

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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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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