



NEW YORK STATE SENATOR

William Larkin

Larkin Supports Binding Arbitration to Resolve Senate Impasse

[WILLIAM J. LARKIN JR.](#) June 25, 2009

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today called on Senate Democrats to agree to binding arbitration to resolve the impasse that has crippled the Senate for the past two weeks.

"It is time for the Democrats to work with us to resolve this issue," said Larkin. "This situation cannot continue the way it has been. We need to have a functioning Senate that can address the needs of the people and this binding arbitration proposal is a step in the right direction. It assures both parties that their side will receive a fair hearing and review of the facts," said Larkin.

A copy of the letter sent to the Democratic Conference by Senators Dean Skelos, Majority Leader and Senator Pedro Espada, Jr., Temporary President spelling out the specifics of the proposal is attached.

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To: All Democratic Conference Members

From: Senator Pedro Espada, Jr., Temporary President and Senator Dean Skelos, Majority Leader

Date: June 23, 2009

As you may be aware our respective negotiation teams met until almost midnight last night and again reconvened this morning and met until almost noon.

Your team, led by Senator Eric Schneiderman received proposals from our Reform Coalition that included: progressive rules changes for a true power-sharing proposal involving equal distribution of resources, Co-Chairs of all Standing Committees, and further democratization of the Senate. We also offered to submit to binding arbitration regarding the leadership stalemate. We have yet to hear a complete response to the proposal for power-sharing, nor any response to the proposal for binding arbitration.

The binding arbitration proposal, more specifically, would provide for the Democratic Conference to select one arbitrator, and the Reform Coalition comprised of the Republican Conference and Senator Pedro Espada, Jr. , to appoint one arbitrator. These initial appointments shall be made within 72 hours from the date of acceptance of this proposal. Thereafter, these two selected arbitrators shall agree jointly on a third arbitrator, to be selected within 48 hours. In the event no agreement is reached within that time a default mechanism would be implemented to select a third arbitrator.

The question before these arbitrators would be solely whether electing Senator Pedro Espada Jr. the Temporary President and Senator Dean Skelos the Majority Leader, and the accompanying Rules changes made on June 8, 2009 were valid legislative acts. Both sides to this controversy would be permitted to provide evidence including, but not limited to, testimony, video or still images, audio recordings, transcripts, memoranda, or any other information deemed by that party to be relevant to the resolution of the dispute. All evidence shall be provided to the arbitrators panel within four days of their designation.

The panel of arbitrators would render judgment by a majority vote within 10 days from the final submission of all evidence. The decision of the arbitrators would be binding and the parties would agree to have this decision confirmed by the Courts of the State of New York.

We believe this proposal would definitively resolve the controversies between the two parties and would enable the Senate to proceed with its public tasks unabated through the remainder of the legislative term ending December 31, 2010. We urgently await your response and are prepared to have our respective staffs meet to finalize these proposals at your earliest convenience.

Sincerely,

Senator Pedro Espada, Jr., Temporary President

Senator Dean Skelos, Majority Leader