

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 February 4, 2014

11 3:22 p.m.

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13
14 REGULAR SESSION

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18 SENATOR PATRICK M. GALLIVAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

14 ACTING PRESIDENT GALLIVAN: The
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate, Monday,
18 February 3rd, the Senate met pursuant to
19 adjournment. The Journal of Friday,
20 January 31st, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GALLIVAN: Without
23 objection, the Journal stands approved as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.
7 Senator Libous.

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

10 On behalf of Senator Nozzolio, I
11 move that the following bill be discharged from
12 its respective committee, to be recommitted with
13 instructions to strike the enacting clause. And
14 that would be Senate Print 3298.

15 ACTING PRESIDENT GALLIVAN: So
16 ordered.

17 SENATOR LIBOUS: Mr. President, at
18 this time I'd like to take up Senate Resolution
19 3307, by Senator Stewart-Cousins, Senator Klein,
20 Senator Skelos -- oh, before we do that,
21 Mr. President, I want to move to adopt the
22 Resolution Calendar, with the exception of
23 Resolutions 3307 and 3356.

24 ACTING PRESIDENT GALLIVAN: All in
25 favor of adopting the Resolution Calendar, with

1 the exception of Resolutions 3307 and 3356,
2 signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT GALLIVAN:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT GALLIVAN: The
8 Resolution Calendar is adopted.

9 Senator Libous.

10 SENATOR LIBOUS: Sorry about that,
11 Mr. President. But if you notice, Rebecca is not
12 with me today, and I'm with Joe. So you're all
13 going to have to bear with us.

14 (Laughter.)

15 ACTING PRESIDENT GALLIVAN: So
16 noted.

17 SENATOR LIBOUS: At this time,
18 Mr. President, I'd like to take up
19 Resolution 3307, by Senators Stewart-Cousins,
20 Klein and Skelos. I would like to ask that you
21 read it in its entirety and then call on Senator
22 Stewart-Cousins, please.

23 ACTING PRESIDENT GALLIVAN: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 3307, by Senators
2 Stewart-Cousins, Klein and Skelos, memorializing
3 Governor Andrew M. Cuomo to proclaim
4 February 2014 as Black History Month in the State
5 of New York.

6 "WHEREAS, Black History Month,
7 previously known as Negro History Week, was
8 founded by Dr. Carter G. Woodson, and was first
9 celebrated on February 1, 1926; since 1976, it
10 has become a nationally recognized month-long
11 celebration, held each year during the month of
12 February to acknowledge and pay tribute to
13 African-Americans neglected by both society and
14 the history books; and

15 "WHEREAS, The month of February
16 observes the rich and diverse heritage of our
17 great state and nation; and

18 "WHEREAS, Black History Month seeks
19 to emphasize black history is American history;
20 and

21 "WHEREAS, Black History Month is a
22 time to reflect on the struggles and victories of
23 African-Americans throughout our country's
24 history and to recognize their numerous valuable
25 contributions to the protection of our democratic

1 society in war and in peace; and

2 "WHEREAS, Some African-American

3 pioneers whose many accomplishments, all of which

4 took place during the month of February, went

5 unnoticed, as well as numerous symbolic events

6 in February that deserve to be memorialized

7 include: John Sweat Rock, a noted Boston lawyer

8 who became the first African-American admitted to

9 argue before the U.S. Supreme Court on

10 February 1, 1865, and the first African-American

11 to be received on the floor of the U.S. House of

12 Representatives; Jonathan Jasper Wright, the

13 first African-American to hold a major judicial

14 position, who was elected to the South Carolina

15 Supreme Court on February 1, 1870; President

16 Abraham Lincoln submits the proposed

17 13th Amendment to the U.S. Constitution,

18 abolishing slavery, to the states for

19 ratification on February 1, 1865; civil rights

20 protester Jimmie Lee Jackson dies from wounds

21 inflicted during a protest on February 26, 1965,

22 leading to the historic Selma, Alabama, civil

23 rights demonstrations, including Bloody Sunday,

24 in which 600 demonstrators, including Martin

25 Luther King, Jr., were attacked by police;

1 Autherine J. Lucy became the first
2 African-American student to attend the University
3 of Alabama on February 3, 1956, and was expelled
4 three days later 'for her own safety' in response
5 to threats from a mob; in 1992, Autherine Lucy
6 Foster graduated from the university with a
7 master's degree in education, the same day her
8 daughter, Grazia Foster, graduated with a
9 bachelor's degree in corporate finance; the
10 Negro Baseball League was founded on February 3,
11 1920; Jack Johnson, the first African-American
12 World Heavyweight Boxing Champion, won his first
13 title on February 3, 1903; and Reginald F. Lewis,
14 born on December 7, 1942, in Baltimore, Maryland,
15 received his law degree from Harvard Law School
16 in 1968, and was a partner in Murphy, Thorpes &
17 Lewis, the first black law firm on Wall Street,
18 and in 1989 he became president and CEO of
19 TLC Beatrice International Food Company, the
20 largest black-owned business in the
21 United States; and

22 "WHEREAS, In recognition of the vast
23 contributions of African-Americans, a joyful
24 month-long celebration is held across New York
25 State and across the United States with many

1 commemorative events to honor and display the
2 cultural heritage of African-Americans; and

3 "WHEREAS, This Legislative Body
4 commends the African-American community for
5 preserving, for future generations, its
6 centuries-old traditions that benefit us all and
7 add to the color and beauty of the tapestry which
8 is our American society; now, therefore, be it

9 "RESOLVED, That this Legislative
10 Body pause in its deliberations to memorialize
11 Governor Andrew M. Cuomo to proclaim
12 February 2014 as Black History Month in the
13 State of New York; and be it further

14 "RESOLVED, That copies of this
15 resolution, suitably engrossed, be transmitted
16 to the Honorable Andrew M. Cuomo, Governor of the
17 State of New York, and to the events
18 commemorating Black History Month throughout
19 New York State."

20 ACTING PRESIDENT GALLIVAN: Senator
21 Stewart-Cousins.

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

24 I do rise to acknowledge this month
25 as Black History Month. And I usually like to

1 remind people of the conveniences in our lives
2 that are there because of black inventors and
3 black initiative. I was thinking of Frederick
4 Jones, who in 1949 created the air-conditioning
5 unit, the very first one. And in 1899,
6 W.H. Richardson gave us the baby carriage,
7 something that I'm sure Ms. Wood will be happy to
8 use. J.L. Love, in 1897, the pencil sharpener.
9 And Thomas Stewart -- I can't say that we're
10 related, but you never know -- invented the mop
11 in 1893.

12 There are scores of things that we
13 take for granted every single day of our lives
14 that no one will ever know but for moments like
15 this, weeks like this, months like this where we
16 can unveil the inventiveness and the genius of
17 the African-American community, as we certainly
18 acknowledge the culture and the contributions of
19 every other community.

20 Today also I rise because it is the
21 101st anniversary of Rosa Parks, and this is her
22 birthday. So it would be fitting on this day to
23 acknowledge the great Rosa Parks and what she did
24 in 1955 that changed not only Montgomery,
25 Alabama, but began a movement that changed our

1 country and changed the world.

2 In fact, the New York Times
3 actually, in their editorial about Ms. Parks --
4 the quote was: "In a single moment, with the
5 simplest of gestures, she changed America and the
6 world." Doing one small thing reverberated
7 nationally and internationally, changed the
8 plight of a people. This was a woman who was
9 born to former slaves. And again, she was born
10 in 1913.

11 I always like to contextualize it
12 because you see how far so many have come and how
13 difficult the path has been. When Rosa began
14 with that single act, ultimately it changed
15 everything. But for her personally, and her
16 husband, it changed things as well. She was
17 immediately fired from her job. Her husband was
18 immediately fired from his job because of the
19 things that they had done. Her husband was fired
20 because he should not be allowed to speak about
21 his wife's case. They eventually moved from
22 Montgomery to Detroit, where she worked for
23 Representative John Conyers.

24 I thinking that, again, these days,
25 weeks and months allow us to remember the

1 greatness. Last month we talked about
2 Nelson Mandela and Dr. King, and I think everyone
3 in this chamber realizes the beautiful thread of
4 how African-American history is American
5 history. And I think later today we'll talk
6 about Pete Seeger, whose protest songs played so
7 much into the struggle and the winning of the
8 struggles around the Civil Rights Era.

9 So I thank you for recognizing
10 African-American History Month. Thank you very
11 much.

12 ACTING PRESIDENT GALLIVAN: The
13 question is on the resolution. All in favor
14 signify by saying aye.

15 Senator Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank
17 you, Mr. President.

18 I rise to congratulate my leader,
19 Senator Andrea Stewart-Cousins, on her
20 presentation of this resolution. It seems that,
21 as she just said, these last few weeks have been
22 an extraordinary time to recognize the
23 contributions of African-Americans across the
24 continent, wherever they might be in the
25 diaspora.

1 And I certainly want to lend my
2 support to that conversation. I lived in a time
3 when it was Negro History Week. And certainly we
4 have come a long way to a self-definition. And
5 it is no longer "black history," but actually
6 it's African-American history. And it's
7 important that people be allowed to define
8 themselves, as opposed to giving the power of
9 definition to someone else.

10 In this chamber I know that were it
11 not for many of the struggles of all of the
12 people that we have revered here, I would not be
13 standing behind this desk -- the opportunities
14 that are afforded to me as a woman who represents
15 the 36th Senatorial District, with over 318,000
16 people, where 96 languages are spoken every day
17 in the streets of my district, and to represent
18 an extraordinary group of people who come to this
19 country and depend upon the struggles of the
20 African-American community to make sure that
21 everyone who comes has equal opportunity.

22 And so as we each year commemorate
23 and look at those who have made extraordinary
24 history, know that we make history in this
25 chamber every day. When we do the right thing,

1 when we ask for social justice, when we seek
2 economic justice for all of the people that we
3 serve, then we are a part of the fabric that
4 makes us a great nation.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GALLIVAN: The
7 question is on the resolution. All in favor
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GALLIVAN:

11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT GALLIVAN: The
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 Resolution 3287, by Senator Grisanti, was
18 previously adopted. If we could read the title
19 and then call on Senator Grisanti, please.

20 ACTING PRESIDENT GALLIVAN: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 3287, by Senator Grisanti,
24 memorializing Governor Andrew M. Cuomo to
25 proclaim February 5, 2014, as New York State

1 Girls and Women in Sports Day.

2 ACTING PRESIDENT GALLIVAN: Senator
3 Grisanti.

4 SENATOR GRISANTI: Thank you.

5 Ladies and gentlemen, we previously
6 adopted this resolution dealing with National
7 Girls and Women in Sports Day. It's a program
8 that started in 1987, has evolved into a day
9 devoting to acknowledging the past
10 accomplishments of female athletes, recognizing
11 current sports achievements, and pointing out the
12 many positives of participating in sports and
13 highlighting the continuing struggles for
14 equality and access for women in sports.

15 National Girls and Women in Sports
16 Day is celebrated in all 50 states, including
17 here in New York. There's going to be various
18 community-based events. I ask you, when you go
19 back in your districts, to look for those events
20 that are going to taking place and to join in.
21 There's awards ceremonies, special activities
22 honoring the achievements of female athletes all
23 across the state, and encouraging all women to
24 participate in sports.

25 It's organized by five topnotch

1 organizations: USA Girl Scouts, Girls
2 Incorporated, the National Association for Girls
3 and Women in Sports, the National Women's Law
4 Center, and the Women's Sports Foundation. They
5 have been in existence, these five organizations,
6 for over 600 years and have a total membership of
7 5.6 million girls.

8 It has been proven that the bonds
9 between girls and women through athletics helps
10 break the barriers, the social barriers such as
11 prejudice and racism, as it helps foster
12 important life skills such as communication and
13 cooperation.

14 This year's theme for the National
15 Girls and Women in Sports Day is "Blazing the
16 Trail and Passing the Torch." According to Alex
17 Sahlen -- she serves as the president of the
18 Sahlen Sports Park in the town of Elma in Western
19 New York and is also the managing partner and
20 player of the Western New York Flash, which is a
21 very successful women's professional soccer
22 team -- "The National Girls and Women in Sports
23 Day is a day to celebrate the increasing
24 possibilities of where sports can take women and
25 how women can make a difference through our

1 sports and participation."

2 Alex has not only been fortunate
3 enough to make sports a profession, but she's
4 been able to teach and share the positive
5 influence of sports through numerous training
6 programs at the Sahlen Sports Park in Western
7 New York.

8 So as a state legislator I ask all
9 my colleagues here to take great pride in the
10 success that the New York Flash has, that this
11 organization has a positive influence on women.
12 And it is people like Alex Sahlen who help make
13 the positive impact on many of our young girls,
14 not just today on National Girls and Women in
15 Sports Day, but every day that it's here in the
16 local Sahlen's Park.

17 And I urge you to have your staff to
18 look and see what events taking place this year.
19 I'd like to say I'm honored to serve the
20 constituencies in my district who are dedicated
21 to this inclusion of women in athletics I look
22 forward to recognizing. And I'm glad to
23 everybody that this resolution was adopted on
24 February 5th.

25 Thank you very much. Safe travels.

1 ACTING PRESIDENT GALLIVAN: Any
2 other members wishing to be heard on
3 Resolution Number 3287?

4 (No response.)

5 ACTING PRESIDENT GALLIVAN: As
6 noted, this resolution was previously adopted on
7 January 28, 2014.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President, if
10 we could go back to Resolution 3307, by Senator
11 Stewart-Cousins, she would like to open that up
12 for cosponsorship.

13 So as the rule of the house goes,
14 all members will be put on the resolution.
15 Unless for any reason someone wishes or chooses
16 not to, then they should let the desk know.

17 ACTING PRESIDENT GALLIVAN:
18 Resolution 3307 is open for cosponsorship. If
19 you don't wish to be a cosponsor, notify the
20 desk.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 Resolution Number 3356, by Senator Stavisky,
24 could we please have the title read and then call
25 on Senator Stavisky.

1 ACTING PRESIDENT GALLIVAN: The
2 Secretary will read.

3 THE SECRETARY: Legislative
4 Resolution Number 3356, by Senator Stavisky,
5 mourning the death of Ariel Sharon, former
6 president of Israel, celebrated military leader,
7 public official, and statesman.

8 ACTING PRESIDENT GALLIVAN: Senator
9 Stavisky.

10 SENATOR STAVISKY: Yes, thank you,
11 Mr. President.

12 Henry Kissinger had an interesting
13 comment about Ariel Sharon. He called him a
14 fierce warrior.

15 In 2002, I participated in a program
16 sponsored by the Israeli government in Jerusalem
17 where I served on a panel on education. But as
18 part of that program, we were invited to meet
19 with a number of governmental leaders in Israel,
20 and Ariel Sharon was one of the people. He was
21 prime minister at the time, and he met with us.

22 And I normally don't take notes at
23 these meetings, but I felt this was such an
24 unusual situation that I did take notes. And my
25 notes say -- and I miraculously found them -- "We

1 met with Prime Minister Ariel Sharon in his
2 office on January 8th."

3 And I wrote: "He is a jovial
4 grandfatherly general who spent 28 years in the
5 army. Mr. Sharon spent 45 minutes talking about
6 the millions of people who came to Israel to
7 build the country with a plow in one hand and a
8 sword in the other. He told us that he grew up
9 on a farm and is looking forward to spending more
10 time riding his horse, and that his only ambition
11 was to bring security and peace to the people of
12 Israel. As one who has seen the horrors of war,
13 he understands more than many politicians the
14 importance of peace. He described his beloved
15 nation as one consisting of people from
16 102 countries speaking 82 languages."

17 I was thinking of Queens County at
18 the time, which is even more diverse.

19 So I ask that the resolution be open
20 for sponsorship and invite my colleagues to join
21 us in mourning the death of Ariel Sharon.

22 Thank you.

23 ACTING PRESIDENT GALLIVAN: Any
24 other member wishing to be heard on the
25 resolution?

1 SENATOR LIBOUS: Mr. President, I
2 believe the Senator would like to open this up
3 for cosponsorship. So if one someone wishes not
4 to be on, let the desk know, please.

5 ACTING PRESIDENT GALLIVAN: The
6 question is on the resolution. All in favor
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GALLIVAN:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT GALLIVAN: The
13 resolution is adopted.

14 Everybody will be placed on this
15 resolution as a cosponsor. If you do not wish to
16 be a cosponsor, please notify the desk.

17 Senator Libous.

18 SENATOR LIBOUS: Could we now take
19 up the reading of the noncontroversial calendar.

20 ACTING PRESIDENT GALLIVAN: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number 35,
23 by Senator Gallivan, Senate Print 90A, an act to
24 amend the Environmental Conservation Law.

25 ACTING PRESIDENT GALLIVAN: Read

1 the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the same date and in the
4 same manner as Section 21 of Part R of Chapter 58
5 of Laws of 2013.

6 ACTING PRESIDENT GALLIVAN: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 54. Nays,
10 1. Senator Serrano recorded in the negative.

11 ACTING PRESIDENT GALLIVAN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number 59,
14 by Senator Libous, Senate Print 966, an act to
15 amend the Social Services Law.

16 ACTING PRESIDENT GALLIVAN: Read
17 the last section.

18 THE SECRETARY: Section 4. This
19 act shall take effect February 22, 2014.

20 ACTING PRESIDENT GALLIVAN: Senator
21 Libous.

22 SENATOR LIBOUS: Thank you,
23 Mr. President. I just want to speak for a couple
24 of moments on this piece of legislation.

25 This is the Public Assistance

1 Integrity Act. And this legislation is designed
2 to help people in need. It's designed to help
3 people who are receiving benefits with the EBT
4 card and certainly to go after the fraud for
5 those individuals who are abusing it.

6 Now, the majority of the people are
7 not abusing it. But there are people who are
8 abusing it. And what this bill will do is make
9 sure that this card cannot be used at places such
10 as casinos or strip clubs, as it's been tracked,
11 or out of state at various resorts.

12 We learned most recently that almost
13 \$9 million was spent on lavish vacations -- ski
14 resorts, island resorts -- with folks that had
15 the card. That was not the intent of the cash
16 benefit. The intent of the cash benefit is to
17 provide for families that need assistance to get
18 back on their feet, to buy diapers for children,
19 to buy aspirin, to buy toothpaste -- not to be
20 used at a strip club or to buy cigarettes or
21 beer.

22 The other piece of this legislation
23 that is critical is that if we pass this
24 legislation -- and this house will pass it
25 today -- and the other house does the same,

1 New York State will not lose \$122 million in
2 additional benefits. That's something that the
3 federal government has said that if the bill is
4 not passed.

5 Mr. President, I had earlier today
6 at a press conference a young lady, Sarah Fish,
7 her name is. She was on public assistance. She
8 needed it for a period of time because she had
9 some trouble in her life. She said that she was
10 homeless for a period of time and then she was
11 able to get back on her feet. That's what this
12 is all about. She now owns a business in Troy, a
13 restaurant. She very successfully pays taxes and
14 is an active part of the Troy community.

15 That's what we're trying to
16 accomplish here. We want to create opportunity
17 for people who need the program. We don't want
18 people to abuse the program and take it away from
19 those who are in need.

20 So, Mr. President, I am pleased that
21 this bill will pass today. I would only ask that
22 the Assembly please take some action because we
23 could be jeopardizing some \$122 million in TANF
24 funds if they don't act.

25 ACTING PRESIDENT GALLIVAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GALLIVAN: Senator
4 Sanders to explain his vote.

5 SENATOR SANDERS: Mr. President,
6 while I agree with my esteemed colleague that
7 something needs to be done here, that any abuse
8 of such a worthy program needs to be stamped out,
9 this program is a lifeline to many Americans and
10 we need to keep it that way as pristine as
11 possible.

12 I just have a note of caution about
13 the punishment, the penalty. We may end up
14 penalizing the children. If you take away a
15 person's ability to eat for a month, bad enough
16 for that person, but then you're really talking
17 about their children.

18 If the penalties said that that
19 individual had to do some public service or
20 something of that nature that would not hurt the
21 children, I would be in full agreement. And I
22 urge my colleague to consider he may get another
23 chance at it as the day goes on. And if it does,
24 I look forward to working with him to make sure
25 that we get exactly the person that we want to

1 get, and not the children.

2 And on that, I'm going to vote no,
3 not because it's not a great idea but because of
4 the law of unintended consequences may play
5 itself out.

6 Thank you very much.

7 ACTING PRESIDENT GALLIVAN: Senator
8 Sanders to be recorded in the negative.

9 Senator Bonacic to explain your
10 vote.

11 SENATOR BONACIC: Thank you,
12 Mr. President.

13 I'd like to thank Senator Libous for
14 his persistence. This is the third year in a row
15 that he's put this legislation forward. And it's
16 hard for me to understand the justification on
17 how anyone could keep supporting those
18 individuals that commit fraud and waste for a
19 very good purpose, where people need basic
20 necessities in life, and you deprive those that
21 are in the greatest need of getting that money.

22 I saw some of the records. There's
23 close to \$9 million of this abuse being spent
24 outside the State of New York with this benefit
25 card -- in Vegas, in Atlantic City, out in

1 California.

2 And when we talk about we're hurting
3 the children, I think the children in a household
4 watch what their parents do. They learn, either
5 properly or not properly, by the actions of their
6 parents. And if parents are committing fraud and
7 waste and no accountability, then the children
8 are going to get the wrong message.

9 And the other thing that's
10 disturbing is that the federal government has
11 said if the Assembly does not pass this
12 legislation by February 22nd, the state loses
13 \$122 million of federal funds. Now, that's scary
14 for the Assembly not to act. I don't understand
15 their mindset in not addressing this very
16 important issue that Senator Libous puts forward.

17 In the budget proposal of
18 Governor Cuomo there is language that corrects
19 this for the Assembly's failure to act. But I
20 don't know if the federal government will accept
21 a delay that we don't meet that deadline.

22 So I'm hopeful that Governor Cuomo,
23 acting like a responsible adult and not wanting
24 to lose the \$122 million, and when we have a
25 budget on time, this problem will be cured and

1 hopefully we would have saved the state taxpayers
2 \$122 million.

3 Thank you, Senator Libous. Thank
4 you, Mr. President.

5 ACTING PRESIDENT GALLIVAN: Senator
6 Bonacic to be recorded in the affirmative.

7 Senator Grisanti.

8 SENATOR GRISANTI: Thank you.

9 I too want to commend Senator Libous
10 for moving this legislation forward these past
11 couple of years.

12 And quite simply, it has to be done
13 for two reasons. And Senator Libous apparently
14 has known about this, as well as we have in this
15 Senate conference. And as Senator Bonacic said,
16 the Assembly does not get it. You comply with
17 the federal standards that were put in place in
18 2012 or you lose \$122 million. It's that
19 simple. How irresponsible, how irresponsible can
20 the Assembly be for not getting this done the
21 last two years if you don't want to lose
22 \$122 million.

23 We also want to pass it to stop the
24 fraud and abuse in the Medicaid system, which is
25 taxpayer dollars, not only in this legislation

1 but there's others. There's others that we must
2 put forward and do to stop, in my opinion, and
3 what I've seen in documentation, over \$1 billion
4 in fraud in the Medicaid system, a system that
5 spends twice as much as California and Texas
6 combined.

7 A billion dollars in fraud. Those
8 funds can go to programs with need. You could
9 reduce the state tax on gasoline, and you could
10 help with our infrastructure, you could put
11 housing up for people with disabilities. That's
12 what a billion dollars gets you. But for the
13 Assembly to want to lose \$122 million and not do
14 anything, that's absolutely absurd.

15 Again, I applaud Senator Libous. We
16 are not taking any benefits away. We are
17 stopping the abuse that has existed for long
18 enough for our taxpayers and their dollars. So I
19 vote aye.

20 ACTING PRESIDENT GALLIVAN:
21 Senator Grisanti to be recorded in the
22 affirmative.

23 Senator Nozzolio to explain his
24 vote.

25 SENATOR NOZZOLIO: Mr. President, I

1 rise as a supporter and cosponsor of this
2 legislation. I rise with sadness that it's
3 necessary legislation. It's necessary to prevent
4 the victimization of those families who are on
5 public assistance but have the head of the
6 household use those funds for purposes that are
7 not intended.

8 To support the family, to support
9 the care and feeding of the family, that's what
10 these funds should be used for. They shouldn't
11 be used for buying alcohol, spending time at
12 nightclubs, gambling away the taxpayers'
13 dollars. That to me, Mr. President, is
14 unconscionable use of our taxpayers' funds.
15 Thousands of the taxpayers in my district agree
16 that it is an egregious use of taxpayers' funds
17 and must be stopped.

18 This legislation, sponsored by
19 Senator Libous, does just that, stops this abuse
20 of taxpayers' dollars and ensures, in so doing,
21 two things. First and foremost, that monies
22 allocated for helping people who need help will
23 go to those people who need help the most, the
24 children who need meals, the children who need
25 housing, the children who need decent

1 clothing. That's what is the intention of the
2 law, and that's what this provision is necessary
3 to prevent the diversion of those funds.

4 Also, Mr. President, it is noted
5 hundreds of millions of dollars are at risk from
6 the federal government. The federal government
7 recognizes that states need to close these
8 loopholes to protect the taxpayers' dollars. We
9 have a deadline to meet. This legislation meets
10 that deadline. It does so in a prudent way. It
11 does so to protect our taxpayers' resources. It
12 does so to protect those innocent children and
13 families who may otherwise see monies diverted,
14 and especially the hardworking taxpayers of this
15 state.

16 It's absolutely necessary
17 legislation. I support it, Mr. President,
18 fully. My constituents support it. The citizens
19 of this state support it. The Senate and
20 Assembly should do the same.

21 ACTING PRESIDENT GALLIVAN: Senator
22 Nozzolio to be recorded in the affirmative.

23 Senator Robach.

24 SENATOR ROBACH: Yes, just very
25 briefly, Mr. President.

1 I too want to applaud Senator Libous
2 and think this is very commonsense and needed
3 legislation for three simple reasons. First and
4 foremost, no question, this to me is a bill about
5 protecting children and making sure the resources
6 that this state has that it wants to go to kids
7 get them for the right purposes, and that is food
8 and clothing.

9 We talk about it a lot, we are one
10 of the most generous states. But even with that,
11 we know kids don't get served. This is one thing
12 that aids or assists or allows kids to have the
13 money spent on them the way it should, and we owe
14 that to them first and foremost.

15 Secondly, as Senator Bonacic pointed
16 out, even more money will be lost that could go
17 to those programs from the federal government if
18 we don't act.

19 And lastly, what no one's really
20 brought up yet, or at least directly, recently I
21 was on a radio program when the Governor
22 announced his support for legislation of this
23 subject matter. And actually the taxpaying
24 public was shocked to know that was even legal in
25 the first place and wanted to know how that

1 loophole could even exist.

2 So this will really do three
3 things. It will protect children and make sure
4 money's spent on them for the basic necessities
5 they need and deserve. It will comply with the
6 federal government so we have more money. And it
7 will appease, I think, the public, who's shocked
8 that we're not already doing that for the benefit
9 of the children with their hard-earned tax
10 dollars.

11 So I hope that we're not only going
12 to pass this here today but, with the Governor's
13 help and working together, the Assembly will act
14 on this also and it will certainly go a long way
15 for putting integrity in the system and having
16 those resources be used for what they were
17 designed, the children of this state, not the
18 entertainment, good or bad, of adults.

19 Thank you, Mr. President. I vote in
20 the affirmative.

21 ACTING PRESIDENT GALLIVAN: Senator
22 Robach to be recorded in the affirmative.

23 Senator Hassell-Thompson.

24 SENATOR HASSELL-THOMPSON: Thank
25 you, Mr. President.

1 I've listened for several years as
2 we have bandied this bill back and forth. And
3 each time I have voted no, and today I will be
4 voting no. And I will continue to tell you why.

5 I listened particularly to the last
6 three speakers, who talk about how this bill will
7 protect children. And yet there's nothing in the
8 language that says that they will protect
9 children. If parents expend inappropriately
10 their funds, there's nothing in here that says
11 that the money that should go for children will
12 in fact be given to a secondary person in order
13 to ensure that that happens.

14 And so I don't see how this bill
15 protects children. I think that your intent is
16 great, and I have no problem trying to ensure
17 that taxpayer dollars are not inappropriately
18 spent and the money that is supposed to go to
19 families in need does so. There is nothing in
20 this bill, however, that says if parents are
21 irresponsible, frivolous or whatever and use the
22 money inappropriately, that the children will be
23 protected.

24 And I've asked each time to work on
25 the bill to ensure that that's what happens. And

1 I think that there are many of my colleagues in
2 the Assembly who see it the same way that I do.
3 If we are really intent on protecting and helping
4 the children, then put a codicil in the will, if
5 you will, that says the children will be
6 protected because that money will not be diverted
7 from that family in need but through a secondary
8 person to ensure that the needs of the children
9 are met.

10 So, Mr. President, again I will be
11 voting no.

12 ACTING PRESIDENT GALLIVAN: Senator
13 Hassell-Thompson to be recorded in the negative.

14 Senator Zeldin to explain his vote.

15 SENATOR ZELDIN: I strongly support
16 the Public Assistance Integrity Act. I'm proudly
17 a cosponsor of this legislation, which is a bill
18 about protecting tax dollars. It's about
19 accountability of funds.

20 There are people elected who serve
21 in office who believe that they can do a better
22 job spending the taxpayers' dollars than
23 taxpayers can themselves. It is important for us
24 in government to be strong stewards of tax
25 dollars, to make sure that they are spent

1 responsibly and that they go towards the people
2 that it's meant to help.

3 The fact that EBT cards can be used
4 to purchase alcohol, tobacco, Lotto tickets is
5 totally unacceptable to me. It's unacceptable,
6 it really should be, to all of us. When money is
7 being misspent and not going to its intended
8 purpose, it is our duty to stand up and do
9 something about it.

10 The Public Assistance Integrity Act,
11 under the leadership of Senator Libous, who
12 sponsored this bill, is something that hopefully
13 the Assembly will follow our lead on and the
14 Governor will sign into law. This is a bill that
15 is about protecting taxpayer dollars. Anyone who
16 opposes it really needs to think twice.

17 Thank you, and again I vote aye.
18 And I hope all my colleagues will as well.

19 ACTING PRESIDENT GALLIVAN: Senator
20 Zeldin to be recorded in the affirmative.

21 Senator Larkin.

22 SENATOR LARKIN: Thank you,
23 Mr. President.

24 You know, we've heard back and forth
25 yeses, no votes. This bill is about two things,

1 responsibility and accountability. And the
2 federal government said to us, Be responsible.
3 Because if you're not, we're going to take the
4 accountability to the tune of \$122 million for
5 you.

6 You know, some people will say,
7 Well, what about the children? We don't give the
8 check to the children. We give it to their
9 family. We give the family the entrust of taking
10 this money and use it wisely for your family. We
11 heard today at a press conference of a lady who
12 was down and out and picked up her boots, did the
13 right thing and now is gainfully employed in a
14 business of her own.

15 Let's look at this really. Somebody
16 in the other house last year, when we were
17 talking about it, said it's their money. It is
18 not their money. It's the taxpayers' money of
19 this state.

20 Over this past weekend, this
21 \$120 million happened to be on some news column.
22 We had 50 calls yesterday and today: Why aren't
23 you passing this bill? Why are you destroying my
24 life by taking my dollars and giving it to
25 irresponsible people?

1 Now, someone said we're not taking
2 care of the children. We are. We give you that
3 money. And if you don't do right by taking care
4 of your children, that's your fault.

5 We need to start worrying about the
6 taxpayers. Because those who take this and abuse
7 it don't deserve to get it. Maybe there's a
8 question about who should control their
9 children. This is a serious matter. But
10 remember two things: responsibility and
11 accountability.

12 And, you know, you can dance around
13 all of this and they say, Well, we can do
14 administration. Let me tell you something. If
15 the federal government thought you could do it
16 administratively, they would have been the first
17 one in line saying make an administrative order.
18 They understand there are states that have made
19 it administrative. But the ones that are working
20 at it and making it right have laws.

21 Why are you ashamed or afraid to
22 make somebody who gets your taxpayers' money,
23 make them accountable? Why should I pay for
24 someone to go to a spa? Why should I spend
25 someone to go to a night culture or a strip club

1 or whatever else they want? You want to do
2 that? Find your own money. Don't use mine or my
3 constituents' tax dollars.

4 ACTING PRESIDENT GALLIVAN: Senator
5 Larkin to be recorded in the affirmative.

6 Senator Ranzenhofer.

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

9 I'd also like to join in thanking my
10 colleague Senator Libous for again advancing this
11 legislation.

12 I also want to thank the thousands
13 of people across my district who have had the
14 opportunity to weigh in on this issue. And they
15 are very clear that they want this act passed
16 today.

17 This is all about responsibility and
18 really about common sense. Money which is
19 supposed to be used for heat, for paper products,
20 and to help families should not be used for
21 booze, cigarettes, lottery tickets and gambling.
22 It's plain and simple.

23 And the fact is that what we are
24 debating today are the exact same restrictions
25 that are in place right now for SNAP, for the

1 food stamps. These are the restrictions that
2 govern that program. They've been in existence
3 for a number of time. It makes common sense to
4 apply those same restrictions, which are in
5 effect, which make sense, which people are
6 abiding by, for this type of assistance as well.

7 On behalf of the nearly 300,000
8 residents in my district who have spoken out very
9 clearly on this issue, I vote in favor of this
10 act.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GALLIVAN:

13 Announce the result.

14 THE SECRETARY: In relation to
15 Calendar Number 59, those recorded in the
16 negative are Senators Hassell-Thompson, Hoylman,
17 Sanders and Squadron.

18 Ayes, 53. Nays, 4.

19 ACTING PRESIDENT GALLIVAN: The
20 bill is passed.

21 The Secretary will continue to read.

22 THE SECRETARY: Calendar Number 63,
23 by Senator Golden, Senate Print 2096, an act to
24 amend the Public Authorities Law.

25 ACTING PRESIDENT GALLIVAN: Read

1 the last section.

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

4 ACTING PRESIDENT GALLIVAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55. Nays,
8 2. Senators Hassell-Thompson and Hoylman
9 recorded in the negative.

10 ACTING PRESIDENT GALLIVAN: The
11 bill is passed.

12 Senator Libous.

13 SENATOR LIBOUS: Thank you,
14 Mr. President.

15 Before I ask if there's any further
16 business at the desk, I have a couple of
17 announcements.

18 The Cultural Affairs, Tourism, Parks
19 and Recreation committee will meet immediately
20 after session in Room 332 of the Capitol. That's
21 the Cultural Affairs, Tourism, Parks and
22 Recreation, immediately after session in Room 332
23 of the Capitol.

24 The Mental Health Committee will
25 meet in 816 LOB immediately following session.

1 That's the Mental Health Committee, in Room 816
2 in the Legislative Office Building, immediately
3 following session.

4 Mr. President, is there any further
5 business at the desk at this time?

6 ACTING PRESIDENT GALLIVAN: There
7 is no further business at the desk,
8 Senator Libous.

9 SENATOR LIBOUS: Thank you,
10 Mr. President.

11 There being no further business, I
12 move that we adjourn until Monday, February 10th,
13 at 3:00 p.m., intervening days being legislative
14 days.

15 ACTING PRESIDENT GALLIVAN: On
16 motion, the Senate stands adjourned until Monday,
17 February 10th, at 3:00 p.m., intervening days
18 being legislative days.

19 (Whereupon, at 4:05 p.m., the Senate
20 adjourned.)

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