NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 4, 2014

3:22 p.m.

REGULAR SESSION

SENATOR PATRICK M. GALLIVAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

The Secretary will read.

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

ACTING PRESIDENT GALLIVAN: 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 Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GALLIVAN: So ordered.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GALLIVAN: Opposed, nay.

(No response.)

ACTING PRESIDENT GALLIVAN: The Resolution Calendar is adopted.

Senator Libous.

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

(Laughter.)

ACTING PRESIDENT GALLIVAN: So noted.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

THE SECRETARY: Legislative

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

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

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

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

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

society in war and in peace; and

"WHEREAS, Some African-American pioneers whose many accomplishments, all of which took place during the month of February, went unnoticed, as well as numerous symbolic events in February that deserve to be memorialized include: John Sweat Rock, a noted Boston lawyer who became the first African-American admitted to argue before the U.S. Supreme Court on February 1, 1865, and the first African-American to be received on the floor of the U.S. House of Representatives; Jonathan Jasper Wright, the first African-American to hold a major judicial position, who was elected to the South Carolina Supreme Court on February 1, 1870; President Abraham Lincoln submits the proposed 13th Amendment to the U.S. Constitution, abolishing slavery, to the states for ratification on February 1, 1865; civil rights protester Jimmie Lee Jackson dies from wounds inflicted during a protest on February 26, 1965, leading to the historic Selma, Alabama, civil rights demonstrations, including Bloody Sunday, in which 600 demonstrators, including Martin Luther King, Jr., were attacked by police;

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

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

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

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

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

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

ACTING PRESIDENT GALLIVAN: Senator Stewart-Cousins.

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

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

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

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

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

country and changed the world.

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

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

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

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

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

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

Senator Hassell-Thompson.

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

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

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

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

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

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

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT GALLIVAN: Opposed, nay.

(No response.)

ACTING PRESIDENT GALLIVAN: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

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

Girls and Women in Sports Day.

ACTING PRESIDENT GALLIVAN: Senator Grisanti.

SENATOR GRISANTI: Thank you.

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

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

It's organized by five topnotch

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

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

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

sports and participation."

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

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

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

Thank you very much. Safe travels.

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

(No response.)

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

Senator Libous.

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

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

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

Senator Libous.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

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

ACTING PRESIDENT GALLIVAN: Senator Stavisky.

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

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

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

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

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

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

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

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

Thank you.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GALLIVAN: Opposed, nay.

(No response.)

ACTING PRESIDENT GALLIVAN: The resolution is adopted.

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

Senator Libous.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

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

ACTING PRESIDENT GALLIVAN: Read

the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

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

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Senator Libous.

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

This is the Public Assistance

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

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

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

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

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

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

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

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

ACTING PRESIDENT GALLIVAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Sanders to explain his vote.

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

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

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

get, and not the children.

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

Thank you very much.

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

Senator Bonacic to explain your vote.

SENATOR BONACIC: Thank you, Mr. President.

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

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

California.

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

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

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

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

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

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

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

Senator Grisanti.

SENATOR GRISANTI: Thank you.

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

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

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

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

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

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

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

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Mr. President, I

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

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

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

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

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

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

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

Senator Robach.

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

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

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

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

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

loophole could even exist.

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

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

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

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

Senator Hassell-Thompson.

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

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

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

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

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

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

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

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

Senator Zeldin to explain his vote.

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

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

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

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

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

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

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

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GALLIVAN: Announce the result.

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

Ayes, 53. Nays, 4.

ACTING PRESIDENT GALLIVAN: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT GALLIVAN: Read

the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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