

1 NEW YORK STATE SENATE

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5 THE STENOGRAPHIC RECORD

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10 ALBANY, NEW YORK

11 June 9, 2010

12 3:53 p.m.

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14
15 REGULAR SESSION

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19 SENATOR DAVID J. VALESKY, Acting President

20 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 to please rise and
5 recite with me the Pledge of Allegiance.

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

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

12 Father?

13 REVEREND YOUNG: Thank you,
14 Senator.

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

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

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

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

10 Amen.

11 ACTING PRESIDENT VALESKY: The
12 reading of the Journal.

13 The Secretary will read.

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

19 ACTING PRESIDENT VALESKY:
20 Without objection, the Journal stands approved
21 as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Klein.

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

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

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

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

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

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

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

10 ACTING PRESIDENT VALESKY:
11 Substitutions ordered.

12 Senator Klein.

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

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

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

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

3 ACTING PRESIDENT VALESKY:

4 Senator DeFrancisco, on the resolution.

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

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

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

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

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

6 Thank you.

7 ACTING PRESIDENT VALESKY: Thank
8 you, Senator DeFrancisco.

9 The resolution was previously
10 adopted.

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

14 (Applause.)

15 ACTING PRESIDENT VALESKY:
16 Senator Klein.

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

20 ACTING PRESIDENT VALESKY:
21 Senator Hassell-Thompson.

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

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

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

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

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

25 And thank them and their leadership

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

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

7 Senator Adams.

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

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

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

1 of the ills that impact our society.

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

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

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

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

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

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

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

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

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

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

25 And, Mr. Favors, you're the spirit

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

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

10 (Applause.)

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Adams.

13 Senator Marcellino.

14 SENATOR MARCELLINO: Thank you,
15 Mr. President.

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

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

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

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

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

1 the ones we're celebrating this afternoon.

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

5 (Applause.)

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

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

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 the
2 West Indian American Day Carnival Association
3 upon the occasion of hosting its 2010
4 celebration of "Carnival: A West Indian
5 Experience -- People, Culture, Music."

6 ACTING PRESIDENT VALESKY: All
7 those in favor please 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 Sampson is opening the
15 resolution to cosponsorship. Any Senator
16 wishing not to cosponsor the resolution should
17 notify the desk.

18 Senator Klein.

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

24 ACTING PRESIDENT VALESKY:
25 Senator Klein, has this resolution been

1 privileged and submitted by the office of the
2 Temporary President?

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

5 ACTING PRESIDENT VALESKY: The
6 Secretary will read.

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

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

16 (Response of "Aye.")

17 ACTING PRESIDENT VALESKY:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT VALESKY: The
21 resolution is adopted.

22 Senator Klein.

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

1 the resolution be read and move for its
2 immediate adoption.

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

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

9 ACTING PRESIDENT VALESKY: The
10 Secretary will read.

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT VALESKY:
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT VALESKY: The

1 resolution is adopted.

2 Senator Klein.

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

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

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

14 ACTING PRESIDENT VALESKY: The
15 Secretary will read.

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

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

1 (Response of "Aye.")

2 ACTING PRESIDENT VALESKY:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT VALESKY: The
6 resolution is adopted.

7 Senator Klein.

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

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

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

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

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

1 2010.

2 ACTING PRESIDENT VALESKY: All
3 those in favor of adopting the resolution
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 Breslin has asked that the
12 resolution be opened for cosponsorship. Any
13 Senator wishing not to cosponsor this
14 resolution should notify the desk.

15 Senator Klein.

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

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

25 SENATOR KLEIN: Yes, it has,

1 Mr. President.

2 ACTING PRESIDENT VALESKY: The
3 Secretary will read.

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

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

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT VALESKY: The
16 resolution is adopted.

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

21 Senator Klein.

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

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

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

7 ACTING PRESIDENT VALESKY: The
8 Secretary will read.

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

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

17 (Response of "Aye.")

18 ACTING PRESIDENT VALESKY:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT VALESKY: The
22 resolution is adopted.

23 Senator Klein.

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

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

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

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

9 ACTING PRESIDENT VALESKY: The
10 Secretary will read.

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

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

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: The
23 resolution is adopted.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President, at

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

4 ACTING PRESIDENT VALESKY: All in
5 favor of adopting the Resolution Calendar in
6 its entirety, with the exception of Resolution
7 5880, 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 Calendar is adopted.

14 Senator Klein.

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

20 ACTING PRESIDENT VALESKY: The
21 Secretary will read.

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

1 celebrated June 1, 2010.

2 ACTING PRESIDENT VALESKY:

3 Senator Stavisky on the resolution.

4 SENATOR STAVISKY: On the
5 resolution, Mr. President.

6 We are here to congratulate the
7 State of Gujarat, which is celebrating its
8 50th jubilee anniversary.

9 It was formed 50 years ago from the
10 17 northern states or the 17 northern --
11 formerly the District of Bombay. There are
12 approximately a quarter of a million residents
13 from that state in New York, living in
14 New York State right now. And in fact it's
15 the largest immigrant community from India.

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

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

1 important part of our community.

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

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

12 Thank you, Mr. President.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Stavisky.

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

19 (Applause.)

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

23 (Response of "Aye.")

24 ACTING PRESIDENT VALESKY:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT VALESKY: The
3 resolution is adopted.

4 Senator Klein.

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

7 ACTING PRESIDENT VALESKY: You
8 may proceed, Senator Klein.

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

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 138, by Senator Foley, Senate Print 6459, an
17 act to amend the Highway Law.

18 ACTING PRESIDENT VALESKY:
19 Senator Klein.

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

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

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY:

3 Senator Klein.

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

6 ACTING PRESIDENT VALESKY: The
7 amendments are received.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on
10 behalf of Senator Squadron, I wish to call up
11 Calendar Number 532, Assembly Print Number
12 1730C.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 532, by Assemblyman Brodsky, Assembly Print
17 Number 1730C, an act to amend the General
18 Business Law.

19 ACTING PRESIDENT VALESKY:
20 Senator Klein.

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

24 ACTING PRESIDENT VALESKY: The
25 Secretary will call the roll on

1 reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT VALESKY: The
5 bill is before the house.

6 Senator Klein.

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

12 ACTING PRESIDENT VALESKY: So
13 ordered.

14 Senator Klein.

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

17 ACTING PRESIDENT VALESKY: The
18 amendments are received.

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

23 ACTING PRESIDENT VALESKY: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 37, by Senator Breslin, Senate Print 4767A, an
2 act to amend the Insurance Law.

3 ACTING PRESIDENT VALESKY:
4 Senator Klein.

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

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

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT VALESKY:
14 Senator Klein.

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

17 ACTING PRESIDENT VALESKY: The
18 amendments are received.

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

23 ACTING PRESIDENT VALESKY: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 242, by Senator Oppenheimer, Senate Print
2 4634, an act to amend the Education Law.

3 ACTING PRESIDENT VALESKY:
4 Senator Klein.

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

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

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT VALESKY: The
14 bill is before the house.

15 Senator Klein.

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

18 ACTING PRESIDENT VALESKY: The
19 amendments are received.

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

1 ACTING PRESIDENT VALESKY: The
2 amendments are received.

3 SENATOR KLEIN: Mr. President, on
4 behalf of Senator Stavisky I move to recommit
5 Senate Print Number 1375B, Calendar Number
6 637, to the Committee on Elections, with
7 instructions to said committee to strike out
8 the enacting clause.

9 ACTING PRESIDENT VALESKY: So
10 ordered.

11 SENATOR KLEIN: Thank you,
12 Mr. President.

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

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

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

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

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

25 (Whereupon, the Senate reconvened

1 at 4:38 p.m.)

2 ACTING PRESIDENT VALESKY:

3 Senator Klein.

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

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

11 The Secretary will read.

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

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

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

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

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

25 All bills ordered direct to third

1 reading.

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

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The
10 Rules Committee report is adopted.

11 Senator Klein.

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

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

18 THE SECRETARY: Calendar Number
19 243, by Member of the Assembly Cook --

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

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

24 THE SECRETARY: Calendar Number
25 457, by Assemblymember Gordon, Assembly Print

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

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

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

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

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

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

1 voting yell.

2 ACTING PRESIDENT VALESKY:

3 Senator Young to be recorded in the
4 affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 605, by Member of the Assembly Kavanagh,
11 Assembly Print Number 620, an act to amend the
12 General Business Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 606, substituted earlier today by
25 Assemblymember Rosenthal, Assembly Print

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

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

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

13 Ayes, 60. Nays, 1.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 621, by Senator Savino, Senate Print 4563C, an
18 act to amend the Retirement and Social
19 Security Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY:

3 Announce the results.

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

10 Ayes, 51. Nays, 10.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 626, by Member of the Assembly Gibson,
15 Assembly Print Number 10705, an act to amend
16 Chapter 777 of the Laws of 1986.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 627, by Member of the Assembly Camara,
4 Assembly Print Number 10728, an act to amend
5 Chapter 613 of the Laws of 1996.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 628, by Senator Espada, Senate Print 6971, an
18 act to amend Chapter 84 of the Laws of 1993.

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, 61.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 655, by Senator Foley, Senate Print 7444, an
6 act to amend the Banking Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 657, by Senator Stavisky, Senate Print 7747,
19 an act to amend Chapter 31 of the Laws of
20 1985.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

25 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 658, by Member of the Assembly Bing, Assembly
8 Print Number 10118, an act to amend Chapter
9 219 of the Laws of 2003.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 659, by Senator Stavisky, Senate Print 7750,
22 an act to amend Chapter 57 of the Laws of
23 2005.

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 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 892, by Senator Breslin, Senate Print 7000B,
11 an act to amend the Insurance Law and the
12 Public Health Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

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

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

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

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

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

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

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

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

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

17 Thank you, Mr. President.

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

21 Senator Fuschillo, to explain his
22 vote.

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

25 I want to thank Senator Breslin,

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

3 It wasn't too long ago that I stood
4 in the driveway of a neighbor of mine who has
5 a young autistic boy with Senator Johnson,
6 Assemblyman Weisenberg, and other colleagues
7 in the Assembly, where we had firsthand that
8 he had to refinance his house, take out a
9 second mortgage because it cost him about
10 \$80,000 a year to provide for the proper
11 treatment for his son with autism.

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

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

24 ACTING PRESIDENT VALESKY:
25 Senator Fuschillo to be recorded in the

1 affirmative.

2 Senator McDonald, to explain his
3 vote.

4 SENATOR McDONALD: Thank you,
5 Mr. President.

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

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

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

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

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

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

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

1 ACTING PRESIDENT VALESKY:

2 Senator McDonald to be recorded in the
3 affirmative.

4 Senator Craig Johnson, to explain
5 his vote.

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

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

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

1 need.

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

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

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

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

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

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

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

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

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

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

3 ACTING PRESIDENT VALESKY:

4 Senator Craig Johnson to be recorded in the
5 affirmative.

6 Senator Seward to explain his vote.

7 SENATOR SEWARD: Thank you,
8 Mr. President.

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

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

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

9 Unfortunately, that means that
10 60,000 New Yorkers -- 1 percent equals 30,000
11 New Yorkers -- dropping health insurance
12 because of not being able to afford it any
13 longer. So a 2 percent increase would mean
14 that 60,000 New Yorkers will not be able to
15 afford health insurance because of this
16 legislation, if that formula is correct.

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

25 I believe that the legislation

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

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

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

1 premium payers and taxpayers can afford.

2 ACTING PRESIDENT VALESKY:

3 Senator Seward to be recorded in the
4 affirmative.

5 Senator Volker, to explain his
6 vote.

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

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

25 But then I began to read through

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

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

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

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

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

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

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

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

6 ACTING PRESIDENT VALESKY:

7 Senator Volker to be recorded in the
8 affirmative.

9 Senator LaValle, to explain his
10 vote.

11 SENATOR LaVALLE: Thank you,
12 Mr. President.

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

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

25 I would say to you that in the last

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

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

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

25 For those of us on Long Island, the

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

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

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

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

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

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

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

13 Senator Liz Krueger, to explain her
14 vote.

15 SENATOR LIZ KRUEGER: Thank you
16 very much.

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

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

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

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

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

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

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

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

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

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

23 Senator DeFrancisco, to explain his
24 vote.

25 SENATOR DeFRANCISCO: Thank you,

1 Mr. President.

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

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

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

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

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

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

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

1 I vote aye, Mr. President.

2 ACTING PRESIDENT VALESKY:

3 Senator DeFrancisco to be recorded in the
4 affirmative.

5 Senator Stewart-Cousins, to explain
6 her vote.

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

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

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

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

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

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

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

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

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

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

14 So certainly I will be voting yes.

15 ACTING PRESIDENT VALESKY:

16 Senator Stewart-Cousins to be recorded in the
17 affirmative.

18 Senator Foley, to explain his vote.

19 SENATOR FOLEY: Thank you,
20 Mr. President.

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

25 When people look at back at this

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

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

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

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

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

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

15 The Secretary will announce the
16 results.

17 THE SECRETARY: Ayes, 61. Nays,
18 0.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 Senator Klein, that completes the
22 reading of the noncontroversial 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 the reading of
3 Senate Supplemental Calendar 60A.

4 THE SECRETARY: Calendar Number
5 937, by Member of the Assembly Abbate,
6 Assembly Print Number 10741, an act to amend
7 Chapter 104 of the Laws of 2005.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

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

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

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

1 THE SECRETARY: Calendar Number
2 344, by Member of the Assembly Hoyt, Assembly
3 Print Number 9070A, an act to amend the Real
4 Property Law.

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

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

9 THE SECRETARY: Calendar Number
10 496, by Member of the Assembly Zebrowski,
11 Assembly Print Number 3762, an act to amend
12 the Penal Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

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

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

6 (Applause.)

7 ACTING PRESIDENT VALESKY: Happy
8 birthday, Senator Breslin.

9 (Applause.)

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

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

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

19 Senator Klein.

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

22 ACTING PRESIDENT VALESKY:
23 Senator Volker.

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

1 7170A, I would like that bill starred because
2 there's going to be an amendment to it.
3 Rather than have it sit there, I'd like to
4 star the bill. Okay? Thank you.

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

8 Senator Klein.

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

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

13 The Secretary will read.

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

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

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

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

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 Senator Klein.

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

8 ACTING PRESIDENT VALESKY: The
9 desk is clear.

10 SENATOR KLEIN: There being no
11 further business, Mr. President, I move that
12 we adjourn until Thursday, June 10th, at
13 11:00 a.m.

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

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