NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 19, 2012

11:12 a.m.

REGULAR SESSION

SENATOR JOSEPH ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT ROBACH: 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.
Can we adopt the Resolution Calendar at this time, with the exception of Resolutions 3942, 3955, 3999, 4011, and 4049.
ACTING PRESIDENT ROBACH: All those in favor of adopting the Resolution Calendar, with the noted exceptions, please signify by saying aye.
(Response of "Aye.")
ACTING PRESIDENT ROBACH: Opposed, nay.
(No response.)
ACTING PRESIDENT ROBACH: The calendar is adopted.
Senator Libous.
SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk by Senator Skelos, Number 3999. Could you have it

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

"WHEREAS, The People of the State

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Skelos.

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

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

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

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

repeated.

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

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

Thank you.

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

Senator Parker on the resolution.

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

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

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

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

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

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

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

And so we remember so that we don't

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

Thank you, Mr. President.

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

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: the resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Adams.

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

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

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

America.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Parker.

SENATOR PARKER: On the resolution, Mr. President.

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

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

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

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

Thank you, Mr. President.

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

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

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

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

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

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

Senator Libous.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Avella.

SENATOR AVELLA: Thank you,

Mr. President.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Avella.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT ROBACH: Senator Kennedy.

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

(Laughter.)

SENATOR KENNEDY: Congratulations to the Mets.

ACTING PRESIDENT ROBACH: Thank you, Senator Kennedy.

Senator Parker.

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

ACTING PRESIDENT ROBACH: On the resolution.

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

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

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

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

So we all inherited the Mets and

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

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

(Laughter.)

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

ACTING PRESIDENT ROBACH: Thank you.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

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

(Laughter.)

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

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

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

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

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Duane.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

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

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

praying at the time.

(Laughter.)

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

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

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

(Laughter.)

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

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

(Laughter.)

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

ACTING PRESIDENT ROBACH: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

busiest day --

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT ROBACH: Senator Libous.

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

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

(Laughter.)

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

The Secretary will continue to read.

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

ACTING PRESIDENT ROBACH: The

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Veterans Treatment Court."

ACTING PRESIDENT ROBACH: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

There are over 23 million veterans

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

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

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

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

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

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

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

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

Russell and the service of the Buffalo Veterans Treatment Court.

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

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

Thank you very much, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Grisanti.

SENATOR GRISANTI: Thank you, Mr. President.

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

Troubled Waters," was actually brought into fruition.

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Grisanti.

The resolution has previously been adopted.

Senator Libous.

SENATOR LIBOUS: Thank you,

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Duane to explain his vote.

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

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

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

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

might be caught up in this.

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

Thank you, Mr. President.

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

Announce the results.

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the

last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays,

1. Senator Parker recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

ACTING PRESIDENT ROBACH: There is none.

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

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

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