

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 May 20, 2013

11 3:10 p.m.

12
13
14 REGULAR SESSION

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18 SENATOR DAVID J. VALESKY, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise for the presentation of the colors by the
6 10th Mountain Division of Fort Drum, followed by
7 the Pledge of Allegiance.

8 (The Color Guard entered the Senate
9 chamber and presented the colors, after which
10 the assemblage recited the Pledge of Allegiance
11 to the Flag. The Color Guard exited the Senate
12 chamber.)

13 ACTING PRESIDENT VALESKY: We are
14 joined at this time by Chaplain Lieutenant
15 Colonel John Kallerson, of the 10th Mountain
16 Division in Fort Drum. He will offer our
17 invocation.

18 CHAPLAIN KALLERSON: I invite us
19 to pause for a moment of prayer and reflection.

20 Almighty God, we count it as a
21 privilege to live in this nation and ask that
22 You keep us under Your care, living securely in
23 peace and guided by Your providence.

24 Be with our elected officials in
25 their heavy responsibilities, granting them

1 wisdom, strength and compassion in their
2 deliberations. Rule their hearts and minds,
3 that they may faithfully serve the people of
4 New York and the United States.

5 Today we honor the soldiers,
6 families and civilians of the 10th Mountain
7 Division, past and present, proudly living in
8 New York, willingly facing the dangers and
9 challenges of service to our nation in times of
10 war and peace.

11 Inspire our soldiers, men and women
12 who do not seek fame or fortune but who serve
13 because they value a life lived in liberty and
14 freedom. We humbly ask this day, protect our
15 deployed soldiers, strengthen our families,
16 empower our resolve in defending the ideals that
17 we serve to preserve for all generations. And
18 grant us victory in our endeavors.

19 So help us, Lord, to stay thankful
20 for the many blessings that we enjoy and for the
21 immeasurable support and encouragement of
22 New York State and our nation's people as we
23 lift up all who serve our nation, bright stars
24 of freedom for the entire world to see.

25 Hear our prayer, O Lord, for we ask

1 this in Your most holy presence.

2 Amen.

3 ACTING PRESIDENT VALESKY: The
4 reading of the Journal.

5 The Secretary will read.

6 THE SECRETARY: In Senate, Sunday,
7 May 19th, the Senate met pursuant to
8 adjournment. The Journal of Saturday, May 18th,
9 was read and approved. On motion, Senate
10 adjourned.

11 ACTING PRESIDENT VALESKY: Without
12 objection, the Journal stands approved as read.

13 Presentation of petitions.

14 Messages from the Assembly.

15 The Secretary will read.

16 THE SECRETARY: On page 34,
17 Senator Gallivan moves to discharge, from the
18 Committee on Finance, Assembly Bill Number 4105
19 and substitute it for the identical Senate Bill
20 Number 3180, Third Reading Calendar 524.

21 And on page 35, Senator Golden
22 moves to discharge, from the Committee on Civil
23 Service and Pensions, Assembly Bill Number 4982
24 and substitute it for the identical Senate Bill
25 Number 4755, Third Reading Calendar 532.

1 ACTING PRESIDENT VALESKY:

2 Substitutions ordered.

3 Messages from the Governor.

4 Reports of standing committees.

5 Reports of select committees.

6 Communications and reports from
7 state officers.

8 Motions and resolutions.

9 Senator Libous.

10 SENATOR LIBOUS: Thank you,
11 Mr. President. I've got a little bit of a cold,
12 so my voice has changed.

13 I believe there's a privileged
14 resolution at the desk by Senator Ritchie. It's
15 Number 1830. May we have the resolution read in
16 its entirety and then, after the resolution is
17 read, call on Senator Skelos and then on
18 Senator Ritchie.

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

21 THE SECRETARY: Legislative
22 Resolution Number 1830, by Senator Ritchie,
23 memorializing Governor Andrew M. Cuomo to
24 proclaim May 20, 2013, as 10th Mountain Division
25 and Fort Drum Day in the State of New York.

1 "WHEREAS, It is the sense of this
2 Legislative Body to support and promote the
3 historic and significant achievements of
4 Fort Drum and the United States Army 10th
5 Mountain Division; and

6 "WHEREAS, Attendant to such concern,
7 and in full accord with its long-standing
8 traditions, this Legislative Body is justly proud
9 to memorialize Governor Andrew M. Cuomo to
10 proclaim May 20, 2013, as 10th Mountain Division
11 and Fort Drum Day in the State of New York; and

12 "WHEREAS, Fort Drum is the largest
13 United States Army post in the Northeastern
14 United States, with 19,987 soldiers and
15 4,614 civilian workers; and

16 "WHEREAS, Fort Drum is the largest
17 employer in Northern New York, with an economic
18 impact on the North Country and the State of
19 New York of \$1.6 billion; and

20 "WHEREAS, Fort Drum traces its roots
21 to 1907, when the post was known as Camp Hughes,
22 after New York Governor Charles Hughes. It was
23 later known as Pine Camp. Then in 1951, it was
24 named Camp Drum in honor of Lieutenant General
25 Hugh A. Drum, who commanded the First Army during

1 World War II. Eventually, in 1974, it was
2 designated as Fort Drum; and

3 "WHEREAS, The 10th Mountain
4 Division, which earned special honor during
5 World War II, fighting in the mountains of Italy
6 in some of the roughest terrain in the country,
7 and which was renowned for its expertise in
8 mountain and winter warfare, was reactivated at
9 Fort Drum in 1985, as a rapid deployment combat
10 light infantry unit, dispatched to trouble spots
11 around the globe; and

12 "WHEREAS, Fort Drum continues to be
13 home to the United States Army 10th Mountain
14 Division (Light Infantry), which includes the
15 most deployed combat brigade in the United States
16 Army, with deployments to Operation Desert Storm,
17 Saudi Arabia; Operation Restore Hope and
18 Operation Continue Hope, Somalia; Operation
19 Uphold Democracy, Haiti; Operation Joint Forge
20 (Bosnia and Herzegovina); and Operation Joint
21 Guardian, Kosovo; as well as hurricane relief
22 efforts inside the United States; and

23 "WHEREAS, The 10th Mountain
24 Division's three combat brigades at Fort Drum
25 have seen numerous deployments to both Iraq and

1 Afghanistan in support of Operation Iraqi Freedom
2 and Operation Enduring Freedom, in fighting the
3 nation's ongoing war against terrorism since
4 September 11, 2001; and

5 "WHEREAS, Fort Drum and the
6 10th Mountain Division are commanded by Major
7 General Stephen J. Townsend and a dedicated cadre
8 of officers whose commitment to our nation and
9 our troops is exemplary; and

10 "WHEREAS, The 10th Mountain
11 Division, throughout its operational history, has
12 been awarded six campaign streamers, including
13 two in World War II and four in the War on
14 Terrorism, as well as two unit decorations; and

15 "WHEREAS, Recipients of the
16 nation's highest military honor for valor, the
17 Medal of Honor, include two members of the
18 10th Mountain division: Pfc. John D. Magrath,
19 for his actions at Castel d'Aiano, Italy, during
20 World War II, and Sfc. Jared Monti, who received
21 the honor posthumously in 2009, for his heroism
22 in Kunar Province, Afghanistan, as part of
23 Operation Enduring Freedom, and who is one of
24 just six Medal of Honor recipients since 2001,
25 the start of the global war on terrorism; and

1 "WHEREAS, Thousands of New York men
2 and women have passed through Fort Drum as
3 members of our armed forces, the Army,
4 National Guard and Reserves, showing service,
5 dedication, sacrifice, and commitment and living
6 up to the 10th Mountain Division motto 'Climb to
7 Glory'; now, therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to memorialize
10 Governor Andrew M. Cuomo to proclaim May 20,
11 2013, as 10th Mountain Division and Fort Drum Day
12 in the State of New York; and be it further

13 "RESOLVED, That copies of this
14 resolution, suitably engrossed, be transmitted to
15 the Honorable Andrew M. Cuomo, Governor of the
16 State of New York; the Honorable John McHugh,
17 Secretary of the Army; and Major General Stephen
18 J. Townsend, Commanding General of Fort Drum and
19 the 10th Mountain Division."

20 ACTING PRESIDENT VALESKY: Senator
21 Skelos on the resolution.

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

24 We're truly honored today to have
25 the commanding general of the 10th Mountain

1 Division, Major General Stephen Townsend, with
2 us, and some of his colleagues from Fort Drum.

3 I want to thank Senator Ritchie for
4 making this day possible, sponsoring it and
5 putting all the efforts that's necessary to make
6 sure that it is a success.

7 The 10th Mountain Division has an
8 incredible history of defending our country and
9 fighting for freedom around the world since its
10 first combat deployment in Italy in 1945. The
11 division also has a strong history of
12 humanitarian missions in places like Bosnia,
13 Haiti, and Somalia, and even here in the
14 United States. There are still hundreds of
15 members of the 10th Mountain Division serving in
16 Afghanistan, and we look forward to their early
17 return.

18 General Townsend, your presence here
19 reminds us how lucky we are as Americans to have
20 brave young men and women dedicating their lives
21 and sometimes giving their lives to protect our
22 country and our freedoms, and how lucky we are as
23 New Yorkers to have Fort Drum located in our
24 state. You have an enormous impact on the
25 economy of the North Country, but even more

1 important, you provide all of us with
2 inspiration.

3 We appreciate your service. We want
4 everyone serving at Fort Drum to know how proud
5 we are of them. And we thank you for joining us
6 here today.

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

9 Senator Ritchie on the resolution.

10 SENATOR RITCHIE: Thank you,
11 Mr. President.

12 I am honored to welcome Major
13 General Stephen Townsend and the officers and
14 soldiers of the 10th Mountain Division and
15 Fort Drum to the Senate today.

16 I want to thank Chaplain Lieutenant
17 Colonel John Kallerson for his invocation, and
18 also the Color Guard for their presentation.

19 The 10th Mountain Division is the
20 most deployed combat division. The men and women
21 of the 10th Mountain Division have served in
22 trouble spots around the globe. In fact, right
23 now hundreds of 10th Mountain Division
24 soldiers are serving in Afghanistan, helping to
25 spread and defend freedom. And because they are

1 based at Fort Drum, in my district in
2 Jefferson County, the 10th Mountain Division is
3 New York's division as well.

4 I want to thank General Townsend for
5 bringing with him today some representatives of
6 the 10th Mountain Division who represent hundreds
7 of native New Yorkers who serve there. I ask
8 them to stand so we can recognize them for their
9 service.

10 Captain Richard Loveless, who is
11 from Weedsport. Staff Sergeant Michael Housk,
12 who is from Derby. Specialist Brian Menard, who
13 is from Utica. Private First Class Scott
14 Haughney, who is from Massapequa Park.

15 And there is one more, Lieutenant
16 Colonel Jason Lewallen, who is actually from
17 Texas. But because he spent time at West Point,
18 I think we can consider him a constituent of
19 Colonel Bill Larkin.

20 Every day I meet soldiers at the
21 gas station, the supermarket, and at school
22 because they are part of the community that I
23 represent: 38,000 soldiers and their families
24 who have made an extraordinary choice to be part
25 of America's Army, to make a stand for freedom.

1 And I am proud, General, to share
2 their story of Fort Drum with my colleagues from
3 across the state so that the members of the
4 Senate and the state government can meet and see
5 some of the men and women who defend us.

6 Colonel Larkin reminds us nearly
7 every day how important it is to say thank you
8 for those who wear the uniform. So in May we
9 celebrate, as a nation, Military Appreciation
10 Month. Tomorrow here in the Senate we will honor
11 veterans from across New York State who have
12 served with distinction both in the military and
13 in civilian careers. And seven days from now we
14 will pause to remember all those who never made
15 it back, including too many members of the
16 10th Mountain Division.

17 Today we applaud the solders and
18 officers of the 10th Mountain Division and
19 Fort Drum. We recognize your achievements, we
20 pledge our continuing support, and we say thank
21 you for your service.

22 Thank you, Mr. President.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Ritchie.

25 Senator Skelos.

1 SENATOR SKELOS: Thank you very
2 much, Mr. President.

3 I'd like to ask for unanimous
4 consent for General Townsend now to address the
5 Senate.

6 ACTING PRESIDENT VALESKY: If
7 Major General Stephen Townsend would come forward
8 at this time and address the New York State
9 Senate.

10 MAJOR GENERAL TOWNSEND: Well, good
11 afternoon.

12 (No response.)

13 MAJOR GENERAL TOWNSEND: Tough
14 crowd.

15 (Laughter.)

16 MAJOR GENERAL TOWNSEND: Good
17 afternoon.

18 (Loud response from the assemblage.)

19 MAJOR GENERAL TOWNSEND: Climb to
20 glory.

21 This is a first for me, addressing
22 such a body, but I looked forward to it.

23 Senator Skelos and Senator Klein,
24 Senator Stewart-Cousins and all the members
25 assembled here today, first let me express my

1 appreciation to all of you for this opportunity
2 to highlight New York's own 10th Mountain
3 Division and Fort Drum from the North Country.

4 To Senator Ritchie and her staff,
5 thanks for all your diligent efforts in making
6 this day possible two years running now.

7 To the veterans assembled here, and
8 in particular let me point out -- I just met him
9 today -- Colonel Larkin, for his own service
10 dating back to World War II in the Pacific. To
11 all the veterans in the chamber, thank you for
12 your service and your support, the support that
13 you show to this new greatest generation serving
14 our nation and protecting her.

15 To the friends and family members
16 and supporters of the 10th Mountain Division and
17 Fort Drum, without you what we ask our soldiers
18 to do would be infinitely much more difficult.

19 I'll make three brief points today.
20 First, your 10th Mountain Division and Fort Drum
21 are still very much a part of our nation's effort
22 in Afghanistan. Second, we have America's finest
23 sons and daughters serving up there in the
24 North Country, and I've brought a few of them
25 with me today that you've just been introduced

1 to. And third is the importance of Fort Drum and
2 the 10th Mountain Division to the State of
3 New York.

4 As my predecessor, General Mark
5 Milley, now leading our troops in Afghanistan,
6 recounted from this podium last year, the
7 10th Mountain Division was born in the early
8 years of World War II. They conducted part of
9 their training here in New York, in the
10 mountains, and in New England before playing a
11 pivotal role in the Allied victory in Italy. In
12 1985 the division was reactivated in Fort Drum to
13 provide a special rapid deployment capability for
14 our nation.

15 Fort Drum was significantly expanded
16 and specially designed to project the nation's
17 power across the globe, and we stand ready to do
18 that today. As you all know, since reactivation
19 the 10th Mountain Division remains among the most
20 deployed divisions if not the most deployed
21 division in the United States Army.

22 Our tempo at Fort Drum has always
23 been high. Last year two brigades returned from
24 Afghanistan while we were preparing three other
25 brigades for deployment. Also last year,

1 Fort Drum was called upon to provide relief
2 support here at home after the devastation of
3 Hurricane Sandy. Through all of this, our
4 division headquarters was on standby alert to
5 deploy anywhere in the world. Today, your 10th
6 Mountain Division stands ready to deploy anywhere
7 in the world in support of our nation's interests
8 abroad.

9 In 2001, the 10th Mountain Division
10 provided the first general-purpose ground combat
11 forces in Afghanistan, in response to the attacks
12 of September 11th. It's probably fitting, then,
13 that our division should be one of the last to go
14 to Afghanistan as well. With the completion of
15 Operation Iraqi Freedom and the draw-down of
16 forces in Afghanistan, this will mean a reduction
17 in operational tempo and deployments for many
18 units and installations across America -- but not
19 for your 10th Mountain Division, not for your
20 Fort Drum.

21 Today we have two infantry brigades
22 and our aviation brigade in Afghanistan, over
23 5,000 troops. We are preparing our third and
24 fourth brigades for deployment in the coming
25 months. And by early next year, we expect my

1 division headquarters and our sustainment brigade
2 to deploy again as well. So all of the units on
3 Fort Drum in 2013 and 2014 in Afghanistan.

4 So when you hear people say that our
5 nation is drawing down in Afghanistan and our
6 Army is returning to our its garrisons, I want
7 you to tell them that's true, but not New York's
8 10th Mountain Division and not New York's
9 Fort Drum. We'll continue to be there in
10 Afghanistan through 2014.

11 The best of America's youth serve at
12 Fort Drum. The soldiers of your 10th Mountain
13 division are very well trained, they're very
14 motivated, they're very well led by some of the
15 most experienced junior and mid-level leaders our
16 Army has ever seen.

17 I've brought with me today four
18 soldiers from the 10th Mountain Division,
19 citizens of the State of New York. I guess we're
20 all citizens of the State of New York today.
21 I've got a bunch here in the back with the
22 Color Guard, but you were introduced to the four
23 right up front here.

24 Captain Richard Loveless is an
25 artillery officer from Weedsport; eight years of

1 service, two combat deployments. Staff Sergeant
2 Michael Housk is an intel sergeant from Derby;
3 eight years of service, one combat deployment.
4 Specialist Brian Menard is an ammunition
5 specialist from Utica. He's two combat
6 deployments, he's got about a year in the Army
7 but four prior years in the Marine Corps. His
8 Marine Corps service is proof that the Army is an
9 equal opportunity employer.

10 (Laughter.)

11 MAJOR GENERAL TOWNSEND: And
12 Pfc Scott Haughney, a medic with about one year
13 of service, from Massapequa Park.

14 I hope you get a chance to talk to
15 all of these soldiers right after this
16 proceeding. You should be very proud of them. I
17 know I am.

18 The 10th Mountain Division is proud
19 to be part of what makes the North Country a
20 great place to live, and we're fortunate to
21 receive fantastic support from our North Country
22 neighbors.

23 Last year the direct economic impact
24 of the 10th Mountain Division and Fort Drum
25 exceeded \$1.4 billion. The real economic impact

1 is probably in the neighborhood of \$2.1 billion
2 to \$2.3 billion. Fort Drum employs almost
3 5,000 civilians and is the region's largest
4 employer.

5 The infrastructure improvements
6 around Fort Drum and on Fort Drum are
7 unparalleled. The Army's cooperation with our
8 schools, environmental conservation, and
9 healthcare providers is unique to Fort Drum and
10 in our Army. Fort Drum has now been recognized
11 by the Army for four years running as an Army
12 Community of Excellence. That's in large part a
13 credit to our neighbors in Northern New York who
14 truly make Fort Drum a home rather than just a
15 place to be assigned to. We all know that what's
16 good for Fort Drum is good for New York.

17 Today, in the era of increasing
18 austerity, none of us can take the existence of
19 Fort Drum for granted. In response to national
20 decisions, our Army is downsizing and planning to
21 cut between eight and 12 brigades from our end
22 strength. With only 11 divisions in our Army,
23 it's almost certain that at least one brigade
24 will come from our 10th Mountain Division.

25 If sequestration remains in effect,

1 it may force the Army to reduce as many as twice
2 as many brigades than currently planned. If this
3 happens, we could expect the Army to lose some
4 divisions as well. We ask for your continued
5 support to your 10th Mountain Division and your
6 Fort Drum.

7 Distinguished Senators, ladies and
8 gentlemen, thank you for this opportunity to
9 address you today. We're proud that you've made
10 May 20, 2013, 10th Mountain Division and
11 Fort Drum Day here in New York.

12 I'd ask you to please remember and
13 say a prayer for America's sons and daughters who
14 are deployed in harm's way as you enjoy your
15 upcoming Memorial Day.

16 Thank you. Climb to glory.

17 (Standing ovation.)

18 ACTING PRESIDENT VALESKY: Thank
19 you very much, General, for those remarks.

20 And a very special welcome to all of
21 the members of the 10th Mountain Division from
22 Fort Drum who are with us today.

23 The question is on the resolution.
24 All in favor signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT VALESKY: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT VALESKY: The
5 resolution is adopted.

6 Senator Libous.

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

9 And Senator Ritchie would like to
10 open the resolution up to the entire chamber. So
11 as our policy goes, all members will be placed on
12 it. If for some reason you choose not to be on
13 the resolution, let the desk know.

14 And then, Mr. President, if we could
15 stand at ease for about five minutes so that the
16 members of the house could meet our honored
17 guests.

18 ACTING PRESIDENT VALESKY: The
19 resolution is open for cosponsorship. If anyone
20 chooses not to be on the resolution, they should
21 notify the desk.

22 And the Senate will now stand at
23 ease for about five minutes.

24 (Whereupon, the Senate stood at ease
25 at 3:25 p.m.)

1 (Whereupon, the Senate reconvened at
2 3:35 p.m.)

3 ACTING PRESIDENT VALESKY: Senator
4 Libous.

5 SENATOR LIBOUS: Thank you,
6 Mr. President.

7 I brought Mickey Mouse to the
8 chamber with me today, for those of you who are
9 wondering. It's supposed to be a joke.

10 (Laughter.)

11 SENATOR LIBOUS: At this time I
12 think what we'd like to do is, under motions and
13 resolutions, there's a resolution at the desk by
14 Senator DeFrancisco, Number 661. It was
15 previously adopted by the house on March 7th.

16 May we have the title read and call
17 on Senator DeFrancisco.

18 ACTING PRESIDENT VALESKY: The
19 Secretary will read the title.

20 THE SECRETARY: Legislative
21 Resolution Number 661, by Senator DeFrancisco,
22 honoring Michael Brussel on winning honorable
23 mention in the Elks Area 1 National Soccer
24 Shoot-Out contest.

25 ACTING PRESIDENT VALESKY: Senator

1 DeFrancisco on the previously adopted resolution.

2 SENATOR DeFRANCISCO: Yes, this
3 resolution was adopted on March 7th, but we were
4 able to have the family come so that Michael
5 could be suitably honored.

6 We have many individuals who do
7 extremely well in various sports in Central
8 New York, and Michael is one of them. He was in
9 the under-14 division of the National Soccer
10 Shoot-Out contest, and he did extremely well.

11 But more importantly, he's a good
12 student. And he's at Durgee Junior High School;
13 correct? All right. All A's; correct? Well, if
14 they're not, they will be sooner or later.

15 So we wanted to honor him today for
16 his outstanding national competition and how high
17 he was able to achieve in that national
18 competition, and to honor his great work in
19 school and throughout the community.

20 So with that said, Michael is here
21 with his parents, Andy and Lynn; his brother,
22 James; his sister, Carolyn -- how come they're
23 not in school today? They're missing school
24 today. I guess this is a good reason to miss
25 school -- and grandparents Bob and Peg Brussel.

1 So congratulations, Michael.

2 (Applause.)

3 ACTING PRESIDENT VALESKY:

4 Congratulations, Michael. Welcome to you and
5 your family to the State Capitol.

6 Senator Libous.

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

9 At this time could you call on
10 Senator Kennedy for the purposes of recognition
11 of a group.

12 ACTING PRESIDENT VALESKY: Senator
13 Kennedy.

14 SENATOR KENNEDY: Thank you very
15 much, Mr. President.

16 I'd just like to take this
17 opportunity to introduce a group of women that
18 are here today all the way from Buffalo. If you
19 could stand up.

20 In the chambers we have a group that
21 came here, they're from a new organization called
22 Women Elect that's focused on getting women
23 engaged in the government process and really
24 civic duty to the community. The people that
25 have joined us here today are Diana Cihak,

1 Amber Small, Heather Jasen, Melanie Shorey,
2 Cait Kennedy, and Erin Codey.

3 Their goal is to get women involved
4 in government, but ultimately to increase the
5 amount of women engaged in the political process
6 and into elected office. So I wanted to take
7 this opportunity to recognize them. They've had
8 a wonderful day.

9 Women Elect is a nonpartisan
10 organization, so they fit right in here in the
11 New York State Senate, us being a nonpartisan
12 crowd.

13 So thank you, Mr. President. If you
14 could give them the honor of the house.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Kennedy.

17 And a very special welcome to our
18 guests from Buffalo. Enjoy your day here at the
19 State Capitol. Thank you.

20 (Applause.)

21 ACTING PRESIDENT VALESKY:
22 Senator Libous.

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

25 Can we call on Senator Gianaris for

1 a motion, please.

2 ACTING PRESIDENT VALESKY: Senator
3 Gianaris.

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

6 On behalf of Senator Parker, on
7 page number 35 I offer the following amendments
8 to Calendar Number 535, Senate Print Number 1615,
9 and ask that said bill retain its place on
10 Third Reading Calendar.

11 ACTING PRESIDENT VALESKY: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,
16 would you also call on Senator Carlucci at this
17 time.

18 ACTING PRESIDENT VALESKY: Senator
19 Carlucci.

20 SENATOR CARLUCCI: Thank you,
21 Mr. President.

22 I wish to call up, on behalf of
23 Senator Klein, Bill Number 2369, recalled from
24 the Assembly, which is now at the desk.

25 ACTING PRESIDENT VALESKY: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 326, by Senator Klein, Senate Print 2369, an act
4 to amend the Local Finance Law.

5 ACTING PRESIDENT VALESKY: Senator
6 Carlucci.

7 SENATOR CARLUCCI: Mr. President, I
8 now move to reconsider the vote by which this
9 bill was passed.

10 ACTING PRESIDENT VALESKY: Call the
11 roll on reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT VALESKY: Senator
15 Carlucci.

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

18 ACTING PRESIDENT VALESKY: The
19 amendments are received.

20 Senator Libous.

21 SENATOR LIBOUS: Thank you,
22 Mr. President.

23 I have a number of motions, so if
24 the house would bear with me.

25 On behalf of Senator Martins, I wish

1 to call up his bill, Print Number 4681, recalled
2 from the Assembly, which is now at the desk.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 514, by Senator Martins, Senate Print 4681, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT VALESKY: Senator
9 Libous.

10 SENATOR LIBOUS: Thank you,
11 Mr. President. I now move to reconsider the vote
12 by which this bill was passed.

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: Senator
18 Libous.

19 SENATOR LIBOUS: I offer up the
20 following amendments.

21 ACTING PRESIDENT VALESKY: The
22 amendments are received.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, on
25 behalf of Senator Zeldin, I wish to call up his

1 bill, Senate Print Number 2925A, recalled from
2 the Assembly, which is now at the desk.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 327, by Senator Zeldin, Senate Print 2925A, an
7 act to authorize.

8 ACTING PRESIDENT VALESKY: Senator
9 Libous.

10 SENATOR LIBOUS: Mr. President, I
11 move to reconsider the vote by which this bill
12 was passed.

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: Senator
18 Libous.

19 SENATOR LIBOUS: Mr. President, I
20 offer up the following amendments.

21 ACTING PRESIDENT VALESKY: The
22 amendments are received.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, on
25 behalf of Senator Boyle, I wish to call up his

1 bill, Senate Print Number 4367, recalled from the
2 Assembly, which is now at the desk.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 466, by Senator Boyle, Senate Print 4367, an act
7 to amend the Environmental Conservation Law.

8 ACTING PRESIDENT VALESKY: Senator
9 Libous.

10 SENATOR LIBOUS: Thank you,
11 Mr. President. I now move to reconsider the vote
12 by which this bill was passed.

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: Senator
18 Libous.

19 SENATOR LIBOUS: Mr. President, I
20 offer up the following amendments.

21 ACTING PRESIDENT VALESKY: The
22 amendments are received.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 again on behalf of Senator Zeldin, I call up

1 Senate Print 4132, recalled from the Assembly,
2 which is now at the desk.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 490, by Senator Zeldin, Senate Print 4132, an act
7 authorizing.

8 ACTING PRESIDENT VALESKY: Senator
9 Libous.

10 SENATOR LIBOUS: Mr. President, I
11 now move to reconsider the vote by which this
12 bill was passed.

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: Senator
18 Libous.

19 SENATOR LIBOUS: Mr. President, I
20 offer up the following amendments.

21 ACTING PRESIDENT VALESKY: Those
22 amendments are received.

23 SENATOR LIBOUS: Okay.
24 Mr. President, on behalf of Senator DeFrancisco,
25 I move that the following bill be discharged from

1 its respective committee and be recommitted with
2 instructions to strike the enacting clause. And
3 that would be Senate Print 4854.

4 ACTING PRESIDENT VALESKY: So
5 ordered.

6 SENATOR LIBOUS: Thank you,
7 Mr. President.

8 Mr. President, I'd like to offer up
9 amendments to the following Third Reading
10 Calendar bills.

11 On behalf of Senator Nozzolio,
12 page 11, Calendar Number 47, Senate Print 1895.

13 On behalf of Senator Seward,
14 page 13, Calendar Number 146, Senate Print 3084.

15 On behalf of Senator Ranzenhofer,
16 page 17, Calendar Number 223, Senate Print 3755.

17 On behalf of Senator Zeldin, on
18 page 19, Calendar Number 286, Senate Print
19 3823A.

20 On behalf of Senator Maziarz,
21 page 19, Calendar Number 303, Senate Print 1081.

22 On behalf of Senator Marchione,
23 page 29, Calendar Number 471, Senate Print 4553.

24 And on behalf of Senator Marcellino,
25 page 30, Calendar Number 483, Senate Print 3812.

1 Mr. President, I move that these
2 bills retain their place on the order of
3 third reading.

4 ACTING PRESIDENT VALESKY: All of
5 those amendments are received, and said bills
6 will retain their place on the Third Reading
7 Calendar.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President, at
10 this time could we have the reading of the
11 noncontroversial calendar.

12 ACTING PRESIDENT VALESKY: The
13 Secretary will proceed with the reading of the
14 noncontroversial calendar.

15 THE SECRETARY: Calendar Number 99,
16 by Senator Maziarz, Senate Print 1186A, an act to
17 amend the Energy Law.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 118, by Senator DeFrancisco, Senate Print 337, an
5 act to amend the Penal Law.

6 ACTING PRESIDENT VALESKY: Read the
7 last section.

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

10 ACTING PRESIDENT VALESKY: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT VALESKY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 168, by Senator Martins, Senate Print 3661A, an
18 act to amend the Real Property Tax Law.

19 ACTING PRESIDENT VALESKY: Read the
20 last section.

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

23 ACTING PRESIDENT VALESKY: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT VALESKY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 169, by Senator Martins, Senate Print 3708, an
6 act to amend the Real Property Tax Law.

7 ACTING PRESIDENT VALESKY: Read the
8 last section.

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

11 ACTING PRESIDENT VALESKY: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 189, by Senator Maziarz, Senate Print 1079A, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT VALESKY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of November.

24 ACTING PRESIDENT VALESKY: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59. Nays,

3 1. Senator Montgomery recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 222, by Senator Flanagan, Senate Print 1443, an
8 act to amend the Public Authorities Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 235, by Senator Nozzolio, Senate Print 3593B, an
21 act to amend the Village Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59. Nays,
5 1. Senator Ball recorded in the negative.

6 ACTING PRESIDENT VALESKY: The bill
7 is passed.

8 Calendar Number 303 was amended
9 earlier today and therefore is not live.

10 The Secretary will continue to read.

11 THE SECRETARY: Calendar Number
12 311, by Senator Seward, Senate Print 3051, an act
13 to amend the State Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 313, by Senator Seward, Senate Print 3949, an act

1 to amend the Public Officers Law.

2 ACTING PRESIDENT VALESKY: Read the
3 last section.

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

6 ACTING PRESIDENT VALESKY: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59. Nays,
10 1. Senator Ball recorded in the negative.

11 ACTING PRESIDENT VALESKY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 324, by Senator Grisanti, Senate Print 1710, an
15 act to amend the Real Property Tax Law.

16 ACTING PRESIDENT VALESKY: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 120th day.

20 ACTING PRESIDENT VALESKY: Call the
21 roll.

22 (The Secretary called the roll.)

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

25 SENATOR GRISANTI: Yes, thank you,

1 Mr. President.

2 My fellow colleagues, this
3 legislation passed last year. And if you want to
4 talk about a piece of green legislation, you
5 can't get any greener than having localities be
6 able to have exemptions for green development
7 homes.

8 Could you imagine having a home that
9 has no electric bill or no gas bill? That's what
10 this does. That's what's being developed right
11 now by Natale Builders in Western New York. They
12 have these divisions. They use geothermal
13 technology, they use solar, they use wind.

14 And what this legislation does is it
15 allows local governments to grant a 35 percent
16 reduction in the property taxes for a period of
17 years in order to facilitate growth for green
18 home legislation.

19 A lot of specifics. It relies on
20 protection of high-value vegetation, improving
21 the soil, rain barrels with the downspouts.
22 Recyclable-content building materials must be
23 used. Built-in recycling collection space,
24 renewable energy sources per house, Energy Star
25 rated at 3.0 or higher.

1 So I urge all of my colleagues to
2 join onto this bill and tell their counterparts
3 in the Assembly to join on it as well. We can
4 use these renewable resources to move forward in
5 our production of green homes in the future.

6 Mr. President, I vote aye.

7 ACTING PRESIDENT VALESKY: Senator
8 Grisanti to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT VALESKY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 332, by Senator Lanza, Senate Print 4146, an act
15 to amend Chapter 306 of the Laws of 2011.

16 ACTING PRESIDENT VALESKY: Read the
17 last section.

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

20 ACTING PRESIDENT VALESKY: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT VALESKY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 350, by Senator Ball, Senate Print 2655A, an act
3 to amend the Military Law.

4 ACTING PRESIDENT VALESKY: Read the
5 last section.

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

8 ACTING PRESIDENT VALESKY: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: In relation to
12 Calendar Number 350: Ayes, 58. Nays, 3.
13 Senators Gianaris, Parker and Rivera recorded in
14 the negative.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 353, by Senator Ranzenhofer, Senate Print 4287,
19 an act to amend the Private Housing Finance Law.

20 ACTING PRESIDENT VALESKY: Read the
21 last section.

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

24 ACTING PRESIDENT VALESKY: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT VALESKY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 384, by Senator Grisanti, Senate Print 1721B, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT VALESKY: Read the
9 last section.

10 THE SECRETARY: Section 25. This
11 act shall take effect on the 60th day.

12 ACTING PRESIDENT VALESKY: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60. Nays,
16 1. Senator Montgomery recorded in the negative.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 399, by Senator Ranzenhofer, Senate Print 1695A,
21 an act to amend the Alcoholic Beverage Control
22 Law.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59. Nays,
6 2. Senators Montgomery and Parker recorded in
7 the negative.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 415, by Senator Marcellino, Senate Print 2526, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT VALESKY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect April 1, 2014.

17 ACTING PRESIDENT VALESKY: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT VALESKY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 432, by Senator Ranzenhofer, Senate Print 2345A,
25 an act in relation to alienation.

1 ACTING PRESIDENT VALESKY: There is
2 a home-rule message at the desk.

3 Read the last section.

4 THE SECRETARY: Section 7. This
5 act shall take effect immediately.

6 ACTING PRESIDENT VALESKY: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 438, by Senator Young, Senate Print 4400, an act
14 to amend Chapter 514 of the Laws of 1983.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

17 THE SECRETARY: Section 7. This
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT VALESKY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 472, by Senator Young, Senate Print 4578, an act
2 to amend Chapter 321 of the Laws of 2011.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58. Nays,
11 3. Senators Espaillat, Perkins and Serrano
12 recorded in the negative.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 495, by Senator Gallivan, Senate Print 4364, an
17 act to amend the Local Finance Law.

18 ACTING PRESIDENT VALESKY: There is
19 a home-rule message at the desk.

20 Read the last section.

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

23 ACTING PRESIDENT VALESKY: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60. Nays,
2 1. Senator Ball recorded in the negative.

3 ACTING PRESIDENT VALESKY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 501, by Senator Grisanti, Senate Print 1599, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT VALESKY: Read the
9 last section.

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

12 ACTING PRESIDENT VALESKY: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT VALESKY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 503, by Senator LaValle, Senate Print 2037, an
20 act to amend the Highway Law.

21 ACTING PRESIDENT VALESKY: Read the
22 last section.

23 THE SECRETARY: Section 4. This
24 act shall take effect immediately.

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60. Nays,

4 1. Senator Avella recorded in the negative.

5 ACTING PRESIDENT VALESKY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 504, by Senator Maziarz, Senate Print 2063, an
9 act to amend the Highway Law.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 505, by Senator Valesky, Senate Print 2349A, an
22 act to amend the Highway Law.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT VALESKY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 509, by Senator Seward, Senate Print 3765, an act
10 to amend the Highway Law.

11 ACTING PRESIDENT VALESKY: Read the
12 last section.

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

15 ACTING PRESIDENT VALESKY: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 510, by Senator Ranzenhofer, Senate Print 3795,
23 an act to amend the Highway Law.

24 ACTING PRESIDENT VALESKY: Read the
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 511, by Senator Libous, Senate Print 4360A, an
11 act to amend the Highway Law.

12 ACTING PRESIDENT VALESKY: Read the
13 last section.

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

16 ACTING PRESIDENT VALESKY: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT VALESKY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 513, by Senator Young, Senate Print 4592, an act
24 to amend the Highway Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 522, by Senator Valesky, Senate Print 2147, an
12 act to authorize.

13 ACTING PRESIDENT VALESKY: Read the
14 last section.

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

17 ACTING PRESIDENT VALESKY: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61. Nays,
21 1. Senator Espaillat recorded in the negative.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 524, substituted earlier by Member of the

1 Assembly Aubry, Assembly Print Number 4105, an
2 act to amend Chapter 29 of the Laws of 2011.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT VALESKY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 530, by Senator Libous, Senate Print 3785A, an
15 act to amend the Retirement and Social Security
16 Law.

17 ACTING PRESIDENT VALESKY: Read the
18 last section.

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

21 ACTING PRESIDENT VALESKY: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 532, substituted earlier by Member of the
4 Assembly Brook-Krasny, Assembly Print 4982, an
5 act to amend the Education Law.

6 ACTING PRESIDENT VALESKY: Read the
7 last section.

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

10 ACTING PRESIDENT VALESKY: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT VALESKY: The bill
15 is passed.

16 Calendar Number 535 was amended
17 earlier today and therefore is not live.

18 The Secretary will continue to read.

19 THE SECRETARY: Calendar Number
20 536, by Senator Golden, Senate Print 2096, an act
21 to amend the Public Authorities Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT VALESKY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 538, by Senator Hannon, Senate Print 3841, an act
9 to amend Chapter 154 of the Laws of 1921.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect upon the enactment into law
14 by the State of New Jersey.

15 ACTING PRESIDENT VALESKY: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 540, by Senator Ranzenhofer, Senate Print 4323,
23 an act to amend the Not-For-Profit Corporation
24 Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect on the first of April.

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 541, by Senator Ranzenhofer, Senate Print 4324,
12 an act to amend the Not-For-Profit Corporation
13 Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect immediately.

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 545, by Senator Nozzolio, Senate Print 4603, an

1 act to amend the Not-For-Profit Corporation Law.

2 ACTING PRESIDENT VALESKY: Read the
3 last section.

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

6 ACTING PRESIDENT VALESKY: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT VALESKY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 546, by Senator Libous, Senate Print 978, an act
14 to amend the State Finance Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

17 THE SECRETARY: Section 4. This
18 act shall take effect on the first of April.

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays,
23 1. Senator Espaillat recorded in the negative.

24 ACTING PRESIDENT VALESKY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 549, by Senator Grisanti, Senate Print 1720, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT VALESKY: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the first of April.

8 ACTING PRESIDENT VALESKY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT VALESKY: Senator
12 Krueger to explain her vote.

13 SENATOR KRUEGER: Thank you,
14 Mr. President. I rise to explain my vote no on
15 this bill.

16 I do understand the complications of
17 the fact that we originally passed a cellphone
18 tax bill in order to ensure there was money
19 available for expansion and statewide coverage of
20 emergency service. And we have failed to meet
21 that challenge.

22 And so I'd like to be able to vote
23 for the bill. The problem is I also have
24 problems with this bill.

25 For one, it does not include in all

1 cellphones. In the original bill we exempted
2 prepaid cellphones or limited-minutes loaded
3 phones. It is long past the innovation period in
4 cellphones. They should all be covered by the
5 same tax, and this bill would not address that.

6 Second, this bill would distribute
7 the money to localities, but it doesn't
8 explicitly require that it goes to ensuring
9 coverage of emergency service throughout the
10 localities. So in my opinion this bill should
11 actually lay out exactly what the money would be
12 used for and where.

13 And third, this bill has an
14 estimated cost of \$190 million currently within
15 our budget being used for A, B, and C that would
16 then be shifted to these new priorities for this
17 money. I don't necessarily disagree with
18 ensuring that taxes from cellphones go to
19 emergency service phone systems, but I don't
20 understand how we could vote this through in the
21 middle of a fiscal year without explaining what
22 we were going to give up in the existing budget
23 because we would be reprogramming \$190 million of
24 our revenues.

25 So for those three reasons, I cannot

1 vote yes on this bill and will vote no.

2 Thank you, Mr. President.

3 ACTING PRESIDENT VALESKY: Senator
4 Krueger to be recorded in the negative.

5 Senator Grisanti to explain his
6 vote.

7 SENATOR GRISANTI: Yes, thank you,
8 Mr. President.

9 And thank you, Senator Krueger,
10 because I understand each and every one of those
11 concerns that you have.

12 What you have to understand is back
13 in 1991 -- first of all, I wasn't here when that
14 was passed, the 70-cent surcharge on cellphone
15 bills. But at that time period, only 1 percent
16 of the phones were the prepaid phones or the
17 phones that had the limited minutes. So that's
18 why those were exempt at that period of time.

19 But a 2002 audit -- and at the same
20 time, limited phones, prepaid, were not that big
21 even in 2002. A 2002 audit identified and
22 criticized the State Police because they were
23 spending the funds on dry cleaning, conferences,
24 pens, decals, garbage removal and other
25 miscellaneous items unrelated to 911 calls. So

1 the center was not doing things properly.

2 One-point-two billion dollars in
3 surcharges, \$1.2 billion in surcharges collected
4 since 1994. As of last year, \$19 million
5 collected last year; only \$9 million went to the
6 county governments for upgrading. That's
7 something that's got to change.

8 So I understand what Senator Krueger
9 is saying. What I want to do first is take care
10 of the inequities in the initial law and then
11 later on do the additions. Because if we do the
12 additions now, it's just going to be an
13 additional tax on those prepaid phones and on
14 those limited phones, which are actually used by
15 people that can't afford those increased costs
16 anyway.

17 So removing the discretion from the
18 state in deciding how wireless surcharge funds
19 should be allocated will ensure that local
20 governments -- and you'll see it's backed by
21 municipalities and counties all across this great
22 state of ours -- that the 911 call centers ensure
23 counties are not forced to raise their property
24 taxes and sales taxes and they can rely on this
25 funding in the future.

1 I understand we have to look at
2 where it's going to come from. Why not do it in
3 the budget. We'll pass it in the Senate,
4 hopefully. If the Assembly does not pass it, we
5 could look for it next year.

6 But this is something that every one
7 of us in our districts needs that money to go
8 back to the 911 call centers. So I urge my
9 colleagues to all vote yes and, if it doesn't go
10 through by the Assembly, we work on it next year
11 to get it into the budget to make sure we correct
12 these inequities.

13 I vote aye, Mr. President. Thank
14 you.

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

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 549, those recorded in the negative are
20 Senators Avella, Ball, Dilan, Gianaris, Hoylman,
21 Krueger, Parker, Perkins, Rivera, Sanders,
22 Serrano and Stavisky. Also Senator Espaillat.

23 Ayes, 49. Nays, 13.

24 ACTING PRESIDENT VALESKY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 551, by Senator Valesky, Senate Print 2152, an
3 act to amend the Agriculture and Markets Law.

4 ACTING PRESIDENT VALESKY: Read the
5 last section.

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

8 ACTING PRESIDENT VALESKY: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays, 1.
12 Senator Espaillat recorded in the negative.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 Senator Marcellino, that completes
16 the reading of the noncontroversial calendar.

17 SENATOR MARCELLINO: Thank you,
18 Mr. President.

19 Is there any further business at the
20 desk?

21 ACTING PRESIDENT VALESKY: There is
22 no further business at the desk.

23 SENATOR MARCELLINO: There being no
24 further business, Mr. President, I move we
25 adjourn until Tuesday, May 21st, at 3:00 p.m.

1 ACTING PRESIDENT VALESKY: On
2 motion, the Senate stands adjourned until
3 Tuesday, May 21st, at 3:00 p.m.

4 (Whereupon, at 4:11 p.m., the Senate
5 adjourned.)

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