NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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10:06 a.m.

REGULAR SESSION

SENATOR FREDERICK J. AKSHAR II, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT AKSHAR: The Senate will come to order.

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

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

ACTING PRESIDENT AKSHAR: In the absence of clergy, may we please bow our heads in a moment of silence.

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

ACTING PRESIDENT AKSHAR: The reading of the Journal.

THE SECRETARY: In Senate, Monday, April 11th, the Senate met pursuant to adjournment. The Journal of Sunday, April 10th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, I now move to adopt the Resolution Calendar, with the exception of Resolution 4772.

ACTING PRESIDENT AKSHAR: All in favor of adopting the Resolution Calendar, with the exception of Resolution 4772, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The Resolution Calendar is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, can we now take up previously adopted Resolution 4305, by Senator Marchione, read the title only, and call on Senator Marchione, please.

ACTING PRESIDENT AKSHAR: The

Secretary will read.

THE SECRETARY: Legislative Resolution Number 4305, by Senator Marchione, congratulating student-athlete Kevin Huerter upon the occasion of being named Mr. New York State Basketball by the Basketball Coaches Association of New York.

ACTING PRESIDENT AKSHAR: Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President. I rise for the purpose of speaking on my legislative resolution.

I've often said that any time we can showcase the best and brightest of New York's youth, we should take that opportunity to do so. Today represents one of those opportunities.

It is my privilege to recognize and congratulate student-athlete Kevin Huerter -- and if Kevin would stand, please -- a senior on the Shenendehowa Boys Varsity Basketball Team, and a resident of my hometown, the Town of Halfmoon.

Kevin Huerter, who is with me today on the Senate floor, was named Mr. New York

State Basketball by the Basketball Coaches Association of New York on March 9th. Being named Mr. New York State Basketball is an incredible privilege. In fact, it's New York State's highest individual honor in basketball.

To help illustrate just how big of a deal this is, my grandsons actually came to visit with me today. This is Noah and Eli, and they love Kevin Huerter. They follow him in basketball, and I hear them running around my home yelling "Kevin Huerter, woo!"

(Laughter.)

SENATOR MARCHIONE: They just -- they just -- they just wanted to be here and to meet him.

And you know, along with that, with your honors, though, comes the responsibility of being a role model to people just like my grandsons Noah and Eli. You have displayed outstanding athletic skill, tremendous dedication, true sportsmanship, and real leadership.

During the 2015-2016 season, Kevin Huerter averaged 22.5 points per game, 8.3 rebounds per game, and 7.2 assists per game.

In achieving these impressive milestones, he became the second all-time leading scorer for Shenendehowa, as well as its all-time assist leader and the fourth player in school history to surpass the 1,000-point mark.

A three-year captain, he played for four years on the Plainsmen varsity squad and was named MVP of the 2015 NYSPHSAA championship team.

Kevin Huerter is also only the second Section II or Shenendehowa player to ever be named Mr. New York State Basketball.

As the Daily Gazette noted previously, past winners of the Mr. New York State Basketball award included NBA stars such as Elton Brand, Jamal Mashburn, and Stephon Marbury. Kevin, you are among some terrific athletic company.

He's known for his exceptional talent and unselfishness on and off the court. Kevin Huerter plans on continuing his basketball career at the University of Maryland.

The athletic talent displayed by him is due in great part to the efforts of Coach Tony Dzikas, who has helped Kevin develop into the player and person that he is today, and also

Christopher Culnan, director of athletics and physical education for the Shenendehowa Central School District.

Both Coach Dzikas and Mr. Culnan are with me today on the Senate floor, and both Mr. and Mrs. Huerter are also here today.

Kevin Huerter's high school career has been outstanding. And as my grandsons' presence attests to, he is loyally and enthusiastically supported by my family, friends, fans and the entire community.

Sports instill important lifelong values -- teamwork, sacrifice, pride and accomplishment. Kevin Huerter embodies these values and has made a genuine contribution to the spirit of excellence which is a tradition of Shenendehowa and the Plainsmen.

I ask my colleagues to join me in recognizing and congratulating Kevin Huerter on being named Mr. New York State Basketball by the Basketball Coaches Association of New York.

Congratulations, Kevin.

(Applause.)

ACTING PRESIDENT AKSHAR: Kevin, on behalf of the members of the New York State

Senate, we welcome you and your family to the chamber, and we extend all the privileges of the house.

I suggest you get a Sharpie and sign those basketballs those kids have.

(Laughter.)

ACTING PRESIDENT AKSHAR: Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, if I could just speak very briefly.

This is a sad day in this chamber, a very sad day. Four years ago a young woman by the name of Breanna Stewart, who lives within a stone's throw of Syracuse University, went to Connecticut, and she did okay there for a while. And now she's graduated.

And now we have a Mr. Basketball New York State not coming to Syracuse but going to Maryland.

(Laughter.)

SENATOR DeFRANCISCO: I mean -- well, I wish you the best of luck in all your games -- unless you play Syracuse University.

(Laughter.)

SENATOR DeFRANCISCO: But it's an

outstanding record. Congratulations, and I know you're going to be successful in whatever you do in life.

This has been requested to be opened for cosponsorship.

ACTING PRESIDENT AKSHAR: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Now can we take up Resolution 4772, by Senator Stewart-Cousins, read the title only, and call on Senator Stewart-Cousins, please.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4772, by Senator Stewart-Cousins, memorializing Governor Andrew M. Cuomo to proclaim April 17-23, 2016, as Abusive Head Trauma/Shaken Baby Syndrome Awareness Week in the State of New York.

ACTING PRESIDENT AKSHAR: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank

you, Mr. President.

I rise today, as I rise annually, to just say very simply: Do not shake your baby.

Recent statistics in the United States show that 679,000 children were victims of abuse and neglect in the United States. And you know, we're talking a lot about abuse in many areas over this past few weeks. The statistics also include 64,578 children in New York State; 6,482 were under the age of one.

The particular thing that I'm talking about today, though, is shaken baby syndrome, which is also part of these abuse statistics. It's stated that between 1200 and 1400 children annually are diagnosed with AHT or shaken baby syndrome every year.

And it is simply that; it is someone who decides, for whatever reason -- usually because the child is crying -- to shake their baby.

The reason why I stand up annually to talk about this is because 14 years ago, a child of 8 months, in the custody of a babysitter, was killed. And the babysitter couldn't figure out what it was that she'd done.

And actually, after the autopsy showed the trauma to the brain of the child, it got back to the fact that the babysitter shook the baby and the baby died.

So there has been a mission. New York State has been very clear about making sure hospitals give the parents of newborns information on shaken baby syndrome. There has been some awareness that's raised.

But every day, some crying child may disturb the parent to the extent that they think if they shake this baby, the baby will stop crying. The baby will not stop crying because you shake the baby. And in more cases than we want to acknowledge, the baby is damaged.

So again, don't shake your baby. Tell people not to shake the baby. The baby will stop crying. Love your baby, and avoid the possibility not only of death and trauma, but of learning disabilities and other complications from damaging your baby's brain.

Thank you.

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

The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The resolution is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, Mr. President, this has also been offered for cosponsorship.

ACTING PRESIDENT AKSHAR: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

SENATOR DeFRANCISCO: We're going to have to stand at ease waiting for an amendment. But there's no real business, no votes are going to be taken after this, so I think everyone could feel safe to leave. And I'm just going to close the session once the amendment comes in.

You're all free to stick around until lunch, if you'd like. But if not, that's what we're doing for the rest of the session.

So we're going to stand at ease.

ACTING PRESIDENT AKSHAR: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 10:18 a.m.)

(Whereupon, the Senate reconvened at 12:06 p.m.)

ACTING PRESIDENT LANZA: Senator Hannon.

SENATOR HANNON: Mr. President, can we return to motions and resolutions.

ACTING PRESIDENT LANZA: Motions and resolutions.

SENATOR HANNON: I'd like to make a motion to amend a bill recalled from the Assembly. I wish to call up Bill 2953B, and it should be at the desk.

ACTING PRESIDENT LANZA: The Secretary will read.

THE SECRETARY: Calendar Number 190, by Senator Ortt, Senate Print 2953B, an act to amend the Environmental Conservation Law.

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

ACTING PRESIDENT LANZA: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT LANZA: The bill is restored to its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, I now offer the following amendments, on behalf of Senator Ortt.

ACTING PRESIDENT LANZA: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, would you now call on Senator Valesky.

ACTING PRESIDENT LANZA: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Avella, I wish to call up Senate Bill 3199A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LANZA: The Secretary will read.

THE SECRETARY: Calendar Number

429, by Senator Avella, Senate Print 3199A, an act to amend the Penal Law.

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

ACTING PRESIDENT LANZA: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT LANZA: The bill is restored to its place on Third Reading Calendar.

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

ACTING PRESIDENT LANZA: The amendments are received, and the bill retains its place on Third Reading Calendar.

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

ACTING PRESIDENT LANZA: There is no business before the desk.

SENATOR HANNON: Okay, I now move we adjourn until Tuesday, May 3rd, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT LANZA: On motion,

the Senate stands adjourned until Tuesday, May 3rd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:08 p.m., the Senate adjourned.)