

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 19, 2012

11 11:12 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and join me in the Pledge of Allegiance.

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

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

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

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

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

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

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

5 Motions and resolutions.

6 Senator Libous.

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

9 Can we adopt the Resolution
10 Calendar at this time, with the exception of
11 Resolutions 3942, 3955, 3999, 4011, and 4049.

12 ACTING PRESIDENT ROBACH: All
13 those in favor of adopting the Resolution
14 Calendar, with the noted exceptions, please
15 signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT ROBACH: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT ROBACH: The
21 calendar is adopted.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President, I
24 believe there's a resolution at the desk by
25 Senator Skelos, Number 3999. Could you have it

1 read in its entirety and then please call on
2 Senator Skelos.

3 ACTING PRESIDENT ROBACH: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 3999, by Senator Skelos,
7 memorializing Governor Andrew M. Cuomo to
8 proclaim April 19, 2012, as Holocaust
9 Remembrance Day in the State of New York.

10 "WHEREAS, From 1933 to 1945,
11 5.8 million Jews were murdered in the Nazi
12 Holocaust as a part of a systematic program of
13 genocide, and millions of other people also
14 perished as victims of Nazism; and

15 "WHEREAS, Jews who fell under
16 German control in Eastern and Central Europe
17 were quickly stripped of their rights and
18 property; and

19 "WHEREAS, The Jews who perished
20 at Nazi hands comprised two-thirds of all
21 European Jewry, and in countries such as
22 Poland, which before the Second World War
23 included parts of the Ukraine and Belarus,
24 the Jewish death toll surpassed 90 percent;
25 and

1 "WHEREAS, The People of the State
2 of New York should always remember the atrocities
3 committed by the Nazis so that such horrors are
4 never repeated; and

5 "WHEREAS, Those who survived the
6 killing camps tell us that as many people walked
7 to their deaths, their last words were 'Remember
8 Us'; and

9 "WHEREAS, The year 2012 marks the
10 79th anniversary of the beginning of the genocide
11 of European Jews, the darkest, most murderous
12 moment in history; and

13 "WHEREAS, We learn in the aftermath
14 of the Holocaust that indifference to genocide
15 cannot be tolerated. Holocaust remembrance
16 imposes a moral obligation to speak out; and

17 "WHEREAS, The Holocaust represents
18 the darkest period in the civilization of mankind
19 and must always be remembered in order to prevent
20 its reoccurrence anywhere else in the world; and

21 "WHEREAS, The People of the State
22 of New York should continually rededicate
23 themselves to the principle of equal justice for
24 all people; and

25 "WHEREAS, The People of the State

1 of New York should remain eternally vigilant
2 against all tyranny and recognize that bigotry
3 provides a breeding ground for tyranny to
4 flourish; and

5 "WHEREAS, Holocaust Remembrance
6 Day, known in Hebrew as Yom Hashoah, is a day set
7 aside for remembering the victims of the
8 Holocaust and for reminding New Yorkers, all
9 Americans, and people around the world of what
10 can happen to civilized people when bigotry,
11 hatred and indifference reign; and

12 "WHEREAS, Internationally,
13 Holocaust Remembrance Day is observed on the
14 27th day of Nisan, according to the Hebrew
15 calendar. This year it will be observed on
16 Thursday, April 19, 2012; now, therefore, be it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to memorialize
19 Governor Andrew M. Cuomo to proclaim April 19,
20 2012, as Holocaust Remembrance Day in the State
21 of New York; and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted to
24 The Honorable Andrew M. Cuomo, Governor of the
25 State of New York."

1 ACTING PRESIDENT ROBACH: Senator
2 Skelos.

3 SENATOR SKELOS: Mr. President,
4 with this resolution we commemorate and pray for
5 the millions of Jews who were murdered by the
6 Nazis.

7 This year marks the 79th
8 anniversary of the beginning of the Holocaust.
9 From 1933 to 1945, approximately 6 million Jews
10 were victims of genocide, probably the darkest
11 period in modern history. We remember this
12 atrocity as the Holocaust. In Hebrew the term
13 used is "Shoah," which means catastrophe. And I
14 can think of no bigger catastrophe in my lifetime
15 or in the history of the world.

16 Two-thirds of the Jews of Europe
17 died, along with millions of non-Jews. These
18 statistics are horrendous. They're statistics.
19 But these aren't just numbers. These are
20 people -- women, children, the elderly, the
21 disabled. Every victim was a unique individual
22 and not just part of a statistic.

23 We must continue to be vigilant and
24 condemn anti-Semitism and all forms of hatred and
25 bigotry so that these horrors are never

1 repeated.

2 Today we recommit ourselves to the
3 principle of "never forget, never again." In
4 doing so, we honor those who lost their lives by
5 ensuring that this horrendous crime never repeats
6 itself again.

7 Mr. President, I ask that the
8 resolution be adopted and certainly open it up
9 for sponsorship to the entire Senate. If anybody
10 wishes not to sponsor the resolution, they should
11 notify the desk.

12 Thank you.

13 ACTING PRESIDENT ROBACH: The
14 resolution is open for sponsorship by all
15 members. If there is anyone not wishing to be on
16 it, please notify the desk.

17 Senator Parker on the resolution.

18 SENATOR PARKER: Yes,
19 Mr. President, on the resolution.

20 Let me thank my Senate colleagues
21 for bringing this important resolution to the
22 floor.

23 As many of you know, I represent
24 Flatbush and East Flatbush, Midwood, Ditmas Park,
25 Kensington and of course Borough Park, where I

1 represent not only probably, you know, one of the
2 largest Orthodox Jewish populations in the entire
3 country, but also one of the largest populations
4 of Holocaust survivors in the country.

5 And certainly, you know, it's
6 important that this body remember and honor, as
7 Leader Skelos indicated, you know, never again
8 and never forget this atrocity, to make sure that
9 something like this can never happen to any
10 living being again.

11 I think that we all have to be
12 vigilant to ensure that something like that we
13 don't close a blind eye to this. When you study
14 the Holocaust, the scariest part of it is that --
15 it was really two things, one of which is this
16 was an atrocity carried out by everyday people.
17 That a large part of it was not done by soldiers,
18 it was done by bureaucrats.

19 And then the second thing is that
20 how many people in the world turned a blind eye
21 to these horrible actions that were happening. I
22 mean, literally the world looked away while
23 literally millions of Jews were being
24 exterminated throughout Eastern Europe.

25 And so we remember so that we don't

1 forget, and we honor those who have survived this
2 brutal atrocity.

3 Thank you, Mr. President.

4 ACTING PRESIDENT ROBACH: Seeing
5 no other Senator wishing to be heard, the
6 question is on the resolution.

7 All those in favor signify by
8 saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT ROBACH: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT ROBACH: the
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you,
17 Mr. President.

18 I believe there's a resolution by
19 Senator Adams at the desk, Number 3955. I'd ask
20 that you read it in its entirety and, before its
21 adoption, please call on Senator Adams.

22 ACTING PRESIDENT ROBACH: The
23 Secretary will read.

24 THE SECRETARY: Legislative
25 Resolution Number 3955, by Senator Adams,

1 honoring Abu Naser Khaliquzzaman, president of
2 World Trade Promotion Center, Inc., and extending
3 a warm welcome to him upon the occasion of his
4 visit to the New York State Senate.

5 "WHEREAS, It is the privilege of
6 this Legislative Body to welcome and pay tribute
7 to Abu Naser Khaliquzzaman, the president of
8 World Trade Promotion Center, Inc., upon the
9 occasion of his visit to the New York State
10 Senate; and

11 "WHEREAS, World Trade Promotion
12 Center, Inc., is a Brooklyn-based producer and
13 distributor of American Food and Agriculture
14 commodities. This valuable corporation markets
15 its products under the New Market Foods, American
16 Halal, American Grain Products, and Soya America
17 brands; and

18 "WHEREAS, A native of Bangladesh,
19 Abu Naser Khaliquzzaman migrated to the United
20 States with his family in 1997; and

21 "WHEREAS, Affectionately known as
22 Zaman, he earned both a bachelor of science
23 degree and a master of science degree in
24 pharmacy. His wife, Saiveda Akhter, also holds a
25 bachelor of science degree and a master of

1 science degree in pharmacy. Together, they are
2 the proud parents of one child, Istiak Zaman, a
3 ninth-grade National Honor student; and

4 "WHEREAS, Mr. Khaliquzzaman is a
5 community leader in his Brooklyn neighborhood,
6 where he serves as a board member for the Dahil
7 Neighborhood Association, District 12, Brooklyn;
8 and

9 "WHEREAS, Furthermore, he was a
10 member of the board of directors of the
11 Mid-Atlantic Soybean Association, and was elected
12 president of the Parent-Teacher Association of
13 I.S. 220 from 2007 through 2009; and

14 "WHEREAS, In 2001, the World Trade
15 Promotion Center, Inc., was the sponsor of a
16 series of non-partisan community programs in
17 advance of the 2001 national election in
18 Bangladesh. The programs focused on
19 strengthening the future of Bangladesh,
20 encouraging women to vote and become more active
21 in the democratic process, and emphasizing how a
22 stable Bangladesh would bring foreign investment
23 and improve opportunities; and

24 "WHEREAS, In response to the 9/11
25 attacks, Zaman Khaliquzzaman called a press

1 conference to condemn the human tragedy and
2 explained to the people of Bangladesh how this
3 act of terrorism destroyed relations among the
4 nations; and

5 "WHEREAS, He also sponsored a
6 series of religious and civic events in Dhaka
7 that stressed the need for unity among all people
8 and condemned international terrorism. This was
9 the first time that such an assembly of clergy
10 was present together on one day in Bangladesh;
11 and

12 "WHEREAS, Today, in our post-9/11
13 society, Zaman Khaliquzzaman continues to strive
14 to facilitate better understanding between the
15 United States and the rest of the Muslim world;
16 and

17 "WHEREAS, It is the custom of this
18 Legislative Body to commend individuals of
19 outstanding character who have shown initiative
20 and commitment toward constantly pursuing higher
21 goals for themselves, and acting as role models
22 of leadership to be emulated by all the citizens
23 of this great Empire State; now, therefore, be it

24 "RESOLVED, That this Legislative
25 Body pause in its deliberations to honor Abu

1 Naser Khaliquzzaman, and to extend a warm welcome
2 to him upon the occasion of his visit to the
3 New York State Senate; and be it further

4 "RESOLVED, That a copy of this
5 resolution, suitably engrossed, be transmitted to
6 Abu Naser Khaliquzzaman, president, World Trade
7 Promotion Center, Inc., Brooklyn, New York."

8 ACTING PRESIDENT ROBACH: Senator
9 Adams.

10 SENATOR ADAMS: Thank you,
11 Mr. President. And I thank the leader for
12 allowing me the opportunity to talk about Mr. Abu
13 Khaliquzzaman.

14 You know, the further we move from
15 September 11th, the more we are given a false
16 sense of security that the fight is over. And
17 one way of not falling victim to this is to
18 periodically go back and look and review the
19 voices who were a voice of tolerance and a voice
20 of reason.

21 One such voice is Mr. Abu
22 Khaliquzzaman. In the era of stereotypes and
23 following the crowd, Mr. Khaliquzzaman pulled
24 together in an international capacity a large
25 group of people to show their support for

1 America.

2 In the hours following the
3 Twin Towers attack on September 11, 2001,
4 Mr. Khaliquzzaman reached out to a global media
5 and diverse groups to condemn the terrorist
6 attacks. He also reached out to Christian,
7 Muslim, Hindu and Buddhist groups to promote
8 peace and understanding, and seeking a unified
9 voice for all as children of faith under
10 different religious banners.

11 Under the banner of the WTP
12 Promotion Center, he has since organized five
13 international events to promote a common
14 brotherhood among people of all faiths condemning
15 international terrorism, events which resulted in
16 the recognition of Bangladesh as a model of
17 modern Islam.

18 As such, Mr. Khaliquzzaman advanced
19 a series of nonpartisan programs for the
20 Bangladeshi elections to encourage women to vote
21 and to become more involved in the democratic
22 process as we do here in America. He also went
23 on to sponsor civic events that included diverse
24 clergy seeking to improve dialogue and
25 collaboration among their followers.

1 For his initiatives in pursuit of
2 understanding, seeking to tear down the
3 artificial parapets that frequently divide us, I
4 am pleased to honor Mr. Khaliquzzaman. And I
5 hope we all recognize that great citizens like
6 Mr. Khaliquzzaman is what makes America a great
7 country to live in.

8 Thank you, Mr. President.

9 ACTING PRESIDENT ROBACH: Senator
10 Parker.

11 SENATOR PARKER: On the
12 resolution, Mr. President.

13 I want to welcome Mr. Abu
14 Khaliquzzaman for being here and welcome him to
15 the Senate and to honor him today as being a
16 husband, a father, a great businessman, but most
17 of all an international humanitarian.

18 Again, I represent Flatbush and
19 East Flatbush, Midwood, Ditmas Park, Kensington
20 and Dahil. And Mr. Khaliquzzaman is one of my
21 constituents, where I represent not just the
22 largest population of Pakistani people outside of
23 the Pakistan in the world, I also represent the
24 largest Bangladeshi community in the city and I
25 think probably in the country as well.

1 And so that community is a
2 hardworking community, it's a very religious and
3 moral and family-oriented community. And it's
4 been a great pleasure to represent them.

5 And we want to welcome you, again,
6 here and thank you for all your service. And we
7 look forward to our continued partnership
8 together.

9 Thank you, Mr. President.

10 ACTING PRESIDENT ROBACH: Seeing
11 no other Senator wishing to be heard, the
12 question is on the resolution.

13 All those in favor signify by
14 saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT ROBACH: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT ROBACH: The
20 resolution is adopted.

21 We welcome this distinguished
22 humanitarian and visitor to the chamber on behalf
23 of Senator Adams, Senator Parker, and all the
24 members. Welcome.

25 (Applause.)

1 ACTING PRESIDENT ROBACH: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President, if
4 the sponsor has no objection, we'll open it up to
5 sponsorship by everybody. And if someone wishes
6 not to be on the resolution, let the desk know.

7 ACTING PRESIDENT ROBACH: The
8 resolution is open for sponsorship by all
9 members. Any member wishing not to be on the
10 resolution please notify the desk.

11 Senator Libous.

12 SENATOR LIBOUS: I believe there's
13 a resolution at the desk by Senator Avella,
14 Senate Resolution 3942. Could we have the title
15 read and then call on Senator Avella.

16 ACTING PRESIDENT ROBACH: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 3942, by Senator Avella,
20 congratulating the New York Mets Major League
21 Baseball Team upon the occasion of celebrating
22 its 50th Anniversary in 2012.

23 ACTING PRESIDENT ROBACH: Senator
24 Avella.

25 SENATOR AVELLA: Thank you,

1 Mr. President.

2 It really is a privilege, as a
3 lifelong Mets fan, to introduce this resolution.

4 Let me just give you a couple of
5 quick statistics. One of baseball's first
6 expansion teams, the New York Mets were founded
7 in 1962 to replace New York's departed National
8 League teams, the Brooklyn Dodgers and the
9 New York Giants.

10 During the 1962 and 1963 seasons,
11 the Mets played at the Polo Grounds and
12 subsequently at Shea Stadium. And in 2009 they
13 moved to Citi Field.

14 In 1969, the "Miracle Mets" beat
15 the Baltimore Orioles in the World Series in what
16 is considered as one of the biggest upsets in
17 World Series history.

18 Since 1969 the Mets have played in
19 three additional World Series, including a
20 dramatic series in 1973 against the Oakland
21 Athletics, a second World Series championship in
22 1986 against the Boston Red Sox, and, as many of
23 us will never forget, a Subway Series against
24 their cross-town rivals, the New York Yankees, in
25 the 2000 World Series.

1 Many of you will remember the 1986
2 World Series Game 6, which the Mets were down two
3 runs in bottom of the ninth, down to their last
4 strike, and pulled ahead with three runs. It is
5 one of the top five games in baseball history.

6 And I salute the Mets, and I urge
7 my colleagues in the Senate to join me in this
8 resolution. I open it up to everybody. The Mets
9 have given us 50 great years of baseball, and we
10 look forward to another 50 great years.

11 And they're 7 and 5 as of today.
12 Hopefully, their fiftieth year can go on to a
13 championship. And I say that with due respect to
14 the Yankee fans.

15 Thank you, Mr. President.

16 ACTING PRESIDENT ROBACH: Thank
17 you, Senator Avella.

18 Senator Libous.

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

21 I rise to say that I agree with
22 Senator Avella on this great resolution, as I
23 too -- and as I know Mr. President is, and I'm
24 sure there's others -- are die-hard, dedicated
25 New York Mets fans.

1 And certainly we hear about the
2 great championships and certainly the thrilling
3 championship of '69 and '86. But we've been with
4 them as loyal supporters through the good and
5 through the bad. And I too concur again with the
6 sponsor that being 7 and 5 is better than being 5
7 and 7.

8 And it's great to honor this great
9 New York team for 50 years of entertainment,
10 service, and pleasure for many of us in New York
11 State.

12 ACTING PRESIDENT ROBACH: Senator
13 Kennedy.

14 SENATOR KENNEDY: Yes, I too want
15 to rise in support of this resolution and to
16 recognize that the New York Mets' best days are
17 immediately in front of them, because they've
18 adopted the Buffalo Bisons as their AAA farm
19 team.

20 (Laughter.)

21 SENATOR KENNEDY: Congratulations
22 to the Mets.

23 ACTING PRESIDENT ROBACH: Thank
24 you, Senator Kennedy.

25 Senator Parker.

1 SENATOR PARKER: Thank you,
2 Mr. President. On the resolution.

3 ACTING PRESIDENT ROBACH: On the
4 resolution.

5 SENATOR PARKER: I rise to add my
6 voice to those congratulating the Mets on
7 50 years of service and entertainment and great
8 sports fun to our city.

9 You know, I'm a Brooklyn boy. And
10 I grew up in Brooklyn, my father grew up in
11 Brooklyn. And as I travel around the country,
12 people always ask, of course, about the Yankees.
13 And I'm like, "I'm from Brooklyn, I'm not a
14 Yankees fan." Right?

15 And people don't realize this, but
16 you get your baseball team in New York City the
17 way you get your religion and your party
18 affiliation: You inherit it from your parents.
19 Right?

20 And of course my father, growing up
21 in the 1930s and '40s and '50s, was a Dodger
22 fan. And you know, there's no like
23 self-respecting Dodger fan who could ever be a
24 Yankee fan, unfortunately.

25 So we all inherited the Mets and

1 became great Mets fans. I grew up wanting to be
2 Lee Mazzilli my whole life. And of course the
3 '86 World Series, you know, was really kind of
4 one of the monumental sport events of my life.

5 And so we congratulate them. But
6 in addition to, you know, representing, again,
7 Flatbush and East Flatbush, Midwood, and having
8 the largest concentration of Orthodox Jews and
9 the largest number of Pakistanis and Bangladeshis
10 in the state, we really have more Mets fans in my
11 district than any other district in the state.

12 (Laughter.)

13 SENATOR PARKER: And so, you know,
14 we congratulate them, and we look forward to more
15 sporting history being made by the Mets.

16 ACTING PRESIDENT ROBACH: Thank
17 you.

18 Senator Duane.

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

21 I know this is going to date me as
22 one of the youngest members here of this august
23 body, but in 1969 I was a freshman at Holy Cross
24 High School in Flushing, by Utopia Parkway, as
25 only Queens should have a Utopia Parkway.

1 And my oldest brother, because the
2 Mets didn't exist, was a Yankee fan, so my
3 brothers and I were not permitted to be Yankees
4 fans. And then, lo and behold, the miracle
5 happened and the Mets moved -- didn't move, but
6 arose in Queens.

7 And I have to add my brother Jimmy,
8 who was the Yankees fan, moved to Boston. So, I
9 mean, that's heresy in and of itself.

10 But anyway, nothing against the
11 Yankees, but, you know, the Yankees are in the
12 playoffs {yawning} -- but the Mets, you never
13 know.

14 (Laughter.)

15 SENATOR DUANE: I mean, if the
16 Yankees are in the World Series, I'm for them.
17 But the Mets, either they're great and then
18 they're terrible, or sometimes they're terrible
19 and then they're great, and sometimes they're
20 really good and then they're great. And that's
21 what's so great about the Mets.

22 So there's nothing like the Mets,
23 no team like the Mets. And I could walk to the
24 stadium or I could take the bus to Main Street
25 and then walk, or I could walk to Main Street and

1 take the Number 7. But getting to Shea Stadium
2 was always -- always meant an exciting time.

3 So thank you, Senator, for
4 introducing this resolution, and I will proudly
5 be adding my name to it.

6 Thank you.

7 ACTING PRESIDENT ROBACH: Thank
8 you, Senator Duane.

9 Senator Squadron.

10 SENATOR SQUADRON: Thank you,
11 Mr. President.

12 I want to join the chorus of folks
13 congratulating the Mets on 50 years. And the
14 Mets couldn't be a more New York team. This is
15 not a team that's always on top, that's always
16 getting into the playoffs and into the
17 World Series. It's a team, like New York, that
18 has to struggle and be scrappy and every couple
19 of years gives us a miraculous victory like you
20 couldn't believe.

21 Not to show my own age, but in
22 1986, the sixth game of the World Series, I was a
23 6-year-old boy sitting in Shea Stadium.
24 Though -- I have to admit -- I was there, I
25 didn't see it, because my head was down, I was

1 praying at the time.

2 (Laughter.)

3 SENATOR SQUADRON: And it was a
4 great moment. After the second out, I didn't see
5 much more.

6 But many New Yorkers across the
7 state and former New Yorkers across the country
8 have lived and died with the Mets in moments like
9 that, and have felt like 6-year-old kids out of
10 some of the excitement that we've seen from
11 them.

12 The only criticism I have of
13 Senator Avella is that he didn't have Mr. Met
14 sitting here today in the chamber.

15 (Laughter.)

16 SENATOR SQUADRON: That would be
17 appropriate. Because you can never forget the
18 Mets are not just the most miraculous team in the
19 history of Major League Baseball, they also have
20 just about the best mascot anyone could ever ask
21 for.

22 And if the Phillie Phanatic wants
23 to come and quarrel with me about that, I believe
24 that this house is going to allow mixed martial
25 arts, and I'm happy to take on that fight.

1 (Laughter.)

2 SENATOR SQUADRON: Thank you very
3 much, Mr. President. Congratulations to the Mets
4 on 50 years.

5 ACTING PRESIDENT ROBACH: Thank
6 you.

7 Seeing no other Senator wishing to
8 be heard, the question is on the resolution. All
9 those in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT ROBACH: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT ROBACH: The
15 resolution is adopted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I
18 believe there's a resolution, Number 4049, by
19 Senator Perkins. If we could have just the title
20 read and move for its immediate adoption.

21 ACTING PRESIDENT ROBACH: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 4049, by Senator Perkins,
25 commemorating the 105th Anniversary of the

1 busiest day --

2 SENATOR LIBOUS: Mr. President.

3 ACTING PRESIDENT ROBACH: Senator
4 Libous.

5 SENATOR LIBOUS: I'm sorry, to the
6 desk.

7 As a dedicated Met fan, how I could
8 not open up this resolution, on behalf of
9 Senator Avella, to the entire body for
10 cosponsorship. And I want to know who addresses
11 the desk and says they don't want to go on it.

12 (Laughter.)

13 ACTING PRESIDENT ROBACH: All
14 right, the resolution is open for cosponsorship.
15 Any member wishing not to be on the 50-year Met
16 anniversary resolution, please notify the desk.

17 The Secretary will continue to
18 read.

19 THE SECRETARY: Legislative
20 Resolution Number 4049, by Senator Perkins,
21 commemorating the 105th Anniversary of the
22 busiest day in the history of Ellis Island, when
23 11,747 individuals immigrated to America to begin
24 their new lives.

25 ACTING PRESIDENT ROBACH: The

1 question is on the resolution. All those in
2 favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT ROBACH: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT ROBACH: The
8 resolution is adopted.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, I
11 believe there's a resolution by Senator Kennedy
12 at the desk, Number 4011. I ask that it be read
13 in its entirety and then call on Senator Kennedy
14 before we adopt it.

15 ACTING PRESIDENT ROBACH: The
16 Secretary will read.

17 THE SECRETARY: Legislative
18 Resolution Number 4011, commending the Buffalo
19 Veterans Treatment Court.

20 "WHEREAS, It is the sense of this
21 Legislative Body that members of the Armed
22 Services from the State of New York merit the
23 recognition, respect and appreciation and, when
24 needed, the assistance of the people of New York
25 State; and

1 "WHEREAS, Attendant to such
2 concern, and fully in accord with its
3 long-standing traditions, this Legislative Body
4 is justly proud to commend the Buffalo Veterans
5 Treatment Court and to applaud its service to and
6 on behalf of the veterans of Western New York;
7 and

8 "WHEREAS, The Buffalo Veterans
9 Treatment Court is a hybrid drug and mental
10 health court which serves veterans who are
11 struggling with addiction and/or mental illness
12 by diverting them from the traditional criminal
13 justice system into a specialized veterans court;
14 and

15 "WHEREAS, In January 2008, Judge
16 Robert Russell created and began presiding over
17 the United States' first Veterans Treatment
18 Court, in collaboration with the Western New York
19 Health Care Network, the Western New York
20 Veterans Project, the Buffalo Police Department,
21 the Buffalo Veterans Administration Health Care
22 System, the Buffalo Criminal Courts, the Buffalo
23 Drug and Mental Health Treatment Courts, Erie
24 County Pre-Trial Services and the C.O.U.R.T.S
25 Program (Court Outreach Unit Referral and

1 Treatment Service) and a host of volunteer
2 veterans who serve as mentors; and

3 "WHEREAS, Judge Russell continues
4 to preside over the court, with the assistance of
5 Court Coordinator Marine Vietnam Veteran Hank
6 Pirowski; and

7 "WHEREAS, In his courtroom Judge
8 Russell conducts an open dialogue with the
9 defendant which is less adversarial than that of
10 many other courtroom conversations and hopes that
11 when a veteran enters his courtroom it will be
12 for the last time; and

13 "WHEREAS, The treatment court has
14 received extraordinary support from the federal
15 Veterans Administration (VA). It staffs each
16 session with several VA employees who are there
17 to ensure that veterans are enrolled in the
18 VA Health Network and to facilitate claim status
19 inquiries and other needs the veterans may have;
20 and

21 "WHEREAS, The Buffalo Veterans
22 Treatment Court has a robust network of volunteer
23 mentors who help guide the veterans through the
24 court process and to gain access to services and
25 support to help them overcome chemical dependency

1 or mental health issues stemming from their
2 service to our country such as posttraumatic
3 stress disorder (PTSD). Jack O'Connor, Army
4 Vietnam veteran and former Erie County Department
5 of Social Services director of Medicaid, was
6 instrumental in the creation of the court's
7 mentorship program; and

8 "WHEREAS, Studies have shown that
9 30 to 40 percent of the 1.6 million troops who
10 have served in Iraq and Afghanistan will face
11 serious invisible wounds such as PTSD or
12 traumatic brain injury. When they return home
13 with these injuries, adjusting to life can be
14 difficult and in some cases can lead to chemical
15 dependency or mental health issues which, in
16 turn, can lead to problems with the law; and

17 "WHEREAS, By giving defendants the
18 opportunity of being guided by someone with whom
19 they can relate, the veteran mentors serve an
20 essential function in the treatment court. The
21 program's success is, in fact, often attributed
22 to the contributions of these volunteers; and

23 "WHEREAS, In 2010, the National
24 Drug Court Institute (NDCI) and the United States
25 Bureau of Justice Assistance (BJA) announced the

1 launch of the 2010 Veterans Treatment Court
2 Planning Initiative (VTCPI), the first Veterans
3 Treatment Court training program in the nation.
4 Its VTCPI curriculum is a collaborative effort of
5 NDCI, BJA, the U.S. Department of Veterans
6 Affairs, the GAINS Center, the Battered Women's
7 Justice Project, and numerous Veterans Treatment
8 Court professionals; and

9 "WHEREAS, Together, under
10 Judge Russell's leadership, and with the VA's
11 participation and the contributions of volunteer
12 veteran mentors, the Buffalo Veterans Treatment
13 Court Program has successfully graduated dozens
14 of veterans who have steered their lives away
15 from traps many others before them fell into in
16 the absence of such a program; now, therefore, be
17 it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to commend the
20 Buffalo Veterans Treatment Court and to applaud
21 its service to and on behalf of the veterans of
22 Western New York; and be it further

23 "RESOLVED, That copies of this
24 resolution, suitably engrossed, be transmitted to
25 The Honorable Robert Russell and to the Buffalo

1 Veterans Treatment Court."

2 ACTING PRESIDENT ROBACH: Senator
3 Kennedy.

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

6 Mr. President, I rise today to
7 commend the tremendous trend-setting work of the
8 Buffalo Veterans Treatment Court. Veterans and
9 active duty members of our armed forces risk
10 their lives to protect our nation and our freedom
11 every single day. When they return home, it is
12 our duty to protect and serve our veterans and
13 their families.

14 All of us in this Senate chamber
15 are committed to helping our veterans and their
16 families secure the support and the respect that
17 they've earned and that they deserve. The brave
18 service of our armed forces has made and kept
19 this nation strong, united and free.

20 So many New Yorkers have valiantly
21 served overseas and returned home to their
22 communities proud and respected. Some of our
23 returning veterans, however, face challenges as
24 they enter post-service life.

25 There are over 23 million veterans

1 in the United States, and 2.2 million veterans of
2 the wars in Iraq and Afghanistan. Of these men
3 and women, one in five have reported symptoms of
4 mental illness such as PTSD, or posttraumatic
5 stress disorder, and about one in four veterans
6 age 18 to 25 suffer the effects of substance
7 abuse. This combination of mental illness and
8 substance abuse occasionally leads to
9 homelessness and crime.

10 It's an unfortunate story, veterans
11 who have had no criminal history prior to serving
12 our nation appearing before a judge to answer to
13 charges that result from mental illness and
14 substance abuse. In the past they would be in
15 prison, which is costly for the state and leaves
16 little hope for recovery for these individuals
17 who have served this nation.

18 In Western New York it was decided
19 that it was time to break this trend. Judge
20 Robert Russell stepped up in January 2008. He
21 joined forces with Vietnam veteran Hank Pirowski
22 to create the Buffalo Veterans Treatment Court.

23 This innovative program diverts
24 veterans away from the traditional criminal
25 justice system into a specialized veterans

1 treatment court. In the setting of this
2 treatment court, veterans reconnect with the
3 values of service, sacrifice and hard work which
4 led them to the armed forces to begin with.

5 Veterans also receive assistance in
6 gaining access to the benefits and services that
7 they have rightfully earned by serving this great
8 country. Much of that assistance comes from
9 fellow veterans who serve as volunteer mentors,
10 under the leadership of Coordinator Jack
11 O'Connor, himself a Vietnam veteran.

12 The Buffalo Veterans Treatment
13 Court was the first of its kind throughout the
14 entire nation. When Judge Russell and
15 Mr. Pirowski launched the Buffalo Veterans
16 Treatment Court, it quickly became a national
17 model. Municipalities around the country looked
18 to Buffalo for leadership when it came to best
19 serving veterans. Today there are over 80
20 Veterans Treatment Courts in the nation, and
21 hundreds more are in the works.

22 This January the court celebrated
23 its fourth anniversary. The City of Buffalo, the
24 State of New York, and our entire nation are
25 benefiting from the leadership of Judge Robert

1 Russell and the service of the Buffalo Veterans
2 Treatment Court.

3 Thank you, Judge Russell, for your
4 vision and leadership. Thank you also to
5 Mr. O'Connor for your service to our nation and
6 commitment to your fellow veterans. Also we owe
7 a special debt of gratitude to the late Mr. Hank
8 Pirowski, who passed away earlier this year.

9 Mr. President, today we commend the
10 Buffalo Veterans Treatment Court and applaud its
11 ongoing service and support for the veterans of
12 Western New York. I would ask that this
13 resolution be open to this honorable body for
14 cosponsorship.

15 Thank you very much, Mr. President.

16 ACTING PRESIDENT ROBACH: Seeing
17 no other Senator wishing to be heard, the
18 question is on the resolution. All those in
19 favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT ROBACH: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT ROBACH: The
25 resolution is adopted.

1 And that will be open to all the
2 members. Anyone wishing not to be on the
3 resolution please notify the desk.

4 Senator Libous.

5 SENATOR LIBOUS: Thank you,
6 Mr. President.

7 There's a resolution at the desk by
8 Senator Grisanti, Number 3744. It was previously
9 adopted by the house on March 27th. Could we
10 just have the title read, and Senator Grisanti
11 would like to make a statement.

12 ACTING PRESIDENT ROBACH: The
13 Secretary will read.

14 THE SECRETARY: Legislative
15 Resolution Number 3744, by Senator Grisanti,
16 commemorating the 42nd Anniversary of Earth Day
17 on April 22, 2012.

18 ACTING PRESIDENT ROBACH: Senator
19 Grisanti.

20 SENATOR GRISANTI: Thank you,
21 Mr. President.

22 That's right, it's the 42nd year of
23 the birth in 1970. Jimi Hendrix had passed away,
24 the last Beatle album was heard, and that
25 beautiful song by Simon & Garfunkel, "Bridge Over

1 Troubled Waters," was actually brought into
2 fruition.

3 But Earth Day also meant protests
4 in 1970 about the war. But what had happened
5 during that time period is we capitalized on the
6 emerging consciousness, channeling the energy of
7 the war protests and putting the environmental
8 concerns out front and center.

9 Earth Day 1970 achieved a rare
10 political alignment, enlisting support from
11 Republicans, Democrats, rich, poor, city
12 slickers, farmers, tycoons, and labor leaders.

13 The first Earth Day led to the
14 creation of the U.S. Environmental Protection
15 Agency and the passage of the Clean Air, Clean
16 Water and Endangered Species Acts. It was a
17 gamble, but it paid off.

18 In 1990 Earth Day continued, and it
19 went global. Over 200 million people in 141
20 countries joined. Then, in the millennium of
21 2000, a campaign for global warming and a focus
22 on clean energy then took place.

23 But this year, my friends and
24 colleagues, on April 22nd, more than 1 billion
25 people around this great earth will participate

1 in Earth Day 2012. It will help mobilize the
2 earth. People of all nationalities and
3 backgrounds will voice their appreciation for the
4 planet and its protection. Together we will
5 stand united for a sustainable future and call
6 upon individuals, agencies, organizations and
7 governments to do their part.

8 The fight for a clean environment
9 continues in a climate of increasing urgency as
10 the ravages of climate change become more
11 manifest every day. I invite everybody to talk
12 to your community leaders, talk to your block
13 clubs, talk to your neighbors -- we invite
14 everybody to be a part of Earth Day on the 22nd
15 and help write many more victories for this
16 success into history. Discover energy you didn't
17 know you had and protect the planet.

18 Thank you, Mr. President. I open
19 this up for everybody in this fine chamber.

20 ACTING PRESIDENT ROBACH: Thank
21 you, Senator Grisanti.

22 The resolution has previously been
23 adopted.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President. I believe we are now prepared to
2 have the noncontroversial reading of the
3 calendar.

4 ACTING PRESIDENT ROBACH: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 193, by Senator Grisanti, Senate Print 6084B, an
8 act to amend the Parks, Recreation and Historic
9 Preservation Law.

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect immediately.

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55. Nays,
18 1. Senator Parker recorded in the negative.

19 ACTING PRESIDENT ROBACH: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 457, by Senator Ritchie, Senate Print 6774, an
23 act to amend the Agriculture and Markets Law.

24 ACTING PRESIDENT ROBACH: Read the
25 last section.

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

3 ACTING PRESIDENT ROBACH: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT ROBACH: Senator
7 Duane to explain his vote.

8 SENATOR DUANE: Yes, thank you,
9 Mr. President.

10 Sadly, I'm going to be voting in
11 the negative on this. I'm concerned about a few
12 of the words in the first and second line,
13 "intentionally" and "intent," how this impacts
14 the burden placed on DAs and how a person might
15 defend themselves.

16 Also I'm not sure what "another
17 instrument commonly used" could be. Could that
18 be a kind of collar? I mean, does it go as far
19 as a dog -- you know, food or what their -- it's
20 just too vague.

21 And I also think it's too harsh.
22 And I also think that we should be cognizant that
23 just because someone merely possesses, even if
24 they're no longer involved in this behavior but
25 haven't gotten rid of any paraphernalia, they

1 might be caught up in this.

2 So I look forward to working with
3 the sponsor on maybe tightening the language a
4 little bit more, and then I would be pleased to
5 vote in the affirmative. But as it's written
6 now, I am going to be voting in the negative,
7 though I certainly agree with the spirit of the
8 law.

9 Thank you, Mr. President.

10 ACTING PRESIDENT ROBACH: Senator
11 Duane will be recorded in the negative.

12 Announce the results.

13 THE SECRETARY: Ayes, 53. Nays,
14 3. Senators Duane, Montgomery and Parker
15 recorded in the negative.

16 ACTING PRESIDENT ROBACH: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 458, by Senator Little, Senate Print 553, an act
20 to amend the Environmental Conservation Law.

21 ACTING PRESIDENT ROBACH: Read the
22 last section.

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

25 ACTING PRESIDENT ROBACH: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 55. Nays,

4 1. Senator Parker recorded in the negative.

5 ACTING PRESIDENT ROBACH: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 459, by Senator Young, Senate Print 2839A, an act
9 to amend the Soil and Water Conservation
10 Districts Law.

11 ACTING PRESIDENT ROBACH: Read the
12 last section.

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

15 ACTING PRESIDENT ROBACH: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55. Nays,

19 1. Senator Parker recorded in the negative.

20 ACTING PRESIDENT ROBACH: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 462, by Senator Grisanti, Senate Print 6638, an
24 act to amend Chapter 122 of the Laws of 2000.

25 ACTING PRESIDENT ROBACH: Read the

1 last section.

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

4 ACTING PRESIDENT ROBACH: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 54. Nays,
8 2. Senators Duane and Parker recorded in the
9 negative.

10 ACTING PRESIDENT ROBACH: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 463, by Senator Grisanti, Senate Print 6639, an
14 act to amend the Environmental Conservation Law.

15 ACTING PRESIDENT ROBACH: Read the
16 last section.

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

19 ACTING PRESIDENT ROBACH: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 55. Nays,
23 1. Senator Parker recorded in the negative.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 470, by Senator Little, Senate Print 6670, an act
3 to amend the Public Service Law.

4 ACTING PRESIDENT ROBACH: Read the
5 last section.

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

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 55. Nays,
12 1. Senator Parker recorded in the negative.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 495, by Senator Robach, Senate Print 6960, an act
17 to amend the Civil Service Law.

18 ACTING PRESIDENT ROBACH: Read the
19 last section.

20 THE SECRETARY: Section 18. This
21 act shall take effect immediately.

22 ACTING PRESIDENT ROBACH: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 55. Nays,

1 1. Senator Parker recorded in the negative.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 Senator Libous, that concludes the
5 reading of the active list.

6 SENATOR LIBOUS: Mr. President, is
7 there any further business at the desk?

8 ACTING PRESIDENT ROBACH: There is
9 none.

10 SENATOR LIBOUS: There being no
11 further business, I move that we adjourn until
12 Wednesday, April 25th, at 3:00 p.m., intervening
13 days to be legislative days.

14 ACTING PRESIDENT ROBACH: On
15 motion, the Senate stands adjourned until
16 Wednesday, April 25th, at 3:00 p.m., intervening
17 days being legislative days.

18 (Whereupon, at 12:04 p.m., the
19 Senate adjourned.)

20

21

22

23

24

25