

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 28, 2011

11 6:09 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOHN J. FLANAGAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT FLANAGAN:
9 Today's invocation will be offered by Rabbi
10 Shmuel Butman, from the Lubavitch Youth
11 Organization in Brooklyn.

12 Rabbi.

13 RABBI BUTMAN: [in Hebrew] Our
14 Heavenly Father, please bestow Your heavenly
15 blessings on the members of the New York State
16 Senate, on them and on their families. They
17 should have the strength, the inspiration, the
18 health to serve You and the people in the
19 great State of New York.

20 The Lubavitcher Rebbe, Rabbi
21 Menachem M. Schneerson, said many times, when
22 he spoke about the elected officials of the
23 State of New York and the elected officials of
24 the New York State Senate, that you are
25 elected as the custodians for law and order

1 not only in the State of New York, but through
2 the State of New York, in the entire state, in
3 the entire United States of America, because
4 the State of New York has influence over the
5 entire country, and by extension the United
6 States has influence and should have influence
7 over the entire world.

8 So the laws of law and order that
9 you institute and that you are the custodians
10 of have repercussions not only for the great
11 people of the State of New York and the United
12 States of America but all free people
13 throughout the world.

14 In 1991, before I went to
15 Washington to open the United States Senate, I
16 went to see the Rebbe. And the Rebbe said
17 that "During your invocation in the United
18 States Senate, you should bring with you a
19 pushkeh" -- a pushkeh is a charity box -- "and
20 you should put in a dollar while you're doing
21 the invocation, and everybody should see what
22 you are doing, and whoever wants to follow."

23 So I'm going to do what the Rebbe
24 asked me. On the dollar it says -- you just
25 mentioned God's name before in your prayer.

1 On the dollar it says "In God We Trust." And
2 I'm going to put in a dollar in the pushkeh,
3 and we are going to ask everyone if they want
4 to join us.

5 Now, don't get scared. This is not
6 a fundraising campaign to make good for the
7 deficit of the New York State budget. This is
8 not the reason. The reason for that is that
9 everyone should have a chance to do an extra
10 deed of goodness and kindness. When you put
11 your hand in your pocket, you take out a
12 dollar bill and you put it into a charity box,
13 you have done an act of goodness and kindness.

14 The Rebbe says that we live in the
15 last generation of exile and the first
16 generation of redemption. And the Great
17 Redemption will come by doing more acts of
18 goodness and kindness. And this is exactly
19 what we are going to ask you to do if this is
20 going to be -- these are going to be your
21 wishes.

22 Every Saturday when we are in our
23 synagogues we say a special prayer for you.
24 We say the [in Hebrew], for all those who
25 serve the public faithfully as you do. We ask

1 Almighty God for blessings for you and for
2 your family, in health, in happiness, and in
3 gladness of heart.

4 And our wish, and our wish to each
5 and every single one of you is, at this
6 moment, that you should pass the budget
7 successfully immediately.

8 Thank you.

9 ACTING PRESIDENT FLANAGAN: The
10 reading of the Journal.

11 THE SECRETARY: In Senate,
12 Sunday, March 27, the Senate met pursuant to
13 adjournment. The Journal of Saturday,
14 March 26, was read and approved. On motion,
15 Senate adjourned.

16 ACTING PRESIDENT FLANAGAN:
17 Without objection, the Journal stands approved
18 as read.

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from
25 state officers.

1 Motions and resolutions.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, I
4 know that members are giving their tithing to
5 the rabbi, and that's a good thing to do. But
6 if we could please have some order in the
7 chamber while they're quietly putting their
8 dollars in the box, in the pushkeh. Thank
9 you.

10 And I would read a couple of
11 motions, Mr. President.

12 On behalf of Senator Griffo, on
13 page 20 I offer the following amendments to
14 Calendar Number 255, Senate Print Number 3641,
15 and ask that said bill retain its place on the
16 Third Reading Calendar.

17 ACTING PRESIDENT FLANAGAN: The
18 amendments are received and adopted and the
19 bill will retain its place on the Third
20 Reading Calendar.

21 SENATOR LIBOUS: And,
22 Mr. President, on behalf of Senator Seward, I
23 move that the following bill be discharged
24 from its respective committee and be
25 recommitted with instructions to strike the

1 enacting clause: Senate Bill 3898.

2 ACTING PRESIDENT FLANAGAN: So
3 ordered.

4 SENATOR LIBOUS: And,
5 Mr. President, I believe there is a privileged
6 resolution at the desk. I would ask that it
7 be read in its entirety and we move for its
8 immediate adoption.

9 ACTING PRESIDENT FLANAGAN: The
10 Secretary will read.

11 THE SECRETARY: Legislative
12 resolution by Senator Skelos, commemorating
13 the Anniversary Celebration of the Birthday of
14 the revered Lubavitcher Rebbe, Rabbi Menachem
15 M. Schneerson, upon the occasion of a Memorial
16 Reception to be held in the New York State
17 Capitol on March 28, 2011.

18 "WHEREAS, The true architects of
19 society and community are those individuals
20 whose faith and unremitting commitment serve
21 to sustain the spiritual and cultural values
22 of life. The Lubavitcher Rebbe, Rabbi
23 Menachem M. Schneerson, was surely such an
24 individual; and

25 "WHEREAS, World Jewry will honor

1 its immortal leader, Rabbi Menachem M.
2 Schneerson, the Lubavitcher Rebbe, upon the
3 occasion of the Anniversary of his Birthday
4 with '109 Days of Education' in --

5 SENATOR LIBOUS: Mr. President,
6 we are honoring the Rabbi. And if we could
7 have some order in the chamber as the clerk
8 reads.

9 ACTING PRESIDENT FLANAGAN:
10 Senator Libous, thank you.

11 If the members would respect the
12 reading of the resolution about the Rabbi, we
13 would all appreciate it.

14 The Secretary will continue to
15 read.

16 THE SECRETARY: "WHEREAS, World
17 Jewry will honor its immortal leader, Rabbi
18 Menachem M. Schneerson, the Lubavitcher Rebbe,
19 upon the occasion of the Anniversary of his
20 Birthday with '109 Days of Education,' in
21 fitting tribute to this esteemed spiritual
22 leader; and

23 "WHEREAS, The Lubavitcher Rebbe,
24 over his 44 years of dedicated leadership,
25 established over 1,500 Lubavitch Centers,

1 helping people of all walks of life throughout
2 the world, from Australia to Africa, from
3 Holland to Argentina, and from Moscow to
4 Jerusalem; and

5 "WHEREAS, Rabbi Schneerson's
6 educational activities throughout the global
7 have enriched and strengthened the religious,
8 educational, cultural, moral, and ethical
9 fibers of all citizens of the world; and

10 "WHEREAS, The Rebbe proclaimed that
11 the time of Redemption has arrived and
12 Moshiach is on his way; and

13 "WHEREAS, The Lubavitcher Rebbe
14 called upon all citizens of the world to
15 prepare for the Great Redemption with a
16 personal commitment to increase charity and
17 good deeds; and

18 "WHEREAS, A Memorial Reception will
19 be held in the New York State Capitol on
20 Monday, March 28, 2011, in tribute and
21 remembrance of Rabbi Schneerson, the leading
22 rabbi of his generation; and

23 "WHEREAS, This year, Friday,
24 April 15, 2011, corresponding to 11 Nissan,
25 5770, the Rebbe's Birthday, to Monday,

1 August 1, 2011, corresponding to 1 Av, 5771,
2 will be celebrated as '109 Days of Education'
3 in tribute to the educational endeavors of
4 this visionary leader and learned gentleman on
5 behalf of all mankind; and

6 "WHEREAS, Throughout his purposeful
7 journey of life, Rabbi Schneerson compiled,
8 with dignity and grace, decades filled with
9 philanthropic causes, humanitarian effort, and
10 astute Judaic leadership, justly earning the
11 devotion of his followers and the admiration
12 and respect of his fellow man; now, therefore,
13 be it

14 "RESOLVED, That this Legislative
15 Body pause in its deliberations to commemorate
16 the traditional observance of the Anniversary
17 of the Birthday of the Lubavitcher Rebbe,
18 Rabbi Menachem M. Schneerson, upon the
19 occasion of a Memorial Reception to be held in
20 the New York State Capitol on March 28, 2011,
21 and to recognize April 15, 2011, to August 1,
22 2011, as '109 Days of Education,' in tribute
23 to the educational endeavors of the beloved
24 Rebbe; and be it further

25 "RESOLVED, That a copy of this

1 resolution, suitably engrossed, be transmitted
2 to Rabbi Shmuel M. Butman, director of the
3 Lubavitch Youth Organization."

4 ACTING PRESIDENT FLANAGAN:
5 Senator Skelos.

6 SENATOR SKELOS: Thank you very
7 much, Mr. President.

8 Rabbi Butman, as every year, we
9 look forward to your coming to our chamber,
10 reminding all of us in our lives we should all
11 do good deeds.

12 And I also want to point out,
13 during these times of fiscal austerity, I've
14 never seen more members go up and contribute
15 as they have this year. So I think it's
16 wonderful.

17 We wish you good health. We look
18 forward to seeing you every year as you bless
19 this chamber. Thank you, Rabbi.

20 RABBI BUTMAN: Thank you very
21 much. Thank you. Thank you. Thank you.

22 ACTING PRESIDENT FLANAGAN:
23 Senator Skelos, the Rabbi has informed me that
24 he has clearly hit his table target for today.

25 (Laughter.)

1 RABBI BUTMAN: I wish you the
2 same. Thank you.

3 ACTING PRESIDENT FLANAGAN:
4 Senator Libous, the question is on the
5 resolution. All those in favor signify by
6 saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT FLANAGAN:
9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT FLANAGAN: The
12 resolution is adopted.

13 Senator Libous.

14 SENATOR LIBOUS: Thank you very
15 much, Mr. President.

16 And I believe that Senator Savino
17 has a privileged resolution at the desk. And
18 she would ask that you please read it in its
19 entirety and that if you could please call on
20 Senator Savino.

21 ACTING PRESIDENT FLANAGAN: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 resolution by Senator Savino, mourning the
25 death of Geraldine Anne Ferraro, former Queens

1 Congresswoman and first woman nominated as a
2 United States Vice Presidential candidate.

3 "WHEREAS, It is the sense of this
4 Legislative Body to recognize and pay tribute
5 to individuals of distinguished purpose and
6 true commitment who dedicated their lives and
7 careers to public service and the pursuit of
8 excellence in the conduct of the legislative
9 process; and

10 "WHEREAS, It is with great sorrow
11 and deepest regret that this Legislative Body,
12 representing the people of the State of
13 New York, records the passing of Geraldine
14 Anne Ferraro, noting the significance of her
15 purposeful life and accomplishments; and

16 "WHEREAS, Geraldine A. Ferraro, the
17 former Queens Congresswoman who made history
18 in 1984 as the first Italian-American and the
19 first woman nominated for national office by a
20 major party when she accepted the Democratic
21 nomination for vice president, died Saturday,
22 March 26, 2011, in Boston, Massachusetts, at
23 the age of 75; and

24 "WHEREAS, Born on August 26, 1935,
25 in the Hudson River City of Newburgh,

1 New York, Geraldine A. Ferraro was the fourth
2 child and only daughter of Dominick Ferraro,
3 an Italian immigrant who owned a restaurant
4 and a five-and-dime store, and the former
5 Antonetta L. Corrieri; and

6 "WHEREAS, After the death of her
7 father when she was just 8 years old,
8 Geraldine A. Ferraro's mother sold the family
9 store and their home and moved to the South
10 Bronx and later to Queens; and

11 "WHEREAS, Geraldine A. Ferraro
12 attended the Marymount School, a Catholic
13 boarding school in Tarrytown, New York. Her
14 outstanding grades earned her a scholarship to
15 Marymount College in Tarrytown; and

16 "WHEREAS, An English major,
17 Geraldine A. Ferraro transferred to Marymount
18 College Manhattan, where she was an athlete as
19 well as editor of her school newspaper. She
20 won numerous honors before graduating from
21 1956; and

22 "WHEREAS, After graduating,
23 Geraldine A. Ferraro taught in a public grade
24 school in Queens. She later applied to
25 Fordham Law School and was admitted to its

1 night school, where she was one of two women
2 to graduate in a class of 179 students. This
3 exceptional scholar received her law degree in
4 1960; and

5 "WHEREAS, Geraldine A. Ferraro
6 married John Zaccaro on July 16, 1960, two
7 days after she passed her bar exam, but kept
8 her maiden name professionally to honor her
9 mother. For the first 13 years of her
10 marriage, Geraldine devoted herself mainly to
11 her growing family, but also did legal work
12 for her husband's business, worked pro bono
13 for women in Family Court, and participated in
14 local politics; and

15 "WHEREAS, In 1970, she was elected
16 to esteemed position of president of the
17 Queens County Women's Bar Association. Four
18 years later, she began work with her cousin,
19 District Attorney Nicholas Ferraro, as an
20 assistant district attorney in Queens,
21 New York; and

22 "WHEREAS, The following year she
23 transferred to the Special Victims Bureau and
24 quickly earned a reputation for tenacity and
25 talent in the courtroom. Geraldine A. Ferraro

1 later credited her work in the Special Victims
2 Bureau, investigating rape, crimes against the
3 elderly, child abuse and domestic violence
4 with changing her political views from
5 moderate to liberal; and

6 "WHEREAS, In 1978 Geraldine A.
7 Ferraro won a three-way Democratic primary to
8 replace Congressman James J. Delaney of
9 Queens, before winning the general election
10 campaign; and

11 "WHEREAS, As a Congresswoman,
12 Geraldine A. Ferraro successfully advocated
13 for improved mass transit around LaGuardia
14 Airport and increased economic opportunities
15 for women. Those efforts quickly propelled
16 her to prominence within the Democratic Party,
17 leading to her appointment as chairwoman of
18 the 1984 Democratic Platform Committee; and

19 "WHEREAS, Geraldine Anne Ferraro
20 was the 1984 vice presidential nominee
21 alongside presidential candidate Walter F.
22 Mondale. Although unsuccessful, her candidacy
23 blazed a trail for generations of female
24 politicians of all backgrounds and of all
25 levels of government; and

1 "WHEREAS, In 1992, Geraldine A.
2 Ferraro returned to politics, narrowly losing
3 a Democratic primary for Senate to Robert
4 Abrams. She ran again in 1998 but lost to
5 Charles E. Schumer; and

6 "WHEREAS, Geraldine A. Ferraro
7 served as ambassador to the United Nations
8 Human Rights Commission during the Clinton
9 administration and as cohost of the CNN
10 program 'Crossfire' from 1996 to 1998. She
11 was also the author of numerous books and
12 articles; and

13 "WHEREAS, Geraldine A. Ferraro is
14 survived by her loving husband of 50 years,
15 John A. Zaccaro, and her three children and
16 their spouses, Donna Zaccaro Ullman and Paul
17 Ullman, John and Anne Rasmussen Zaccaro, and
18 Laura Zaccaro Lee and Josh Lee, as well as
19 eight grandchildren: Matthew and Natalie
20 Ullman; Elizabeth, Samantha and John Zaccaro;
21 and Daisy, Alexander and Jane Lee; and

22 "WHEREAS, Throughout her career
23 Geraldine A. Ferraro contributed significantly
24 to the quality of life of her constituents and
25 the communities of the State of New York as

1 well as those throughout the nation. She will
2 be deeply missed and truly merits the grateful
3 tribute of this Legislative Body; now,
4 therefore, be it

5 "RESOLVED, That this Legislative
6 Body pause in its deliberations to mourn the
7 death of Geraldine Anne Ferraro, to salute her
8 many accomplishments in bettering her
9 community, state and nation, and to express
10 its deepest condolences to her family; and be
11 it further

12 "RESOLVED, That a copy of this
13 resolution, suitably engrossed, be transmitted
14 to the family of Geraldine Anne Ferraro."

15 ACTING PRESIDENT FLANAGAN:
16 Senator Savino on the resolution.

17 SENATOR SAVINO: Thank you,
18 Mr. President.

19 Geraldine Ferraro was a trailblazer
20 in so many ways. That's already been
21 described in the resolution and in the glowing
22 tributes that have come from people all over
23 the world, from the President of the United
24 States to presidents of other countries,
25 recognizing how important she was.

1 But for Italian-Americans, she was
2 even more important. In one generation,
3 Geraldine Ferraro became the epitome of the
4 American dream for Italian-Americans. It was
5 the ability to see all of those hopes and
6 desires that Italian immigrants had when they
7 came through Ellis Island, and their belief in
8 that if you came to America you could achieve
9 anything. And in one generation, the daughter
10 of a seamstress and a shop owner not only
11 became an attorney, a teacher, a successful
12 mother, active in her community, a
13 Congresswoman, and then the first female vice
14 presidential candidate on a major party
15 ticket.

16 It is a sense of pride and
17 accomplishment that I know myself, as an
18 Italian-American, is unparalleled -- but also
19 as a young woman to see a woman nominated to
20 vice president was something amazing. I was
21 about 20 years old when Geraldine Ferraro was
22 nominated to be the vice presidential
23 candidate, something I had been led to believe
24 was maybe possible someday in the future that
25 a woman could potentially be the President of

1 the United States. We haven't quite gotten
2 there yet. But still, Gerry Ferraro was a
3 sense of inspiration and hope for so many of
4 us.

5 I know many of you here actually
6 knew her a lot more personally than I did, you
7 served with her in Queens, and you have your
8 own personal stories, and I'm sure some of you
9 will share them. I didn't have that kind of
10 relationship with her. I looked up to her.

11 And about three years ago, the
12 Italian-American Labor Council established an
13 award in the name of Geraldine Ferraro, and
14 they gave it to me as the first recipient, and
15 she herself presented it to me. It was one of
16 the most proud moments I've ever had. And the
17 following year I think I had the opportunity
18 to give Gerry Ferraro's award to Joe Addabbo.
19 And I know many people will accept that award
20 going forward.

21 Geraldine Ferraro was an amazing
22 woman and a trailblazer in a lot of ways. But
23 for an Italian-American girl who came from
24 Astoria, the same neighborhood that she
25 represented, she will forever be a life of

1 inspiration to me and thousands of other young
2 women.

3 Thank you, Mr. President.

4 ACTING PRESIDENT FLANAGAN: Thank
5 you, Senator Savino.

6 Senator Smith on the resolution.

7 SENATOR SMITH: Thank you very
8 much, Mr. President.

9 Let me thank my colleague Senator
10 Savino for bringing this resolution for such
11 an amazing young lady to the floor of the
12 Senate.

13 I don't know, because we do it
14 every day, if everyone understands the
15 significance of a resolution coming to the
16 floor of the Senate, meaning that we as a body
17 will pause our legislative deliberation to
18 bear respects to someone. And that a
19 resolution is not something, although we do it
20 on this floor, that is done very lightly.

21 Doing this resolution for Geraldine
22 Ferraro, who I knew personally, I think is a
23 tribute to her and her family. I had the
24 opportunity to be a part of her national team
25 as she ran for vice president. And as I

1 traveled around the country with her -- I did
2 five different states with her -- this was an
3 amazing woman. Someone who, no matter how
4 much the press, no matter how much people
5 revered her, she was a common person. She
6 would always say to us, "Stay connected to
7 people."

8 I can remember one time, it was in
9 Illinois, and we had set up a line for her to
10 begin to greet people after her speech and, as
11 we would do, to try to get the best and the
12 most prestigious, if you will, group of
13 individuals together so that she could greet
14 them on her way out. As we got to the door,
15 she immediately turned to the left and went to
16 everyone that was not on the line and went to
17 the everyday, common person.

18 And I think that says a lot about
19 her. While she was clearly running for vice
20 president, it was clear that she was, one,
21 independent and, two, never wanted to forget
22 the regular people.

23 I also remember another time when I
24 was in her home in Forest Hills Gardens and
25 her neighbors were a little bit concerned

1 because, you know, if you're running for vice
2 president there are a number of people that
3 travel with you and you have a long entourage,
4 if you will. I recall her making the entire
5 entourage -- with the Secret Service, who went
6 berserk -- off the street, made them park
7 three blocks away from her house because she
8 felt that to disrupt her neighborhood just
9 because she was running for vice president was
10 not the right thing to do. That's the kind of
11 person that she was.

12 So I want to thank you, Diane,
13 because this was an amazing woman. And yes,
14 she broke barriers for women. And yes, Diane,
15 a woman will be president of these United
16 States at some point, and I believe at some
17 point in the future near to be said.

18 But more importantly, I just want
19 you to know this was a woman who loved this
20 country, she loved this state, she loved
21 New York City, and she loved all the people
22 within it.

23 Thank you very much, Mr. President.

24 ACTING PRESIDENT FLANAGAN: Thank
25 you, Senator Smith.

1 Senator Liz Krueger on the
2 resolution.

3 SENATOR LIZ KRUEGER: Thank you,
4 Mr. President. I also just want to stand to
5 recognize the amazing woman, Gerry Ferraro,
6 that we lost.

7 She started her life, as you heard,
8 in Queens. She ended her life as a
9 constituent of mine on the East Side of
10 Manhattan and actually had her college career
11 at Marymount College on the East Side of
12 Manhattan.

13 And I didn't get to travel the
14 country with her, as Senator Smith did, but
15 she spoke often in her later years on behalf
16 of women who were running for elected office
17 and to support the concerns of women and their
18 families. And I had quite a few opportunities
19 to be a speaker with Ms. Ferraro at various
20 events, talking to other young women, hearing
21 her talk about what an important role women
22 must play in the American political process
23 and in their family lives.

24 And I think that sometimes it is
25 said about women we can do it all, just maybe

1 not at the same time. And I think that what
2 people will remember Ms. Ferraro for long
3 after she's gone is that actually she was a
4 trailblazer and also showed us how women can,
5 in fact, try to do it all -- with grace, with
6 dignity, with warmth, and with never
7 forgetting her humanity. And really what a
8 wonderful New Yorker she was for all of us.

9 Thank you, Mr. President.

10 ACTING PRESIDENT FLANAGAN: Thank
11 you, Senator Krueger.

12 Senator Stavisky on the resolution.

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

15 This was Women's History Month.
16 And certainly Gerry Ferraro was a part of
17 our -- not our county's history but our
18 nation's history.

19 The first time I met Gerry Ferraro
20 was when she chaired the platform committee
21 for the national convention that was going to
22 take place in San Francisco. And indeed, I
23 was a delegate to that convention from Queens
24 County. And who can forget the picture, the
25 sight of Gerry Ferraro in a white suit

1 accepting the nomination as vice presidential
2 candidate.

3 She was a warm, friendly person,
4 down to earth. And she will be certainly
5 missed, but also somebody -- as somebody who
6 has shown women and in fact shown everybody
7 this is not -- I hate to say this, but this is
8 not really a women's issue. She was a
9 national candidate whom everybody, everybody
10 can be very proud that she was the first one.

11 So I thank you, Senator Savino, for
12 introducing this resolution. And our
13 condolences go to John Zaccaro and her family
14 on their loss.

15 Thank you.

16 ACTING PRESIDENT FLANAGAN: Thank
17 you, Senator Stavisky.

18 Senator Stewart-Cousins on the
19 resolution.

20 SENATOR STEWART-COUSINS: Yes,
21 thank you, Mr. President.

22 I also wanted to rise. I thank
23 Senator Savino for recognizing the greatness
24 of Geraldine Ferraro.

25 I had the opportunity to meet her

1 during the time she -- well, actually, it was
2 election night. I was a journalism student at
3 night, raising my kids, and for the paper it
4 was to cover the outcome of the election. And
5 there I was, with all the national media and
6 Gerry, who had obviously lost. And it was
7 just such a thrill. I'm sure that it planted
8 a seed in terms of what women could do and how
9 her being there at that moment was a ripple
10 effect not only through the nation but
11 globally.

12 But yet as she lost, she lost with
13 such a sense of grace and such a sense of
14 pride, and you knew that there was no way that
15 actually this woman had lost at all. And I
16 remember the headline for the paper, it was
17 Pace University at the time, was "Gerry Loses
18 Like a Winner."

19 The next time I saw her when was
20 when I was running for Senate, 2006, when
21 Gerry decided that it would be fine for her to
22 come and campaign for me. So I am one of
23 those women who she helped.

24 She came, we didn't go to any great
25 place, we went to a church penny social, and

1 she wandered through every aisle, commenting
2 on the goods, meeting people, greeting people,
3 making them know that she was totally there
4 and that whatever she was doing, as long as
5 she was with the people, she was just fine.

6 I will miss the influence that she
7 had on our lives. I will miss the personal
8 opportunity that I had. But I also am very,
9 very happy that I was able to experience the
10 grandeur of such a gracious political woman.

11 And again, certainly my condolences
12 to her family.

13 ACTING PRESIDENT FLANAGAN: Thank
14 you, Senator Stewart-Cousins.

15 Senator Little on the resolution.

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

18 I never had the honor or privilege
19 of meeting Gerry Ferraro, but I've truly
20 admired her as a person who worked hard, was
21 truly committed to her family, to her
22 profession, to her constituents, and reached
23 heights that we all would like to reach
24 someday.

25 But she really was a trailblazer

1 and someone that I admired. I enjoyed
2 watching her on Fox News, which she was a
3 guest on frequently and certainly had her take
4 on all the political events that were taking
5 place here.

6 Her untimely death is really sad
7 and is truly a loss to her family and to all
8 of us. And I think we would all agree that
9 Gerry Ferraro is truly a New York "Woman of
10 Distinction."

11 Thank you.

12 ACTING PRESIDENT FLANAGAN: Thank
13 you, Senator Little.

14 Senator Savino will be opening the
15 resolution for -- excuse me. Senator
16 Hassell-Thompson, I apologize.

17 Senator Hassell-Thompson on the
18 resolution.

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

21 I would be remiss as one of the
22 women in this chamber who did not speak on
23 behalf of Geraldine Ferraro as well as the
24 work that she did on behalf of everyone in the
25 State of New York. But more than that, I

1 think she had a special place for women. We
2 marched in a parade one year in the City of
3 Mount Vernon, but she came. Wherever there
4 was good politics, that's where she could be
5 found.

6 And we marched in this parade and I
7 remember us being totally drenched. My suit
8 shrunk. That was one of my less expensive
9 suits that day, thank goodness. But our shoes
10 were filled with water. But I had never seen
11 anyone who just had such a capacity for joy.
12 I mean, as wet as we were, and we waved to
13 people and we stopped, we were one of those
14 paraders that we stopped and talked to people
15 on the left and on the right, give out flags.
16 And the rain just did not deter her at all.

17 The very last time I saw her was at
18 a women's conference. She had come to speak.
19 And she was so powerful. I mean, even though
20 her body was weakened, her spirit was as
21 strong as ever. And the things that she said
22 to encourage us as women, as somebody who had
23 lived through the beginning of what I call the
24 downturn in real journalism, how the press
25 beat her up and allowed themselves to just --

1 tried to vilify her as an upstanding human
2 being who really cared about governance, who
3 really cared about good government.

4 And I've always felt that she was
5 probably one of the most powerful, influential
6 women of her time in terms of the way in which
7 she touched the hearts of the people, even
8 people who had never met her before found a
9 pleasure in being in her company. And I
10 listened to the way people described how she
11 was in a crowd. And I've never seen crowds
12 light up the way they did whenever she
13 campaigned.

14 So we will all miss her
15 tremendously. But those of us as women who
16 have had the opportunity to just be up close
17 and personal, touch her, be a part of her
18 influence, will miss her a great deal more.

19 Thank you, Mr. Chairman. And thank
20 you, Diane, for this resolution.

21 ACTING PRESIDENT FLANAGAN: Thank
22 you, Senator Hassell-Thompson.

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

25 (Response of "Aye.")

1 ACTING PRESIDENT FLANAGAN:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT FLANAGAN: The
5 resolution is adopted.

6 Senator Savino has opened the
7 resolution for cosponsorship. Should anyone
8 wish to not be on the resolution, please
9 notify the desk.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,
12 could I ask my colleagues to please rise in a
13 moment of silence for Congresswoman Ferraro.

14 (Whereupon, the assemblage
15 respected a moment of silence.)

16 ACTING PRESIDENT FLANAGAN:
17 Senator Libous.

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

20 There's another privileged
21 resolution at the desk, by Senator Gallivan.
22 May we please have it read in its entirety and
23 call on Senator Gallivan before we move for
24 its adoption, please.

25 ACTING PRESIDENT FLANAGAN: The

1 Secretary will read.

2 THE SECRETARY: Legislative
3 resolution by Senators Gallivan, Grisanti,
4 Ranzenhofer and Maziarz, mourning the tragic
5 and untimely death of New York State Trooper
6 Kevin P. Dobson on Sunday, March 27, 2011.

7 "WHEREAS, It is the sense of this
8 Legislative Body to convey its grateful
9 appreciation and heartfelt regret in
10 recognition of the loss of a courageous police
11 officer who dedicated his purposeful life and
12 career in faithful service to his family,
13 community, and the New York State Police; and

14 "WHEREAS, It is with profound
15 sadness that this Legislative Body records the
16 passing of New York State Trooper Kevin P.
17 Dobson, who made the ultimate sacrifice on
18 Sunday, March 27, 2011, while faithfully
19 executing his responsibilities serving with
20 dedication, loyalty and compassion, and who
21 devoted his purposeful life and career to
22 serve and protect; and

23 "WHEREAS, A 14-year veteran of the
24 New York State Police, 43-year-old Kevin P.
25 Dobson of Buffalo, New York, was assigned to

1 the Clarence Trooper Barracks; and

2 "WHEREAS, Trooper Kevin P. Dobson
3 lived his life with great dignity and genuine
4 grace, always demonstrating a deep and
5 continuing concern for the welfare of others
6 and the great State of New York; and

7 "WHEREAS, Trooper Kevin P. Dobson
8 is survived by his father, Richard Dobson, who
9 is retired from the Erie County Sheriff's
10 Department; his girlfriend, three children,
11 and her child; and

12 "WHEREAS, Armed with a humanistic
13 spirit, imbued with a sense of compassion, and
14 comforted by a loving family, Trooper Kevin P.
15 Dobson leaves behind a legacy which will long
16 endure the passage of time and will remain as
17 a comforting memory to all he served and
18 befriended. He will be deeply missed and
19 truly merits the grateful tribute of this
20 Legislative Body; now, therefore, be it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to mourn the
23 untimely death of New York State Trooper Kevin
24 P. Dobson, noting the significance of his
25 contributions on behalf of the citizens of

1 this noble Empire State and expressing its
2 deepest condolences to his family; and be it
3 further

4 "RESOLVED, That a copy of this
5 resolution, suitably engrossed, be transmitted
6 to the family of Trooper Kevin P. Dobson."

7 ACTING PRESIDENT FLANAGAN:
8 Senator Gallivan on the resolution.

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

11 I rise today to honor Trooper Kevin
12 P. Dobson. Trooper Dobson was born in Buffalo
13 in 1967. He graduated from Iroquois Central
14 High School -- which is the district in which
15 I live and where my children attend -- in
16 Elma, and went on to further his education at
17 Erie Community College.

18 I served a short time in the State
19 Police with Kevin as he began his career in
20 the State Police on April 30, 1997. He worked
21 out of many areas of the state, throughout my
22 district, throughout the districts of many
23 other of our colleagues in Western New York,
24 serving hundreds of thousands of citizens in
25 an effort, of course, to keep our communities

1 safe.

2 His last assignment was on the
3 interstate patrol out of Clarence, and it was
4 there he met his tragic passing, his tragic
5 demise, serving the community.

6 He was a leader in drug
7 interdiction, arrests and enforcement. He
8 volunteered to work in the most dangerous
9 parts of our state as part of Operation
10 Impact, an initiative that many in this house
11 have supported over the years. He was a field
12 training officer responsible for training new
13 troopers.

14 He also, on his own, pursued
15 training and became a child seat technician,
16 installed hundreds of child safety seats for
17 parents and families in Western New York. In
18 his off-duty time, he volunteered to support
19 and help and serve the Special Olympics.

20 He's received numerous
21 commendations throughout his career and was
22 the Public Safety Officer of the Year in 2007
23 recognized by the Knights of Columbus in Erie
24 County.

25 Kevin was the type of public

1 servant all public servants should aspire to
2 be. We should all be rightly proud of and
3 grateful for his service. The entire Western
4 New York community, the law enforcement
5 community, the entire New York State community
6 has suffered a tremendous loss this past
7 weekend. Our thoughts and prayers are with
8 the Dobson family, especially his children and
9 his father, the rightly proud retired
10 Lieutenant Richard Dobson of the Erie County
11 Sheriff's Office, whom I also had the high
12 honor of serving with during my tenure as
13 sheriff of Erie County.

14 The New York State Police, Erie
15 County Sheriff's Office, law enforcement
16 officers across the state, across the nation
17 are a family, just as all of those who serve
18 the public are part of a larger family. When
19 we lose one of our own, all of us here today
20 included, we suffer, we grieve and hopefully
21 move forward together. While nothing can be
22 done to fill this sudden void in our hearts
23 and the hearts of the Dobson family, I can
24 assure them today that they do not mourn
25 alone.

1 I'd like to thank all of my
2 colleagues here today as together we mourn the
3 untimely death of New York State Trooper Kevin
4 P. Dobson, as we note the significance of his
5 contributions on behalf of the citizens of
6 this great state, and as we pass on our
7 deepest condolences to Kevin Dobson's family.

8 Thank you, Mr. President.

9 ACTING PRESIDENT FLANAGAN: Thank
10 you, Senator Gallivan.

11 Senator Adams on the resolution.

12 SENATOR ADAMS: Thank you. And I
13 want to thank the Senator for introducing this
14 resolution.

15 And I just also want to also join
16 my voice to Kevin and this loss and what the
17 entire State Trooper family feels when they
18 lose a member of their department and we as a
19 member of the state lose a person who's
20 serving the public in this magnitude.

21 We lost two officers, one on
22 Long Island and one in New York City. And
23 there's no call of service that's a simple
24 call of service. The officer in New York City
25 was responding to a domestic violence incident

1 when he was pushed over the rail and he struck
2 his head and he was killed. And as with
3 Officer Dobson, Officer Dobson was responding
4 to what one would consider a routine car stop
5 when he was struck.

6 So there is no routine assignment
7 for an officer. And I recall throughout my
8 career in law enforcement, just from time to
9 time when my brother was injured, who followed
10 me into law enforcement, your family never
11 really get over it. They never really rest
12 until the career is concluded.

13 And from time to time we stop and
14 we pause in this chamber when a state trooper
15 or member of the law enforcement community was
16 a victim of some form of violence. And by
17 doing so today, of acknowledging the life of
18 Officer Dobson, we're saying how much we do
19 value and how much we appreciate our men and
20 women who adorn the various uniforms in law
21 enforcement throughout the city.

22 I recall on September 11th when the
23 two planes took down our towers and how many
24 officers, although they were stunned, although
25 they were afraid, although they were concerned

1 about their families, there was a level of
2 uncertainty of what the city and state was
3 going through. And they responded. And our
4 state troopers, our police officers, our
5 sheriffs all continue to respond. They don't
6 decide if they're going to respond if you're a
7 Democrat or Republican, they respond because
8 it's the right thing to do.

9 And Officer Dobson is a signal of
10 what's great about our law enforcement
11 community. And we should keep them in mind
12 when we make laws, pass laws or ensure that
13 our laws will continue to protect those who
14 protect us. We sleep comfortably in this
15 state because we have some of the finest law
16 enforcement men and women in the entire
17 country.

18 And I thank the Senator for
19 introducing this resolution, and I hope we all
20 will realize the importance of the duty and
21 the roles of the Officer Dobsons throughout
22 the State of New York.

23 Thank you, Mr. President.

24 ACTING PRESIDENT FLANAGAN: Thank
25 you, Senator Adams.

1 The question is on the resolution.

2 All those in favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT FLANAGAN:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT FLANAGAN: The
8 resolution is adopted.

9 Senator Gallivan has also opened
10 that resolution for cosponsorship. If anyone
11 would like not to be on that resolution,
12 please notify the desk.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President,
15 could I again ask my colleagues to join me in
16 a moment of silence for Trooper Kevin Dobson,
17 who gave his life in the line of duty for the
18 taxpayers of this state.

19 (Whereupon, the assemblage
20 respected a moment of silence.)

21 ACTING PRESIDENT FLANAGAN:

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,
24 there will be an immediate meeting of the
25 Finance Committee, followed by an immediate

1 meeting of the Rules Committee in Room 332.

2 The Senate will remain at ease
3 until those meetings are completed.

4 ACTING PRESIDENT FLANAGAN: The
5 Senate stands at ease.

6 (Whereupon, the Senate stood at
7 ease at 6:51 p.m.)

8 (Whereupon, the Senate reconvened
9 at 7:41 p.m.)

10 SENATOR LIBOUS: Mr. President.

11 ACTING PRESIDENT FLANAGAN: The
12 Senate will come to order.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President, I
15 believe there's a report of the Finance
16 Committee at the desk.

17 ACTING PRESIDENT FLANAGAN: The
18 Secretary will read.

19 THE SECRETARY: Senator
20 DeFrancisco, from the Committee on Finance,
21 offers the following nomination.

22 As a trustee of the New York State
23 Power Authority, John S. Dyson, of Millbrook.

24 ACTING PRESIDENT FLANAGAN:
25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I
2 proudly rise to move the nomination of John S.
3 Dyson, of Millbrook, for a trustee of the
4 New York State Power Authority, term to expire
5 in May of 2015.

6 I would like to state publicly
7 that, number one, this was an incredible
8 nomination by the Governor.

9 But even more importantly, that a
10 man who has served his country and served the
11 State of New York and the City of New York
12 with such distinction at this time in his life
13 would be willing to come back and give even
14 some more to the State of New York is truly an
15 admirable thing. And we are very, very
16 fortunate that Mr. Dyson is willing to
17 continue to serve at this critical time in
18 New York State history.

19 And I'm proud to move his
20 nomination and request that, Mr. President,
21 you recognize Senator Maziarz, the chairman of
22 the Energy Committee, to second the
23 nomination.

24 ACTING PRESIDENT FLANAGAN:
25 Senator Maziarz, on the nomination.

1 SENATOR MAZIARZ: Thank you very
2 much, Mr. President. Thank you, Senator
3 DeFrancisco. I rise to second this
4 nomination.

5 I thought it was rather noteworthy
6 that Governor Cuomo, the first nominee that he
7 sent up for confirmation outside of the
8 commissioner level, was a nominee to the board
9 of trustees of the New York Power Authority,
10 and that nominee was Mr. Dyson.

11 I have to admit to you,
12 Mr. President, I had never met John Dyson,
13 really do not know much about him at all. I
14 know he was very well acquainted with my
15 predecessor here in the Senate, former
16 Senator, late Senator John Daly.

17 But I do have to say that in
18 meeting personally with Mr. Dyson, he
19 certainly has a great knowledge of energy
20 issues, of issues affecting the New York Power
21 Authority. Mr. Dyson extended every courtesy
22 to myself as chair, to Senator Parker, the
23 ranking member, and to all members of the
24 Energy Committee in meeting with us
25 individually to talk about his background and

1 his vision for the New York Power Authority.

2 And I have to say, Mr. President,
3 that Mr. Dyson truly understands, I think, the
4 fact that the Power Authority, although it is
5 a state authority and many times in the
6 executive branch and in the legislative branch
7 is thought of as the statewide entity, that
8 the Power Authority generates almost all of
9 its revenue in really two areas: St. Lawrence
10 County and Niagara County.

11 And I know that I am joined by my
12 colleagues Senator Griffo and Senator Ritchie
13 in bringing the problems of those two areas,
14 Western New York and the North Country, before
15 Mr. Dyson. He truly understands them even
16 though he lives in downstate New York.

17 Just this week we saw the census
18 numbers come out, and the areas that had lost
19 the most population were the City of Buffalo
20 and the City of Niagara Falls in Western
21 New York. And they lose population not
22 because it's not a great place to live, not
23 because it's not a great place to raise your
24 family. As I have said many times on the
25 floor of this Senate, in the City of Niagara

1 Falls -- an area that I do not represent --
2 but in the City of Niagara Falls there are six
3 elementary schools. In four of those six
4 elementary schools 94 percent, 94 percent of
5 the kids live below the federal poverty level.

6 These are kids in kindergarten
7 through the sixth grade. They don't choose to
8 live in poverty. They live in poverty for the
9 same reason that the population in Buffalo and
10 Niagara Falls is declining at such a rapid
11 rate, because their parents don't have jobs,
12 because there are not economic opportunities
13 for people to make a decent living in Western
14 New York.

15 And juxtapose that with the fact
16 that just down the road, just down the road is
17 the largest producer of hydroelectricity in
18 the northeastern United States of America.

19 And the best use -- and John Dyson
20 understands that the best use, the best way to
21 create economic opportunities and create jobs
22 is by utilizing hydropower.

23 This is an excellent nominee that
24 the Governor gave to us. I'd have to say if I
25 had just one qualification, John, I wish that

1 you were from Niagara County, because Niagara
2 County more than anything deserves a seat on
3 the board of trustees of the Power Authority.

4 But, Mr. President, I think this is
5 an excellent nomination that the Governor
6 made. And I would urge all of my colleagues
7 to join me and the members of the Energy
8 Committee, which unanimously supported this
9 nominee.

10 Thank you, Mr. President.

11 ACTING PRESIDENT FLANAGAN: Thank
12 you, Senator Maziarz.

13 Senator Nozzolio on the nomination.

14 SENATOR NOZZOLIO: Thank you,
15 Mr. President.

16 Mr. President and my colleagues, I
17 echo the sentiments and the support given to
18 John Dyson by my colleagues in articulating
19 his strength of character, his service to his
20 state and nation, and that complimenting
21 Governor Cuomo on this nomination. Because it
22 is through this nomination that we'll see a
23 tremendous intersection, an intersection of
24 Mr. Dyson's experience as former agriculture
25 commissioner and commerce commissioner, those

1 two important elements now sandwiched around
2 energy.

3 Energy, with agriculture, is key to
4 the development of upstate and particularly
5 Central and Western New York. That
6 agriculture is our number-one industry in this
7 state. It is not given that type of
8 credential enough by state government and by
9 the general public. Many jobs are the result
10 of agriculture. And agri-energy, when we hear
11 about alternative energies, agri-energy is
12 forefront in the support and development of
13 alternative energy.

14 Mr. Dyson's background and
15 education as first a student at Cornell and
16 most recently as a trustee of that fine
17 university again brings him full circle with
18 agriculture, agriculture research, and having
19 energy now with his responsibilities as chair
20 of the Power Authority to meet that
21 intersection, to grow jobs for our state, to
22 continue to move us forward. And that I look
23 forward to working with Chairman Dyson in this
24 very important capacity.

25 Thank you, Mr. President.

1 ACTING PRESIDENT FLANAGAN: Thank
2 you, Senator Nozzolio.

3 Senator Saland on the nomination.

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

6 I too rise to second the nomination
7 of John Dyson, a gentleman who I've known for
8 decades, as I have his family. I'm proud that
9 he and his family call Dutchess County their
10 home.

11 I was looking at his bio. And I
12 certainly know a lot about John and his
13 brother Rob as well. And it starts off rather
14 succinctly and says "John Dyson has had a
15 successful career in government, business,
16 vineyard and winery management, and charitable
17 activities." And if ever I saw an
18 understatement, that was truly the
19 understatement of all understatements.

20 John has the good fortune of not
21 only being a gifted person, a talented person,
22 a person who regardless of what endeavor he
23 has pursued, whatever he does, he manages to
24 do well. Whether it's earning a Bronze Star
25 serving his country during Vietnam, whether it

1 was as an ag commissioner who started the
2 Grown in New York program or the commissioner
3 of commerce and the I Love New York program.

4 I don't profess to have but an iota
5 of the knowledge that our colleague Senator
6 Maziarz has about energy issues, nor that
7 Mr. Dyson has about energy issues, but I rest
8 comfortably knowing that he's been there and
9 done that for some six years, both under
10 former Governors Carey and shall I say Cuomo
11 One.

12 I commend Cuomo Two, Governor
13 Andrew Cuomo, for this appointment. It's a
14 sterling appointment. He has certainly, in
15 the private sector, risen to the top. In the
16 public sector he has risen to the top. And he
17 and his family -- and incidentally, I should
18 mention, I made mention of his brother Rob.
19 We all know how critically important energy is
20 to economic development. Well, his brother
21 Rob, also serving as magnanimously for a lack
22 of compensation, is as John, is on the board
23 of directors of the Empire State Development
24 Corp., also trying to better New York's
25 economic environment, trying to bring his

1 experience in the business world to people
2 from one end of New York State to another.

3 But I couldn't rise in support of
4 the nominee without mentioning all the
5 wonderful things that the Dyson Foundation has
6 done over the course of however many years,
7 initially I think first in Dutchess County and
8 then throughout the Hudson Valley, really
9 contributing millions upon millions of dollars
10 to the betterment of the quality of life in a
11 host of different areas, in a host of
12 different venues. Truly a reflection of the
13 selflessness, of the dedication, of the
14 commitment, both morally, financially and
15 intellectually, to the well-being of
16 communities throughout this state and to the
17 betterment of our state.

18 I thank the Governor for affording
19 us the opportunity to confirm John, and I rest
20 comfortably knowing that he will do a superb
21 job for all of the people of the State of
22 New York and bring all of his extraordinarily
23 capable talents to performing for all of us.

24 So thank you, John, and I wish you
25 well.

1 ACTING PRESIDENT FLANAGAN: Thank
2 you, Senator Saland.

3 Senator Kennedy on the nomination.

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

6 I want to stand and congratulate
7 Mr. John Dyson on his nomination and
8 ultimately his confirmation today. I want to
9 thank the chair of the Energy Committee,
10 Senator Maziarz, for affording the committee
11 the opportunity to meet privately with
12 Mr. Dyson prior to the hearing within the
13 Energy Committee for the confirmation there.

14 It was in this meeting that I got
15 to meet Mr. Dyson for the first time and hear
16 about his history, his expertise, his
17 knowledge and his talents and how he's given
18 of himself to this state, to this world, to
19 his country, having served this country
20 admirably and honorably back in wartime.

21 And in giving of himself as a
22 public servant, he has served this state. And
23 part of what he discussed with us privately
24 was his dedication to economic development and
25 his acknowledgment of his position as a

1 trustee within the New York Power Authority
2 and his ability to use his influence to grow
3 jobs.

4 And it was in his history of
5 working in New York State government where
6 Mr. Dyson came to Western New York, where
7 Dunlop Tire, 2,000 jobs were on the chopping
8 block. He came into Western New York, sat
9 down with the administration of Dunlop Tire
10 years ago, decades ago, sat down with
11 government officials, figured out what was
12 necessary in order to keep 2,000 jobs in
13 Western New York, sustain those jobs and
14 ultimately grow those jobs.

15 That was decades ago. But
16 unfortunately we across the state, whether in
17 Western New York, upstate New York, New York
18 City or Long Island, are often faced with the
19 same set of circumstances, and we're going to
20 need someone like Mr. John Dyson who gets it
21 on a very grassroots level, who's willing to
22 do the work, who's willing to work with
23 government officials, who's willing to use his
24 influence on the Power Authority to work with
25 whoever it takes to bring jobs and opportunity

1 to the people of New York State.

2 I commend you on your history, on
3 your talents, on your resume, and on your
4 confirmation. And I'm proud and honored to
5 vote in the affirmative today.

6 Thank you.

7 ACTING PRESIDENT FLANAGAN: Thank
8 you, Senator Kennedy.

9 Senator Seward on the nomination.

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

12 I am very pleased to join my
13 colleagues in rising and congratulating the
14 Governor on this outstanding nomination of the
15 John Dyson to be a trustee of the New York
16 State Power Authority and to be among those
17 who are welcoming John Dyson back to state
18 service.

19 Without question, the New York
20 State Power Authority is a tremendous asset
21 for the people of the State of New York,
22 helping us with the full spectrum of
23 energy-related services, from the generation
24 of electricity on one end to the actual
25 conservation and energy efficiency programs on

1 the other, all very important to the people of
2 our state.

3 As others have pointed out, and we
4 cannot say it enough, the Power Authority is a
5 real key to our economic development job
6 creation initiatives as a state. And with
7 John Dyson's involvement at the Power
8 Authority, that's going to mean some good
9 things, not only for the authority, but it
10 will mean good things for our economic
11 development and job creation future here in
12 the State of New York.

13 Schoharie County in the 51st
14 Senatorial District is the proud home of the
15 Blenheim-Gilboa Generating Facility. Nowhere
16 near on the scale of Niagara Falls, but still,
17 to those of us in Schoharie County, we're very
18 proud to have that facility. It is important,
19 makes an important contribution to the Power
20 Authority. But also the fact that it is in
21 that rural county, that makes a very
22 significant contribution to our local economy.

23 So we're very, very pleased with
24 this nomination. I'm very pleased to stand to
25 support the confirmation of John Dyson as a

1 trustee of the New York Power Authority.

2 Thank you, Mr. President.

3 ACTING PRESIDENT FLANAGAN: Thank
4 you, Senator Seward.

5 Senator Perkins on the nomination.

6 SENATOR PERKINS: Thank you very
7 much.

8 I'm not going to be able to support
9 this nomination. I know that this individual
10 has some commendable credentials with regard
11 to the appointment. However, there's some
12 history that I'm familiar with in terms of
13 when he was with New York City, under the
14 Giuliani administration, some very racially
15 insensitive and inflammatory instances in
16 which he was a part of.

17 And so at this point I'm not going
18 to be voting for this nomination. Thank you.
19 I vote no -- nay.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Perkins, thank you.

22 Senator Oppenheimer on the
23 nomination.

24 SENATOR OPPENHEIMER: Well, I'm
25 very enthusiastic about the nomination. And

1 like many of us here who have been serving for
2 quite a while, we have voted for John Dyson on
3 many, many times, many opportunities. And he
4 has always fulfilled the work that he has to
5 do for New York State to the best of his
6 ability, which is far and away better ability
7 than most people.

8 So for his dedication and for the
9 fact that he is willing to come back and serve
10 once again, after having served so many times,
11 I think it is quite a remarkable commitment to
12 public service.

13 And also John has said that he is
14 willing to work to look at the Indian point
15 nuclear power plant and to discuss and look
16 for alternative energies, clean energies of
17 solar and wind and water. And these are very
18 important to us. Ever since the Fukushima
19 plant problem in Japan, and because of our
20 concern about what has happened there, we are
21 really serious in trying to look at
22 alternatives for the plant that exists now.

23 So my thanks to him for his
24 interest in this and also in the interest of
25 conservation, which is very dear to my heart,

1 and for his willingness to commit again, yet
2 again to service to New York State. Thank
3 you.

4 ACTING PRESIDENT FLANAGAN:

5 Senator Diaz on the nomination.

6 SENATOR DIAZ: Thank you, sir.

7 I rise to support -- not to
8 support, to join my colleague from Harlem,
9 Senator Perkins, when he referred to some
10 comments made by Mr. Dyson sometime ago. But
11 Mr. McCauley {ph} didn't mention what was
12 those comments. And I would like to refresh
13 your memories.

14 In 1994, during a dispute between
15 then-Comptroller Alan Hevesi and Mr. Dyson
16 about the rehiring of a company owned by a
17 black woman, Mr. Dyson said the comptroller
18 ought to know the difference between a bid and
19 a watermelon.

20 In another comment, another time,
21 after a newspaper article asked Mr. Giuliani
22 and his chief of staff Peter Powers if they
23 were capable of governing a diverse city,
24 Mr. Dyson wrote in a memo to Mr. Powers that
25 don't worry, "Do not worry, two white guys

1 have been running this city of immigrants for
2 over 200 years."

3 At another point, after the
4 administration held a cabinet meeting in
5 Staten Island, Mr. Dyson said, suggested that
6 a similar cabinet meeting was unlikely to
7 happen in Harlem.

8 He's a great guy, and he has a
9 great knowledge on energy. I hope that now he
10 has better knowledge and sensibility in
11 humanity. And that he said that Governor
12 Paterson asked him to serve. And people are
13 saying that he's the great guy that's going to
14 save our state.

15 I hope that happens. But I have to
16 join my colleague Senator Perkins from Harlem
17 in voting no. Thank you.

18 ACTING PRESIDENT FLANAGAN: Thank
19 you, Senator Diaz.

20 Senator Marcellino on the
21 nomination.

22 SENATOR MARCELLINO: I waive.

23 ACTING PRESIDENT FLANAGAN: Thank
24 you, Senator Marcellino.

25 The question is on the nomination

1 of John S. Dyson as a trustee of the Power
2 Authority of the State of New York. All those
3 in favor please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT FLANAGAN:

6 Opposed, nay.

7 (Response of "Nay.")

8 ACTING PRESIDENT FLANAGAN: Mr.

9 Dyson is hereby confirmed as a trustee for the
10 Power Authority of the State of New York.

11 Mr. Dyson, congratulations.

12 (Applause.)

13 ACTING PRESIDENT FLANAGAN:

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,

16 could we at this time take up the
17 noncontroversial reading of the calendar,
18 please.

19 ACTING PRESIDENT FLANAGAN: The

20 Secretary will read.

21 THE SECRETARY: Calendar Number

22 72, by Senator Bonacic, Senate Print 2769B, an
23 act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT FLANAGAN: Read

25 the last section.

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

3 ACTING PRESIDENT FLANAGAN: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT FLANAGAN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 140, by Senator Ball, Senate Print 1074, an
11 act to amend the Penal Law.

12 SENATOR BRESLIN: Lay it aside.

13 ACTING PRESIDENT FLANAGAN: The
14 bill is laid aside.

15 Senator Libous, that completes the
16 noncontroversial reading of the calendar.

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

19 Could we now have the controversial
20 reading of the calendar, please.

21 ACTING PRESIDENT FLANAGAN: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 140, by Senator Ball, Senate Print 1074, an
25 act to amend the Penal Law.

1 SENATOR LIZ KRUEGER:

2 Explanation.

3 ACTING PRESIDENT FLANAGAN: An
4 explanation has been asked for by Senator
5 Liz Krueger.

6 Senator Ball.

7 SENATOR BALL: This bill would
8 amend the Penal Law to create a new crime of
9 the unlawful defilement of a water supply. A
10 person would be guilty of this crime if they
11 intentionally or recklessly placed a defiling
12 agent into a water supply with the intent to
13 cause sickness, physical injury, severe
14 disfigurement or death to another human being.

15 ACTING PRESIDENT FLANAGAN:
16 Senator Krueger, why do you rise?

17 SENATOR LIZ KRUEGER: Thank you.
18 If the sponsor would please yield to a
19 question.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Ball, will you yield to Senator
22 Krueger?

23 SENATOR BALL: Absolutely.

24 ACTING PRESIDENT FLANAGAN:
25 Senator Krueger.

1 SENATOR LIZ KRUEGER: Thank you,
2 Mr. President.

3 So as I read the bill, if anyone
4 were illegally to defile our water supply
5 through personal action or through violating
6 laws in their business activity, that this law
7 would in fact now apply to them under criminal
8 law; is that correct?

9 SENATOR BALL: Mr. President,
10 as -- you say as you would read. So a person
11 is guilty of unlawful -- and I'll just read
12 directly, as you did. A person is guilty of
13 unlawful defilement of a water supply when he
14 intentionally -- when he or she intentionally
15 introduces, places or causes to be introduced
16 or placed into a water supply a defiling
17 agent.

18 Now, a defiling agent is defined.
19 and it means any chemical, biological or
20 radioactive agent or substance which is
21 capable, when introduced or placed into a
22 water supply, of causing the sickness,
23 physical injury, severe disfigurement or death
24 of a human being. Introduced or placed into a
25 water supply a defiling agent with the intent

1 to cause the sickness, physical injury, severe
2 disfigurement or death of another human being,
3 or with the reckless disregard of causing the
4 sickness, physical injury, severe
5 disfigurement or death of another human being.

6 So it's either intentionally
7 introduced or with a reckless disregard.

8 SENATOR LIZ KRUEGER: Thank you,
9 Mr. President.

10 On the bill.

11 ACTING PRESIDENT FLANAGAN:
12 Senator Krueger on the bill.

13 SENATOR LIZ KRUEGER: Thank you.

14 I want to thank the Senator for his
15 explanation and tell him I am a big supporter
16 of his bill. I read this bill first when it
17 came through committee, and I thought, oh,
18 finally criminal penalties for companies who
19 knowingly pollute our water.

20 And I've gone through, and I have a
21 pile of cases where we've been able to go
22 after corporations for intentionally and
23 illegally dumping hazardous pollutants in our
24 water system. But so far, it seems, we mostly
25 have been able to go after them under civil

1 fines and perhaps get a money judgment and
2 perhaps force them to clean up.

3 But with Senator Ball's bill -- and
4 I hope it becomes law very soon -- there will
5 be an opportunity to make it clear that when
6 firms knowingly violate our clean water laws
7 and pollute our water systems and our wells
8 and our groundwater and our reservoirs through
9 knowingly violating our law and knowing that
10 what they will be illegally dumping -- and
11 again, there's almost endless cases on illegal
12 dumping -- that they now can face, or they
13 will, when we pass this law, in fact also face
14 criminal penalties.

15 And I think that will go a long way
16 towards discouraging companies and the
17 individuals who work for them from casually
18 dumping illegal chemicals and products in our
19 water system. So I'm very happy we're passing
20 this bill tonight and certainly encourage all
21 of my colleagues to vote yes.

22 Thank you, Mr. President.

23 ACTING PRESIDENT FLANAGAN: Thank
24 you, Senator Krueger.

25 Is there any other Senator wishing

1 to be heard?

2 Hearing none, the debate is closed.

3 The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the first of
7 November.

8 ACTING PRESIDENT FLANAGAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT FLANAGAN:
12 Senator DeFrancisco to explain his vote.

13 SENATOR DeFRANCISCO: Yes, I'm
14 going to vote yes, but I wanted to clarify a
15 part of the bill, in view of the legislative
16 debate, to show the true legislative intent
17 here.

18 First of all, a defiling agent,
19 according to the bill, does not include a
20 substance introduced by an agricultural or
21 industrial entity as a result of the ordinary
22 lawful operation. So that's got to be clear.

23 And most importantly, unlawful
24 defilement is the defilement of the water
25 supply when someone intentionally introduces,

1 et cetera, et cetera, with intent to cause the
2 sickness, physical injury, severe
3 disfigurement or death of another person.

4 This is an intentional act to cause
5 serious physical injury or death. It's not
6 just anyone through normal operations with no
7 intent. Those types of individuals or
8 organizations cannot be found guilty under
9 this bill. And I just want to clarify that.

10 For those reasons, I vote yes.

11 ACTING PRESIDENT FLANAGAN: Thank
12 you, Senator DeFrancisco. Senator DeFrancisco
13 will be recorded in the affirmative.

14 Senator Ball to explain his vote.

15 SENATOR BALL: I want to thank my
16 colleague Senator Krueger and ask that she
17 join my efforts and lobbying to make sure that
18 this actually gets out of committee in the
19 New York State Assembly.

20 I would just like to underline the
21 fact that this is indeed a homeland security
22 bill. I appreciate all my colleagues from
23 both sides of the aisle supporting this
24 legislation whatever the perspective may be.

25 You know, it was I think in the

1 6th century in Greece, which is -- some of us
2 may have been here; most of us were not --
3 when the very first days -- nobody take
4 offense to that -- the very first days of
5 terrorism started. And in Greece you actually
6 had individuals outside of a traditional army
7 who would poison the wells of those who they
8 hoped to hurt. And using untraditional means,
9 they were able to defile those water supplies.

10 And it's taken this long for the
11 New York State Legislature to amend that. But
12 this is a very serious issue. The water that
13 is in my county ends up in much of your
14 drinking water in New York City. And I'll
15 tell you what, those reservoirs, many of the
16 people who I know fish on those reservoirs,
17 there are people who drive by those reservoirs
18 every single day. And you want to make sure
19 that law enforcement has a double set of eyes
20 on your drinking water. Because remember in
21 the days of Katrina how it only took a few
22 hours to bring massive havoc when there was a
23 lack of a supply for clean drinking water.

24 And just the question of whether
25 your drinking water is tainted could bring

1 massive havoc from a homeland security
2 perspective to many of the neighborhoods in
3 which you live in New York City and beyond.

4 And on the cusp of being nearly
5 10 years outside 9/11, the fact that not only
6 since Greece -- since 9/11, and the sixth
7 century in Greece -- but since 9/11 that we
8 have not addressed this issue, I ask that
9 Senator Krueger join with me and make sure
10 that the Assembly follows suit.

11 Thank you. And I'll be voting, of
12 course, in the affirmative.

13 ACTING PRESIDENT FLANAGAN: Thank
14 you, Senator Ball. Senator Ball to be
15 recorded in the affirmative.

16 The Secretary will announce the
17 results.

18 THE SECRETARY: In relation to
19 Calendar Number 140, those absent from voting
20 are Senators Huntley and Smith.

21 Ayes, 60.

22 ACTING PRESIDENT FLANAGAN: The
23 bill is passed.

24 Senator Libous, that --

25 SENATOR LIBOUS: Mr. President,

1 can we go back to the reports of standing
2 committees, please.

3 ACTING PRESIDENT FLANAGAN: --
4 completes the reading of the controversial
5 calendar.

6 SENATOR LIBOUS: I believe
7 there's a report of the Rules Committee at the
8 desk.

9 ACTING PRESIDENT FLANAGAN:
10 Senator Libous, there is.

11 The Secretary will read.

12 THE SECRETARY: Senator Skelos,
13 from the Committee on Rules reports the
14 following:

15 Senate resolution amending Rules VI
16 and VII of the Senate rules, in relation to
17 committees.

18 SENATOR LIBOUS: Mr. President, I
19 move that we accept the Rules report.

20 ACTING PRESIDENT FLANAGAN: Move
21 to accept the Rules report. All those in
22 favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT FLANAGAN:
25 Opposed, nay.

1 (Response of "Nay.")

2 ACTING PRESIDENT FLANAGAN: The
3 Rules report is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Is there any
6 further business at the desk?

7 ACTING PRESIDENT FLANAGAN:
8 Senator Libous, there is --

9 SENATOR LIBOUS: Mr. President, I
10 got ahead of myself.

11 There's a privileged resolution at
12 the desk. I ask that it be read, its title
13 read and we adopt it.

14 ACTING PRESIDENT FLANAGAN: The
15 Secretary will read.

16 THE SECRETARY: Senate resolution
17 by Senator Skelos, amending Rules VI and VII
18 of the Senate rules, in relation to
19 committees.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Squadron.

22 SENATOR SQUADRON: Mr. President,
23 I object to this resolution and would like to
24 debate it. I was wondering if Senator Libous,
25 on behalf of Senator Skelos, would yield to a

1 couple of questions.

2 SENATOR LIBOUS: Sure,
3 Mr. President.

4 ACTING PRESIDENT FLANAGAN:
5 Senator Libous, will you yield to Senator
6 Squadron?

7 SENATOR LIBOUS: I will. I will.

8 SENATOR SQUADRON: Thank you very
9 much. And I do know the hour is late, the
10 night is dark. In fact, we maybe having this
11 debate under the dark of night, one could say.
12 And I appreciate that.

13 So, Senator Libous, I just would
14 like to know, do you know when this resolution
15 was furnished to the Minority Leader pursuant
16 to Rule VI, Section 9A?

17 SENATOR LIBOUS: Well, that rule
18 doesn't pertain to this resolution.

19 But I could tell you that it was
20 probably given to the Minority Leader this
21 afternoon. Through you, Mr. President.

22 SENATOR SQUADRON: Through you,
23 Mr. President, Rule --

24 ACTING PRESIDENT FLANAGAN:
25 Senator Squadron, are you asking Senator

1 Libous to continue to yield?

2 SENATOR SQUADRON: Yes, please,
3 Mr. President.

4 ACTING PRESIDENT FLANAGAN:
5 Senator Libous, will you continue to yield?

6 SENATOR LIBOUS: I will,
7 Mr. President.

8 ACTING PRESIDENT FLANAGAN: Thank
9 you.

10 Senator Squadron.

11 SENATOR SQUADRON: Thank you,
12 Mr. President. Through you.

13 Rule VI, Section 9A is simply the
14 rule that creates some standard for
15 resolutions so that they don't get driven
16 through this house without consideration. It
17 says that you need 48 hours notice for the
18 Minority Leader and the Majority Leader.

19 Senator Libous suggested that that
20 doesn't apply here. And I would wonder,
21 relative to Rule XI, Section 1, which says
22 that all resolutions that change the Senate
23 rules need to be introduced, how it could
24 possibly be that a simple 48-hour notice, when
25 you're talking about something as important as

1 the Senate rules, doesn't apply.

2 SENATOR LIBOUS: Mr. President,
3 through you, we believe that it doesn't apply.

4 And, Mr. President, I can go back
5 and use precedent when they were in charge,
6 Mr. President. And if I could relate an
7 example, on July 9th of '09, Senator Sampson
8 referred to Rules a rules change. On the same
9 day, it was reported, and on the same day,
10 Mr. President, it was adopted.

11 That rules change at the time
12 separated the positions, I believe, of
13 Temporary President and Majority Leader. But
14 it was done when they were in charge. It was
15 a procedural change, it was a rule change, all
16 done the same day, just like this. Therefore,
17 we believe that what we're doing is absolutely
18 right.

19 SENATOR SQUADRON: Thank you,
20 Mr. President. On the resolution at the
21 moment. And I thank Senator Libous for that.

22 As Senator Libous probably
23 remembers about the example --

24 ACTING PRESIDENT FLANAGAN:
25 Excuse me, Senator Squadron, are you asking

1 Senator Libous to continue to yield?

2 SENATOR SQUADRON: On the
3 resolution. No, sorry, Mr. President, on the
4 resolution.

5 ACTING PRESIDENT FLANAGAN: On
6 the resolution.

7 SENATOR SQUADRON: Thank you.

8 As Senator Libous probably -- may
9 or may not recall, that was at the end of the
10 so-called coup that shut down this Senate for
11 over a month. It was truly extraordinary
12 circumstances. And those rules, in fact, had
13 been negotiated and agreed upon by both the
14 majority and minority at the time. So it's a
15 vastly different situation than the one that
16 we're talking about here.

17 The situation here is very simple.
18 Here, on this very busy week, when we have
19 incredibly important business before us in
20 this house, we have one of the toughest
21 budgets that hopefully any of us will ever see
22 that has just been hopefully finally
23 negotiated, that's going to be facing this
24 house. Everyone's focused in this state,
25 19.3 million New Yorkers or more, are focused

1 on getting this budget done. And in that
2 moment, 10 minutes before we were supposed to
3 come into session, something that changes the
4 rules, changes the operations of the house was
5 presented in contradiction to the current
6 Senate rules and in contradiction to good
7 faith, to transparency.

8 So the 2009 example certainly
9 reminds us of some of the darkest days in the
10 Senate's history. I think that repeating
11 those days this week, when we should be
12 working together to focus on this budget --
13 some of us will support it, some of us will
14 have questions about it -- is really a
15 mistake. And I think it's exactly the example
16 of why this is so problematic.

17 None of us want to be here at 8:20
18 at night under the dark of night, as I said,
19 talking about Senate rules. We want to be
20 here talking about a budget that affects
21 New Yorkers every day. And unfortunately,
22 that's not possible. Unfortunately, we're
23 forced into this situation and harken back to
24 some of the darkest days, certainly the
25 darkest days that this Senate has seen in a

1 long, long time.

2 Look. This resolution,
3 Mr. President, is clearly in contradiction to
4 the Senate rules. The idea that this is
5 somehow a privileged resolution means that
6 there are no rules when it comes to a
7 resolution the Majority wants to put forward,
8 and that is a huge problem.

9 In fact, there's an entire section
10 of our rules that are set up to protect
11 against this. Rule XI, Section A --
12 Section 1, excuse me, is very, very, very
13 clear. Changes to the Senate rules need to be
14 done very carefully. They need a memo or a
15 description. I don't know if this typewritten
16 document on the back of the voting sheet
17 counts as a memo or a summary or it follows
18 the rules here explaining the justification.

19 It clearly doesn't. The idea of a
20 10-minute notice certainly doesn't. The idea
21 of doing this at a moment when we have
22 \$132 billion budget just waiting to get done,
23 the idea of a rule change at that moment
24 certainly does not keep with the spirit of the
25 Senate rules. And that is an enormous

1 problem, Mr. President.

2 Now, look, when you look at the
3 rules themselves -- and again, I'm glad
4 Senator Libous talked about some of the
5 historic rules changes that came out of that
6 darkest day in the Senate in the 2009. These
7 rules changed some of that.

8 And through you, Mr. President, I
9 would request Senator Libous to yield for a
10 couple more questions on this resolution.

11 ACTING PRESIDENT FLANAGAN:
12 Senator Libous, will you yield to Senator
13 Squadron?

14 SENATOR LIBOUS: I will,
15 Mr. President.

16 ACTING PRESIDENT FLANAGAN:
17 Senator Squadron.

18 SENATOR SQUADRON: Thank you very
19 much, Mr. President.

20 Senator Libous, as you know, this
21 rules resolution that we're debating here
22 tonight amends Rule VI, Section 1,
23 paragraph C. Is that right, Senator Libous?

24 SENATOR LIBOUS: If that's what
25 the resolution says, Mr. President, that's

1 what it does.

2 SENATOR SQUADRON: Thank you.

3 Through you, Mr. President, will
4 Senator Squadron continue to yield.

5 ACTING PRESIDENT FLANAGAN:
6 Senator Libous, will you continue to yield?

7 SENATOR LIBOUS: I will,
8 Mr. President.

9 ACTING PRESIDENT FLANAGAN:
10 Senator Squadron.

11 SENATOR SQUADRON: Thank you very
12 much.

13 The rule I just referenced,
14 Mr. President, talks about the proportional
15 membership of Senate committees and the fact
16 that Senate committees should be proportional
17 to the partisan divide in the house. I would
18 like to ask Senator Libous, do you remember
19 how that rule came about and when it came
20 about?

21 SENATOR LIBOUS: I believe,
22 Mr. President, it came about sometime after
23 that famous day in June. Or maybe it was even
24 July.

25 SENATOR SQUADRON: Thank you very

1 much.

2 Would Senator Libous continue to
3 yield?

4 ACTING PRESIDENT FLANAGAN:
5 Senator Libous.

6 SENATOR LIBOUS: I will, sir.

7 ACTING PRESIDENT FLANAGAN:
8 Senator Squadron.

9 SENATOR SQUADRON: Thank you.

10 And my recollection is that that
11 proportional representation was about making
12 sure that both parties would be represented in
13 every committee, committees do such important
14 work, in the same way they are here on the
15 Senate floor, and that there would be some
16 equity to that.

17 Senator Libous, the rules amendment
18 here, do you know what it does to that
19 proportional representation that, out of those
20 dark days, we codified in the rules?

21 SENATOR LIBOUS: Actually,
22 Mr. President, I do. And it makes it very
23 similar to what it was last year when they
24 were in charge.

25 SENATOR SQUADRON: Would Senator

1 Libous continue to yield?

2 ACTING PRESIDENT FLANAGAN:

3 Senator Libous, will you continue to yield?

4 SENATOR LIBOUS: My pleasure,
5 Mr. President.

6 ACTING PRESIDENT FLANAGAN:

7 Senator Squadron.

8 SENATOR SQUADRON: Would Senator
9 Libous please explain that statement.

10 SENATOR LIBOUS: Mr. President, I
11 believe when the Democrats were in charge they
12 had 14 members on Rules, we had 10. I believe
13 they had 19 on Finance; we had 14.

14 Now, we understood when they were
15 in charge, Mr. President, that they controlled
16 the agenda and that the makeup of the
17 committee didn't matter because they still had
18 more Democrats than Republicans. Therefore,
19 the makeup of the committee was still in their
20 favor.

21 Nothing has changed here. We add
22 two members to Finance, one in Rules. The
23 makeup of the committee is still -- we as the
24 majority party still have more members because
25 we're in the majority. And if you look at the

1 breakout, as I said, they had 14 members on
2 Rules; we had 10. They had 19 members on
3 Finance; we had 14.

4 To the Senator's point, I -- I'm
5 missing it.

6 SENATOR SQUADRON: Thank you.
7 Through you, Mr. President, to respond to that
8 before I ask Senator Libous to yield again.

9 Clearly these rules take what was a
10 proportional representation and for the
11 majority party say, in terms of the two what
12 are often considered the two most important
13 committees here, it's proportional plus
14 5 percent. So those numbers, it seems to me,
15 would not suggest what I would like to ask
16 Senator Libous to yield again to.

17 ACTING PRESIDENT FLANAGAN:
18 Senator Squadron, are you asking Senator
19 Libous that question? Or are you commenting
20 and now asking him to yield?

21 SENATOR SQUADRON: I am
22 commenting and now asking him to yield.

23 ACTING PRESIDENT FLANAGAN:
24 Senator Libous, will you continue to yield to
25 Senator Squadron?

1 SENATOR LIBOUS: I'd be happy to
2 yield, Mr. President.

3 ACTING PRESIDENT FLANAGAN:
4 Senator Squadron.

5 SENATOR SQUADRON: Thank you very
6 much.

7 Just to be clear, the effect of
8 this rules change is to increase the
9 proportion of majority members on the Senate
10 Rules and the Senate Finance Committee beyond
11 the proportional representation in the house.

12 SENATOR LIBOUS: No,
13 Mr. President, that's not what it does. What
14 it does, it brings us pretty much to parity to
15 what they had when they were in the majority.
16 That's how I read the numbers.

17 SENATOR SQUADRON: Thank you,
18 Mr. President. On the resolution.

19 I think that when Senator Libous
20 says that it does not do what I suggested,
21 which is increase the majority representation
22 beyond the proportional representation of the
23 house on the Rules and the Finance Committee,
24 that simply isn't accurate. I wish it were,
25 but it's not. It clearly does. It increases

1 beyond the proportional representation of the
2 house by 5 percent.

3 Now, that's particularly insidious
4 here because the rule and the practice is that
5 anything over a whole number, you get to 50.01
6 percent, that's an additional percent. You
7 get to 55.01 percent, that's an additional
8 person. So the effect of this is very clear.
9 It disempowers the minority members,
10 disenfranchises their constituents on the
11 Senate Rules and the Senate Finance Committee.

12 Because in the case of the Senate
13 Finance Committee, it's going to be -- let me
14 just make sure I get it right. In the Senate
15 Finance Committee you're going to have two
16 additional majority members, just like that,
17 thanks to this rule that we've now been
18 considering, we've now been aware of for less
19 than three hours.

20 In the Senate Rules Committee,
21 you're going to have one additional majority
22 member. In both cases, you're going to see a
23 supermajority for the majority party and
24 increasing difficulty for the minority party
25 in standing up.

1 And that's a real problem. And it
2 undoes the improvements that were made in the
3 last term. It undoes the improvements that
4 many members of this house, the majority,
5 voted for earlier this year. And it does it
6 in this most important of weeks when we should
7 be talking about issues much less arcane and
8 much more significant.

9 And so, you know, I think that it's
10 simply not accurate to say that it doesn't
11 change the proportion. It definitively does.

12 It does something else very
13 disturbing, and that is it gives the counsels
14 in the Majority Conference the power to decide
15 who sits and has voting rights on a committee.
16 Now, this is completely and absolutely
17 unprecedented, the idea that rather than
18 committee memberships being passed up, as
19 we've done many times this year, instead you
20 can now swap out committee members on the
21 Rules Committee. If anyone has an excused
22 absence, the counsel for the majority is able
23 to decide "I would like someone else on that
24 committee" or "I refuse to have someone else
25 on that committee."

1 The idea that not even on the
2 Senate floor you would be able to have someone
3 who is not elected, who does not engage -- is
4 on the Senate floor decide who is a voting
5 member on the Rules Committee and the Finance
6 Committee is truly shocking.

7 Later this week we are going to
8 have, going through the Finance Committee,
9 budget bills, budget bills totaling, as I said
10 earlier, \$132 billion, one of the most
11 difficult budgets in the history of this
12 state. If this rule is in effect, then the
13 voting membership of the committee is going to
14 be decided by an unelected counsel to the
15 Senate Majority.

16 That, as I say, is unprecedented
17 and is a disturbing slippage -- not back to
18 the bad old days before the rules reform of
19 last term, but a slippage to a place we have
20 never been before as a house. Whether you're
21 minority party or majority party, I think we
22 can all agree that the idea of taking the
23 power of committee membership, taking the
24 power of who votes on the Finance Committee,
25 on the Rules Committee, on any committee,

1 outside of this body to someone who is
2 unelected is something that none of us can
3 feel comfortable with.

4 So, look, I know the partisan
5 games. I know that we're coming on 8:30 here
6 at night the week the budget is due. I know
7 that most folks, if they're watching, are
8 wondering why it is we could possibly be
9 talking about this instead of talking about
10 the state budget. And I agree with them. I
11 am sympathetic to them.

12 But we have this rules resolution
13 before us. We shouldn't. We should have had
14 48 hours to consider it, we should have had a
15 much more thorough description of it, all
16 pursuant to the current rules. But here we
17 are, and we have it before us. I would urge
18 every member of this house, on the basis of
19 not losing the progress that we made last
20 year, that did not go back, did not slip back
21 at the beginning of this year, and on the
22 basis of not, for the first time ever, putting
23 significant power outside of the elected body,
24 outside of our constituents, and into an
25 unelected member, I would urge every member of

1 this house -- Majority, Minority -- to rise
2 above politics, rise above this dark of night,
3 rise above this, to quote my colleague Senator
4 Ball, poisoning of the well of these rules,
5 and together vote against these rules.

6 Let's have some time to discuss
7 them and consider them. I am sure that, when
8 considered, the Majority will not feel
9 comfortable with this idea that an unelected
10 person decides who has voting power. Perhaps
11 that 48-hour consideration period will fix
12 that problem. And perhaps it will, as well,
13 give us an opportunity to have a proportional
14 representation so that we're not disempowering
15 the constituents who are represented by
16 Minority members of this Senate. We did that
17 for a long time in this Senate. We've started
18 to make improvements. Let's not tonight, in
19 this most important of weeks, slip back.

20 I look forward to working with many
21 of the members who have stood up for rules
22 changes, hopefully will vote with us tonight.
23 And hopefully if these rules do come back
24 before us, they will come back in a much
25 fairer form and a form that respects the

1 intrinsic importance of elected members of
2 this house deciding who the voting members are
3 on our committees.

4 So with that I will vote no,
5 Mr. President. Thank you.

6 ACTING PRESIDENT FLANAGAN: Thank
7 you, Senator Squadron.

8 Senator Libous on the resolution.

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

11 In all due respect to my colleague
12 Senator Squadron, I really think you're
13 reading this wrong. Nobody is diminishing
14 representation on the committee. If anything,
15 we're going to parity. We're doing what you
16 did. We're going to the same spread on the
17 committees that you did. And the numbers are
18 in the book. It's published. And, Senator,
19 I'd be happy to provide you with that later
20 on.

21 And just on the other issue about
22 the resolution and late at night and it's been
23 six hours, I found two other examples when you
24 were in the majority, both resolutions by
25 Senator Smith. Reported to Rules on the 15th

1 of July, reported to the floor on the 15th of
2 July and adopted. Senate resolution amending
3 the rules of the Senate.

4 On the same day, July 15, '09,
5 reported to Rules. July 15, '09, reported to
6 the floor. July 15, '09, adopted.

7 So, Mr. President, this has been a
8 practice that this body has done for a long
9 time. It's obvious that our colleagues from
10 the other side of the aisle, when they were in
11 charge, did it the same way we're doing it.
12 These are the same rules. We are not looking
13 to take anything away from anybody. It's all
14 documented. It's in the Senate minutes.

15 And the breakouts are there.
16 Again, last year they had 19 members on
17 Finance, two more Democrats than Republicans.
18 That's what we're doing here. They had 14
19 members on Rules, one more voting member.
20 Just like we're doing here.

21 So, Mr. President, there's no
22 special movement at 8:30 at night, there's no
23 secret stealth thing here. This is pretty
24 simple. This is the way we've been
25 functioning.

1 As far as the way Senator Squadron,
2 Mr. President, is interpreting the rule,
3 certainly the counsel has to be notified.
4 Counsels talk all the time. But at the end of
5 the day, it's Senator Sampson and Senator
6 Skelos who are going to make the final
7 determinations on who he wants to substitute
8 in the Minority on a committee or who Senator
9 Skelos wants to substitute. It's not the
10 counsels that make those decisions. We all
11 know the members make those decisions and the
12 leaders make those decisions.

13 And so, Mr. President, I would just
14 like to move this resolution right now because
15 I think it is pretty clear in what it does.

16 ACTING PRESIDENT FLANAGAN:
17 Senator Libous, the question is on the
18 resolution.

19 Senator Krueger, why do you rise?

20 SENATOR LIZ KRUEGER: Thank you.

21 Will the sponsor please yield to an
22 additional question?

23 ACTING PRESIDENT FLANAGAN:
24 Senator Libous, would you yield to a question
25 from Senator Krueger?

1 SENATOR LIBOUS: I will,
2 Mr. President, I'm sorry.

3 ACTING PRESIDENT FLANAGAN:
4 Senator Krueger.

5 SENATOR LIZ KRUEGER: Thank you.

6 So the first section of the rules
7 change, Section VI, budget bills, the
8 underlined new language is "Budget bills may
9 be reported from the Finance Committee direct
10 to the Third Reading Calendar."

11 I distinctly remember a week or two
12 ago, when we objected to moving from Finance
13 to third reading because you needed a
14 unanimous consent or needed to move a bill
15 through Rules, we were told by a ruling of the
16 chair that the existing rules allowed a budget
17 bill to be moved from Finance to the Third
18 Reading Calendar.

19 Senator Libous, why, since we had
20 that ruling of the chair either one or two
21 weeks ago, would we need to change the rule
22 tonight?

23 SENATOR LIBOUS: Mr. President,
24 I'd be happy to answer that.

25 Because, as I explained on the

1 floor, Mr. President, about a week ago or
2 whenever that took place, for the past number
3 of years when we were in the majority, it was
4 always the Republicans' policy to report a
5 budget bill from the Senate Finance Committee
6 to the floor. For whatever reason, when the
7 Democrats were in charge, they changed that
8 policy and they reported it from Finance to
9 Rules and to the floor. They believe they're
10 right, we believe we're right. That's
11 everybody's respectful right to disagree.

12 So what we're doing here, since I
13 think within the next 24 hours a number of
14 major budget bills are going to come to the
15 floor, and because we think it's important to
16 get those bills passed before midnight on
17 Thursday, and because we believe we were
18 always right, we're codifying the rule.

19 And I don't think there's anything
20 wrong in codifying the rule, making it a
21 matter of fact. Because, Mr. President, I
22 would guess if we didn't and we continued to
23 do it the way we believe is right, my guess is
24 the other side of the aisle might challenge
25 us.

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

3 ACTING PRESIDENT FLANAGAN:
4 Senator Krueger on the resolution.

5 SENATOR LIZ KRUEGER: Thank you.

6 First off, since you didn't need
7 the rule change last week but you need the
8 rule change this week -- suddenly, urgently,
9 with no notice to anyone that they're doing
10 these rules tonight -- I would actually
11 question the sincerity of the argument for
12 codifying as opposed to actually changing the
13 rules. We are changing the rules. We're
14 skipping a process for budget bills.

15 Budget bills are the most important
16 legislation we do here in the Legislature each
17 year. Budget bills should be publicly
18 available, easy to understand, transparent.
19 They should not be done by skipping the
20 process. The process is critical for budget
21 bills. So for the record, budget bills should
22 have to move from Finance to either a third
23 reading, a unanimous consent, or the Rules
24 Committee. We have three options available to
25 us. And this rule change is intended to skip

1 that public process.

2 Second off, I have to disagree with
3 my colleague's response to Senator Squadron's
4 questioning. These weren't the numbers, as
5 referenced by Senator Libous. Actually, we
6 looked and when the Democrats had the Senate
7 prior to the coup, it was 18 Democrats, 15
8 Republicans, the ratio -- I'm sorry, and after
9 the coup, excuse me.

10 And so there's a logic to having a
11 weighted number of Democrats and Republicans
12 on committees. In fact, those rules were
13 negotiated, negotiated between the Republicans
14 and the Democrats. July 9th and July 15th,
15 the two dates referenced, those were
16 negotiated changes because of the recognition
17 during the coup that the rules were not in
18 everybody's best interest.

19 So when I hear my colleagues here
20 tonight say we need to change the rules to
21 pre-coup, I have to say I don't think that's a
22 very good idea for any of us. And in fact
23 I've heard many of my colleagues from both
24 sides of the aisle speak about why the coup
25 might have happened.

1 ACTING PRESIDENT FLANAGAN:

2 Senator Libous, why do you rise?

3 SENATOR LIBOUS: Would Senator
4 Krueger yield for a question?

5 ACTING PRESIDENT FLANAGAN:

6 Senator Krueger, will you yield to Senator
7 Libous?

8 SENATOR LIZ KRUEGER: Let me just
9 finish the sentence and I'll be happy to
10 yield.

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

13 SENATOR LIZ KRUEGER: Thank you.

14 So again, when I hear my colleagues
15 talk about wanting to go back to pre-coup
16 rules, it gives me pause and I think it should
17 give all of us pause. Because this has been a
18 process where each time we've changed the
19 rules in the last few years, and we've done it
20 now several times, we've all talked about
21 wanting to move forward, we've talked about
22 wanting to get more things on the agenda for
23 improved rules for the Senate. And I see this
24 as a giant step backwards.

25 And now I'm happy to yield to

1 Senator Libous.

2 ACTING PRESIDENT FLANAGAN:

3 Senator Libous, Senator Krueger will yield to
4 a question.

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

7 Senator Krueger, are you familiar
8 with a document that was put out by your side
9 of the aisle, Senator Smith, it was April 1,
10 2009, to March 31, 2010, it was the Fiscal
11 Committees' Executive Budget?

12 SENATOR LIZ KRUEGER: I don't
13 have it memorized. I'm sure that that is
14 true, and I'm sure if I took a look at it I
15 could remind myself of the details. But
16 please, Senator Libous, continue.

17 SENATOR LIBOUS: Well, I just --
18 for the record, Mr. President, it shows in
19 that document 19 Democrats and 14 Republicans
20 on the Senate Finance Committee.

21 I have another document here which
22 is the actual record of the Senate. And in
23 all due respect to my colleague,
24 Mr. President, on January 11, 2010, it shows
25 19 Democrats and 14 Republicans on the Finance

1 Committee and 14 Democrats on Rules and 10
2 Republicans.

3 So I certainly understand that
4 possibly Senator Krueger's numbers are a
5 little mixed up. But I'm referencing official
6 documents of the Senate.

7 ACTING PRESIDENT FLANAGAN: Thank
8 you, Senator Libous.

9 SENATOR LIZ KRUEGER: Thank you,
10 Mr. President.

11 Responding to Senator Libous, I
12 will be happy to take a look at the report.
13 Looking at the Legislative Digest for 2010,
14 it's 18/15.

15 But again, to clarify the change,
16 that was made post-coup. So I did misspeak
17 and correct myself earlier about pre- and
18 post-coup.

19 Again, post-coup, I think we made
20 some progress. I'm very disturbed to see us
21 going back to pre-coup rules, taking a step
22 backwards at this time both in skipping an
23 important procedural step for moving budget
24 bills -- again, Senator Libous is absolutely
25 right. The Republicans have the majority.

1 That is established in each committee. It is
2 established by what bills come to the floor.
3 It is established by what agenda gets moved.

4 I really don't understand why
5 tonight, before we do the budget, having a
6 majority isn't apparently enough, we need to
7 plus 5 percent on the two most critical
8 committees of the State Senate.

9 I also don't quite understand why
10 we have a model or we're proposing a model
11 where you get to swap in and out your members
12 in these two key committees with an hour's
13 notice. I don't think I have ever heard of
14 any process for establishing legislative
15 committees or the important role of
16 legislative committees where you just move the
17 members on and off with an hour's notice,
18 perhaps because somebody hasn't shown up in
19 time. I think that is fundamentally a
20 dangerous procedure for a legislative body to
21 follow, sort of musical chairs to make sure
22 you have the chairs filled in two committees
23 at any given time.

24 And again, to point out the role of
25 the Majority counsel in accepting changes in

1 the Finance and Rules Committee, conceivably
2 that means the Majority counsel can reject the
3 change in the Finance and Rules Committee.
4 And that is, granted, a decision for my
5 colleagues on the other side of the aisle.
6 But I think we all talk quite a bit in this
7 place about sometimes having too many
8 staff-driven decisions as opposed to the
9 elected driven decisions.

10 And to note several times now in
11 the Rules Committee this year, when Senator
12 Breslin attempted to follow the rules of this
13 house and move a petition to move a bill for a
14 hearing, we were told that the chair of the
15 committee, Senator Libous, couldn't accept or
16 reject the petition to move a bill to a public
17 hearing, it was the clerk of the committee.
18 And I've argued before and I'll argue again
19 that's not supposed to be the model, that
20 legislators get overridden by counsels or
21 clerks.

22 So I think all of these changes in
23 the Senate rules are going in the wrong
24 direction. They are not in the best interests
25 of democracy, small-D democracy. One has to

1 raise the question why they are popping up
2 tonight with no notice and no opportunity for
3 anyone other than those of us standing here
4 tonight and sitting here tonight to really
5 review or even ask questions about why these
6 rule changes must be done tonight. I'm urging
7 every member to vote no.

8 Thank you, Mr. President.

9 ACTING PRESIDENT FLANAGAN: Thank
10 you, Senator Krueger.

11 Senator DeFrancisco on the
12 resolution.

13 SENATOR DeFRANCISCO: I think
14 we've had enough. Thank you.

15 ACTING PRESIDENT FLANAGAN: Thank
16 you, Senator DeFrancisco.

17 Senator Skelos on the resolution.
18 Senator Skelos.

19 SENATOR SKELOS: Would Senator
20 Squadron yield for a question?

21 SENATOR SQUADRON: Absolutely,
22 Mr. President.

23 SENATOR SKELOS: Senator
24 Squadron, right now in the Senate, how many
25 Democrats have chairmanships of committees?

1 SENATOR SQUADRON: Through you,
2 Mr. President, I am less familiar with the
3 makeup of the Senate than the leader is, so I
4 would defer back to him.

5 SENATOR SKELOS: So we have three
6 Democrats and a chairman of a legislative
7 commission, so we have four Democrats in
8 leadership positions that we've appointed. Is
9 that correct?

10 SENATOR SQUADRON: Through you,
11 Mr. President, yes.

12 SENATOR SKELOS: On the joint
13 conference committees, where they're normally
14 Republican-Democrat appointments, how many
15 Democrats have been appointed by the
16 Republican side to be on joint conference
17 committees as one of our appointments?

18 SENATOR SQUADRON: Through you,
19 Mr. President, I believe the same Democrats.

20 SENATOR SKELOS: Four. Do you
21 recall how many Republicans when we were in
22 the minority were appointed to joint
23 conference committees by the then-Democrat
24 majority?

25 SENATOR SQUADRON: Through you,

1 Mr. President, I don't. I believe the number
2 is none.

3 SENATOR SKELOS: Now, let me ask
4 you, how do you define proportional
5 representation?

6 SENATOR SQUADRON: Through you,
7 Mr. President, I wouldn't deign to define
8 proportional representation, I would refer to
9 the current rules to do so. In -- I believe
10 it's Rule VI, Section 1, paragraph C.

11 SENATOR SKELOS: So again, how
12 would you define it? Would it be 32
13 Republicans, 30 Democrats? Or would it be 32
14 Republicans, 26 Democrats, and four
15 independent Democrats?

16 SENATOR SQUADRON: Through you,
17 Mr. President, as we discussed quite a bit at
18 the beginning of this session, both on and off
19 this floor, there really is no process. I
20 believe we in fact had this debate around the
21 adoption of the rules. There is no process
22 for anything other than two conferences.

23 SENATOR SKELOS: So we
24 couldn't --

25 SENATOR SQUADRON: So based on

1 that I would say 30/32.

2 SENATOR SKELOS: -- proportional
3 representation and through the Majority
4 Leader, because appointments are made in
5 consultation to make sure that all are
6 represented well, technically the Majority
7 Leader could appoint four from the Independent
8 Democrat Conference to these committees.

9 SENATOR SQUADRON: Through you,
10 Mr. President, in order to ensure that both
11 conferences are represented well, I would very
12 respectfully -- and I appreciate the
13 opportunity to have this conversation with
14 Senator Skelos on the floor, but I would
15 respectfully suggest that any time that the
16 majority is deciding what fair representation
17 for the minority is isn't fair by its very
18 nature.

19 So certainly the points that
20 Senator Skelos made are accurate and reflect
21 there are four Democrats in the position
22 Senator Skelos said. Those same four
23 Democrats had roles on the conference
24 committees appointed by Senator Skelos.

25 The truth is that real

1 representation for a minority really must come
2 through the minority leader, because otherwise
3 there are all sorts of risks. And in fact we
4 had this very debate on this floor at the
5 beginning of the session when we talked about
6 some of the risk of having multiple
7 conferences and having the majority decide
8 which minority members get representation.

9 The real concern here tonight,
10 Mr. President, has to do with the makeup of
11 these committees, though I'm certain in a week
12 as serious and important as this one we're not
13 going to see games or any such thing in terms
14 of the committees. The issue is the change of
15 the rules, the way the change of the rules is
16 happening, the permanence of it, the slippage
17 back to a time when this Senate wasn't as fair
18 to the majority/minority parties, and an
19 unprecedented empowerment of someone who's not
20 elected to the Senate at all to accept or
21 reject voting members of these committees.

22 So, you know, I don't think that it
23 is up to the majority to decide what's fair
24 for the minority or, equally, for the minority
25 to decide what's fair for the majority.

1 That's why we have two conferences and two
2 conference leaders.

3 Thank you, Mr. President.

4 ACTING PRESIDENT FLANAGAN: Thank
5 you, Senator Squadron.

6 The question is on the adoption of
7 the resolution. All those in favor signify by
8 saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT FLANAGAN:
11 Opposed, nay.

12 (Response of "Nay.")

13 ACTING PRESIDENT FLANAGAN:
14 Senator Breslin.

15 SENATOR BRESLIN: Mr. President,
16 can we have a show of hands, please.

17 ACTING PRESIDENT FLANAGAN: Those
18 wishing to be in the negative please raise
19 your hands.

20 (There was a show of hands.)

21 ACTING PRESIDENT FLANAGAN: The
22 Secretary will announce the results.

23 THE SECRETARY: Ayes, 35. Nays,
24 23.

25 ACTING PRESIDENT FLANAGAN: The

1 resolution is adopted.

2 Senator Libous.

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

5 ACTING PRESIDENT FLANAGAN: There
6 is no further business, Senator Libous.

7 SENATOR LIBOUS: Mr. President, I
8 hand up the follow committee assignment by
9 Senator Skelos and ask that it be filed.

10 Mr. President, have we adjourned?

11 ACTING PRESIDENT FLANAGAN: No,
12 Senator Libous, we haven't.

13 SENATOR LIBOUS: Thank you.
14 Because for a moment there I thought we had
15 adjourned.

16 Because I have a very important
17 message to announce, Mr. President. There
18 being no further business to come before the
19 Senate, I move that we adjourn until Tuesday,
20 March 29th, at 3:00 p.m.

21 ACTING PRESIDENT FLANAGAN:
22 Senator Libous, the committee assignment is so
23 ordered to be filed in the Journal.

24 On motion, the Senate stands
25 adjourned until Tuesday, March 29th, at

1 3:00 p.m.

2 (Whereupon, at 8:52 p.m., the
3 Senate adjourned.)

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