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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 6, 2016

10:00 a.m.

REGULAR SESSION

SENATOR FREDERICK J. AKSHAR II, Acting President

FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise
5 and repeat with me the Pledge of Allegiance.

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

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

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

13 ACTING PRESIDENT AKSHAR: The
14 reading of the Journal.

15 THE SECRETARY: In Senate,
16 Tuesday, April 5th, the Senate met pursuant to
17 adjournment. The Journal of Monday, April 4th,
18 was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 SENATOR DeFRANCISCO:

6 Mr. President, I move to adopt the
7 Resolution Calendar, with the exception of
8 Resolutions 4660 and 4718.

9 ACTING PRESIDENT AKSHAR: All in
10 favor of adopting the Resolution Calendar, with
11 the exception of Resolutions 4660 and 4718,
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT AKSHAR: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT AKSHAR: The
18 Resolution Calendar is adopted.

19 SENATOR DeFRANCISCO: Would you
20 now please take up Resolution 4660, by Senator
21 Funke, and read the title only, and call on
22 Senator Funke to speak.

23 ACTING PRESIDENT AKSHAR: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 4660, by Senator Funke,
2 congratulating the Victor Marching Blue Devils
3 upon the occasion of capturing First Place in
4 the National Class at the 2015 New York State
5 Field Band Conference Championships.

6 ACTING PRESIDENT AKSHAR: Senator
7 Funke.

8 SENATOR FUNKE: Thank you,
9 Mr. President, for allowing me the opportunity
10 to recognize the Victor Marching Blue Devils,
11 National Class champions in the New York State
12 Field Band Conference. At the 42nd Annual
13 New York State Field Band Conference
14 Championships, held last November at Syracuse
15 University, Victor placed first out of seven
16 National Class bands.

17 The Victor Marching Blue Devils are
18 celebrating their 34th season in the New York
19 State Field Band Conference, with 96 students in
20 Grades 7 through 12. And this year's field
21 show, called "Light to Dark, Dark to Light,"
22 earned a score of 98.4 out of 100, the highest
23 ever achieved in the band's history.

24 Six other bands competed in
25 Victor's class, with 52 bands competing across

1 six categories all together. And Victor was the
2 smallest band in the National Class.

3 Under the direction of Eric
4 Everhart, Victor went undefeated in the New York
5 State Field Band Conference, receiving four First
6 Place finishes and one Outstanding rating.

7 You know, Victor High School has
8 produced state champions and sectional champions
9 in a lot of great teams from lacrosse to hockey
10 to football. Marching bands, by the way, adhere
11 to that same dedication, teamwork, precision and
12 work ethic as all of those other teams, and I
13 think sometimes we overlook that.

14 So I want to thank you,
15 Mr. President, for the opportunity to share my
16 pride in the accomplishment of one of my local
17 school districts. Go Blue Devils!

18 Thank you, sir.

19 ACTING PRESIDENT AKSHAR: Thank
20 you, Senator Funke.

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

23 (Response of "Aye.")

24 ACTING PRESIDENT AKSHAR: Opposed,
25 nay.

1 (No response.)

2 ACTING PRESIDENT AKSHAR: The
3 resolution is adopted.

4 Mr. Floor Leader.

5 SENATOR DeFRANCISCO:
6 Mr. President, Senator Funke has agreed to open
7 this up for cosponsorship.

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

12 Floor Leader.

13 SENATOR DeFRANCISCO: Yes, could
14 you please call on Senator Martins for an
15 introduction of some very important people.

16 ACTING PRESIDENT AKSHAR: Senator
17 Martins.

18 SENATOR MARTINS: Good morning,
19 Mr. President.

20 It's my honor to present to the
21 chamber today a delegation from the Boy Scouts of
22 America that's here with us in the gallery. They
23 join us from across New York State here to
24 present the 2015 annual report.

25 All 16 councils from New York State

1 are here represented, and this event was
2 coordinated by my own home council, the Nassau
3 County Council, the Theodore Roosevelt Council.

4 I want to take the opportunity to
5 recognize Jay Garee and Steve Grosskopf, who are
6 both here, from the Theodore Roosevelt Council.
7 Gentlemen, thank you very much for being here.

8 But just some of the highlights from
9 the report. Mr. President, there are 149,125
10 youth members of Boy Scouts in America in
11 New York State in 2015. There are 37,727 adult
12 volunteers. And they all came together to record
13 over 674,000 hours of service to all of our
14 communities across the state.

15 Nearly 2,000 young men attained the
16 rank of Eagle Scout, the highest rank you can
17 achieve in scouting. There were nearly 87,000
18 merit badges earned, most of them -- or many of
19 them focusing on the STEM fields, which has been
20 a priority for this chamber and for the
21 Legislature as a whole over the course of the
22 last few years.

23 It's important, I think, that we
24 understand, when it comes to the Boy Scouts of
25 America, it's an organization that focuses on

1 God, country, family, self-sufficiency. It's an
2 organization that has produced many of the
3 greatest leaders we've had in our country and
4 continues to produce leaders for our local
5 communities.

6 So I appreciate the opportunity,
7 Mr. President, that I've had this morning, not
8 only to recognize the men who are here in the
9 room with us and who will be presenting their
10 report on their achievements in 2015, but also to
11 recognize the organization for the tremendous
12 benefit they provide here in New York State,
13 across the country. And it's something that
14 should not be overlooked.

15 So again, I ask my colleagues to
16 join me in welcoming the representatives from
17 across the state from the Boy Scouts of America.

18 Gentlemen, thank you. Thank you
19 very much for teaching our leaders of today and
20 tomorrow, for presenting those things that are
21 best in society, those things that should be
22 prioritized. And it's really a pleasure to have
23 you with us today. Looking forward to spending
24 some moments with you later in the day.

25 Mr. President, thank you.

1 ACTING PRESIDENT AKSHAR: Thank
2 you, Senator Martins.

3 Senator Croci.

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

6 You know, when Lord Baden-Powell
7 decided to found the Boy Scouts of America in the
8 late 1800s, he was concerned that young men were
9 becoming too citified, that they were losing
10 those survival skills that men should have. And
11 so the Boy Scouts of America, which began there
12 in England and came to the United States, was
13 designed to get young men out and to explore
14 those survival skills to give you the
15 self-confidence to survive in this world. Which
16 is, as we know, becoming ever more complex.

17 Trustworthy, loyal, helpful,
18 friendly, courteous, kind, obedient, cheerful,
19 thrifty, brave, clean, and reverent. If you know
20 nothing else, remember those things and they are
21 a guide for you. That's all you really need to
22 know in life, are those simple virtues. They
23 will guide you through whatever complexities that
24 you face.

25 To all of you who will achieve the

1 rank of Eagle, I can tell you that that was
2 something that was formative in my life and will
3 be formative in your lives, and you will carry it
4 with you wherever you go. Being a Boy Scout is a
5 lot more than wearing a uniform and going on
6 campouts and earning merit badges. Being a Boy
7 Scout means whether you're in uniform or not, you
8 embody the virtues of this nation, you embody
9 what is best about being a young man in the
10 United States of America. And you give us all
11 great pride when you come to Albany to show us
12 what you've been doing in your districts and to
13 demonstrate the great worth of the Boy Scouts of
14 America to our republic.

15 So thank you all, and God bless.

16 ACTING PRESIDENT AKSHAR: Senator
17 Croci, thank you.

18 Senator Marchione.

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

21 Thank you, Senator Croci.

22 And as I listened to him talk, I
23 certainly could tell that he himself was an Eagle
24 Scout. And, you know, I was at an Eagle Scout
25 ceremony on Sunday -- they're some of my most

1 special opportunities that I have as a Senator --
2 and I was listening to the young boy on Sunday
3 about what he had done, what he had accomplished
4 for a local VFW, how he had remodeled an entire
5 kitchen, and all that he had done to become a
6 scout. And I congratulated him on his special
7 day of becoming an Eagle Scout.

8 Well, even more important, once an
9 Eagle, always an Eagle. You're an Eagle Scout
10 and you wear that for the rest of your lives, as
11 you should. It is the embodiment of what we
12 should be as American citizens. What young men
13 learn in Boy Scouts, they take with them, they
14 share with the rest of us, they share with the
15 next generation to come.

16 You provide an invaluable service to
17 the boys and young men and men of our country.
18 And I just wanted to tell you how appreciative I
19 am of all that you do.

20 Thank you.

21 ACTING PRESIDENT AKSHAR: Senator
22 Little.

23 SENATOR LITTLE: Thank you very
24 much.

25 And welcome to the Senate chamber in

1 Albany.

2 And thank you, Senator Croci, for
3 this resolution.

4 I'm the proud grandmother of two
5 Eagle Scouts, presently age 14 and 16. But I
6 want to tell you one of the things that impresses
7 me most about Boy Scouts and their projects and
8 their ability to move up the line and to get new
9 status and new awards, ultimately to become an
10 Eagle Scout, is their involvement in the
11 community.

12 And I think once you have
13 experienced that community participation and
14 involvement, you will always be involved in your
15 community. And I see it today in my own
16 community, with the men who are involved in all
17 kinds of organizations. And when I go to the Boy
18 Scouts dinner and they ask all of the Eagle
19 Scouts to stand, they're standing.

20 So it's a lifelong experience that
21 you will carry with you of how important it is to
22 be involved in the community and to be able to
23 make a difference in your community, as you will
24 be able to do.

25 So thank you for being here.

1 ACTING PRESIDENT AKSHAR: Senator
2 DeFrancisco to close.

3 SENATOR DeFRANCISCO: Thank you.

4 I want to thank you all for being
5 here, and I want to give a special thanks to all
6 the adults who volunteer and make sure all of you
7 have this opportunity to be the best you can
8 possibly be and become good, sound citizens.

9 I can't recite all of the attributes
10 of a Boy Scout as Senator Croci did; I couldn't
11 even do it slowly. But he obviously -- it
12 obviously impressed him, and he is one of the
13 finest Senators in this chamber, a person of
14 integrity and character.

15 And I want to thank you because I
16 get sick and tired of reading in the paper all
17 the horrible things that youth are doing or not
18 doing or getting in trouble and the like. And
19 having you here is refreshing that there's people
20 who actually do the right thing, young people who
21 are going to be leaders of tomorrow, and
22 hopefully lead us better than we have led this
23 state in the past.

24 Lastly, one other little acronym
25 that I think might be helpful to you when you're

1 thinking about how you become successful. Just
2 think of the word CARE. People that are
3 successful really care. And the letters in that
4 word mean something.

5 C, character. Character is doing
6 the right thing when no one's looking. It's easy
7 to do it here, everybody's watching you. But
8 when you're alone and you have choices as to what
9 the right thing is, the bad thing, and you have
10 that choice unilaterally what to do, you do the
11 right thing. A person with character.

12 A, attitude. Everybody knows people
13 that are always miserable. Always miserable.
14 You don't want to be around those people. Nobody
15 in this chamber. But you don't want to be around
16 those people. You want to be with people that
17 have a positive attitude. And that clearly is a
18 good direction for all of us to have, to have a
19 good attitude.

20 R, responsibility. In order to be
21 responsible for others and to help others, you've
22 got to be responsible for yourself. Everybody
23 needs help, but responsibility starts with
24 yourself, then you can help others.

25 And lastly, E, excellence.

1 Excellence. You've got to strive for excellence.
2 You can't always do what you want to do. I
3 really wanted to play shortstop for the New York
4 Yankees. I wasn't good enough. And I'd give
5 anything to dunk the basketball. That ain't
6 going to happen.

7 (Laughter.)

8 SENATOR DeFRANCISCO: But everybody
9 has their attributes that are really special
10 attributes. Use those attributes to excel in
11 your area.

12 So thank you for being here. Thank
13 you for being a role model for your peers. And
14 always CARE.

15 Thank you.

16 Mr. President.

17 ACTING PRESIDENT AKSHAR: Mr.
18 Floor Leader.

19 SENATOR DeFRANCISCO: Are you ready
20 for the next event?

21 ACTING PRESIDENT AKSHAR: Senator
22 Latimer wishes to be heard on this.

23 SENATOR DeFRANCISCO: Oh, I thought
24 I closed. I misunderstood what you said.

25 ACTING PRESIDENT AKSHAR: You did.

1 SENATOR DeFRANCISCO: Okay, go
2 ahead.

3 ACTING PRESIDENT AKSHAR: It was a
4 very good speech, Mr. Floor Leader.

5 (Laughter.)

6 ACTING PRESIDENT AKSHAR: Senator
7 Latimer.

8 SENATOR LATIMER: May I apologize
9 to Senator DeFrancisco. I just arrived with some
10 Scouts from my district as you were speaking, so
11 my apologies. We'll let Senator DeFrancisco's be
12 the official closing of it, but I couldn't let
13 the moment pass without saying a few words as
14 well. So I appreciate your indulgence.

15 I'm the happy uncle of two Eagle
16 Scouts. My younger sister has three boys; I
17 mentioned one who's already deployed in the
18 Mideast as a member of the U.S. Army Reserves.
19 The other two sons are both Eagle Scouts. And
20 I've watched both my sister and my brother-in-law
21 go through the process of having their sons be so
22 deeply committed to scouting, as our visitors are
23 today to the scouting organization.

24 And I really do understand on a
25 personal level how valuable it is. I had talked

1 to my brother-in-law at one point in time -- we
2 had a conversation that sometimes comes up, you
3 know, when you're sitting around with nothing
4 else to talk about, which is not often in this
5 chamber, and that is: When do you see a boy
6 become a man? And there's also a corollary,
7 obviously, for girls as well. When do you see a
8 young girl grow up into womanhood?

9 And we talked about some of those
10 moments. One of those moments is when you see
11 your son behind the wheel of a car getting ready
12 to learn how to drive and actually operate a car.
13 It's a little frightful moment, I must admit.

14 When you see, you know, your son on
15 a date with a girl, and you go, my God, this is
16 really starting to happen, they're getting to the
17 next stage of life.

18 But we both agreed, because we had
19 the opportunity to see his three sons grow up,
20 that there is a moment at which you see a young
21 person take on a responsibility and complete it.
22 And for any of us who went through our teenage
23 years, you may have the physicality of an adult,
24 but you don't necessarily have the maturity of an
25 adult yet.

1 But when you watch Scouts as you
2 have here, and those not only that achieve Eagle,
3 but those that are committed to it even short of
4 being an Eagle, you're watching a young person
5 become an adult before your very eyes. You're
6 watching them take on, with maturity, a project
7 and completing it.

8 And everything that Senator
9 DeFrancisco said, and I'm sure those who spoke
10 prior to that made the same basic point, just to
11 reinforce that it is a critical way to build
12 Americans for the future.

13 So again, with the indulgence of
14 both Senator DeFrancisco and the President, I
15 want to rise to also support this effort to
16 recognize scouting. It's a very important
17 organization in my district, and we're very glad
18 that they're here today to join us in this house.

19 With that, thank you, Mr. President,
20 for the opportunity to share a few thoughts.

21 ACTING PRESIDENT AKSHAR: Senator
22 Latimer, thank you very much.

23 To our guests in the gallery, on
24 behalf of the Floor Leader and the rest of the
25 Senate, we welcome you and extend all the

1 privileges of the house.

2 Welcome.

3 (Standing ovation.)

4 ACTING PRESIDENT AKSHAR: Floor
5 Leader.

6 SENATOR DeFRANCISCO: Yes, could we
7 now take up Resolution 4718, by Senator Comrie,
8 read the title only, and please call on the
9 Senator to speak.

10 ACTING PRESIDENT AKSHAR: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 4718, by Senator Comrie,
14 mourning the death of Malik "Phife Dawg" Taylor,
15 hip hop pioneer, distinguished citizen, and
16 devoted member of his community.

17 ACTING PRESIDENT AKSHAR: Senator
18 Comrie.

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

21 With your indulgence, I rise to say:
22 Microphone check one, two. What is this? It's
23 Senator Leroy Comrie with some Southeast Queens
24 business.

25 (Laughter.)

1 SENATOR COMRIE: Mr. President, I
2 rise to pay homage to an icon, not only in the
3 community that he was born and raised in; Malik
4 Boyce-Taylor was an artist that was revered
5 worldwide and helped bridge the gap between young
6 and old, rich and poor. And whether you were
7 white, brown, yellow, Puerto Rican or Haitian,
8 Malik Taylor, known as Phife Dawg, represented
9 people of every nation through a medium called
10 hip hop.

11 Many of you don't know, but I
12 represent Southeast Queens, which has some of the
13 historians of hip hop -- Run-D.M.C., De La Soul,
14 50 Cent, LL Cool J all live in the 14th
15 Senatorial District. I've been privileged to
16 have worked with, directly, LL Cool J, as every
17 year he hosts a Community Basketball Month event
18 in our district. He still attends Allen A.M.E.
19 Church on a regular.

20 I've had the opportunity to put up a
21 street sign to honor Run-D.M.C. after they got
22 into the Hip Hop Hall of Fame, which was a
23 seminal event in our committee. One of the best
24 times I had when I was a City Councilmember,
25 having the entire Run-D.M.C. family come back to

1 Hollis, Queens, where they grew up.

2 Also I've been able to work with
3 50 Cent, as he's done community give-backs to the
4 community. I'm no Joe Robach with concerts every
5 year, but I'm working on it.

6 (Laughter.)

7 SENATOR COMRIE: But I'm here this
8 morning to offer sincere condolences to the
9 bereaved Phife, Malik Taylor, and to the bereaved
10 Taylor and Boyce families.

11 Now, back in the days on Linden
12 Boulevard, he used to kick routines, and his
13 presence was fitting. In the early 1990s it was
14 then Phife, a member of the seminal rap group A
15 Tribe Called Quest, rapping from the roof of
16 Nuclear Cleaners, the cleaners that I actually am
17 going to later today or early tomorrow morning,
18 depending on what time I get back to Queens,
19 because it's a major local cleaner. And if you
20 look at one of their rap videos, they're on the
21 roof of Nuclear Cleaners -- it's a small business
22 which has been around for over 25 years -- that
23 they laid down the blueprint to usher in a new
24 era of conscious geopolitical music.

25 Their innovation changed the sound

1 of hip hop and R&B with jazzy melodic beats.
2 Phife's music spoke not only to the members of
3 his generation but to the timeless beauty of an
4 art form that transcends race, religion,
5 ethnicity, and economic background, so much so
6 that TIME magazine included his song "Scenario"
7 on its list of the All-TIME 100 Songs, and a
8 rendition of the song was performed by the cast
9 in the film Pitch Perfect 2.

10 To quote -- let me get this right,
11 Shontell -- "to my Tribe that flows in layers
12 Right now, Phife is a poem sayer
13 At times, I'm a studio conveyor
14 Mr. Dinkins, would you please be my
15 mayor?

16 You'll be doing us a really big
17 favor."

18 I didn't do that quite right, but
19 rap is not my forte.

20 (Laughter.)

21 SENATOR COMRIE: With words that
22 spoke to a burgeoning tone in hip hop, the young
23 people were becoming more savvy, more engaged,
24 and more aware of how to use their art to impact
25 their surroundings politically. This was due to

1 the influence of Phife Diggy and to A Tribe
2 Called Quest.

3 Unfortunately, due to complications
4 from diabetes, a young poet has now gone on Award
5 Tour with the thoughts of his fans, who remember
6 him fondly with the mic in his hands.

7 I have been privileged in my time as
8 a public official to work with musical pioneers,
9 as I've said earlier, and I've had the pleasure
10 of even opening a community garden with 50 Cent,
11 as I said, working with Run-D.M.C. and LL Cool J
12 and other young artists in Southeast Queens.
13 Southeast Queens has a deep musical legacy going
14 back to Count Basie. James Brown had a home in
15 Southeast Queens that many people still visit as
16 a part of a historical tour.

17 Southeast Queens is a great
18 community that I'm proud to represent. And A
19 Tribe Called Quest, when they came along, they
20 truly exemplified the pride of Southeast Queens.

21 The Mr. Energetic, who never sounded
22 pathetic, when's the last time you heard a funky
23 diabetic, also opened the door for a serious
24 conversation in our community about diabetes and
25 healthcare, particularly for men of color, once

1 young people saw a person they could relate to
2 who was dealing with those issues.

3 It is my distinct pleasure to close
4 by proving how far-reaching the music of Malik
5 "Phife Dawg" Taylor reached beyond the basement
6 of his mother's Southeast Queens home. It's
7 environment that the music of hip hop, the music
8 of Malik "Phife Dawg" Taylor is not only
9 timeless, it crosses boroughs, borders and
10 boundaries. So when I ask Senator Parker from
11 Brooklyn or Senator Robach from Rochester, "Can I
12 kick it?" they instantly have a reply: "Yes, you
13 can!"

14 Thank you, Mr. President.

15 (Appause.)

16 ACTING PRESIDENT AKSHAR: Thank you
17 for the resolution, Senator Comrie. I felt good
18 about our relationship on the Elections
19 Committee -- I feel even better knowing that you
20 can educate me on all things hip hop. Thank you.

21 (Laughter.)

22 ACTING PRESIDENT AKSHAR: To the
23 members of the house, the question is on the
24 resolution. All in favor signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT AKSHAR: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT AKSHAR: The
5 resolution is adopted.

6 Mr. Floor Leader.

7 SENATOR DeFRANCISCO: Senator
8 Comrie has asked to open this up for
9 cosponsorship.

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

14 SENATOR DeFRANCISCO: And I'd like
15 to just close by hoping that Senator Comrie,
16 Senator Parker, and Senator Robach begin a hip
17 hop group over the break and do a little
18 performance for us when we come back after the
19 break.

20 (Laughter.)

21 SENATOR DeFRANCISCO: With that
22 said, is there any further business at the desk?

23 ACTING PRESIDENT AKSHAR: There is
24 not, Mr. Floor Leader.

25 SENATOR DeFRANCISCO: That being

1 the case, I move to adjourn until Monday,
2 April 11, at 3:00 p.m., intervening days being
3 legislative days.

4 ACTING PRESIDENT AKSHAR: On
5 motion, the Senate stands adjourned until Monday,
6 April 11th, at 3:00 p.m., intervening days being
7 legislative days.

8 (Whereupon, at 10:24 a.m., the
9 Senate adjourned.)

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