NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:29 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Today the colors will be presented by the 26th United States Colored Troop in observance of the Civil War Sesquicentennial.

Present colors.

(The Color Guard entered the chamber and presented colors.)

ACTING PRESIDENT GRIFFO: Please join me as we recite the Pledge of Allegiance to our Flag.

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

(Whereupon, the Color Guard exited the chamber.)

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by Rabbi David Mark Eligberg, of Temple Israel here in Albany.

Rabbi Eligberg.

RABBI ELIGBERG: Heavenly Father, Supreme Author of Life, we thank You for the precious gift of life and the blessings of community.

Fill our hearts with love and

respect for all our fellow citizens, helping us to see their virtues and the sanctity which You have planted in all of us who are created in Your divine image. Reveal Yourself as a mirror high above us wherein we can see ourselves reflected, both as we are today and as You see us, filled with possibility.

Politics is indeed a holy vocation if and when we choose to make it so. You gathered here are the custodians of a great state and serve a unique role to provide for the needs of the whole state while simultaneously being the wards of New York's most vulnerable.

To care and to respond with care is one of the most beautiful and outstanding abilities that leaders can assume. To fulfill this mandate in a godly manner requires that one challenge oneself not only to be just, but also to be righteous.

Rabbi Abraham Joshua Heschel, a Holocaust survivor and civil rights pioneer, drew important distinctions between justice and righteousness. Righteousness, he wrote, goes beyond justice. Justice is strict and exact, giving each person his due. Righteousness

implies benevolence, kindness, generosity. Justice may be legal; righteousness is associated with a burning compassion to care for the oppressed.

And so, we pray, bless those who have taken on the mantle of leadership with wisdom and insight. Help them to realize that all of the power, wealth and control that we possess are gifts from the Almighty. These gifts are Your blessings made manifest in our midst.

In this legislative session, may you serve justly and righteously, wisely and compassionately, distributing our God-given gifts with a burning compassion for those in need. May the Holy One grant you the strength to confront difficult decisions with courage, to engage in challenging discussions with open-mindedness and patience, to hear beyond the cacophony of voices that call for your attention and to listen to the silent and silenced voices in our communities who most desperately need you to be their voice, providing what is necessary for healing, for learning, and for prospering.

As you undertake this sacred work, may you be inspired and guided by the words

spoken by the ancient Israelites to Joshua as he took up his mantle of leadership -- two of the most important words in the Bible: Chazak ve'ematz, "Be strong and courageous."

May you all be blessed abundantly with God's love and God's might in governing this great state.

And let us say amen.

ACTING PRESIDENT GRIFFO: Thank you, Rabbi.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, April 28th, the Senate met pursuant to adjournment. The Journal of Sunday, April 27th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

SENATOR LIBOUS: Mr. President, I think we'll wait for the chamber to settle down a little bit before we start.

ACTING PRESIDENT GRIFFO: Some order in the chamber, please.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Seward, on page 18 I offer the following amendments to Calendar Number 241, Senate Print 6526, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: Mr. President, at this time may we please adopt the Resolution Calendar, with the except of Resolutions 4473, 4488, 4644, and 4673.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions Number 4473, 4488, 4644, and 4673, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted as indicated.

Senator Libous.

SENATOR LIBOUS: Mr. President, also could you add 4600 to that, please.

ACTING PRESIDENT GRIFFO: We will also add Resolution Number 4600.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that there's a resolution by Senator Stewart-Cousins, Number 4488, I believe it is at the desk. I ask that it be read in its entirety, and before it's adopted if you would call on Senator Stewart-Cousins, please.

ACTING PRESIDENT GRIFFO: I would ask again the chamber to come to order, please.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4488, by Senator Stewart-Cousins, memorializing Governor Andrew M. Cuomo to proclaim April 20-26, 2014, as Abusive Head Trauma/Shaken Baby Syndrome Awareness Week in the State of New York.

"WHEREAS, The most recent statistics

compiled by the federal government estimate that 686,000 children were victims of abuse and neglect in the United States in 2012, of whom 19.9 percent were under one year of age; and

"WHEREAS, That statistic includes 68,375 children in New York State, of whom 6,720 were under one year of age; and

"WHEREAS, On an average day in the United States, at least four children will die as a consequence of abuse or neglect by a parent or other person entrusted with their care; and

"WHEREAS, Children younger than one year of age accounted for 44.4 percent of all child abuse and neglect fatalities in 2012, and children four years of age or younger account for 70.3 percent of all child abuse and neglect fatalities in 2012; and

"WHEREAS, The leading cause of death of abused children under age five is Abusive Head Trauma, including the inflicted trauma known as Shaken Baby Syndrome; and

"WHEREAS, On average, 1,200 to 1,400 children in the United States are diagnosed with AHT/SBS every year, and medical experts believe many additional cases are likely misdiagnosed or

undetected; and

"WHEREAS, Shaken Baby Syndrome and other inflicted head trauma occurs when a caregiver loses control and shakes a baby or young child, most frequently less than one year of age but in some cases as old as five years of age, resulting in loss of vision, brain damage, paralysis, seizures, or death; and

"WHEREAS, Shaken Baby Syndrome often causes permanent, irreparable brain damage or death to an infant, and may result in more than $1 million in medical and rehabilitation costs for the care of a single disabled child during the first years of life; and

"WHEREAS, A growing body of medical evidence indicates that even mild trauma to the brain caused by AHT/SBS is likely to cause learning disabilities in children and substantially increase the risk of substance abuse; and

"WHEREAS, The Centers for Disease Control and Prevention estimated in 2011 that the average cost of child maltreatment is $210,012 over the course of a victim's lifetime, including the costs of child welfare, special education,

criminal justice expenses, medical care and lost productivity as an adult; and

"WHEREAS, It is estimated that the taxpayers of the State of New York may, through the State Medicaid program, pay as much as 41 percent of the medical and rehabilitation costs of inflicted head injuries; and

"WHEREAS, The Centers for Disease Control estimates child abuse costs our nation more than $124 billion a year, and the cost of child abuse in New York State is estimated to exceed $13 billion a year; and

"WHEREAS, The most effective way to end AHT/SBS is by educating parents and caregivers about the danger of shaking children and providing the skills needed to cope with frustration and anger, and the minimal costs of educational and preventative programs may avert enormous medical and disability costs and untold grief for many families; and

"WHEREAS, Evidence-based education and awareness programs, such as the nationally recognized New York SBS Prevention Project, developed by Dr. Mark Dias with the support of the New York State Children and Families Trust

Fund, and implemented in collaboration with Kaleida Health Women & Children's Hospital of Buffalo and the Maria Fareri Children's Hospital of Westchester, are shown to raise awareness and provide critically important information about SBS to parents, caregivers, daycare workers, and health care professionals; and

"WHEREAS, The New York State Office of Children and Family Services supports the work of hospital-based education programs through the efforts of the safe Babies New York program, bringing this and other important safety information to the families of 160,000 babies born last year in New York State; and

"WHEREAS, Home visiting programs, such as Healthy Families New York, the Nurse Family Partnership, and other programs for new parents show great promise for preventing maltreatment; and

"WHEREAS, These prevention efforts are supported by national groups such as the American Academy of Pediatrics, Prevent Child Abuse America and the National Center for Shaken Baby Syndrome, as well as individuals and organizations in New York State, such as Prevent

Child Abuse New York, the Cynthia Gibbs Foundation, and the SKIPPER Initiative, who work to educate new parents and caregivers, increase awareness among the general public and professionals, and encourage increased support for victims and their families in the health care and criminal justice systems; and

"WHEREAS, The New York State Legislature has enacted legislation to help increase awareness of AHT/SBS by requiring that: hospitals offer written information about Shaken Baby Syndrome (2001); new childcare providers be educated about the causes, consequences and prevention of SBS before they are licensed to care for children (2003); hospitals to offer new parents the opportunity to watch a video about the causes, consequences and prevention of SBS so that they can help protect their child from shaking injuries (2004); the Health Department to coordinate a statewide campaign to educate the public about the causes, consequences and prevention of SBS (2006); the Education Department to provide a curriculum on SBS to schools so that students, who not only may be parents someday, but who may be babysitting for

young children now, are educated about the importance of coping skills (2006); and

"WHEREAS, This Legislative Body wishes to commend those advocates, organizations and agencies of state, county and local governments which work continuously and tirelessly to educate parents and caregivers about the causes, consequences and prevention of SBS and other inflicted injuries; and

"WHEREAS, This Legislative Body particularly wishes to recognize the nurse educators who provide education to new parents at New York's maternity hospitals so that every new parent has the opportunity to learn how they can help protect their child from shaking injuries; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim April 20-26, 2014, as Abusive Head Trauma/Shaken Baby Syndrome Awareness Week in the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable Andrew M. Cuomo, Governor of the

State of New York.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

You know, I was struggling whether or not the resolution in its entirety should be read, because I know it's long and I think we tend to kind of gloss over things when it gets that long. But because this is an annual resolution, I thought it was important to hear it again and again. Because there are so many things that happen that we in the chamber ask to memorialize, so many things that are unpreventable -- and then you have something like Shaken Baby Syndrome, which is a hundred percent preventable.

And a young girl, eight months old, in my district, Cynthia Gibbs, in November of 2000 was a victim of Shaken Baby Syndrome. She had gone to her babysitter and I guess had a rough day and cried too much, and the babysitter shook her. And when her parents came to get her, the baby was dead and was diagnosed as having died from a massive brain hemorrhage, because it

was later found out that the babysitter had shaken the baby.

We know children cry. We know caregivers for the most part are trying just to get through the day and have a happy, healthy baby at the end. And sometimes the crying and the frustration and whatever else is happening in the day come together, and people think that it's okay to shake the baby. Like the baby understands, if you shake it, that it's not supposed to cry anymore.

That's not the case. It's a baby. And the shaking that you do could, in the worst possible scenarios, end in the way that Cynthia Gibbs' life ended, or, as was spoken about in the resolution, result in a traumatic brain injury that will really hamper the person for the rest of their lives.

So I ask again, just in terms of us being able to educate parents, caregivers, that, you know, there's a lot that we're doing in the state to make sure that people leave the hospital with their baby and with important information, including how Shaken Baby Syndrome could change everyone's life. But just remember that a simple

act of not shaking the baby can really make all the difference.

So thank you so much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stewart-Cousins.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk by Senator Stavisky, 4644. Could we ask that it be read in its entirety and, before its immediate adoption, call on Senator Stavisky.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4644 by Senator Stavisky, honoring the sacrifices and saluting the service of those veterans who are members of the New York

Korean Veterans of the Vietnam War Association.

"WHEREAS, It is the sense of this Legislative Body to honor the sacrifices and salute the service of those veterans who are members of the New York Korean Veterans of the Vietnam War Association; and

"WHEREAS, The United States holds freedom, democracy, and self-determination as its highest ideals; the United States entered the Vietnam War to protect those ideals for the people of South Vietnam; and

"WHEREAS, During the Vietnam War, more than 325,000 soldiers from the Republic of Korea fought alongside American troops; and

"WHEREAS, From 1964 until the last troops left Vietnam on March 23, 1973, their unwavering support in the fight for freedom and democracy resulted in nearly 5,100 Korean soldiers giving their lives and almost 11,000 being wounded in that effort; and

"WHEREAS, While six other nations and many people from the region assisted and fought alongside U.S. soldiers, the Republic of Korea was second only to the United States in the number of combat troops deployed to Vietnam; and

"WHEREAS, The Korean troops were known throughout the conflict for their fierce combat skills fighting alongside their brothers in arms; and

"WHEREAS, Approximately 95 percent of Korean veterans of the Vietnam War living in the United States are American citizens; many still suffer from the emotional, physical, and psychological effects resulting from their participation in that conflict; and

"WHEREAS, The people of this state, and our community in particular, owe a profound debt of gratitude to those citizens of the Republic of Korea who answered the call to protect and defend those liberties and values held so dear; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the sacrifices and salute the service of those veterans who are members of the New York Korean Veterans of the Vietnam War Association; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Mr. Myungkook Lee, President, New York Korean

Veterans of the Vietnam War Association."

ACTING PRESIDENT GRIFFO: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President.

We're joined in the chamber today by six veterans of the Vietnam War who fought alongside our troops in Vietnam. They were from South Korea, from the Republic of Korea, but they all now live in New York.

Sometimes we forget that the purpose of the Vietnam War was to contain the spread of communism throughout the Far East. And these men fought with our soldiers in Vietnam, side by side, and they suffered serious injuries. And as the resolution says, over 5,000 people died in that conflict, alongside -- more than 50,000 Americans were killed.

But Korea provided the second-largest number of servicepeople who fought in Vietnam alongside our troops. It's interesting, but the Republic of Korea has a population of approximately 50 million people. At that time, it was approximately 30 million people. And yet 5,000 were killed, more than

5,000 were killed, and over 3 million people lost their lives during the Vietnam War.

Nearly all of the Korean veterans of that Vietnam War are now American citizens or live in the United States. And we pay tribute to the friendship between the Republic of the Korea and the United States. And it's a friendship which is a warm, deep friendship committed to democratic principles. And it's a friendship where in a part of the world the United States has very few friends. And that makes the relationship between the Republic of Korea and the United States all the more meaningful.

And I would also like to add that during this period in South Korea where they suffered a terrible tragedy, approximately 300 people were either killed or missing when the ferry boat capsized about two weeks ago -- and our hearts go out to the families of the victims, because many of them were children. They were high school students on a trip in South Korea. And it demonstrates the friendship between our countries, we had many services this past week where we paid tribute to the 300 or so folks who lost their lives or are presumed missing.

But our friendship continues. And again, I thank our colleagues, our fellow Americans, for their service. And a few minutes ago I introduced them to Colonel Larkin, and they saluted. And that tells you that these are soldiers, and they are friends.

So again, Mr. President, I thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Larkin.

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

I'd like to thank Toby, Senator Stavisky, for this honor.

You know, a lot of people relate to Vietnam as strictly Vietnam. They don't know the effort that the Vietnamese played in Korea. When we were looking for the shortfall for some backup support, they were there. A lot of these young men -- I don't remember all their battles because it's coming out of their native country, but every one of them are combat veterans. Some of them saw as much battles as any of us else.

And I think it's great that we have

the courage and honor and distinction to say to these young men, Thank you very much for your service to your country, and thank you for being a partner to our country. May God bless you all.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We welcome and we thank the veterans here, the New York Korean veterans of the Vietnam War Association, for their courage, sacrifice and service.

Thank you very much, and welcome.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk by Senator Sanders, Resolution 4473.

Could we please have it read in its entirety. And before it is adopted, if you would call on Senator Sanders.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4473, by Senator Sanders, honoring the members of the 26th United States Colored Troop during the observance of the U.S. Civil War Sesquicentennial, recognizing their noble contributions to the citizens of the State of New York.

"WHEREAS, It is the sense of this Legislative Body to proudly call attention to those esteemed organizations and individuals of the State of New York who dedicate their time and energies to educating its citizens on the history of our great nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor the members of the 26th United States Colored Troop (USCT) during the observance of the U.S. Civil War Sesquicentennial, recognizing their notable contributions to the citizens of

the State of New York; and

"WHEREAS, The 26th USCT is a Civil War Historical Interpreters group based in the New York City area that is active in the New York, New Jersey, Connecticut, Pennsylvania regions; and

"WHEREAS, The 26th USCT provides educational and cultural enrichment programs, holds demonstrations, and speaks at living history events, as well as in classrooms, museums, and heritage sites; furthermore, the group conducts historical battle reenactments of the history of the 20th, 26th, and 31st New York Regimental United States Colored Troops; and

"WHEREAS, over 4,000 free African-Americans of three regiments were trained in New York Harbor in the icy waters of the East River; they were part of more than 200,000 USCT organized as reinforcement; and

"WHEREAS, These free men were both inspired and encouraged by Frederick Douglas and Martin Delany; they left their trades, their other professions, their families and loved ones to join the Federal Army to fight to end slavery and save the Union; and

"WHEREAS, The training bases were located at Camp Rikers, and Hart Islands (the latter also known as Potter's Field); the Brooklyn Zouaves were among the others who were trained on these islands on the East River; and

"WHEREAS, The New York USCT drew enlistees from all over, including countries other than the United States, such as Haiti, Dominican Republic, Jamaica, Cuba, Trinidad, Puerto Rico, Virgin Islands, Barbados, Chile, Canada, and Cape Verde, as well as Native Americans from Long Island; and

"WHEREAS, It is the custom of this Legislative Body to acknowledge and applaud those extraordinary groups of individuals who contribute so much to the educational history of our nation; and

"WHEREAS, It is the practice of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly have earned the recognition and applause of all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to honor the members of the 26th United States Colored Troop during the observance of the U.S. Civil War Sesquicentennial, recognizing their notable contributions to the citizens of the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the 26th United States Colored Troop."

ACTING PRESIDENT GRIFFO: Senator Sanders.

SENATOR SANDERS: Thank you, Mr. President, Senators.

Much has been made of the question of freedom and liberty today. And this is a good day to do so. Every day that we speak of freedom and liberty is a good day.

I salute, of course, the Korean troops who were here before.

But there was a question that this country had to resolve roughly 150 years ago, and the question was would there be one Union. Could the Union survive? And that question was the cause of many different things, including a great war. This war raged, and it went this way and

then it went another way. It could have gone any way. It could have been -- we might have been speaking Rebel today. It might have gone a different way.

However, the entry of the black troops into this war gave an incredible movement forward that helped preserve the Union and indeed helped change the nature of the battle. It stopped simply being a battle to save the Union and became a battle to end slavery in this country.

That was a question that this nation had to resolve, and it resolved it with the help of many different troops, including these worthy units that we are saluting today.

These units, which trained in the East River, served as a type of support. They were eager and ready to go into battle, and on occasion they were used in these manners.

I went into battle myself. I am a Marine veteran, and I'm continuing that tradition, as my brother before me and my father before him. And my nephew currently is in service -- three tours Iraq, one tour Afghanistan, one tour DMZ.

So under those conditions, we Americans draw a lot of legacy. We stand on the shoulders of giants. And I just wanted to pause to allow us to say thank you to those brave folk who went before us. The flag that you saw that we came in was the flag of freedom. The flag that we flew before was a flag of independence. But from that moment forth, we can honestly say for all that it became a flag of freedom.

So on behalf of the good people who bear witness to their bravery, I wanted to say thank you to the enacters, thank you to the folk who went before us, and thank you to you for continuing to educate New York City, New York State on the proud legacy of the Union forces.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Sanders.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We would like to welcome and thank the 26th USCT for their presence here today, for their Color Guard, and for their efforts in commemorating American history. Thank you very much.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Kennedy has a resolution, Number 4673, which is at the desk. Could we have the title read and call on Senator Kennedy, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4673, by Senator Kennedy, commending B Team Buffalo, Inc., upon the occasion of its 6th year of serving the Buffalo community.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

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

I rise today to commend B Team Buffalo on their 6th anniversary of serving Buffalo and Western New York and the great State of New York.

It's with tremendous pleasure that I recognize the many contributions that the B Team Buffalo has given to our community. And I applaud their efforts to create a movement, driven by civic engagement, to instill a greater sense of pride in Buffalo's future generations.

Formed in early 2008 by a group of young, aspiring, energetic and talented individuals, the B Team Buffalo has worked to engage individuals and community leaders into making our community a better place to live, to work, and to raise a family.

The organization strives to be a catalyst for change, seeking to enhance the quality of life in Western New York through exemplary leadership and through partnerships. The organization has a strong belief in a very important work ethic, and their selfless humanitarian spirit has benefited the Buffalo community in so many different ways.

Since its inception, the B Team

Buffalo has engaged in many organizational efforts, including the Buffalo Chicken Wing Fest, where they've served over 70 tons of chicken wings to thousands of people all throughout Western New York and the greater community. They've also gotten engaged with organizations that serve the greater community, like the Ronald McDonald House.

They've lit up our community, literally, by beginning what's called the City of Light, where they go into neighborhoods that can least afford it and they've put up 50,000 lights at a time during the holiday season to brighten the community and to instill a sense of hope and love and community spirit and awareness.

They also provide activities for children and engage in volunteerism all throughout Western New York. I could go and on about their great work. Their contributions to our community in Western New York and New York State are countless.

The B Team Buffalo -- "B" standing for Buffalo -- is not just an organization, it is a movement. And it's a movement that's created not just change, but positive change, for the

people of Buffalo, Western New York, and New York State. I'm proud to stand on the Senate floor today and honor and congratulate them on their service, on their spirit, on their commitment, and on their 6th-year anniversary.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, there's a resolution at the desk by Senator Gallivan, Number 4600. Could we have it please read in its entirety. And before you move for its adoption, please call on Senator Gallivan.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4600, by Senator Gallivan,

congratulating Kaitlin Hawayek of East Aurora, New York, and her partner Jean-Luc Baker of Edmonds, Washington, upon the occasion of capturing the Gold Medal in Ice Dance at the International Skating Union World Junior Figure Skating Championships.

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, This Legislative Body is justly proud to congratulate Kaitlin Hawayek of East Aurora, New York, and her partner Jean-Luc Baker of Edmonds, Washington, upon the occasion of capturing the Gold Medal in Ice Dance at the ISU World Junior Figure Skating Championships in

Sofia, Bulgaria, on Friday, March 14, 2014; and

"WHEREAS, Kaitlin Hawayek and Jean-Luc Baker competed against 179 of the best junior ice skaters from across the world to take the top prize at the ISU World Junior Figure Skating Championships; in an outstanding performance, they upset the defending Grand Prix champions in the short dance round, and held off a strong challenge in free dance to win first place; and

"WHEREAS, Utilizing their tremendous athleticism and grace, this remarkable pair executed difficult lifts and spins and were the only team to collect four out of five elements, winning the event with a personal best score of 157.12; and

"WHEREAS, The daughter of Jon and Kirstin Hawayek, Kaitlin Hawayek has been skating since she was four years old; she has dedicated her life to training to be the best in her sport, spending countless hours practicing ballet, ballroom dancing, yoga, and other forms of strength and conditioning; and

"WHEREAS, Focused on their goal of winning the championship, Kaitlin Hawayek and

Jean-Luc Baker consistently displayed their work ethic and drive; they won the Silver Medal at the ISU Junior Grand Prix Final, and posted the highest placement for a team from the United States in five years; in addition, they won the title of United States Junior Dance champions in January 2014; and

"WHEREAS, Kaitlin Hawayek and Jean-Luc Baker were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Kaitlin Hawayek and Jean-Luc Baker have clearly shown a spirit of excellence which is a hallmark of their team; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Kaitlin Hawayek and her partner Jean-Luc Baker upon the occasion of capturing the Gold Medal in Ice Dance at the International Skating Union World Junior Figure Skating Championships; and be it further

"RESOLVED, That copies of this

resolution, suitably engrossed, be transmitted to Kaitlin Hawayek and Jean-Luc Baker."

ACTING PRESIDENT GRIFFO: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I rise to also, with all my colleagues, congratulate Kaitlin Hawayek and Jean-Luc Baker for all their accomplishments.

We from time to time recognize individuals, whether from high school, college, people with athletic accomplishments. And I know that we have sat through in recent months different individuals, where we're able to recognize state champions, some local champions. Well, I have been waiting very patiently to recognize somebody from the 59th Senate District who has brought home a World Championship. And we are very, very proud.

In this body, we often deal with the problems in society. And it's very appropriate that we take time to recognize the accomplishments of individuals, whether they're civic, whether they're athletic, but people who are living their life the right way.

In particular, we often deal with problems with youth in society, youth in New York State. And here we look to the complete opposite, two young adults who have committed themselves, dedicated themselves, persevered, lived away from family, and continue to sacrifice to bring home first the National Championship, then the World Championship.

And we hope, as we look forward to the next four years, maybe even eight years, that they spend an incredible amount of time visiting Senator Little at the Olympic Training Center and we're able to welcome them back in 2018 and 2022.

But I thank you, Mr. President, for giving me the opportunity to recognize Kaitlin and John-Luc and their parents today.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

We would like to call the question on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

We want to congratulate and to welcome Kaitlin and Jean-Luc and their parents to the chamber here.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time I think we will do the reading of the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 12, by Senator Ranzenhofer, Senate Print 6249, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the same date and in the same manner as Chapter 549 of the Laws of 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 23, by Senator Seward, Senate Print 3051, an act to amend the State Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 24, by Senator Griffo, Senate Print 3556, an act to amend the Legislative Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 24, those recorded in the negative are Senators Díaz, Dilan, Hoylman, Savino and Squadron.

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Martins, Senate Print 6211A, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 48, by Senator Martins, Senate Print 6245A, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 96, by Senator Klein, Senate Print 2367, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall effect on the first of September.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote.

I will vote yes on this bill.

However, I must state my objection to the Legislature, to us here using this process to address the needs of young people for information about sexuality, sex education.

This bill, which talks about preventing sexual exploitation, child abuse -- whatever it is about children, information that they need to have that relates to their own safety and the health and safety and security of their bodies, we do it in a piecemeal way. And we do it by just coming up with Band-Aids and hope that children will eventually get the message. And certainly, usually they don't.

If we had a system and a commitment to provide children with school-based health education, they would have their own health/mental health facility where they had a team of professionals to address all of these issues comprehensively and without question.

So I am very, very sorry that we have taken this approach to providing this valuable information and service to children in our state.

But having said that, I vote aye.

ACTING PRESIDENT GRIFFO: Senator

Montgomery will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 205, by Senator Lanza, Senate Print 5502B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 324, by Senator Flanagan, Senate Print 6705, an act extending the time.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 324, those recorded in the negative are Senators Hoylman, Krueger, Rivera and Tkaczyk.

Ayes, 57. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 334, by Senator Libous, Senate Print 967, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 341, by Senator LaValle, Senate Print 6419, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of today's calendar.

SENATOR LIBOUS: Well, Mr. President, then I suppose we should move to the controversial reading of the Libous bill.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 334, by Senator Libous, Senate Print 967, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Latimer on the bill.

SENATOR LATIMER: I have great respect for the sponsor of this bill, and I understand this bill has been before this house previously. But I have to take the same position that my predecessor in this district, Senator Suzi Oppenheimer, took on this.

This debate we've had in the last two months about what is the proper role of the State Education Department and the Board of Regents and the state in governing the way education is delivered in this state has had many of us as critics of putting too much power in the hands of the SED or being very concerned about decisions that are coming out of the commissioner's office.

This bill would do exactly that. This bill would take away the local control by local school districts of who they would select to be their superintendent.

And we have, throughout this state, many portions of this state, my district being only one of them, in which our districts border a neighboring state -- in my case, Connecticut. In

other parts, there are areas that border New Jersey, border Massachusetts.

And in each of those different cases, those local school boards are looking for the best possible school superintendent that has the skill set necessary to do the job that that school board has put before them. This bill now limits their ability to look at all possible candidates.

What this bill says is that the individual candidate must live in the State of New York or move into the State of New York if the Commissioner of Education provides a waiver. My initial concern is that it limits what the school board can do for local control.

Secondly, I think it places too much power in the hands of the Commissioner of Education. If the Commissioner of Education, who we have been properly critical of on other issues that have been before us, has the ability to deny a waiver for what the bill says is for a good cause -- we don't define what "good cause" is. That leaves a tremendous amount of discretion in the hands of the Commissioner of Education, discretion that I would rather see at the local

level, not at the statewide level, the very issue we've debated before.

The concern that I have as well, aside from the definition of what "good cause" is, is even if a waiver is granted, it only lasts for one year. And in that particular time frame, you're dealing with potential candidates who might live two or three or four miles over a dotted line in a Great Barrington, Massachusetts, or a Canaan, Connecticut, or Ridgefield, Connecticut, and be unable to have that person be considered unless they were prepared to move. And those are a host of different personal issues that go into the individual candidate.

New Jersey has legislated in this area, trying to restrict salaries and other considerations for superintendents, and as a result New Jersey has lost some of their more talented superintendents to those of us in parts of New York that can compete for those individuals.

I would also say that there is a cost to this legislation. If we argue that a local school district does not have the discretion to hire somebody who will stay outside

the state, then we are basically saying to that school district: If you want that candidate, they have to move in.

And in those parts of this state where real estate costs are high -- and that is very true in Westchester County and other counties -- we are most likely requiring that school board to negotiate a more expensive package to include a housing consideration in order for them to move from wherever they are now into this state.

I think it makes much greater sense to leave the power in the hands of the local school district, let the local school board decide whether the candidate is qualified or not qualified. The other qualifications for superintendent -- that they have the requisite number of credits from an accredited school and the proper degrees -- those are legitimate professional criteria in order to have this happen.

In this particular case, I think we're making an extra step too far. And when the time comes to vote, I will be recorded in the negative.

And I ask my colleagues to consider, even if it doesn't affect them -- because there are parts of the state that are nowheres near another state border, consider what this kind of restriction does to some of us who have dotted-line borders with other states and what it does to our school districts, which we are now mandating for every school district in the state.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Latimer.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. On the bill, of course.

ACTING PRESIDENT GRIFFO: Senator Libous on the bill.

SENATOR LIBOUS: And while I certainly have great respect for Senator Latimer's opinion -- Senator, I do -- I do disagree. I think that this bill is common sense.

If we're elected to a Senate district, we have to live in that Senate district. We have to become part of that district, we have to become part of what takes

place.

What I have found with school superintendents in my career is that those who move into the district -- and we're not even asking them to do that, we're just saying you have to live in New York State if you're going to be a school superintendent in New York State -- that they do a much better job getting involved in the community.

And in many cases, at least I can speak for the upstate communities, they do become a part of the community. In many cases they become the mayor, if you will, of the area. And most things are centered, in rural communities upstate, around the schools, around the school districts. And those superintendents are vital in the community.

So I just think that it makes sense that if they're going to take money from the taxpayers of New York State, that it only makes sense that they live in the state. We're not asking them to live in the specific district. I understand that that's difficult. And I understand that there's a shortage of superintendents and it's hard to find good ones.

But, you know, asking them to live in the state, giving them a year to move in, I don't think is unrealistic. I think if you're going to take taxpayer money from New York State, you should at least live in the state while you're doing it.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Is there any other Senator wishing to be heard?

Seeing none and hearing none, the debate is closed. The Secretary will ring the bell.

Can I have order in the chamber, please. The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to

Calendar Number 334, those recorded in the negative are Senators Avella, Gipson, Hassell-Thompson, Latimer, Marcellino, Montgomery, Parker, Rivera, Stavisky and Tkaczyk.

Ayes, 51. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the controversial reading of the calendar.

SENATOR LIBOUS: Thank you, Mr. President.

Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: Before members run out of the chamber, if I could just remind everybody, tomorrow is West Point Day, a very important day in this house. And we get a chance to honor the cadets as they come up; many of them are from your districts.

I would ask that we will do everything in our power to start promptly at 11:00. And I would ask if members could be in the chamber and in their seats. I know we're all

very busy, but I think we could give 20 minutes to a half-hour as we honor the cadets from West Point.

So that will be tomorrow at 11:00, Mr. President.

And there being no further business, I move that we adjourn until Wednesday, April 30th, at 11:00 am.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, April 30th, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 4:29 p.m., the Senate adjourned.)