really, really troubling is that insurance companies are supposed to be there to help families in times of crisis. That's part of the compact that we make with them when we pay the premiums, the insurance

premiums. And in my view, it has become unconscionable and unacceptable for these companies to sit back and deny coverage to those families.

In fact, today -- today -- I sat with insurance executives who said that autism wasn't a medical condition. How outrageous is that?

Well, finally we have a piece of legislation that will pass today, that will hopefully pass the Assembly and then be signed by our Governor that will give that protection and that coverage to those families.

We know the instances of autism are increasing and they're increasing at an alarming rate. And as Senator Fuschillo and Senator Marcellino and Senator Hannon and the other Senators from Long Island know, the rates of autism on Long Island are staggering.

But finally, today, we can start that process of protecting and helping those families all across New York State who are facing this very, very difficult time.

So again, Senator Breslin, I thank you for your leadership on this issue. I

thank all my colleagues who will be supporting this bill. I vote yes today, Senator.

ACTING PRESIDENT VALESKY: Senator Craig Johnson to be recorded in the affirmative.

Senator Seward to explain his vote.

SENATOR SEWARD: Thank you, Mr. President.

You know, back in 2007 this Legislature used very good judgment in creating what's called the Healthcare Quality and Cost Containment Commission, the so-called Mandate Commission, whose responsibility is to review mandates that come in the form of legislation. And this is a new mandate on health insurance policies in New York State. However, unfortunately, because the Assembly has yet to appoint their two members of this commission, here we are in 2010, this commission is not functioning.

A bill like this, it seems to me, is appropriately sent through this commission so we would have detailed information regarding the costs and the true benefits of a proposal like this. Because quite frankly,

Mr. President, here we are, we don't know what this mandate is going to cost in terms of health insurance premiums. The advocates say less than a percent. But the Insurance Department has indicated that without age or dollar caps, which this bill does not have, it could be as high as a 2 percent increase in premiums.

Unfortunately, that means that 60,000 New Yorkers -- 1 percent equals 30,000 New Yorkers -- dropping health insurance because of not being able to afford it any longer. So a 2 percent increase would mean that 60,000 New Yorkers will not be able to afford health insurance because of this legislation, if that formula is correct.

So, Mr. President, I'm disappointed that more steps weren't taken in the legislation to try to bring that number down, such as age and dollar caps. I'm disappointed that the legislation does not include language that would coordinate services for those with autism. Coordination of benefits is very much needed.

I believe that the legislation

should require parents to disclose to insurers what early intervention services are already being provided to a child to ensure that there are no duplication of services so that either health insurance premium dollars or taxpayer dollars are not being wasted, that we have a true coordination of services.

I'm hoping that either through future amendments or through the regulatory process at the Insurance Department that some of these omissions in the bill can be corrected so at the end of the day, Mr. President, we can have a piece of legislation and a law and policy in the State of New York so that those families that do have autism among their children can receive the vital services at a rate that both health insurance premium payers and taxpayers can afford. That would be certainly a very worthy goal.

But in the meantime, Mr. President, I will be supporting the bill because I think this is a start. But there is more work to be done in improving services but also making it available at a rate that both health insurance

premium payers and taxpayers can afford.

ACTING PRESIDENT VALESKY: Senator Seward to be recorded in the affirmative.

Senator Volker, to explain his vote.

SENATOR VOLKER: Mr. President, this was a particularly disturbing bill for me because I was a cosponsor on the bill and proceeded, after I was a cosponsor, to read a great deal about the issue of costs and all the rest of the things that were put out by the various companies and -- not just insurance companies, but other people.

But then I went on and I admit to you that I voted against the bill in Finance simply because, after reading the information, I was concerned that we would have in our midst another Timothy's Law. Because if it wasn't for Senator Libous, Timothy's Law would have gone off and cost us an enormous amount of money as the Assembly sent it over to us. And we worked on it and kept it from overwhelming the insurance industry.

But then I began to read through

this bill, talked to Senator Breslin and talked to other people, and I realized there are, I believe, curbs in this bill that will allow it not to create such a problem for the insurance industry that it would overwhelm our costs.

We have to understand something. We've passed a number of bills this year that clearly are going to increase the cost of insurance. We must remember that our friends in Washington are breaking the bank. They're trying to tell us that what they did in Washington is not going to raise the cost of insurance. Of course it's going to raise the cost of insurance. Everybody privately admits that. First of all, it's going to cost New York enormous amounts of money and billions of dollars in Medicaid and all that sort of thing.

But this bill, autism is such a difficult area. And I must confess I have my son Marty, who is a professor of psychology at SUNY Buffalo, and his wife, who are both professors of psychology, and their main area is autism. They've been studying it for

years. And I am the first to admit to you that I spoke to them and not just, you know, saying to them do you think this is necessary. Of course it's necessary. The issue really is, is this bill so broad that it would create a major problem for the insurance companies.

And Senator Breslin, Senator Fuschillo, Senator McDonald, the general consensus is that it will not and that the bill has enough curbs in it -- I won't say curbs, but at least controls -- that it will allow the insurance companies to deal with this bill and at the same time will allow people who are looking at the autism area to bring down, hopefully, the cost of autism by treating it at the earliest possible age.

Because one of the big problems is we don't get to autism until it's at a stage where it's very difficult to deal with. So if you can get young people involved in autism and find out that it's really a problem, it's much, much less expensive and much easier to deal with.

So I admit to you that I've agonized with this bill, as I have with a lot

of bills in healthcare, because we really have to be careful in healthcare. But the consensus, after thinking about it, is that this is a good bill and I think we should all vote for it. And I am going to vote for it.

ACTING PRESIDENT VALESKY: Senator Volker to be recorded in the affirmative.

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

Today is indeed a great day, a great day for parents who have children with autism. For me, I became sensitized to this issue through a very dear and close friend, one of my best friends, Matt Cody, who has established at the State University at Stony Brook the Cody Center that deals with autism.

Matt and Debra Cody have three children who are autistic. And the Cody Center has been designated as a Center of Excellence in dealing with autism. We in this Legislature did that by legislation.

I would say to you that in the last

number of years I've established a task force in Suffolk County to deal with this issue. Senator Morahan has been very active with our task force in trying to look at the many facets that affect families who have autistic children.

I can tell you that it is an issue for families that is very penetrating. It's not only in dealing with the children but, as a result of that, how it affects relationships, how it even affects how parents will over a long haul interact with those students.

One of the issues at the Cody Center, which we have people from all over Long Island coming to the center, is an insurance issue on the screening and the diagnosis of it. That needs to be done early on because if we don't know all of the dimensions of this illness, then we cannot get the proper treatment as early as we can. Insurance, insurance becomes the issue that prevents many families from getting the kind of attention that they should be getting.

For those of us on Long Island, the

Cody Center is a jewel. It is a wonderful thing. With insurance, if this bill passes the Assembly and gets signed, I will tell you that children in our area, and families, will be able to get early on the kind of guidance that they need at the earliest possible time.

Last comment, and it goes to something that Senator Volker talked about, and Senator Seward. I've had many bills dealing with providing, within the health insurance contract, a specific provision. It is so difficult to get the health insurance industry to come to the table and deal with you in a fair way. We hear all sorts of costs.

And, you know, the most ironic thing, if we look at the history of where the industry was and what the reality is after we pass the law, it's like a miracle happened. Dollars just withered away because it really did not affect the policy and the policyholder to the point that the industry indicated.

So there are a lot of bills -- we've had some dealing with cancer treatments, and today we're talking about autism. I think

that the industry needs to be realistic that we need to provide for our citizens these treatments. And we don't even know, Senator Breslin, how federal law in terms of health insurance will really apply to these instances.

So I think we can be very proud as a Senate today in passing this bill, and I will be voting, obviously, in the affirmative.

ACTING PRESIDENT VALESKY: Senator LaValle to be recorded in the affirmative.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much.

Today the Senate continues a very good week for consumers of healthcare in New York State.

There's not one of us, I suspect, who doesn't have friends or families who have had a child with autism or one of the related spectrums. There's not one of us who doesn't know the stories of families not being able to provide the services that they know will help

their family member because they can't get insurance coverage. And I suspect most of us know at this point this time that the number-one reason for bankruptcies and for foreclosures in this country are people's inability to pay their medical bills, people with insurance not being able to pay their medical bills and facing the trauma of do you pay for your housing, do you pay for your healthcare, do you go to bankruptcy court because you can't get the services you and you your family so desperately need.

And so in a country where we have a lot of struggles still to ensure that we have access to healthcare for all, that we have a system of health insurance that assures that when you have health insurance it's there for you when you need it, when your family members need it, this is an extremely important bill.

I know it was a struggle. I know Senator Breslin worked very hard on trying to balance all the different competing needs and the recognition that this is such a complex spectrum of disorders and illness and outcomes for children and adults, and the struggles

between differing opinions even on what this piece of legislation should be.

The fact that we're here today and passing this bill is another major, major victory for families in the State of New York who may not know it yet but might sometime soon find themselves giving birth to a child with autism and facing the reality that their child will have in fact a lifetime of special needs, health and educational and behavioral. And that finally in the State of New York, if you have insurance coverage, it's going to help address those needs.

So thank you, Senator Breslin. And I know that we're all going to be able to walk away today having voted for this bill saying "Today I made a difference in people's lives."

I'll vote yes. Thank you very much, Senator.

ACTING PRESIDENT VALESKY: Senator Liz Krueger to be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Thank you,

Mr. President.

As a cosponsor of this bill, I obviously, along with everyone else in this chamber, had to make a decision about weighing various interests that we do in every piece of legislation. Obviously we want to make healthcare affordable and we don't want to move people out of the healthcare insurance that they have because they can't afford it. But on the other hand, we want the healthcare insurance to do what it's supposed to do; namely, provide for those conditions that are necessary to be provided for.

We went through this weighing process in Timothy's Law and ultimately came out with a bill.

With respect to autism, the one thing I know is clear, and that is the earlier there is a diagnosis and a plan for the child with autism, the better the outcome. Now, from an emotional standpoint, for the success of that child, obviously we've got to diagnose as early as possible. And this bill will provide for the coverage to make sure that that happens and people don't not get a

diagnosis simply because they don't have insurance to do it.

And in the long run, as far as I'm concerned, if even we're just talking dollars and cents, it's going to be the best situation financially. If you make this child -- if you allow this child to be diagnosed early and their outcome is much better, in the long run the cost to society is going to be substantially less. So those who are concerned about the cost, I think that's the way you've got to weigh it.

More importantly is the outcome for the child. There's no one in this chamber that doesn't know of someone or have a family member that's been affected by this autism, no matter what segment of the spectrum of autism you're talking about.

So I agree this is a landmark bill, and I'm proud to be a cosponsor. And it's the right thing to do. And hopefully we'll be able to help many of the children who have this horrible condition to be the best that they can possibly be by early diagnosis and an early plan for treatment.

I vote aye, Mr. President.

ACTING PRESIDENT VALESKY: Senator DeFrancisco to be recorded in the affirmative.

Senator Stewart-Cousins, to explain her vote.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President.

I rise certainly to congratulate my colleague Senator Breslin, because I know how difficult it was to navigate the waters to get to this point.

I too am a cosponsor of the bill. And somewhere along the road between cosponsorship and now, there were a number of issues that came up, many people who seemed to be a little bit concerned that this bill might ignore some of the other therapies that would be available.

I think that this bill is a very big step on a very, very important road. I think that it leads the way. I think that it allows people who otherwise would not be covered to be covered. It allows, as many of my colleagues said, for that early diagnosis.

And it also allows for our continued evaluation and evolution as different therapies that work come to our attention. It is so important.

One of the earliest remembrances I have in the Senate was getting a visit by parents, a community called BRO. It's an acronym. But these parents were worried about their children who were 40, 50, really aging, and wondering what would happen to these children should they no longer be available.

I spoke to a couple of mothers who had autistic adult children, 50-year-old autistic children, and they told me when their children were growing up there was no diagnosis, there was no real understanding of this. There were so few people who had autism, they really just had to do what they could, put together things hoping that something along the way would help and that their kids would be provided for.

Luckily, as we evolved, there were different places. A lot of these parents had children in group homes and so on. But how much better off they would be, one wonders, if

they been screened earlier, if they had been diagnosed earlier, if someone knew that there were options and opportunities and that the treatment could be covered by insurance.

So I'm very happy to be standing here supporting this bill, knowing that we have evolved, we have a situation that requires our attention, it requires coverage, it requires support of the family, it requires a society that knows and cares and finds ways to make sure that families are not somehow ignored as they try and meet the needs of their children and loved ones.

So certainly I will be voting yes.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins to be recorded in the affirmative.

Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you, Mr. President.

I stand in strong support of this particular legislation. And as a cosponsor, I wish to thank Senator Breslin for his great leadership.

When people look at back at this

particular legislative session, this piece of legislation will stand out as one of the finest examples of progressive, far-reaching legislation that will impact the everyday lives of thousands of families here in New York. I couldn't think of a greater reason why any of us became involved in public service than for days and votes like this today.

I heard from hundreds of families in Suffolk County who have been looking for leadership from this State Legislature over a number of years. And today, in this session, on this day, we're going to demonstrate that leadership by showing that we care, that we listened, that the leadership of this Senate has helped to craft legislation that is among the finest of its kind anywhere in our country.

I think what really speaks to the strength of the policy and of this particular law, Mr. President, is the fact that at today's press conference we had members of both parties from this Senate but also from the State Assembly, which I think has been a

rarity to have that kind of press conference. It speaks to the power of the issue, it speaks to the unanimity of effort that we all see when we can join forces to craft legislation that will in fact make a real difference in the lives of families, of parents, and of those young people who so greatly need our help.

Once again, I'll be supporting the bill. And thank you, Mr. President. And thank you again, Senator Breslin.

ACTING PRESIDENT VALESKY: Senator Foley to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of Senate Supplemental Calendar 60A.

THE SECRETARY: Calendar Number 937, by Member of the Assembly Abbate, Assembly Print Number 10741, an act to amend Chapter 104 of the Laws of 2005.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the reading of Senate Supplemental Calendar 60A.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the supplemental active list.

THE SECRETARY: Calendar Number 344, by Member of the Assembly Hoyt, Assembly Print Number 9070A, an act to amend the Real Property Law.

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

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

THE SECRETARY: Calendar Number 496, by Member of the Assembly Zebrowski, Assembly Print Number 3762, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the reading of the Senate supplemental active list.

SENATOR KLEIN: Mr. President, before we move on, I want to recognize a special day today. Besides passing landmark legislation, it's also one of our colleague's, Senator Breslin's, birthday today.

(Applause.)

ACTING PRESIDENT VALESKY: Happy birthday, Senator Breslin.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Padavan, why do you rise?

SENATOR PADAVAN: For some reason you didn't notice my negative vote on that bill, Calendar Number 496. I wish to be recorded as such.

ACTING PRESIDENT VALESKY: Senator Padavan to be recorded in the negative on Calendar Number 496.

Senator Klein.

SENATOR KLEIN: Mr. President, would you recognize Senator Volker, please.

ACTING PRESIDENT VALESKY: Senator Volker.

SENATOR VOLKER: The bill that just was laid aside, Calendar Number 344,

7170A, I would like that bill starred because there's going to be an amendment to it. Rather than have it sit there, I'd like to star the bill. Okay? Thank you.

ACTING PRESIDENT VALESKY: A sponsor's star will be placed on Calendar Number 344.

Senator Klein.

SENATOR KLEIN: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT VALESKY: Yes, there are, Senator Klein.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 939, Senator Squadron moves to discharge, from the Committee on Rules, Assembly Bill Number 9757 and substitute it for the identical Senate Bill Number 7800, Third Reading Calendar 939.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: In relation to Calendar Number 940, Senator Addabbo moves to discharge, from the Committee on Elections, Assembly Bill Number 10946 and substitute it

for the identical Senate Bill Number 7860, Third Reading Calendar 940.

ACTING PRESIDENT VALESKY: Substitution ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn until Thursday, June 10th, at 11:00 a.m.

ACTING PRESIDENT VALESKY: On motion, the Senate stands adjourned until Thursday, June 10th, at 11:00 a.m.

(Whereupon, at 5:23 p.m., the Senate adjourned.)