Senate Resolution No. 4

BY: Senator FLANAGAN

to adopt the Rules of the Senate for the years 2017-2018

RULES OF THE SENATE

OF THE STATE OF NEW YORK

2017-2018

RULE I

THE PRESIDENT

Section 1. The Lieutenant Governor of the State shall be President of the Senate, but shall have only a casting vote therein.

RULE II

SENATE COMPOSITION

Section 1. The Senate shall be composed of three conferences; the Republican Conference, the Democratic Conference and the Independent Democratic Conference. Designation of the leaders and members of each conference shall be filed in the Senate Journal. The leaders of such conferences, referred to in these rules as Conference Leaders, shall not serve in their respective capacities for longer than eight years. The Republican Conference and the Independent Democratic Conference shall together comprise the Majority Coalition. The Republican Conference Leader and the Independent Democratic Conference Leader shall together be the Majority Coalition Leaders.

§ 2. The Independent Democratic Conference Leader. a. The Independent Democratic Conference Leader shall, as a Majority Coalition Leader, together with the Temporary President of the Senate, execute these rules.

b. The Independent Democratic Conference Leader may request bills be placed on an active list. Any such bill placed on an active list shall be starred as appearing thereon pursuant to his or her request.

RULE III

THE TEMPORARY PRESIDENT

Section 1. The Senate shall be the judge of the elections, returns and qualifications of its own members and the Senate shall choose a Temporary President, by resolution adopted upon the vote of a majority of the members of the Senate elected, who shall be the majority leader and who shall preside, or designate some other member to preside, in case of the absence from the Chamber or impeachment of the Lieutenant

Governor, or when he or she shall refuse to act as President, or shall act as Governor. The Temporary President shall exercise such powers and duties as given by law or these rules during the 2017-2018 session. The Temporary President may not serve in such capacity longer than eight years.

§ 2. He or she shall appoint and designate the Officers of the Senate, the chair, vice-chair and members of all committees and sub-committees, except when the Senate shall otherwise order.

§ 3. He or she shall be Chair of the Committee on Rules.

§ 4. He or she shall appoint, in conjunction with the Speaker of the Assembly and the Legislative Librarian, an Assistant Legislative Librarian, to have charge and custody of all legislative documents, as defined in this section, who shall be responsible for collecting, numbering, indexing and retaining the same in the Legislative Library in an area designated for such use by the Legislative Librarian. At least two copies of all such documents shall be kept in such library at all times and made available to Members of the Legislature and legislative employees for public inspection and duplication during library hours.

The function of the Legislative Library is to serve the information and research needs of Members of the Legislature and legislative staff as defined by the Legislative Law. The services provided shall include professional reference, access to standard commercial online databases and the availability of records of the Library's holding on the Legislative Retrieval System (LRS). The Library is charged with the collection and custody of all Legislative and State documents as defined by this section. Access to the collection shall be provided by the Legislative Library State Documents (LLSD) database on LRS. Documents may be retained in paper, microform, laser disk or any other medium approved for archiving documents.

To effectuate the purposes of this section, the Assistant Legislative Librarian in charge of legislative documents may request from any committee, commission, task force or office of the Legislature, and the same are authorized to provide, such assistance, services and data as will enable such librarian to carry out his or her duties as prescribed in this section.

For purposes of this section, the term legislative document shall include the Rules of the Senate, the Rules of the Assembly, reports of the Legislature and reports of every legislative committee, subcommittee, task force or other adjunct of the Legislature and all reports and documents required by law or regulation to be submitted to

the Legislature by any department, board, bureau, commission or other agency of the State.

The provisions of this section and paragraph ten of subdivision c of section one of Rule I of the Assembly are intended to result in the appointment of a single Assistant Legislative Librarian to serve both Houses of the Legislature.

§ 5. He or she shall represent the Senate, or engage legal representation on behalf of the Senate, in any legal action or proceeding involving the interpretation or effect of any law of the federal, state or local government or the constitutionality thereof or with regard to the enforcement or defense of any right, privilege or prerogative of the Senate.

RULE IV

PRESIDING OFFICER

Section 1. The Presiding Officer of the Senate shall preserve order and decorum in the Senate Chamber; ensure that debate is germane to the question under discussion; in case of disturbance or disorderly conduct in the lobby or galleries, he or she may cause the same to be cleared; he or she shall decide all questions of order, subject to appeal to the Senate. On every appeal he or she shall have the right, in his or her place, to assign his or her reasons for his or her decision.

§ 2. Immediately upon the final passage by the Senate of any bill, or concurrent resolution proposing amendments to the Constitution of the State, and concurrent resolutions proposing or ratifying amendments to the Constitution of the United States he or she shall certify that the same has been duly passed or adopted, with the date thereof, together with the fact whether passed as a majority or two-thirds bill or resolution, or with three-fifths of the members present, as the case may be, as required by the Constitution and laws of the State, and deliver said bill or resolution to the Secretary.

§ 3. When the Presiding Officer is other than the President of the Senate, such Presiding Officer shall be vested with all of the powers and duties conferred by these rules and by any other rule or law upon the President.

RULE V

THE SENATE AND ITS OFFICERS AND EMPLOYEES

Section 1. The Senate shall not discriminate because of race, creed, color, age, sex, marital status, sexual orientation, or disability in judging the elections, returns and qualifications of its own members, or in the appointment of any member to committee or other office, or in the appointment of any of its officers or employees.

§ 2. The administration and operations of the Senate shall be conducted in a fair and nonpartisan manner, including access to services necessary to all members and their offices, without regard to conference membership.

§ 3. The Senate may choose a Secretary, a Sergeant at Arms and an Official Stenographer who shall be elected for the term of the Senate. Such employees may be appointed as shall be provided for by appropriation, in the manner provided by law. Each officer and employee of the Senate shall perform such duties as may be prescribed by law, or by these rules, or as may be incumbent upon them in their respective

positions.

§ 4. a. It shall be the duty of the Secretary of the Senate to have the journals, bills, calendars, messages and other documents printed and distributed in the manner provided by law. He or she shall present to the Governor, and enter upon the journals, such bills as shall have originated in the Senate and shall have been passed by both houses within thirty calendar legislative days of such passage. He or she shall, subject to the Rules of the Senate, transmit to the Assembly all bills or concurrent resolutions which have passed the Senate.

b. The Secretary of the Senate shall designate the persons entitled to admission to the floor as reporters for the news media.

c. The Secretary of the Senate shall have general control, except as otherwise provided by law or in these rules, of the Senate Chamber and the lobbies and galleries thereof, and of the rooms, corridors and passages in that part of the Capitol and Legislative Office Building assigned to the use of the Senate, and any other property leased or utilized by the Senate.

d. The Secretary of the Senate shall, to the extent practicable, use the Internet and other electronic media to provide access to the public policy debates, decision-making process and legislative records of the Senate.

e. The Ethics and Internal Governance Committee shall annually review and make recommendations regarding the provisions of this section.

§ 5. The Sergeant at Arms, under the jurisdiction of the Secretary of the Senate, shall be the security officer of the Senate, and, except when absent in the discharge of his or her duties, shall be in constant attendance upon the sessions of the Senate. He or she shall assign Assistant Sergeants at Arms to act as doorkeepers and, under the direction of the Presiding Officer, aid in enforcing order and protecting the safety of all Senators, staff, guests and the public on

the floor of the Senate, in the lobbies, galleries, and in the rooms adjoining the Senate Chamber, and also see that no person remains on the floor unless entitled to the privileges of the same. He or she shall also assist in maintaining order at hearings of the Senate and in that part of the Capitol and Legislative Office Building assigned to the use of the Senate and on sites in New York State where members are conducting the business of the Senate and security is deemed necessary by the Secretary of the Senate. The Ethics and Internal Governance Committee shall annually review and make recommendations regarding the provisions of this section.

§ 6. The Official Stenographer or designee shall attend every session of the Senate and take stenographic notes of the debates of the Senate. He or she shall make a stenographic record of the proceedings and make copies available to the Secretary of the Senate. In addition, the Official Stenographer shall be responsible, under the direction of the Secretary of the Senate, for making a stenographic record of public hearings at the request of the Standing Committee Chair or appointed

officer and make copies available to the Committee Chair and the Secretary of the Senate.

RULE VI

PROCEEDINGS

Section 1. a. The Journal. The Senate shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The legislative and executive proceedings of the Senate shall each be recorded in a separate journal.

b. Video of Senate proceedings. The Senate shall video record its proceedings and make such video available through the Senate web site.

§ 2. Hours in session. No session shall be held between 12:00 A.M. and 8:00 A.M.; provided, however, that the Senate may remain in session to complete action on a measure or measures upon which debate was begun prior to 12:00 A.M. or to act on a measure or measures for which a message of necessity has been received from the Governor or upon a majority vote of all of the members elected to the Senate.

§ 3. Order of Business. a. The Presiding Officer shall take the Chair at the hour to which the Senate shall have adjourned and following a recital of the pledge of allegiance to the flag, the first business of the day shall be the reading of the journal of the preceding day, to the end that any mistakes therein may be corrected.

After the reading and approving of the journal, the order of business shall be as follows:

(1) Presentation of petitions.

(2) Messages from the Assembly.

(3) Messages from the Governor.

(4) Reports of standing committees.

(5) Reports of select committees.

(6) Communications and reports from State officers.

b. A quorum being present the Senate shall proceed to:

(1) Motions and resolutions.

(2) The calendar.

(3) Petition for chamber consideration.

c. All questions relating to the priority of business shall be decided without debate.

§ 4. Messages and reports. Messages from the Governor and Assembly,

communications and reports from State officers, reports from a committee involving the right of a Senator to his or her seat, and reports from the Committee on Rules shall be received at any time.

§ 5. Special orders. Whenever any bill or other matter is made a special order for a particular day, and it shall not be completed on that day, it shall, unless otherwise ordered, retain its place on the calendar as a special order in the order of business in which it was considered. When a special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day; but such subsequent order may be taken up immediately after disposal of the previous special order.

§ 6. Calendar. a. The matters upon the Senate Calendar shall be arranged and acted upon in the following order:

(1) Resolutions.

(2) Bills on order of first report.

(3) Bills on order of second report.

(4) Bills on order of special report.

(5) Bills starred after report.

(6) Bills on third reading calendar from special report.

(7) Bills on third reading.

(8) Bills starred on third reading.

(9) Resolution to amend the Senate Rules.

(10) Motions for chamber consideration.

b. Bills laid aside by the Temporary President or the Independent Democratic Conference Leader shall continue to retain their place in their regular order of business until called for debate by the Temporary President.

c. Except for bills reported from a standing committee and placed on that part of the calendar designated as "order of special report," bills reported from a standing committee shall be placed on the first report calendar and, unless starred, shall be automatically advanced to the second report part of the calendar after one calendar legislative day. Bills on second report shall, unless starred, be advanced to the order of third reading after one calendar legislative day. No debate shall be allowed on the advancement of bills on the order of first or second report or special report. The order of special report shall be marked with an asterisk to indicate that such bills will be subject to debate on the next calendar legislative day. In the event that such bills are not debated on such day, they shall be removed from the order of special report and placed on that part of the calendar designated "bills on order of first report".

§ 7. Executive Session. The Senate shall go into consideration of executive business at such times as may be ordered by a vote of the majority of the Senators present. On motion to close the doors of the Senate, on the discussion of business which in the opinion of any Senator may require secrecy, and during the consideration of all business in executive session, the Presiding Officer shall direct all

persons, except the Senators, the Counsel to the respective conferences, Secretary of the Senate, his or her messenger, the Journal Clerk and Sergeant at Arms of the Senate to withdraw; and during the discussion of said motion the doors shall remain shut; and every Senator and officer of the Senate shall keep secret all such matters, proceedings and things which shall transpire while the doors remain closed.

§ 8. Motions. a. When a question is before the Senate, only the following motions shall be made by a Senator, and such motions shall have precedence in the order here stated, viz.:

(1) For an adjournment.

(2) For a call of the Senate.

(3) For the previous question.

(4) To lay on the table.

(5) To postpone to a certain day.

(6) To commit to a standing committee.

(7) To commit to a select committee.

(8) To change calendar arrangement.

(9) To amend.

b. The motion to adjourn, or for a call of the Senate, or for the previous question, or to lay on the table, shall be decided without debate, and shall always be in order except as provided in Rules six, eight and ten.

c. Except for the motions enumerated in subdivision a hereof, all other motions shall be reduced to writing, if desired by the Presiding Officer or any five Senators, delivered to the Secretary of the Senate, and read before the same shall be debated; and any motion may be withdrawn at any time before decision or amendment.

d. A motion for the previous question, or a motion to postpone to a certain day, or to commit, or refer to a standing or select committee, until it is decided, shall preclude all debate of the main question.

e. A motion for the previous question shall only be in order when made by the leaders of the respective conferences or their designee. The "previous question" shall be put as follows: "Shall the main question

now be put before the house?" and until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the Senate shall decide that the main question shall now be put, the main question shall be put to an immediate vote. When, on taking the previous question, the Senate shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be the advancement or passage of the bill, resolution or other matter under consideration. Such motion shall require the affirmative vote of a majority of the Senators elected.

§ 9. Reconsideration. a. When a question has once been put and decided, it shall be in order for any Senator to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, nomination or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or within the next three days of the actual session of the Senate thereafter. Nor shall any question be reconsidered more than once; but when a bill or resolution shall have been recalled from the Assembly, a motion for reconsideration may be made at any time thereafter while the same is in the possession of the Senate, and all resolutions recalling a bill or resolution from the Assembly shall be regarded as privileged. No vote shall be reconsidered upon either of the following motions:

(i) To adjourn.

(ii) To lay on the table.

b. The vote on the final passage of any bill appropriating moneys or property, or creating, continuing, altering or removing any body politic or corporate, shall not be reconsidered whenever any such bill shall be lost, unless by a vote of a majority of all the Senators elected, but all other bills, when the same shall have been lost, may be reconsidered by a vote of a majority of all the Senators present and voting.

RULE VII

INTRODUCTION OF BILLS AND RESOLUTIONS

Section 1. Introduction. Bills and resolutions shall be introduced by a Senator, or on the report of a committee, or by message from the Assembly, or by order of the Senate, or by the Governor pursuant to Article VII of the Constitution. Every bill introduced shall be in duplicate and shall have endorsed thereon a title and the name of the bill's sponsor and shall be accompanied by the introducer's memorandum in quadruplicate. Such memorandum shall contain a statement of the purposes and intent of the bill and, if the member deems it appropriate, may set forth such other statements that the member feels necessary including, but not limited to, statements relating to economic impact, environmental impact or the impact on the judicial system. A Committee, where it deems necessary, may require that the introducer's memorandum be amended to include such appropriate statements.

Bills introduced by Senators shall be deposited with the Revision Clerk for the purpose of having such clerk examine and correct bills to avoid repetition of introduction and ensure accuracy in the text and references. Upon introduction, each bill shall be deemed to have had its first and second reading, unless otherwise ordered and shall be given a number. The Temporary President with the Independent Democratic Conference Leader shall jointly refer bills or designate an officer to refer bills to the appropriate standing committee. Bills shall be referred in accordance with a set of guidelines to be jointly published annually by the Temporary President with the Independent Democratic Conference Leader setting forth the respective statutes over which each of the standing committees shall have subject matter jurisdiction for purposes of referral. Such referrals shall reflect the subject matter having predominance in the bill as determined by the Temporary President together with the leader of the Independent Democratic Conference.

§ 2. Multi-sponsorship. Any Senator may join together in the multi-sponsorship of a bill. If two or more Senators join together when a bill is first introduced and before it is published, the names of all multi-sponsors shall appear on the printed bill upon the following conditions:

a. Multi-sponsors shall file a written request in duplicate to act as such, on forms provided, with the Revision Clerk of the Senate. The first name appearing on the bill shall be deemed the introducer and all others deemed multi-sponsors.

b. The introducer shall at all times retain exclusive control of the bill until formally acted upon by the Senate and any motion to discharge a bill out of committee by a member who is not the introducer of the bill shall be out of order.

c. After a multi-sponsored bill has been published, any multi-sponsor desiring to withdraw from such multi-sponsorship shall file a written request on a form provided so that his or her name will be stricken as a multi-sponsor from the records of the Revision Clerk. The published bill, however, shall not be republished.

d. Senators and Senators-elect may multi-sponsor bills that have been pre-filed and bills introduced after the opening of each legislative session upon the following conditions:

(1) After a bill has been introduced and published and before it has been reported favorably out of the Committee to which it was referred, any Senator or Senators may file with the Revision Clerk a request on a form provided to become a multi-sponsor of such bill. Such forms must be signed by the multi-sponsor.

(2) Such bill shall not be reprinted solely for the purpose of adding or deleting names of multi-sponsors.

§ 3. Placement on desks. Every bill immediately upon its introduction shall be placed on the bill files on the desks of the Senators, where it shall remain for at least three calendar legislative days. All bills reported favorably or for consideration, if reported with amendments,

and all bills amended in the Senate, shall be immediately placed on each Senator's desk, except that any bill which is amended by restoring it to an earlier form, shall not be required to be placed on each Senator's desk again, and thereafter the number of the bill in the form placed on each Senator's desk to which it has been so restored shall constitute the final form of such bill unless further amended. Whenever a bill is amended, a letter of the alphabet starting with "A" shall be added to its number.

§ 4. Title and body of bill. The title of every bill shall briefly state the subject thereof. The title of every bill amending or repealing any provision of a consolidated law shall refer to such law. The title of every bill amending or repealing any unconsolidated law shall refer to such law by its short title, if it has one; if it has no short title, the title of such bill shall state the chapter number, year of enactment and the complete title of the original bill or a short summary of the provisions to which the law relates. If such bill is amending or repealing a proposed provision of law contained in a bill that has not been enacted into law, the title shall state the number of the bill containing the proposed provision of law to be amended or repealed, with suffix, if there be one, and the subject of the provisions to which the amendatory bill relates. No private or local bill may be passed which shall embrace more than one subject which shall be expressed in the title.

a. In any bill, each section proposing an amendment to or the repeal of: (i) any consolidated law, or any part thereof; or (ii) the Family Court Act, the Court of Claims Act, the Uniform District Court Act, the Uniform Justice Court Act, the Uniform City Court Act, the New York City Charter, the Administrative Code of the City of New York, the New York City Civil Court Act, the New York City Criminal Court Act, or the Charter of the City of Buffalo, or any part thereof shall refer to such law, act, charter or code. In any bill, each section proposing an amendment to or the repeal of an unconsolidated law having a short title, or any part thereof, shall refer to such law by its chapter number and year of enactment and its short title. If an unconsolidated law shall have no short title, each section shall state the chapter number and year of enactment of such law, and a short summary of the provisions to which the law relates or the complete title of the original bill. If such section amends or repeals a proposed provision of law contained in a bill that has not been enacted into law, each section

shall state the number of the bill containing such proposed provisions of law to be amended or repealed, with suffix, if there be one. If the portion of the law proposed to be amended has been added, renumbered or amended since the original enactment or last general revision of the law of which it is a part, such section shall also state the chapter number and year of the last act adding, renumbering or amending the same, as the case may be. There shall be appended at the end of every bill which proposes the repeal or extension of any existing law, or part thereof, merely by reference thereto, without setting forth the text thereof, an explanatory note which shall briefly and concisely state the subject matter of the law, or part thereof, proposed to be repealed or extended, unless such subject matter is stated in the title of such bill. The Revision Clerk of the Senate shall return any bill to the Senator

introducing the same when it is called to his or her attention that the provisions of this section, or of section one of this Rule, have not been complied with, or when any copy of a bill is illegible or incomplete.

b. Every bill when introduced, and every amendment thereafter made to such bill amending existing law, must have all new matter underscored, and all matter eliminated by amendment from existing law must appear in its proper place enclosed in brackets. In the published bill such new matter shall be underscored and all matter eliminated by amendment from existing law shall be enclosed in black-faced brackets. When any existing law or part thereof is proposed to be repealed by a bill, the word "repealed" as it appears in such bill shall be printed in bold-faced type. When a bill is amended by eliminating new matter from such bill, the same shall be omitted in the republication of the original. When amendments are offered to a printed bill, the proposed changes, indicating page and line numbers, shall be listed on four detail sheets and the same changes shall be incorporated and marked on two copies of the bill; provided, however, that no amendment shall be allowed to any bill which is not germane to the original object or purpose thereof. Furthermore, when a printed bill is amended the accompanying introducer's memorandum, required pursuant to section one of this Rule, shall also be amended to reflect any changes. It shall be the duty of the Secretary of the Senate to direct the Revision Clerk to cause any bill appearing on the calendar and not complying with this section to be immediately amended so as to comply with the same.

§ 5. Final date. a. The Temporary President with the leader of the Independent Democratic Conference may jointly designate a date in writing after which no bill or original resolution shall be introduced except by message from the Assembly, but no date prior to the first Tuesday of April shall be so designated; provided, however, that all bills recommended by a State department or agency must be submitted to the Temporary President not later than the first day of March. Bills proposed by the Governor, the Attorney General, the Comptroller, the Department of Education or the Office of Court Administration must be submitted to the Temporary President no later than the first Tuesday in April.

b. All bills introduced in the Senate after the first day of June shall be introduced to the Committee on Rules.

§ 6. Budget bills. When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill, and upon

receipt thereof by the Senate it shall be endorsed "Budget Bill" and be given a number by the Secretary and shall be referred to the Finance Committee. Budget bills may be reported from the Finance Committee direct to the third reading calendar.

§ 7. Program, departmental and agency bills. Every bill proposed by the Governor, the Attorney General, the Comptroller or by state departments and agencies shall be submitted to the Temporary President and shall be forwarded for introduction purposes to the appropriate

standing committee in accordance with section one of Rule VII. Any such bill which is not so forwarded within three weeks after receipt by the Temporary President shall be offered to the Democratic Conference Leader who may in accordance with section one of Rule VII, forward such bills to any member for introduction purposes.

§ 8. Reintroduction. Any Senate bill introduced in the first year of the term of the Senate which during that regular Legislative Session was not reported from a Standing Committee or if reported and later recommitted to a Standing Committee is deemed to be automatically reintroduced for the second year of the term of the Senate. All bills which remain on the calendar at the end of the first year of the term of the Senate shall be recommitted to committee.

§ 9. Resolutions. a. All original resolutions shall be in quadruplicate, and no original resolution may be introduced unless copies thereof first shall have been furnished, to the extent practicable, forty-eight hours prior to the time for acting on such resolution to respective conference leaders. All resolutions, upon introduction, shall be referred to a standing or select committee by the Majority Coalition Leaders or an officer designated by the Majority Coalition Leaders and shall at all times remain within the exclusive control of the introducer. Notwithstanding any of the foregoing provisions of this section, resolutions recalling bills from or returning bills to the Assembly, or relating to adjournment, may be introduced at any time for immediate consideration.

b. A resolution supporting or condemning, or proposing or urging a change in Federal law which is not directly germane to the affairs, business, rights, benefits and obligations of New York State shall be out of order and shall not be reported and any resolution recommending, urging, supporting, altering or condemning a position or change in foreign policy of the United States Government or the domestic or foreign affairs of any other government of the World shall be out of order and shall not be reported. Any resolution which recommends, urges, supports the alteration of the laws of this state, resolutions which honor current elected office holders or resolutions which recognize, honor or support the positions of a political party shall be out of order and shall not be reported.

c. All resolutions which propose any amendment to the State Constitution shall be referred to the Attorney General as provided in Article XIX of the Constitution, and shall be treated in the same form of proceedings as that provided for bills; and resolutions which ratify any proposed amendment to the Constitution of the United States shall be treated in the same form of proceedings as provided for bills. After a resolution to amend the State Constitution shall be advanced to third reading, no motion to amend the same shall be in order without unanimous consent; and if such resolution to amend the State Constitution shall be

amended after the opinion of the Attorney General thereon has been received as provided in Article XIX of the Constitution, it shall again be referred to the Attorney General. Any such resolution may be committed prior to the final reading thereof.

d. All resolutions calling for the expenditure of moneys must be decided by a majority vote of all of the members elected to the Senate, upon a call of the roll.

e. All resolutions deemed proper by the Majority Coalition Leaders other than those mentioned and treated in the preceding subdivisions c and d of this section and reported by the committee of reference designated by the Majority Coalition Leaders shall be placed upon the calendar upon the approval of the Majority Coalition Leaders. When in the order of business the resolutions are reached, the Senate may adopt such resolutions as a group, by one vote upon the question of the entire calendar of resolution, excepting that any member may request that any one or more of the resolutions on such calendar shall be voted upon or debated separately. This subdivision shall not apply to any resolution recalling bills from or returning bills to the Assembly, or relating to adjournment or to resolutions pertaining to the rules of the Senate or to those resolutions regarded as privileged. A resolution shall be deemed privileged only if it is so designated by the Majority Coalition Leaders as such.

RULE VIII

STANDING COMMITTEES

Section 1. There shall be the following standing committees which shall serve and shall continue throughout the year:

To consist of thirty-seven Senators:

Finance

To consist of twenty-five Senators:

Rules

To consist of twenty-three Senators:

Judiciary

To consist of nineteen Senators:

Banks

Transportation

Education

Higher Education

Insurance

To consist of seventeen Senators:

Health

To consist of sixteen Senators:

Codes

To consist of fifteen Senators:

Labor

To consist of thirteen Senators:

Crime Victims, Crime and Correction

Environmental Conservation

Cultural Affairs, Tourism, Parks and Recreation

Veterans, Homeland Security and Military Affairs

To consist of eleven Senators:

Aging

Civil Service and Pensions

Commerce, Economic Development and Small Business

Energy and Telecommunications

Agriculture

Consumer Protection

Mental Health and Developmental Disabilities

Racing, Gaming and Wagering

To consist of nine Senators:

Elections

Housing, Construction and Community Development

Infrastructure and Capital Investment

Investigations and Government Operations

Local Government

To consist of eight Senators:

Ethics and Internal Governance

To consist of seven Senators:

Children and Families

Cities

Corporations, Authorities and Commissions

Social Services

Alcoholism and Drug Abuse

a. The Republican Conference Leader, the Democratic Conference Leader and the Independent Democratic Conference Leader and their Deputies shall be nonvoting ex-officio members of all standing committees of the Senate of which they are not actual members. As far as practicable, Senators shall be appointed to no more than seven standing committees.

b. Term limits for chairs and ranking members. No chair or ranking member of a committee shall serve in such capacity longer than eight consecutive years.

c. Conference membership of committees. The membership of all committees, except the Ethics and Internal Governance Committee, and unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of Majority Coalition and Democratic Conference members in the same proportion as the number of Majority Coalition and Democratic Conference members in the Senate bears to the total membership of the Senate.

For purposes of committee composition, in the event that the proportion of Majority Coalition members would result in a fractional amount, the number of Majority Coalition members shall be rounded up to the next whole number. Furthermore, the total number of Independent Democratic Conference members appointed to all committees shall be in the same proportion, as nearly as may be, as the number of Independent Democratic Conference members in the Senate bears to the total membership of the Senate. Further, in the case of an excused absence of any committee member on either the Finance or the Rules Committee, the Conference Leaders may designate an alternate member of the conference for meetings of standing committees provided written notice is provided and accepted by the Majority Coalition Leaders at least one hour prior to the commencement of such committee meeting.

d. The Ethics and Internal Governance Committee shall consist of an equal number of members from each of the two major political parties as defined by the election law.

e. The provisions of this Rule may be amended by resolution adopted by a majority of members elected.

§ 2. Open Meetings of Standing Committees. a. (1) Standing committees shall hold regular meetings at such time and on such day as scheduled by the Majority Coalition Leaders in joint consultation with the chair and such schedule shall be published one week in advance of the date of such meeting and shall be posted on the Senate committee board and website. The attendance of the members of the committee shall be recorded at each

meeting, and a copy of such report shall be filed with the Journal Clerk of the Senate and made available to the public. Each chair of a standing committee shall to the extent practicable, no later than 5 p.m. the Thursday preceding the regular meeting, furnish to the Majority Coalition Leaders, and publish the agenda together with the introducer's memorandum for each bill listed on such agenda for such regular meeting. In addition, copies of such agenda for such regular meeting shall be made available to representatives of the news media and to the general public. However, in case of necessity, the chair with consent of the ranking Democratic Conference member may add no more than four items on the agenda or delete items on the agenda up to 24 hours in advance of the scheduled meeting and members shall be notified of such additions or deletions. Each standing committee chair shall decide all procedural issues which arise during meetings of standing committees.

(2) Standing committees may hold special meetings in case of necessity upon the call of the chair when the announcement is made from the floor during session, or the ranking Democratic Conference member of the committee consents thereto, or upon the call of a majority of all the members thereof, entry of which fact shall be made on the records of the committee and announced by the Secretary of the Senate.

(3) All meetings of committees shall be open to authorized representatives of the news media and the general public as observers.

(4) All meetings of committees shall be recorded by video and to the extent practicable webcast live. Video of all committee meetings shall be made available on the Senate website.

(5) Upon the personal vote of a majority of all the members of a committee, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a committee may conduct an executive session of which only members of such committee are present for the following enunciated purposes provided, however, that no action by formal vote shall be taken to appropriate public monies:

(a) matters which will imperil the public safety if disclosed;

(b) any matter which may disclose the identity of a law enforcement agent or informer;

(c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

(d) discussions regarding proposed, pending or current litigation;

(e) collective negotiations pursuant to article fourteen of the Civil Service Law;

(f) the medical, financial, credit, character or employment history of any person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or

removal of any person or corporation;

(g) the preparation, grading or administration of examinations; and

(h) the proposed acquisition, sale or lease of real property, but only when publicity would substantially affect the value of the property.

(6) Attendance at an executive session shall be permitted to any member of the committee and any other persons authorized by the committee.

b. (1) Minutes shall be taken at all open meetings of committees which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

(2) Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary shall not include any matter which is not required to be made public by "the freedom of information law" as added by Article six of the Public Officers Law.

(3) Minutes of meetings of all committees shall be available to the public in accordance with the provisions of Article six of the Public Officers Law, "the freedom of information law", and at such time and place as prescribed by the Temporary President jointly with the leader of the Independent Democratic Conference, provided, however, that minutes for executive session meetings shall be available to the public within one week from the date of such executive session.

c. The provisions of this section except paragraphs three and four of subdivision a, and subdivision b shall not apply to the Committee on Rules or the Ethics and Internal Governance Committee.

d. Committee presentations. The chair of a committee may invite interested persons to offer a presentation for a given amount of time on a bill on the meeting agenda with notice provided to the ranking Democratic Conference member no less than 72 hours in advance. Where a committee chair makes such an invitation, the ranking member shall be afforded an equal number of speakers who may speak for an equal amount of time. In addition, the ranker, without consent of the chair, shall be able to schedule 3 committee presentations with notice provided to the chair at least 72 hours in advance. The chair shall be afforded an equal number of speakers who may speak for an equal amount of time.

e. Motion for committee consideration. No motion for committee consideration shall be in order after the first Monday in May. In the course of a session year the sponsor of any bill may file, through the Journal Clerk, no more than three motions for committee consideration. Such motions shall be in order forty-five days after a bill has been referred to such committee. Once a motion for committee consideration is filed, the chair of the committee shall place the bill on a committee agenda and schedule a vote on the bill within forty-five days, if the forty-five days shall expire while the senate is in recess, the bill

shall be placed on the next regularly scheduled committee meeting's agenda following the end of the forty-five day period. In the case of a bill that is referred to a standing committee having secondary reference, the bill shall be considered within the next two committee meetings.

§ 3. Ethics and Internal Governance Committee. The Ethics and Internal Governance Committee may sit at any time and shall hold regular meetings at such time and on such day as scheduled by the Temporary President of the Senate in consultation with the Chair. The committee shall review any matter deemed appropriate by the majority of members appointed to such committee. The committee shall evaluate and, if necessary, make recommendations regarding compliance with Rules XI, XIV, XV and XVI of these Rules. The committee shall review, and if necessary, make recommendations regarding policies of the Senate, including but not limited to per diem and travel expenses, time and attendance, and workplace ethics. The committee shall report annually as required in sections four and five of Rule V. The committee shall have jurisdiction over any matter referred to it by the Secretary of the Senate pertaining to the ethical conduct of legislative members. The committee shall comply with subdivision a, and paragraphs one and two of subdivision b of section two of this Rule.

§ 4. Committee on Rules. The Committee on Rules may sit at any time and shall report bills out of committee only if they shall have been duly reported to the Committee on Rules from a standing committee of origin, or from a committee of secondary reference, or if the chair of such standing committee consents, or if the bill was referred to the Committee on Rules upon introduction. Other than a motion to hold, a motion to discharge, or a motion to report, no other motion shall be in order in the Committee on Rules without the consent of the Committee Chair. The reception and consideration of its report shall always be in order; debate on its adoption shall not exceed one and one-half hours, one-half hour for each conference, such time to be allotted by the

Conference Leaders; and no other motion, except a motion by the Temporary President for a call of the Senate, to adjourn or to recess, shall be in order until the vote of the Senate is had thereon. If the report be adopted, all inconsistent rules of the Senate shall automatically be suspended until the subject of such report has been disposed of, including final action thereon.

§ 5. Hearings. a. Committee hearings. Chairs of standing committees may call public hearings to permit interested persons, groups or organizations the opportunity to testify orally or in writing on legislation or issues pending before such standing committee. Chairs are encouraged to hold public hearings on legislation of important public interest, where, outside of the budget, significant public money is allocated, broad conduct is regulated or where the proposal has a broad public impact. Chairs may request that the Official Stenographer make a stenographic record of a public hearing. Official hearings may be conducted in accordance with procedure established by law. No committee may take testimony at a hearing unless at least two of its members are present at such hearing. Prior notice of all public hearings shall be filed by the chair or his or her designee with The Legislative Bill

Drafting Commission and the Secretary of the Senate and such notice shall contain information as to subject matter, date and place.

b. Public forums. Notwithstanding the public hearings conducted by standing committees, any Senator may convene a public forum on proposed or pending legislation within the jurisdiction of a committee upon which he or she is a member, provided that any charge incurred attendant to such forum be borne by said Senator or his or her party conference. Prior notice of such forum shall be filed with the chair of the committee.

c. Committee oversight function. Each standing committee is required to conduct oversight of the administration of laws and programs by agencies within its jurisdiction.

d. Each standing committee is required to file with the Secretary of the Senate an annual report, detailing its legislative and oversight activities. Such report shall be posted to the Senate web site.

e. Petition for a public hearing on a bill. By a petition of one-third of the members assigned to a committee rounded up to the nearest whole number, a public hearing shall be scheduled on a specific bill or number of bills within the jurisdiction of a committee, unless the majority of members of the committee reject such petition. Such petitions shall be submitted on the proper form to the Senate Desk for Operations, who will forward it to the appropriate committee, for presentation at the next committee meeting. Such public hearings shall be held if they meet the guidelines as promulgated by the Majority Coalition Leaders. Public hearings scheduled by petition will be held at least 14 days following the committee meeting at which the petition was considered.

f. Hearings of standing committees shall be video recorded and to the extent practicable webcast live. Video of such hearing shall be posted to the Senate web site within 24 hours.

§ 6. Reports. a. No committee shall vote to report a bill or other matter unless a majority of all the members thereof vote in favor of such report. Each report of a committee upon a bill shall have the vote

of each Senator attached thereto and such report and vote shall be available for public inspection. A member's vote on any matter before the committee shall be entered by the member on a signed official voting sheet delivered to the Committee Chair.

Any standing committee having secondary subject matter jurisdiction over a bill may request the chair of the committee having primary subject matter jurisdiction over said bill (which is the committee to which the said bill has been referred by the Majority Coalition Leaders pursuant to Rule VII) to commit the bill to the committee with secondary subject matter jurisdiction either when the bill is still in the primary committee or after it has been reported to the calendar. If the chair of the primary committee refuses said request, then the committee having secondary jurisdiction, through its chair, may request the Majority Coalition Leaders to consider such secondary referencing. If a secondary reference is so made, the secondary committee shall consider the bill

forthwith and return said bill to the primary committee or the calendar, as the case may be, along with the secondary committee's recommendations.

All committee reports, after the first Friday in June, shall be made directly to the Committee on Rules. Notwithstanding any provision of Rule VII, the Committee on Rules shall have the authority to introduce and refer bills to itself and shall also have the authority to refer to itself any bill from any standing committee.

Every report of a committee upon a bill which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the calendar in the order of first report with the bill and be entered upon the journal.

b. Each bill reported by a standing committee shall be accompanied by a report, and the Democratic Conference shall file a Democratic Conference committee report within seven days of the bill being reported out of committee and said reports shall be filed with the Journal Clerk. The report of a committee upon any matter referred to it shall upon request include a brief statement of the opinion of any member or members of the committee voting in either the majority or minority.

c. Where a "home rule" request is required as provided in any section of Article IX of the Constitution, such request, certificate or message must be filed with the Journal Clerk of the Senate before final passage of such bill.

d. Where a message of necessity is received from the Governor, such message shall be filed with the Journal Clerk of the Senate upon final passage of the bill.

§ 7. Nominations. Unless the Senate orders otherwise, all nominations sent by the Governor for the appointment of any officer shall be submitted to the Temporary President who shall jointly with the Leader of the Independent Democratic Conference then refer such nominations simultaneously to the Finance Committee, and the appropriate standing committee, for consideration and recommendation and such standing committees, other than the Committee on Judiciary shall thereafter refer such nominations to the Finance Committee of the Senate who shall take whatever further actions it deems necessary and thereafter make its report on the nominations to the full Senate. Any Senator may submit a

request to the Chair of a Standing Committee considering a nomination, to speak before the committee for not more than five minutes on the nomination. The granting of any such request shall be at the sole discretion of the Committee Chair. A nomination shall not be confirmed without reference on the day on which it is received except by unanimous consent. The names of those who voted for or against the nomination may be entered alphabetically on the journal, if any five Senators request it.

§ 8. Finance Committee. A bill or resolution providing for an appropriation or creating or increasing a charge upon the State Treasury shall, when reported by any committee other than the Finance Committee,

be referred to the Finance Committee, and the committee reporting such bill or resolution shall, at the time of making such report, recommend the further reference thereof to the Finance Committee. At the request of the Temporary President or the leader of the Independent Democratic Conference or the Chair of the Finance Committee, any such bill or resolution shall, at any time before final reading or adoption, be referred to the Finance Committee, which may consider and report upon any features in the bill or resolution creating or increasing such charge.

The sponsor of a bill providing for an increase or decrease in state revenues or in the appropriation or expenditure of state moneys, without stating the amount thereof, must, before such bill is reported from the Finance Committee or other committee to which referred, file with the Finance Committee and such other committee a fiscal note which shall state, so far as possible, the amount in dollars whereby such state moneys, revenues or appropriations would be affected by such bill, together with a similar estimate, if the same is possible, for future fiscal years. Such an estimate must be secured by the sponsor from the Division of the Budget or the department or agency of state government charged with the fiscal duties, functions or powers provided in such bill and the name of such department or agency must be stated in such note.

The Finance Committee shall keep and maintain a file containing all bills requiring fiscal notes and the notes appertaining thereto, which shall be available to Senators and officers of the Senate, accredited representatives of the press, and other responsible persons having a legitimate interest therein.

RULE IX

PASSAGE OF BILLS

Section 1. Bills on desks. No bill shall be passed unless it shall have been upon the desk of each Senator in its final form at least three calendar legislative days prior to its final passage, unless the Governor or acting Governor shall have certified, under his or her hand and the seal of the State, the facts which in his or her opinion necessitate an immediate vote thereon, in which case it must nevertheless be upon the desks of all Senators in final form, before its final passage. No bill shall be passed pursuant to a message of necessity unless a majority of the Senators vote to approve the use of such message.

§ 2. Reading of bills. a. Every bill shall receive three readings previous to its being passed.

b. Upon the third reading of a bill, the question upon its final passage shall be taken immediately thereafter; provided, however, that any bill may be committed prior to the final reading thereof.

§ 3. Third reading calendar. a. The Calendar of bills on the order of third reading shall consist of all bills which have been advanced to a third reading from the order of second report or the order of special

report.

b. All Senate bills, when advanced to a third reading shall be referred automatically to the Jacketing Clerk, who shall cause each such bill to be readied for final passage in the same form as the last printed copy thereof. All such bills shall be jacketed with the proper jurat for certification of final passage attached.

§ 4. Amendments. a. A non-sponsor may move to amend a bill at any time prior to the completion of its third reading provided that at least two hours before the time for the Senate to convene, a copy of the proposed amendment or amendments to any bill on the list of bills compiled under subdivision a of section six of this Rule has been served upon the sponsor of the bill, and filed with the Journal Clerk. If a sponsor does not accept such amendment, the question shall be put to the house whether a majority of members elected vote in favor of the non-sponsor motion to amend, and such motion shall pass only if a majority of members elected vote aye. If the sponsor accepts the amendment, such amended bill shall be ordered amended without a vote, debate or explanation, and such bill shall retain its place on the Third Reading Calendar.

b. If a majority of members elected vote in favor of the non-sponsor motion to amend, the sponsor of the bill may make a motion to withdraw their name from sponsorship to be substituted by a co-sponsor or the Senator who moved to amend the bill.

c. The introducer of any calendar bill may offer an amendment or amendments to such bill and such amendment or amendments shall be accepted and the bill amended without a vote, debate or explanation, provided, however, that in such case such bill may be recommitted by the

chair of the standing committee that reported such bill and such recommittal shall also be without a vote, debate or explanation.

§ 5. Substitution. When a bill is received as a message from the Assembly, or at any time thereafter, and a Senate bill, identical therewith, is on the order of third reading, or in the order of first or second report, the Assembly bill may be substituted for the Senate bill upon a vote of a majority of the Senate. A motion for such substitution shall be in order under the order of business of messages from the Assembly, motions and resolutions, or the order of business in which the Senate bill is.

§ 6. Final passage. a. Prior to the reading of the third reading calendar of any given day, the Temporary President may jointly with the leader of the Independent Democratic Conference publish an active list of bills on the third reading calendar which may be acted upon on that date and he or she may lay aside any bill upon which no final action may be taken, provided however, that no bill shall be so laid aside for a period exceeding five calendar legislative days; and provided, however, that the leader of the Independent Democratic Conference may lay aside one bill on an active list. Bills laid aside by the Temporary President or the leader of the Independent Democratic Conference shall retain their place in the regular order of business until called for debate by

the Temporary President. Such active list shall be published to the extent practicable by 8 p.m. the previous evening or within two hours following the end of the previous days' session, whichever is later.

b. The question on the final passage of every bill shall be taken immediately after the third reading and without debate. On the final passage of every bill and concurrent resolution a fast roll call shall be taken by the Secretary calling the names of five Senators, three of whom shall be the Conference Leaders provided, however, that each Senator's name shall be called on a slow roll call if requested by five Senators. Each roll call, including the names of the Senators who were absent shall be entered on the journal. Upon each roll call vote, the Secretary shall announce the names of the Senators voting in the negative and the names of the Senators who were absent. Such roll calls shall be available for public inspection upon request in the office of the Journal Clerk. When a bill or concurrent resolution does not receive the number of votes required by the Constitution to pass it, it shall be declared lost, except in cases provided for by subdivision d of section two of Rule X hereof.

§ 7. Starred bills. a. A bill appearing on the calendar may be "starred" only by or on behalf of the introducer, whereupon all further action on such bill shall be suspended, although it retains its place on the Calendar.

b. Other than for the purpose of amendment or recommittal, no action may be taken on a bill from which a star has been removed until one day after such removal.

§ 8. Recall and concurrence. All Senate bills amended by the Assembly, and returned to the Senate, for its concurrence, and all bills amended by the report of a conference committee, shall be subject to the provisions of section one of this Rule.

§ 9. Transmittal of bills to the Governor. All Senate bills passed by the Senate and sent to the Assembly for action shall, upon passage and return by the Assembly to the Senate, be transmitted by the Secretary of the Senate to the Governor within thirty days after receipt from the Assembly; except that upon the filing of a request to hold such bill with the Temporary President by the sponsor of the bill, the bill shall be held until such time as the sponsor rescinds the request to hold the bill and upon such rescission the Secretary of the Senate shall transmit the bill to the Governor within seven days.

RULE X

SENATORS

Section 1. Attendance and vote. a. Every Senator shall be present within the Senate Chamber during the sessions of the Senate, unless duly excused or necessarily prevented, and shall vote on each question for which a vote is required stated from the Chair unless excused by the Senate, or unless he or she has a direct personal or pecuniary interest in the event of such question. If any Senator refuses to vote, unless he or she be excused by the Senate, or unless he or she be interested, such

refusal shall be deemed a contempt. In order to vote on a bill on the controversial calendar, a Senator, other than the Conference Leaders, must be present in the Senate chamber and vote from his or her regularly assigned seat, except that a Senator acting as the Presiding Officer, Temporary President or Independent Democratic Conference Leader may vote from the place assigned to such officer. No Senator absent from a roll call vote shall be allowed to vote thereon; however, within the same day, a Senator required to attend a public hearing or other meeting of a standing or conference committee, or any other meeting which the Majority Coalition Leaders designate as appropriate, may cast his or her vote at any time prior to 5:00 P.M. or the adjournment of the Senate, whichever shall be later.

b. A Senator desiring to be excused from voting for a direct personal or pecuniary interest in the issue then before the Senate may, when his or her name is called, state such desire and if there be an objection make a brief statement, not occupying over two minutes, of the reasons for making such request, and the question on excusing him or her shall then be taken without debate and shall be granted by the consent of two-thirds of the Senators present; and any Senator desiring to explain his or her vote upon a bill, may, when his or her name is called, be allowed a like opportunity.

§ 2. Quorum. a. A majority of all the Senators elected shall constitute a quorum to do business. In case a less number than a quorum of the Senate shall convene, those present are authorized to send the Sergeant at Arms, or any other person, for the absent Senators.

b. The assent of two-thirds of the Senators elected shall be requisite to every bill appropriating the public moneys or property for local or private purposes, and to the passage of bills returned by the Governor without his or her approval.

c. On the final passage of any bill which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, three-fifths of all the members elected to the Senate shall be necessary to constitute a quorum therein.

d. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill requires a vote of two-thirds of all the Senators elected to pass it, and it appears that such number is not present, the bill shall retain its place on the Calendar and be again taken up in its regular order.

e. When any bill requiring the concurrence of two-thirds of the Senators, or a quorum of three-fifths thereof, is under consideration, such concurrence or quorum, as the case may be, shall not be requisite except on the question of its final passage.

f. If at any time during the session of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll, and shall announce the result, and such proceeding shall be without debate; but no

Senator while speaking shall be interrupted by any other Senator raising the question of a lack of a quorum, and the question as to the presence of a quorum shall not be raised more often than once in every hour unless the lack of a quorum shall be disclosed upon a roll call of the ayes and nays.

g. Whenever upon a roll call any Senator who is upon the floor of the Senate Chamber refuses to make response when his or her name is called, it shall be the duty of the Presiding Officer, either upon his or her own motion or upon the suggestion of any Senator, to request the Senator so remaining silent to respond to his or her name, and if such Senator fails to do so, the fact of such request and refusal shall be entered in the journal, and such Senator shall be counted as present for the purpose of constituting a quorum.

§ 3. Debate. a. Debate shall only be in order when it is germane to the question under discussion.

b. If the question in debate contains several points, a Senator may have the same divided, provided the division called for embodies a distinct principle or statement of fact.

c. When any bill, resolution or motion is under consideration and it appears that no Senator desires to be heard further, the Presiding Officer shall put the question: "Does any Senator desire to be heard further?" If no Senator shall rise to debate, the Presiding Officer shall declare the debate closed; except that thereafter the Conference Leaders may speak once, or may yield the floor to any Senator who may speak once, and may be followed by the Temporary President who may also speak once, or may yield the floor to any Senator who may speak once. The main question shall then be put immediately.

d. Debate on motions or resolutions other than concurrent resolutions shall be limited to one hour with one-half hour allocated to the Majority Coalition and one-half hour allocated to the Democratic Conference. Debate upon any bill or concurrent resolution shall be limited to four hours, which shall include sufficient time for all Senators to explain their votes. No single Senator shall debate any bill or concurrent resolution for more than thirty minutes. When any bill or concurrent resolution shall have been under consideration for two hours, including all amendments thereto, it shall be in order for any Senator to move to close debate, and the Presiding Officer shall recognize the Senator who wishes to make such motion. Such motion to close debate shall not be amendable or debatable and shall be immediately put, and if it shall receive the affirmative vote of a majority of the Senators elected, the pending measure shall take precedence over all other business.

e. The vote shall thereupon be taken upon such bill, resolution or motion with such amendments as may be pending at the time of such motion, according to the Rules of the Senate, but without further debate, except that upon the roll call the sponsor of a bill before the house may speak, not to exceed five minutes, in explanation of his or her vote, and any Senator, including co-sponsors of the bill before the house, may speak not to exceed two minutes in explanation of his or her

vote. After such motion to close debate has been made by any Senator, no other motion shall be in order until such motion has been voted upon by the Senate.

f. After the Senate shall have adopted the motion to close debate, as hereinbefore provided, no motion shall be in order but one motion to adjourn or for a call of the Senate by the Temporary President, and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the Senate shall again convene, and shall be taken up at the point where it was at the time of such adjournment. The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments, and include the bill, resolution or motion to its passage or rejection. All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same be on appeal or otherwise, shall be decided without debate.

§ 4. Order and decorum. a. Prior to the order of business, the Presiding Officer shall ask those in the chamber to rise and pledge allegiance to the flag. Those in attendance shall remain standing during the daily invocation and until asked to take their seats by the Presiding Officer. Senators shall not interrupt the business of the Senate, or read any newspaper while the journals or public papers are being read; or walk out of or across the Chamber when the Presiding Officer is putting a question; or when a Senator is speaking, pass between him or her and the Chair. Cellular telephones and audible pagers shall not be used in the Lobbies, Chamber or Galleries. No sign, placard or prop shall be displayed, posted or carried in the Chamber or in the Senate Galleries. Cellular telephones shall not be used in the lobby by members of the general public. Cellular telephones shall not be used to take photographs, videos or perform any other recording function in the Senate Chamber, Galleries or Lobbies, except those photographic and recording functions performed by official Senate photographers and videographers, without permission of the Secretary of the Senate. No person shall be introduced by a Senator during the regular business of the Senate, except that it shall be permissible to introduce a person who has served as a member of the New York State Legislature or a person who is present in the Chamber for the purpose of nomination to an office to be confirmed by the Senate. On the nomination of any person to an office which is subject to the confirmation of the Senate, nominating and seconding speeches shall be limited to fifteen minutes per conference.

b. Members are expected to uphold the highest standards of civility in dealing with other members. Debate should be dignified and lacking in personal invective. A Senator rising to debate or present a paper, to give a notice, to make a motion or report, shall address the Presiding Officer and shall not proceed further until recognized by the Chair; he or she shall speak on the same subject but twice the same day without leave of the Senate; and when two or more Senators address the Chair,

the Presiding Officer shall name the Senator who is first to speak. A Senator, while speaking after recognition by the Chair, may, upon request of a Senator, yield to him or her temporarily without thereby

relinquishing his or her prior right to the floor and, thereafter, may terminate such interruption and resume speaking at any time; provided, however, that it shall not be in order for a Senator to rise and request that a Senator, other than the one with the right to the floor, yield to a question. Furthermore, it shall not be in order for a Senator, with the right to the floor, to ask another Senator to yield to a question, unless such Senator has previously spoken during the debate on the matter. All questions and responses shall be directed through the Chair, and the Presiding Officer shall not be interrupted when speaking. After completion of the order of business for the day, and with the unanimous consent of the Senate, a Senator may make a statement, not exceeding fifteen minutes in length, concerning a subject or matter not pending before the Senate for consideration.

c. When a Senator shall be called to order, he or she shall take his or her seat until the Presiding Officer shall have determined whether he or she is in order or not; and if decided to be out of order, he or she shall not proceed without the permission of the Senate; and every question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate by any Senator. It shall require an affirmative vote of a majority of all members elected to overrule a ruling of the Chair. No second appeal shall be determined until the original appeal shall be decided; and if a Senator shall be called to order for words spoken, the words excepted to shall be immediately taken down in writing.

§ 5. Presentation of papers. a. A Senator presenting a paper shall endorse the same with his or her name and a brief written statement of the subject of its contents.

b. When the reading of a paper is called for, except petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, without debate.

§ 6. Call of the Senate. For the purpose of securing the attendance of Senators, a call of the Senate may be ordered at any time, but such call shall not be in order after the voting on any question has begun, nor after the third reading of a bill has been completed, nor after the motion to close debate has been ordered pursuant to section three of this Rule, unless it shall appear upon an actual count by the Presiding Officer that a quorum is not present.

§ 7. Absences. In all cases of absence of Senators during the sessions of the Senate, the Temporary President, jointly with the Leader of the Independent Democratic Conference, or a majority of the Senators elected may take such measures as they deem necessary to secure the presence of the absentees, and in addition to suspension for a given period, may inflict such censure or penalty as they may deem just on those who shall not render sufficient excuse for their absence.

§ 8. Staffing. All Senators shall receive the same base allocation of funds for staffing their offices. Additional funding for responsibilities associated with committees and leadership positions shall be allocated within amounts available for committee and leadership staff; such amounts shall include, at a minimum, a budget sufficient to

appoint a staff member with expertise in the committee's subject matter. The funding for the Democratic conference central staff shall not be less than thirty percent of the funds allocated for all central staff on a per member basis.

§ 9. Resources. All Senators shall have equitable access to the resources of the Senate, including, but not limited to, office supplies, communications and audio visual resources, mail privileges subject to published guidelines, technology, including both hardware and software, and equal access to the Legislative Bill Drafting Commission's Legislative Retrieval System.

§ 10. District Offices. All Senators will receive funds to maintain a district office. Rents of district offices shall be based on a cost formula of office rental costs of an equal class of commercial office space based on the prevailing rent in the community where the Senator chooses to have his or her district office. A Senator whose district has geographic disparities such that traversing the district is a hardship for his or her constituents, as determined by the Majority Coalition Leaders, shall receive supplemental funding to maintain a satellite office.

§ 11. Allocation for Community Projects. Each conference shall receive an allocation from any amounts to be awarded by the Senate for community projects, capital spending, local assistance or other similar allocations for member driven initiatives. The Majority Coalition shall receive seventy-one percent of such funds and the Democratic Conference shall receive twenty-nine percent of such funds; provided however that such percentages shall increase or decrease to reflect any changes in the membership of either the Majority Coalition or the Democratic Conference.

RULE XI

SENATE CHAMBERS

Section 1. Open doors. The doors of the Senate shall be kept open, except when the public welfare shall require secrecy.

§ 2. Admission to floor. Persons not members of the Senate, or officers or employees thereof, shall be admitted to the floor of the Senate only as follows:

a. The Governor, and his or her secretary.

b. The members and Clerk of the Assembly, and clerks and messengers of the Assembly in the exercise of an official duty directly connected with the business of the Senate.

c. The elected State officers, heads of departments and their deputies.

d. Reporters of the Senate and of the Assembly designated under the rules, unless a designation theretofore given them has been revoked.

e. Members of a Senator's family, or of the family of the President of the Senate.

f. Former members of the Senate.

g. Any person not hereinbefore named may be admitted to the floor of the Senate, with the permission of the Secretary of the Senate.

h. Notwithstanding the provisions of subdivisions a through g of this section, no person shall be admitted to the floor of the Senate who is interested in pending or contemplated legislation, or who is employed by or receives compensation from any public or private source for influencing legislation.

i. During the sessions of the Senate, no person other than a Senator shall occupy the chair of a Senator, or stand in or otherwise occupy any part of the area between the last row of Senators' chairs on the east and west sides of the Chamber, and the east and west walls thereof, respectively. All persons in the Senate Chamber shall observe proper rules of order and decorum.

j. It shall be the duty of the Sergeant at Arms strictly to enforce the provisions of this section, and it shall be in order for any Senator to call a breach thereof to the attention of the Presiding Officer.

RULE XII

SUSPENSION OF THE RULES

Section 1. Resolution to amend the Senate Rules. No amendment to the Senate Rules shall be considered by the Senate unless a resolution for such amendment, together with a memorandum specifying the purpose of the proposed amendment, suspension, or rescission, shall be introduced to the Committee on Rules and reported therefrom to the Senate floor. Passing of any such rules change shall require an affirmative vote of three-fifths of all Senators elected.

§ 2. Motion for Chamber Consideration. a. It shall be in order for any Senator, who is the sponsor of a bill that is on the Senate's Third Reading Calendar, to move for chamber consideration of such bill. Such motion shall require an affirmative vote of three-fifths of members elected. Where a motion for chamber consideration is approved, such bill shall be considered by the full Senate on the first calendar legislative day after four days shall have passed. Provided however, where such motion is approved within the last five scheduled days of the regular legislative session, such bill shall be considered by the Senate no later than the next calendar legislative day.

b. On any calendar legislative day, no more than two motions for chamber consideration shall be in order before the Senate. The sponsor of such motion shall serve written notice of intent to bring such motion at least one calendar legislative day before such motion shall be made, specifying the date the motion is to be made.

§ 3. Petition for Consideration. a. The sponsor of any bill may file with the Journal Clerk, no less than forty-five days after a bill has been referred to a committee, a petition requesting that such bill be moved to the calendar for consideration. Such petition shall be filed with the Journal Clerk, once the petition is signed by at least three-fifths of the members elected. The petition shall be read during the order of presentation of petitions and the bill reported to the third reading calendar.

b. No petition for consideration shall be in order on or after the first Monday in June.

RULE XIII

ADJOURNMENT

Section 1. The Senate shall not adjourn for more than two days without the consent of the Assembly.

RULE XIV

GUIDELINES FOR A SYSTEM OF INTERNAL CONTROLS

Section 1. Pursuant to Article 6 of the Legislative Law as enacted by the New York state governmental accountability, audit and internal control act of 1987, the following guidelines for a System of Internal Control are hereby established:

a. all financial transactions shall be executed in accordance with the general or specific authorization of the Temporary President or his or her designated representative;

b. all financial transactions shall be recorded in conformity with generally accepted accounting principles or other applicable criteria and to maintain accountability for assets;

c. access to assets shall be permitted only in accordance with the authorization of the Temporary President or his or her designated representative;

d. the recorded accountability for assets shall be compared with the existing assets at reasonable intervals and appropriate action shall be taken with respect to any differences; and

e. the system of internal controls shall provide reasonable assurance that the foregoing are accomplished.

§ 2. Expenditure reporting. The Temporary President shall establish a system of expenditure reporting whereby expenditures of the Senate shall be reported by such categories as he or she shall determine. Reports of expenditures by such system shall be published in a form to be prescribed by the Temporary President.

RULE XV

FREEDOM OF INFORMATION

Section 1. a. Publication of records relating to Senate legislative and administrative records. Recognizing that legislative records available by request under the "freedom of information law" are of important public interest, the Senate shall make available through a searchable and sortable database on the Senate website: records of committees, agendas, votes, minutes, reports, attendance, fiscal notes, and records of the chamber including, active lists, votes, transcripts, calendars, the Senate payroll report and expenditure reports.

b. Furthermore all such records listed in subdivision a shall be available for public inspection and copying in accordance with the provisions of Article 6 of the Public Officers Law, "the freedom of information law."

c. The Secretary of the Senate shall be the repository for all rules and regulations regarding public inspection and copying of Senate records. Such rules and regulations shall pertain to the times and places such records are available, the persons from whom such records may be obtained, the fees for copies of such records and the procedures to be followed.

d. Nothing in this section shall be construed to increase the legislative requirements set forth in subdivision 2 or 3 of section 88 of the public officers law.

RULE XVI

TELEVISING SENATE SESSION

Section 1. Any televised proceedings of sessions of the Senate shall be made available for statewide television broadcast, pursuant to the following:

a. All televised proceedings of the Senate session shall be unedited, except that only accredited news organizations, educational institutions, and public affairs documentary programs may utilize any portion of the Senate television feed.

b. No portion of the televised proceedings (either live or taped) authorized pursuant to this section may be utilized for:

(1) campaign or political purposes or to promote or oppose a ballot issue or the candidacy of any person for any elective office; or

(2) any paid commercial advertisements.

§ 2. The televised proceedings of sessions of the Senate as provided for in section one of this Rule, in any form, shall be deemed the property of the New York State Senate.