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

P R O C E E D I N G S

ACTING PRESIDENT AKSHAR: The Senate will come to order.

I ask all 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, Tuesday, April 5th, the Senate met pursuant to adjournment. The Journal of Monday, April 4th, 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.

SENATOR DeFRANCISCO: Mr. President, I move to adopt the Resolution Calendar, with the exception of Resolutions 4660 and 4718.

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

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The Resolution Calendar is adopted.

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

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative

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

ACTING PRESIDENT AKSHAR: Senator Funke.

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

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

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

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

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

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

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

Thank you, sir.

ACTING PRESIDENT AKSHAR: Thank you, Senator Funke.

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: Mr. President, Senator Funke has agreed to open this up for cosponsorship.

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

Floor Leader.

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

ACTING PRESIDENT AKSHAR: Senator Martins.

SENATOR MARTINS: Good morning, Mr. President.

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

All 16 councils from New York State

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

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

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

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

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

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

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

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

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

Mr. President, thank you.

ACTING PRESIDENT AKSHAR: Thank you, Senator Martins.

Senator Croci.

SENATOR CROCI: Thank you, Mr. President.

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

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

To all of you who will achieve the

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

So thank you all, and God bless.

ACTING PRESIDENT AKSHAR: Senator Croci, thank you.

Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

Thank you, Senator Croci.

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

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

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

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

Thank you.

ACTING PRESIDENT AKSHAR: Senator Little.

SENATOR LITTLE: Thank you very much.

And welcome to the Senate chamber in

Albany.

And thank you, Senator Croci, for this resolution.

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

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

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

So thank you for being here.

ACTING PRESIDENT AKSHAR: Senator DeFrancisco to close.

SENATOR DeFRANCISCO: Thank you.

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

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

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

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

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

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

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

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

And lastly, E, excellence.

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

(Laughter.)

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

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

Thank you.

Mr. President.

ACTING PRESIDENT AKSHAR: Mr. Floor Leader.

SENATOR DeFRANCISCO: Are you ready for the next event?

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

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

ACTING PRESIDENT AKSHAR: You did.

SENATOR DeFRANCISCO: Okay, go ahead.

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

(Laughter.)

ACTING PRESIDENT AKSHAR: Senator Latimer.

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

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

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

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

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

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

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

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

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

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

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

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

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

privileges of the house.

Welcome.

(Standing ovation.)

ACTING PRESIDENT AKSHAR: Floor Leader.

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

ACTING PRESIDENT AKSHAR: The Secretary will read.

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

ACTING PRESIDENT AKSHAR: Senator Comrie.

SENATOR COMRIE: Thank you, Mr. President.

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

(Laughter.)

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

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

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

Hollis, Queens, where they grew up.

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

(Laughter.)

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

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

Their innovation changed the sound

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

To quote -- let me get this right, Shontell -- "to my Tribe that flows in layers

Right now, Phife is a poem sayer

At times, I'm a studio conveyor

Mr. Dinkins, would you please be my mayor?

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

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

(Laughter.)

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

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

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

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

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

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

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

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

Thank you, Mr. President.

(Applause.)

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

(Laughter.)

ACTING PRESIDENT AKSHAR: To the members of the house, 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: Senator Comrie has asked to open this up 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: And I'd like to just close by hoping that Senator Comrie, Senator Parker, and Senator Robach begin a hip hop group over the break and do a little performance for us when we come back after the break.

(Laughter.)

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

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

SENATOR DeFRANCISCO: That being

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

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

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