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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 24, 2005

3:30 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

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

2 ACTING PRESIDENT MEIER: Senator

3 Bruno.

4 SENATOR BRUNO: Mr. President, we
5 are waiting for the Minority members to end
6 their conference. And it's a little lengthier
7 than they had expected, but we are told that
8 they will be in the chamber momentarily. And
9 hopefully that's the case.

10 Unlike being in school, you don't
11 get marked late or absent when they're not
12 here at 3:00 o'clock. So for the students
13 that are here, I apologize. We usually start
14 pretty promptly at 3:00, but today we are
15 doing some rule changes that take a lot of
16 discussion, a lot of debate, and people are
17 preparing for that.

18 So thank you, Mr. President. We're
19 going to start hopefully soon.

20 (Pause.)

21 ACTING PRESIDENT MEIER: The
22 Senate will come to order. May I ask everyone
23 present to please rise and join me in the
24 Pledge of Allegiance to the Flag.

25 (Whereupon, the assemblage recited

1 the Pledge of Allegiance to the Flag.)

2 ACTING PRESIDENT MEIER: In the
3 absence of clergy, may we bow our heads in a
4 moment of silence.

5 (Whereupon, the assemblage
6 respected a moment of silence.)

7 ACTING PRESIDENT MEIER: Reading
8 of the Journal.

9 THE SECRETARY: In Senate,
10 Friday, January 21, the Senate met pursuant to
11 adjournment. The Journal of Thursday,
12 January 20, was read and approved. On motion,
13 Senate adjourned.

14 ACTING PRESIDENT MEIER: Without
15 objection, the Journal stands approved as
16 read.

17 Presentation of petitions.
18 Messages from the Assembly.
19 Messages from the Governor.
20 Reports of standing committees.
21 Reports of select committees.
22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Bruno.

1 SENATOR BRUNO: Mr. President, I
2 believe I have a privileged resolution at the
3 desk numbered 172. I would ask that it be
4 read in its entirety and move for its
5 immediate adoption.

6 ACTING PRESIDENT MEIER: The
7 Secretary will read.

8 THE SECRETARY: By Senator Bruno,
9 Legislative Resolution Number 172,
10 congratulating the Tamarac High School Girls
11 Soccer Team and Coach Craig Gilbert upon the
12 occasion of capturing the 2004 New York State
13 Class C Championship, and on their outstanding
14 season and overall team record.

15 "WHEREAS, Excellence and success in
16 competitive sports can be achieved only
17 through strenuous practice, team play and team
18 spirit, nurtured by dedicated coaching and
19 strategic planning; and

20 "WHEREAS, Athletic competition
21 enhances the moral and physical development of
22 the young people of this state, preparing them
23 for the future by instilling in them the value
24 of teamwork, encouraging a standard of healthy
25 living, imparting a desire for success and

1 developing a sense of fair play and
2 competition; and

3 "WHEREAS, It is the sense of this
4 Legislative Body to acknowledge the prominent
5 athletes and teams of this great Empire State
6 who distinguish themselves through outstanding
7 performances and exemplary athletic
8 achievements; and

9 "WHEREAS, Attendant to such
10 concern, and in full accord with its
11 long-standing traditions, this Legislative
12 Body is justly proud to congratulate the
13 Tamarac High School Girls Soccer Team and
14 Coach Craig Gilbert upon the occasion of
15 capturing the 2004 New York State Class C
16 Championship, and on their outstanding season
17 and overall team record; and

18 "WHEREAS, The Tamarac High School
19 Bengals Girls Soccer Team defeated Mattituck
20 High School 1 to 0 to capture the first New
21 York State championship in the history of this
22 remarkable program, and finished the season
23 with an amazing record of 24 and 1; and

24 "WHEREAS, In the New York State
25 Class C Championship game, Tournament MVP

1 Janel Van Alstyne scored the game-winning goal
2 with 48 seconds remaining in regulation, and
3 Marisa Abbott, selected as the Outstanding
4 Goalkeeper of the Tournament, recorded her
5 17th shutout of the season and 39th of her
6 career, to lead the Bengals to victory; and

7 "WHEREAS, The Tamarac High School
8 Girls Soccer Team has won 10 Section II
9 Championships since 1991 and advanced to the
10 New York State Semifinals six times with Coach
11 Craig Gilbert, who tallied his 397th career
12 victory at the helm; and

13 "WHEREAS, The athletic talent
14 displayed by this team is due in great part to
15 the efforts of Coach Craig Gilbert and his
16 outstanding assistant coaches, skilled and
17 inspirational tutors, respected for their
18 ability to develop potential into excellence;
19 and

20 "WHEREAS, The team's overall record
21 is outstanding, and the team members were
22 loyally and enthusiastically supported by
23 family, fans, friends and the community at
24 large; and

25 "WHEREAS, The hallmarks of the

1 Tamarac High School Girls Soccer Team, from
2 the opening game of the season to
3 participation in the New York State Class C
4 Championship game at Union-Endicott's Ty Cobb
5 Stadium, were a sisterhood of athletic
6 ability, of good sportsmanship, of honor and
7 of scholarship, demonstrating that these team
8 players are second to none; and

9 "WHEREAS, Athletically and
10 academically, the team members have proven
11 themselves to be an unbeatable combination of
12 talents, reflecting favorably on Tamarac High
13 School; and.

14 "WHEREAS, Coach Craig Gilbert and
15 his staff have done a superb job in guiding,
16 molding and inspiring team members toward
17 their goals; and

18 "WHEREAS, Sports competition
19 instills the values of teamwork, pride and
20 accomplishment, and Coach Craig Gilbert and
21 his outstanding athletes have clearly made a
22 contribution to the spirit of excellence which
23 is a tradition of Tamarac High School; now,
24 therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to
2 congratulate the Tamarac High School Girls
3 Soccer Team, its members -- Marisa Abbott,
4 Jill Benedetto, Jessie Bouchard, Meredith
5 Campbell, Vincenza Casale, Sarah Collins,
6 Catherine Comiskey, Kate Finan, Laura Finan,
7 Leah Glass, Kathryne Kulzer, Alex LaCoss,
8 Caitlin Latham, Sarah Lonergan, Kelsey
9 Matusak, Vicki Neudecker, Cassie Petit,
10 Lindsay Plunkett, Hanna Sloboda, Natalie
11 Sloboda, Kellie Sullivan, Janel Van Alstyne,
12 Chandree VanVranken, Alesha Wright -- Manager
13 Joy Glogowski, JV Coach Bill Wood, Modified
14 Coach Julia Thompson, and Varsity Coach Craig
15 Gilbert on their outstanding season and
16 overall team record; and be it further

17 "RESOLVED, That copies of this
18 resolution, suitably engrossed, be transmitted
19 to the Tamarac High School Girls Soccer Team
20 and to Coach Craig Gilbert."

21 ACTING PRESIDENT MEIER: Senator
22 Bruno.

23 SENATOR BRUNO: Thank you, Mr.
24 President and colleagues.

25 I'm as proud as I can be to welcome

1 the Tamarac Soccer Team here in our chamber.
2 I live about a mile and a half from the
3 school; children and grandchildren have gone
4 to the school. And this really is a proud
5 moment for me to welcome the championship
6 team, their coach, Craig Gilbert, families and
7 your friends.

8 We heard a resolution numbered 172
9 read. And for those of you that aren't aware,
10 when that resolution passes, it becomes a
11 permanent record of the history here in this
12 chamber and in this state. So fifty years
13 from now, twenty years from now, when you're
14 out in the world, your families -- their
15 children, your grandchildren -- can look up
16 this date, Resolution 172, and you will hear
17 and they will read what you have just heard
18 and has been read. It's something to be proud
19 of.

20 What is really something to be
21 proud of is that you have won sectional
22 championships, now the state champion, and you
23 persevered, stayed with it, stayed committed,
24 stayed dedicated.

25 As some of this was being read,

1 some of my colleagues were lamenting that you
2 had beat their team. Very painful. And in
3 the finals, here's Senator LaValle thinking
4 that his team might win, and you beat him,
5 with Janel Van Alstyne's goal in the last 48
6 seconds of the game, and they win the state
7 championship. There's Senator LaValle. We
8 express our sympathy to him.

9 (Laughter.)

10 SENATOR BRUNO: You've either got
11 it, Kenny -- they've got it.

12 So you've got it. And what's
13 happening in your lives as you team with each
14 other, some of you excel individually, but
15 that's what happens in teams. But if you
16 weren't a team, you wouldn't be champions.
17 And you are champions. And you know how to
18 work together. You know how to relate.

19 And Marisa Abbott was the
20 outstanding goalie of the tournament. And
21 congratulations to Marisa.

22 So you have done it absolutely
23 great, something truly outstanding. It's
24 great to be academically proficient -- and you
25 are, or you wouldn't be on the team. But when

1 you can excel in this way, you are a role
2 model for more people than you can imagine --
3 other students, your own peers, people who are
4 younger, people who are older. You're role
5 models. And that's something to be very proud
6 of.

7 Your parents, your friends, we are
8 all extremely proud and proud to have you here
9 in this chamber, proud that we will accept
10 this resolution.

11 And again, today is kind of a
12 special day in that we're handing up Rules
13 changes. And the members here are still
14 deliberating over how they will deliberate on
15 the floor. But we're happy that Senator
16 Schneiderman joined us here as the floor
17 leader to be representative. So thank you.

18 SENATOR SCHNEIDERMAN: Soccer
19 fan.

20 SENATOR BRUNO: And he is a
21 soccer fan. And he wishes that you were in
22 his district, but you're not. You're in mine.
23 And I'm glad that you're there.

24 (Laughter.)

25 SENATOR BRUNO: So

1 congratulations to you. And I would move the
2 passage of the resolution.

3 ACTING PRESIDENT MEIER: The
4 question is on the resolution. All those in
5 favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MEIER: Those
8 opposed, nay.

9 (No response.)

10 ACTING PRESIDENT MEIER: The
11 resolution is unanimously adopted.

12 (Appause.)

13 ACTING PRESIDENT MEIER: Senator
14 Bruno.

15 SENATOR BRUNO: Mr. President,
16 can we ask for an immediate conference of the
17 Majority members in the Majority Conference
18 Room. We estimate we'll be 10, 15 minutes.
19 And by then we hope that the Minority will be
20 on the floor.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MEIER:
23 Immediate conference of the Majority in the
24 Majority Conference Room.

25 (Whereupon, the Senate stood at

1 ease at 3:50 p.m.)

2 (Whereupon, the Senate reconvened
3 at 4:26 p.m.)

4 ACTING PRESIDENT MEIER: Senator
5 Bruno.

6 SENATOR BRUNO: Mr. President,
7 can we at this time call up Resolution Number
8 196 and ask that it be read in its entirety
9 and move for its immediate adoption.

10 ACTING PRESIDENT MEIER: Motions
11 and resolutions.

12 The Secretary will read.

13 THE SECRETARY: By Senators
14 Bruno, Skelos, Padavan, Morahan, and Stavisky,
15 Legislative Resolution Number 196, mourning
16 the untimely death of three of New York City's
17 bravest: Fire Lieutenant Curtis W. Meyran,
18 Firefighter John G. Bellew, and Firefighter
19 Richard T. Sciafani.

20 "WHEREAS, Citizens across our State
21 and Nation are inspired by and indebted to our
22 valiant firefighters who exhibit courage and
23 bravery every day in the course of their
24 duties; and

25 "WHEREAS, Firefighters exemplify

1 the power of human compassion and the strength
2 of the American spirit through actions of the
3 most heroic magnitude. Their sacrifices and
4 their selfless dedication merit tribute and
5 recognition by all citizens of this great
6 country; and

7 "WHEREAS, This Legislative Body is
8 deeply moved to inscribe upon its records this
9 remembrance for Fire Lieutenant Curtis W.
10 Meyran, Firefighter John G. Bellew, and
11 Firefighter Richard T. Sciafani, three
12 incredibly brave and admirable men whose
13 memory will remain in the hearts of all those
14 who had the honor of knowing them; and

15 "WHEREAS, On Sunday, January 23,
16 2005, Fire Lieutenant Curtis W. Meyran and
17 Firefighter John G. Bellew died battling a
18 three-alarm fire in a four-story apartment
19 building in the Bronx. Firefighter Richard T.
20 Sciafani died searching for children in a
21 Brooklyn fire; and

22 "WHEREAS, Fire Lieutenant Curtis W.
23 Meyran, 46 years old, was appointed to the
24 FDNY on November 12, 1989, and was currently
25 assigned to Battalion 26 in the Bronx; and

1 "WHEREAS, During his 16-year career
2 with the FDNY, Fire Lieutenant Curtis W.
3 Meyran was twice cited for bravery, in 1991,
4 while working at Ladder 161, and in 1997,
5 while assigned to Ladder 123, both in
6 Brooklyn, New York; and

7 "WHEREAS, A resident of Malverne,
8 New York, Fire Lieutenant Curtis W. Meyran is
9 survived by his wife, Jeanette, and their
10 three children, Dennis, Dineen, and Angela;
11 and

12 "WHEREAS, Firefighter John G.
13 Bellew, 37 years old, was appointed to the
14 FDNY on July 17, 1994, and was currently
15 assigned to Ladder Company 27 in the Bronx;
16 and

17 "WHEREAS, During his 10-year
18 career, Firefighter John G. Bellew worked at
19 Ladder 10 and Engine Company 23; and

20 "WHEREAS, A resident of Pearl
21 River, New York, Firefighter John G. Bellew is
22 survived by his wife, Eileen, and their four
23 children, Brielle, Katreana, Jack, and Kieran;
24 and

25 "WHEREAS, A 10-year veteran,

1 Firefighter Richard T. Sciafani, 37 years old,
2 was assigned to Ladder 103. He was one of the
3 first firefighters to arrive at the scene; and

4 "WHEREAS, A resident of Bayside,
5 New York, Firefighter Richard T. Sciafani, is
6 survived by his mother, Joan, his sister,
7 Joanne, and many extended family members; and

8 "WHEREAS, New York's bravest
9 continually make sacrifices for New Yorkers
10 and have always and will always be there when
11 this great City needs them most; and

12 "WHEREAS, It is the sense of this
13 Legislative Body to convey its grateful
14 appreciation and heartfelt regret in
15 recognition of the loss of these three
16 firefighters who made the ultimate sacrifice
17 so the residents of New York City can live
18 safely; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to mourn the
21 untimely death of three of New York City's
22 bravest: Fire Lieutenant Curtis W. Meyran,
23 Firefighter John G. Bellew, and Firefighter
24 Richard T. Sciafani; and be it further

25 "RESOLVED, That copies of this

1 resolution, suitably engrossed, be transmitted
2 to the families of Fire Lieutenant Curtis W.
3 Meyran, Firefighter John G. Bellew, and
4 Firefighter Richard T. Sciafani."

5 ACTING PRESIDENT MEIER: Senator
6 Bruno.

7 SENATOR BRUNO: Thank you, Mr.
8 President.

9 We are, colleagues, pausing in our
10 deliberations here today as we heard the
11 chronicle of three brave firefighters who gave
12 their lives yesterday. And we can't help but
13 be reminded of the courage, the bravery of
14 those three men specifically, every
15 firefighter throughout this state, throughout
16 this country that responds.

17 The weather yesterday was about as
18 unpleasant as it could be, and yet people are
19 on call, on duty, and respond. These three
20 men didn't call in sick, they didn't show up
21 late, they were just there. They were there
22 doing what firefighters do every day, being
23 ready being, being on call. To do what? To
24 help save lives, just as these people were
25 doing. And they gave their own lives.

1 So we do pause. And we must
2 remember and always remember that we do a lot
3 of things in this chamber, a lot of good
4 things on behalf of the people of this state.
5 But it's so important for us to just remember
6 the sacrifices that people like these three
7 firefighters -- like others who are in uniform
8 throughout the world, like the police in
9 uniform -- they stand ready to do what we
10 can't do for ourselves and to actually give
11 their lives to help others.

12 So we're indebted to their families
13 for having shared their lives with us all.
14 And we will remember, all of us, not just
15 these three that are departed from the Bronx
16 and from Brooklyn, but all of the people who
17 are in uniform, who are out there literally
18 putting their lives on the line for us here
19 and people like us throughout this state and
20 the rest of the world.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MEIER: Senator
23 Skelos.

24 SENATOR SKELOS: Thank you, Mr.
25 President. Thank you, Senator Bruno, for

1 sponsorship of this resolution.

2 One of my constituents
3 unfortunately lost his life, Lieutenant Curtis
4 Meyran, who lived in Malverne, a wonderful
5 small community, with his wife, Jeanette, and
6 three children, Dennis, Angela, and Dineen.

7 I did not know the lieutenant, but
8 I can guarantee you, like with so many of our
9 firefighters and fire officers, not only did
10 they serve the citizens of New York City, but
11 I guarantee you, within their home
12 communities, whether it was in New York City
13 or in Malverne, on Long Island, they were
14 involved with probably coaching a Little
15 League team, they were involved perhaps on the
16 island, as so many firefighters, as a
17 volunteer firefighter -- again, risking their
18 life in the city as a paid firefighter, on the
19 island and other communities upstate as
20 volunteer firefighters -- involved with their
21 church or synagogue, and just doing what they
22 can to make their communities a little bit
23 better.

24 Senator Bruno alluded to it; this
25 really puts things in perspective. I mean, so

1 many things that we do in this chamber are
2 very important, obviously, helping the
3 citizens of the State of New York. But
4 sometimes we get hung up on things that
5 perhaps aren't as important in terms of
6 quality of life and what's real. And what
7 these gentlemen -- and I call them
8 gentlemen -- did, these heroes, was real.
9 They gave up their lives to protect children,
10 by running into a house in the Bronx to see if
11 there were any tenants in the building,
12 running into another building in Queens to see
13 if there were any children there. That's
14 real. And that's what we should reflect upon,
15 and all of us in this state, this area, should
16 reflect upon when we think about our
17 firefighters, our fire officers, and our
18 policemen.

19 So we all thank you, Senator Bruno,
20 for this resolution. And to these families,
21 all we can say is our prayers, our sympathy,
22 our hearts, and certainly whatever we can do
23 for them as a body, I know that we will.

24 ACTING PRESIDENT MEIER: Senator
25 Morahan.

1 SENATOR MORAHAN: Thank you, Mr.
2 President.

3 I too rise in sorrow to memorialize
4 one of my constituents, John Bellew, from
5 Pearl River. Pearl River is a small hamlet
6 that is peopled by people who work in
7 volunteer services, work in the city services
8 of police and fire. I don't know what the
9 percentages are, but it's a great, great
10 percentage of people who do serve the
11 community in various ways.

12 John was only 37 years of age. His
13 wife, Eileen, he met in Brielle, New Jersey.
14 And in honor of that meeting and that coming
15 together, they named their first daughter
16 Brielle. Three other children; another
17 daughter, two boys, one of whom will never
18 know his father -- he's only five months old.
19 And the others will have a very short memory
20 of him.

21 I know in my family my wife lost
22 her dad as a New York City police officer
23 killed in the line of duty at age 29. And she
24 was only 18 months, so she grew up never
25 knowing her dad in the home.

1 These children will have to deal
2 with that loss and that struggle and that
3 mystery, if you will, of what their dad was
4 all about.

5 He was a young man, he was born in
6 Queens, came to Rockland County, he graduated
7 from Malloy High School, went on to graduate
8 college, went into the corporate world, if you
9 will, the business world, stayed there for a
10 while, didn't like it. It was something he
11 didn't feel rewarding. And he wanted to join
12 all his cousins and all his other relatives
13 who were firefighter and police officers. And
14 for that, that fateful decision, he gave his
15 life for his community. And that is the
16 greatest sacrifice anyone can make for their
17 fellow human beings.

18 John will be missed by his family
19 and wife, Eileen, his many neighbors in Pearl
20 River. And it's a community that has already
21 suffered so much with the loss of firefighters
22 and police officers in 9/11. And now we will
23 relive that tragedy.

24 And as Senator Skelos said, it puts
25 things in perspective for us. When we think

1 we're doing a great thing up here, we think
2 what we're doing up here is so very, very
3 important, this is what others are doing --
4 without fanfare, without any bragging.

5 The other two fine people, one was
6 noted for being the first one through the door
7 at any fire, couldn't wait till they got in to
8 rescue people. They are a tribute to the
9 bravest, New York City's bravest, and they are
10 a tribute to the whole department. And
11 they're a tribute to the people of New York
12 City and New York State.

13 Thank you, Mr. Chairman. Thank
14 you, Senator Bruno, for making that wonderful
15 resolution in memory of these three people,
16 these three heroes. Thank you.

17 ACTING PRESIDENT MEIER: Senator
18 Stavisky.

19 SENATOR STAVISKY: Thank you, Mr.
20 President.

21 Richard Sciafani lived in my Senate
22 district, in the Bay Terrace section of
23 Bayside. He was 37 years old. He had been
24 assigned to one of the elite units in
25 Greenwich Village, and yet he sought a

1 transfer to the firehouse in East New York
2 because it provided more activity, because he
3 wanted to go out and help people. Why else do
4 people become firefighters except to help
5 others, to rush into buildings where everybody
6 is trying to flee.

7 Today's I think it was the Daily
8 News had a very poignant photograph on page 3
9 of the firefighter Sciafani being carried out
10 of the burning building. And what was he
11 doing there? This was a birthday party that
12 children were having in this apartment house
13 in East New York, in Brooklyn. And he went
14 back to see if there were any other children
15 who were still there at the birthday party. A
16 birthday party, a time of celebration, a time
17 of joy and happiness. But apparently he got
18 entangled with some equipment or something
19 that was on the floor, and he lost his life in
20 that -- at that children's birthday party.

21 His mother, Joan, his sister,
22 Joanne -- mothers aren't supposed to bury
23 children. They're supposed to celebrate a
24 full life. And this mother is without her son
25 now. And it reminds us of what a dangerous

1 business it is being a firefighter -- and
2 being a police officer as well, but
3 particularly New York's bravest. And it seems
4 to me that all of us mourn the passing of a
5 New York City employee killed in the line of
6 duty, because the city has lost one of its
7 very, very best.

8 I know that everybody here will
9 want to convey their condolences to the family
10 and hope that this was the last tragedy to
11 occur.

12 Thank you, Mr. President. And
13 thank you, Senator Bruno, for introducing this
14 resolution.

15 ACTING PRESIDENT MEIER: Senator
16 Gonzalez.

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

19 I too want to thank Senator Bruno
20 for this resolution. In the Bronx, in my
21 district, firefighters have fallen --
22 particularly in my district, but also in
23 Queens. And like Senator Skelos said, it puts
24 it in perspective as to what it's all about.
25 And particularly in the Bronx, we always felt

1 that the bravest and the firefighters were the
2 first to respond to anything that happened in
3 the Bronx. Or if they would put calls, the
4 firefighters were there in seconds, even if
5 there was a crime. And as we were fighting
6 crime, they too, along with the police
7 officers, were part of that scene in terms of
8 crime.

9 And so my heart goes to the family
10 and to these heroes. But it does put it in
11 perspective that we have the greatest
12 firefighters, and not only firefighters, but
13 the police officers. And, you know, God bless
14 their souls. Thank you.

15 ACTING PRESIDENT MEIER: The
16 question is on the resolution. All those in
17 favor -- I'm sorry.

18 Senator Diaz.

19 SENATOR DIAZ: Thank you, sir.

20 Mr. President, I'll also take this
21 opportunity to express my appreciation to
22 Senator Bruno for this resolution, even though
23 it is not my district where this incident
24 happened. But it is the Bronx. And the area,
25 Morris Heights, in the Bronx, is mainly

1 Hispanic and minority residents. We in the
2 City of New York, we have a failing that we
3 criticize, and sometime say and sometime --
4 most of the time we're saying that the fire
5 department doesn't hire minorities and that
6 the minorities are left out when they hire in
7 the fire department. And that is true.

8 But today, today we are -- I'm
9 reading in the New York Post, I'm reading, I'm
10 looking at the tragic incident that takes our
11 attention now. And I see that when fires and
12 police departments in the City of New York,
13 all over the country, all over the state, when
14 they have to respond to their duties, they put
15 their life in danger, then they put their
16 life -- and when an accident like this
17 happens, it takes everybody. It doesn't take
18 blacks only, it doesn't take Hispanics, it
19 doesn't take whites, it takes -- there's no
20 color. There is no gender. Everybody goes.

21 And Firefighter John Bellew,
22 leaving seven children. On behalf of the
23 Bronx community that I represent, and on
24 behalf of Senator González's community and all
25 of us that is in Minority, I extend my sorrow

1 to the families of those two heroes,
2 Lieutenant Curtis Meyran and Firefighter John
3 Bellew. And to those -- to the mother and
4 those seven children that are left without a
5 father.

6 And, Senator Bruno, thank you very
7 much. When this happens in the Bronx,
8 anywhere in the city, it hurts. But it hurts
9 more when it happens in a community, the
10 minority community that I represent.

11 Thank you. And I appreciate this
12 for you doing this. Thank you very much.

13 ACTING PRESIDENT MEIER: Any
14 other Senator wish to be heard on the
15 resolution?

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

18 (Response of "Aye.")

19 ACTING PRESIDENT MEIER: Those
20 opposed, nay.

21 (No response.)

22 ACTING PRESIDENT MEIER: The
23 resolution is unanimously adopted.

24 Senator Bruno.

25 SENATOR BRUNO: Mr. President,

1 can we open the resolution to all the members
2 here in the chamber and put their names on the
3 resolution unless anyone would approach the
4 desk and ask not to be included.

5 And can we ask, with this vote,
6 that we all just stand in respect for the
7 memory of these firefighters and for all of
8 those that are in uniform putting their lives
9 on the line every day.

10 (Whereupon, the assemblage
11 respected a moment of silence.)

12 ACTING PRESIDENT MEIER: The
13 resolution will be opened for sponsorship by
14 the members. Anyone not wishing to be so
15 listed notify the desk.

16 Senator Bruno.

17 SENATOR BRUNO: Mr. President, I
18 have Resolution 195 at the desk. I would ask
19 that it be read, title only, and move for its
20 immediate adoption.

21 ACTING PRESIDENT MEIER: The
22 Secretary will read.

23 THE SECRETARY: By Senator Bruno,
24 Senate Resolution Number 195, to adopt the
25 Rules of the Senate for the years 2005-2006.

1 SENATOR PATERSON: Explanation.

2 ACTING PRESIDENT MEIER: Senator
3 Bruno, Senator Paterson has requested an
4 explanation.

5 SENATOR BRUNO: Thank you,
6 Senator Paterson and colleagues.

7 As you all will recall, we've
8 established a task force to review the rules
9 of the Senate. And the resolution that we
10 have on the floor before us changes the
11 procedures by the way we vote in this chamber.
12 And the bottom line is to make what we do here
13 more open, more responsive, more public.

14 And one of the more important parts
15 of what we are doing is that each member, in
16 the controversial calendar, and any vote that
17 is debated, members will have to be in their
18 seats. So it eliminates empty-seat voting.

19 We're also establishing a task
20 force to study the technology that's out
21 there, with a bipartisan approach, chaired by
22 Senator Wright, to really review what is out
23 there in terms of opening this process, making
24 it more responsive.

25 And there is something in the

1 neighborhood of 38 or 40 pages of rules that
2 pertain to how we function here in this
3 chamber. And the intent of these rules is to
4 make the process more efficient, more open,
5 more responsive.

6 Now, we will have differences here
7 in this chamber. We'll have differences on
8 the effect of the rules that we've handed up.
9 I simply submit to all of you that we'll
10 debate our differences of opinion, and we
11 respect the differences of opinion.

12 And we're also very aware, all of
13 us, that the votes that we take in this
14 chamber, when we are out there every two years
15 meeting with the constituency, how we vote in
16 this chamber, we're all held accountable. And
17 we're very aware that the competition gets
18 very severe as to who will be in the majority
19 when the votes are counted every two years in
20 this chamber.

21 Republicans, people on this side of
22 the aisle, have been elected to be a majority
23 here in this chamber. And we respect every
24 single individual in this chamber, but we must
25 function as a majority. And that's what the

1 procedures that we're handing up will allow.

2 And I want to remind everyone in
3 this chamber that while the Assembly has
4 moved, a couple of weeks ago, they're adopting
5 things that we have done in this chamber the
6 last ten years. And they still don't have the
7 open procedures that we have after all of the
8 rules and the rule changes that we have here
9 in this chamber.

10 Now, is that totally satisfactory
11 to the Minority? I would be surprised if it's
12 totally satisfactory. I would guess that
13 these rules changes won't be, and that will be
14 part of what we will discuss here over this
15 next length of time.

16 But I just submit that the
17 objective is to govern, and the Majority is
18 elected to govern, and that's what these rules
19 are all about, is together respecting every
20 individual in this chamber, recognizing that
21 every individual should participate in the
22 process. And we intend that that be the case.

23 And we've gotten along, I think, in
24 terms of governing, very well, Senator
25 Paterson and all of our colleagues in this

1 chamber. And I just remind everyone, there's
2 a time to campaign and there's a time to
3 govern. This is the time for us to govern.

4 Thank you, Mr. President.

5 ACTING PRESIDENT MEIER: The
6 question is on the resolution.

7 Senator Paterson, why do you rise?

8 SENATOR PATERSON: Mr. President,
9 to speak on the resolution.

10 ACTING PRESIDENT MEIER: Senator
11 Paterson, on the resolution.

12 SENATOR PATERSON: First, I'd
13 like to thank Senator Bruno for, in the last
14 two weeks, meeting with me personally two or
15 three times, for the Majority's cooperation in
16 trying to put this rules package together, for
17 the negotiation that we had not held up until
18 that point, and for the personal cooperation
19 of the staff and my colleagues, the members of
20 the Majority.

21 And we did reach an agreement on
22 empty-seat voting. The Assembly, who I think
23 did very well, reached an agreement on this
24 three weeks ago. And we have done the same
25 thing. And in the spirit of governance, not

1 campaign, I even met with the leader and some
2 of the members of the Majority task force
3 today, and we publicly announced our agreement
4 on empty-seat voting.

5 Now, that could not have been
6 advantageous from a political perspective, but
7 I do believe it's important to demonstrate
8 cooperation and negotiations in governing.
9 And it is for that reason that we are going to
10 present eight amendments to this proposal that
11 we think would make it a better proposal.
12 Because I can't vote for this proposal as it
13 stands. I can't. And I'm going to explain
14 why.

15 Under the proposal that has been
16 presented, the rules would now go to the Rules
17 Committee. The Rules Committee has no
18 regularly scheduled session. In our reform
19 package, which we made available to everybody,
20 we want to have an open administrative Rules
21 Committee like the one they have that governs
22 the House and the Senate in Washington. That
23 way, the proposal would be more acceptable.

24 But in any branch of government,
25 the most elemental parliamentary procedure is

1 that you have the right to change the rules
2 from the floor. Now, that has existed
3 everywhere. And for some reason, this isn't
4 something that I wanted to reform before this
5 year, because this is in the rules-change
6 proposal for this year.

7 So I cannot understand why, after
8 all of the political talk that I heard about
9 reform back in October -- and I think now that
10 I can speak for myself, I think that people
11 will understand why I didn't want to be part
12 of a rules task force during a campaign. I
13 wanted to be part of it during the actual
14 governing phase.

15 But this is the problem. You can
16 campaign and you can say you're for reform,
17 and then the first thing you do, the first new
18 change that you make is that you take the
19 Rules Committee approval and take it away from
20 the chamber and put it in the Rules Committee.
21 So I could stop right there. That is really a
22 core issue and an issue that I think explains
23 what is happening.

24 Then we come to an issue that was
25 changed in the rules of 2001, that on motions,

1 petitions and amendments there would be
2 something called a canvass of agreement. I
3 honestly have got to tell you I never heard of
4 a canvass of agreement before. And it is a
5 procedure by which we don't really record the
6 votes. So now we have a house of government
7 that actually is taking a canvass, is not
8 actually recording the votes of the members in
9 the house.

10 Now, is it true that sometimes on
11 amendments the vote that some of us take that
12 we may find out later on in an election that
13 that vote is exploited by the adversarial
14 party or an adversarial candidate?

15 Absolutely. That's what we all signed up for.
16 That's why we're in public service, to defend
17 what we think is right. Not to keep it in
18 secret, not to keep it stowed away from public
19 knowledge, not to obfuscate the ability of the
20 public to know how you actually stand on a
21 particular issue.

22 Now, that is why this whole idea of
23 canvass of agreements is wrong. And it is
24 another core issue. You just can't have any
25 rules or even use the word "reform" while

1 you're passing this kind of legislation.

2 The issue of messages of necessity.
3 Now, we reached an all-time low in this
4 chamber when the Governor sent us a message of
5 necessity on a bill that he vetoed. So it was
6 an emergency that we get it through the house
7 so he could veto it?

8 What we want to make sure is that
9 the message of necessity really truncates
10 legislation coming through the session in
11 emergencies, that it doesn't just become a
12 regular procedure whereby there isn't the
13 opportunity to go through the regularly
14 scheduled reading periods and public
15 disclosure before we pass legislation.

16 On the issue of committees, there
17 are ways that we can run the committee system
18 that do not allow for committee meetings to be
19 held at the same time that we're on the floor,
20 especially now that we've agreed that we won't
21 have empty-seat voting.

22 So how does a person attend a
23 committee meeting and actually wind up on the
24 floor at the same time? This is further part
25 of our amendment package that we're going to

1 introduce.

2 But I will just say this. I am
3 actually surprised at my colleagues on the
4 other side of the aisle, because they have
5 caused myself and my colleagues a number of
6 headaches and a number of -- and much anxiety
7 over the years. And the year in particular
8 that I have to take my hat off to the members
9 of the Majority was the year 2000. It was a
10 presidential year. We thought that we had
11 some excellent candidates to run that year.

12 And we came in here and we had some
13 issues that we thought -- we believed in and
14 we thought that the overriding number of
15 citizens in New York State believed in it too,
16 issues like hate crimes legislation, women's
17 health and wellness issues, campaign finance,
18 lobby reform, and gun control. And every time
19 we got some steam up, the Majority would have
20 a press conference or pass the bill and it
21 would kill us.

22 And, you know, even when you lose,
23 sometimes you've got to tip your hat to your
24 adversary. I don't know how many of my
25 colleagues really believed in hate crimes.

1 And I think a lot of them did; 57 members of
2 the Senate told the New York Post once that
3 they did, but for some reason we couldn't pass
4 this bill since it was introduced in 1987.
5 Lobby reform was something we talked about for
6 years. All of a sudden in that year, 2000,
7 they passed. And we didn't win a seat.

8 And -- but you've got to tip your
9 hat to your adversary, because it was very
10 timely, it was very seasonable, and it was
11 very well done. And I crawled out of here
12 that year wishing that one day the Majority
13 would make a mistake.

14 And it's today. It's today.
15 Because the issue of legislative reform, how
16 the rules are set in the legislative bodies,
17 is sweeping this state. It was cited as a
18 number-one issue that voters thought was the
19 most important in this last election. So to
20 come in here with this rules proposal, which
21 actually reverses, really, the spirit of the
22 way a house of government should be run, flies
23 in the face of it.

24 And I'm trying to figure out how it
25 happened. I'm trying to figure out what all

1 of you did wrong in 2005 that you knew five
2 years ago. And I know that some of you
3 sitting here right now, and you know in your
4 heart -- wasn't that a Republican, "in your
5 heart you know I'm right," Barry Goldwater? --
6 you know I'm right.

7 And this is a mistake. You've made
8 a big mistake. Yes, you did. And you are
9 going to hear about it for the next two years.
10 And I don't think you should have done it this
11 way. If I were a Republican consultant, I
12 would have told you not to do it this way.

13 But the people of this state are
14 speaking out on this issue. This was an issue
15 that never polled well. Our conference used
16 to poll it, and up until about 2001 it never
17 polled well. All of a sudden, people have
18 recognized that ideology is not just the only
19 reason to vote for people. It's integrity.
20 It's the way government is run.

21 And now. My colleagues, you remind
22 me of the character in Crime and Punishment,
23 Raskolnikov. When the investigator said to
24 him, "You're going forward when you should
25 stay back, you're staying back when you should

1 be going forward. And like a fly, you will
2 fly right into the light and I will swallow
3 you whole." [Gulping.] And I'm going to do
4 it. And the funny thing is, you make it easy
5 for me.

6 So now I hear we're not even --
7 that the Majority doesn't even want to record
8 the votes on changing the rules. We don't
9 even have any rules in this house right now.
10 We're starting the beginning of the session,
11 and we have no rules here. So why would we
12 not record the votes on the amendments?
13 That's a standard parliamentary procedure,
14 isn't it?

15 But you know something? You can do
16 it any way you want, because at present there
17 are more votes on that side of the aisle than
18 there are here. But just remember, you can
19 win the battle and lose the war. And what I'm
20 saying is if you really want to pass this
21 package and call it reform, make my day.
22 Because you know it's not reform, I know it's
23 not reform, and the people of this state know
24 it's not reform. And that will be proven over
25 time.

1 So I'm going to give everybody a
2 chance to think it over as we present these
3 amendments. And we will be collegial, we will
4 be cooperative, we will work under whatever is
5 imposed as a result of this discussion,
6 because that is our duty to the public. And
7 we again thank all of you for the cooperation
8 of at least negotiating with us.

9 We think that you're dead wrong on
10 this proposal, but we'll go forward and work
11 with you as civilly and as cooperatively as we
12 can. However, it is impossible for us to
13 accept the rules changes that are proposed in
14 even the fashion in which it's going to be
15 implemented.

16 ACTING PRESIDENT MEIER: Senator
17 DeFrancisco.

18 SENATOR DeFRANCISCO: Senator
19 Paterson, I have great respect for you. But I
20 think that the comments you just made really
21 show that what we're really dealing with today
22 is a continuation of the election process.

23 If you are basically saying to us
24 we have made your day because we have given
25 you an issue that you can take over the

1 majority on during the next election, then I
2 think it's pretty clear what the true
3 motivations are on some of these bills, some
4 of the these amendments.

5 Obviously there's a difference of
6 opinion on some. But on the other hand, I
7 would hope that whatever we come down with as
8 final rules changes today, we would also
9 recognize that in the past we have already
10 changed the rules to a great extent where, as
11 Senator Bruno mentioned, the Assembly is just
12 catching up at this point in time.

13 So I think, I hope that the debate
14 today will really be focused on whether the
15 rules make sense, whether they are rules that
16 we should pass, we should change, and whether
17 or not they stand on their merits, as opposed
18 to whether or not it's going to put us in a
19 better position two years from now, since we
20 have two years between now and then to govern.

21 Thank you.

22 ACTING PRESIDENT MEIER: Senator
23 Diaz.

24 SENATOR DIAZ: Thank you, Mr.
25 President.

1 I represent an area of the Bronx,
2 the 32nd Senatorial District. A very poor
3 district, black and Hispanic and few others.
4 My office receives, every single day, from 25
5 to 40 clients every single day. My district
6 office is open from 9:00 to 5:00.

7 And the people that come to my
8 office, they have a complaint -- housing
9 eviction, dispossession, immigration, Social
10 Security, welfare, fair hearings, homeless,
11 families of inmates, et cetera, et cetera. My
12 staff have to become social workers.

13 We in my community, the problem is
14 we're different to other communities. And
15 when we run -- some of you, when you run --
16 some of you are lawyers and you have your own
17 law firms, and to come here is part-time for
18 you. For some of us, this is it. There is no
19 part-time. It's to serve the community 24
20 hours, seven days a week.

21 But I have to do all these things,
22 ladies and gentlemen, with four staff and one
23 seasonal staff a year during session. So 4½
24 staff, my office has to do all this. And we
25 are here talking about reform, or making my

1 days or not making my days.

2 But I wish you could make my day
3 today, ladies and gentlemen. Make my day when
4 you do a real reform and distribute the
5 resources with equal share. I have read the
6 New York Post, and I read that the
7 distinguished gentleman from Yonkers has 30,
8 30 staff members. Thirty staff members. And
9 this distinguished member from the South Bronx
10 only has four.

11 So if we really want to talk about
12 reform, make my day. Share. Give me a piece
13 of the pie. Let me serve my community with
14 dignity. Give me the necessary resources for
15 me to take care of my community, my
16 constituents, five days a week from 9:00 to
17 5:00 and sometimes even Saturdays.

18 I need you to consider that. And
19 tell me if it was not an aberration for
20 somebody to have 30 staff members and for me
21 to get only four. Aren't we all Senators?
22 Aren't we all here to serve our communities?

23 So make my days, ladies and
24 gentlemen. Give me equality. Make me part of
25 this. Help me serve my community. I need

1 more staff members, and we will do it. But to
2 have one with 30 staff members and another
3 with four staff members, this is something
4 that we have to take into consideration. I
5 mean, if we are going to talk about reform,
6 let's talk about reform.

7 Thank you, ladies and gentlemen.

8 ACTING PRESIDENT MEIER: Senator
9 Oppenheimer.

10 SENATOR OPPENHEIMER: I was going
11 to ask a question of my good friend John
12 DeFrancisco, if he would yield.

13 ACTING PRESIDENT MEIER: Senator
14 DeFrancisco, do you yield for a question?

15 SENATOR DeFRANCISCO: Sure.

16 SENATOR OPPENHEIMER: Senator
17 DeFrancisco, you were saying that this was a
18 continuation of the political process. But as
19 you know, most all of the reforms that we are
20 putting out from this side of the aisle were
21 reforms that were mentioned in the Brennan
22 Center for Justice package.

23 Now, would you say that the Brennan
24 Center for Justice is acting politically, or
25 in the manner of other good-government groups

1 like the League of Women Voters?

2 SENATOR DeFRANCISCO: Yes, I am
3 saying that.

4 And I would like to yield the floor
5 to Senator Saland, who has actually studied
6 this in great detail and can give you a very
7 detailed answer to prove the point that I just
8 mentioned.

9 SENATOR OPPENHEIMER: Well --
10 okay. Let's --

11 SENATOR CONNOR: Point of order,
12 Mr. President. This is a procedure I've never
13 seen before in this house. I know we have no
14 rules, but I haven't seen this procedure
15 before.

16 ACTING PRESIDENT MEIER: What's
17 your point of order?

18 SENATOR CONNOR: The person who
19 is being questioned is yielding the floor when
20 in fact Senator Oppenheimer had the floor.

21 ACTING PRESIDENT MEIER: Well,
22 Senator Oppenheimer had the floor. Senator
23 DeFrancisco indicated he would like Senator
24 Saland to handle the matter. Senator
25 Oppenheimer said okay.

1 The chair recognizes Senator
2 Saland.

3 SENATOR SALAND: Thank you,
4 Senator. And I'll be more than happy, if it
5 will make Senator Connor -- please him, I'll
6 sit down and wait for an appropriate time to
7 stand up.

8 I just have a few things that I'd
9 like to say, and it was your mention of the
10 Brennan Center report that really brings them
11 to mind.

12 And everybody knows what the
13 Brennan Center report is. We've all heard
14 about it. And I'd be willing to venture that
15 not a single one of the editorial writers who
16 have commented on it have read it. I'm
17 willing to venture that few if any of the
18 reporters who have embraced it have read it.
19 I'm willing to venture that within the ranks
20 of all of those sitting in this chamber and
21 the other chamber, some 212, that, if I was
22 generous, maybe eight to 10 of our members may
23 have read it.

24 And I'd like to comment by saying I
25 saw reported in November 29th issue of the

1 Albany Times Union a point about the Brennan
2 Center. And their spokesperson was a
3 gentleman named Scott Schell. And he
4 dismissed criticism of the Brennan Report as
5 distractions. He said, and I quote, "The
6 Center stands by every finding and every
7 proposed reform."

8 And certainly Brennan has set the
9 table for what has been the reforms that
10 you're proposing and the reforms that have
11 been of the greatest of interest to so many.

12 I would suggest to you they
13 acknowledge in that article that they're a
14 lobbying group. I've looked at their lobbying
15 sheets that they have filed, including the
16 ones I guess that they filed late. And the
17 long and the short of it is they're a lobbying
18 group.

19 And yet they're a lobbying group
20 that has been embraced in a fashion that I've
21 never seen embraced by groups, including the
22 media, who have become their apostles. And I
23 would submit to you that Brennan proposes to
24 stand before us much like a white-robed figure
25 holding stone tablets. And I fear they've

1 given us a golden calf.

2 And let me start off by asking you
3 if you would recall there is a bill that we
4 did that provided for a -- bear with me one
5 minute, if you would, Senator. It authorized
6 the City of Elmira, in the County of Chemung,
7 to enter an agreement with respect to
8 confinement of detainees in such county jail.

9 Do you recall debating that bill?

10 SENATOR OPPENHEIMER: Point of
11 order.

12 I think at this point it's probably
13 safest for me just to say that I'd like to get
14 on with the meat of this. And I can thank you
15 very much for providing me -- we are going to
16 disagree. And you're going to hear why we
17 disagree and why we think the process should
18 be more open and why we think that it should
19 not be --

20 SENATOR SALAND: Let me suggest,
21 then, that you don't have to answer the
22 question.

23 And the answer to the question is
24 no, you didn't debate the bill, nor did
25 anybody else. But Brennan cites that as major

1 legislation.

2 And I can give you a list of dozens
3 of bills -- because their study and their
4 methodology, quite candidly, if the virtues
5 they extolled among their researchers were in
6 fact true, and if you read their
7 acknowledgement, I would be as for it as I was
8 when I read the acknowledgement. But let me
9 suggest to you that their methodology is
10 flawed.

11 The whole basis for their findings
12 are 308 major legislative bills based upon a
13 review of McKinney's. Now, of those -- and
14 they take great pains to say that we don't
15 debate those bills nor are there hearings on
16 them in committee. The reason I pointed the
17 bill out to you that I pointed is because
18 there are dozens of bills like that. This is
19 the major legislation for which this house and
20 the other house have been criticized for not
21 debating, bills for which there were
22 extenders, they were local bills.

23 I mean, should we be debating a
24 bill providing, what, distinctive license
25 plates to members of the Arts Council? I

1 don't know if that was a bill that warranted
2 being debated. But we were criticized for not
3 debating it.

4 Let me suggest to you that the
5 definition of debate -- and I have been to
6 many legislative chambers throughout this
7 country, and I have witnessed the same kind of
8 debates in those chambers as I have seen in
9 this chamber. And yet, under their
10 definition, I didn't witness debate.

11 SENATOR OPPENHEIMER: Let me
12 thank Senator Saland.

13 SENATOR SALAND: Well, I think I
14 still have the floor.

15 (Multiple speakers.)

16 ACTING PRESIDENT MEIER: Wait a
17 minute. Senator Oppenheimer has the floor.

18 Are you claiming the floor,
19 Senator?

20 SENATOR OPPENHEIMER: Yes, thank
21 you.

22 ACTING PRESIDENT MEIER: Senator
23 Oppenheimer.

24 SENATOR OPPENHEIMER: But I do
25 thank Senator Saland.

1 And I think maybe we're focusing
2 too much on the Brennan report when we should
3 be focusing on -- no, no, no. Let me explain
4 what I'm saying. I want you to know that
5 20 years ago, when I came into this body, I
6 wrote a lot of reform legislation because I
7 had come from the presidency of the League of
8 Women Voters and I saw a lot of things that
9 were wrong here. And it's in our structure
10 and it's in our process.

11 And so I was just using the Brennan
12 Center because that seems to be a genesis of
13 what a lot is happening now, because it has
14 finally come into the awareness of the general
15 public. When I first wrote this legislation
16 20 years ago, nobody was interested. Not the
17 least bit interested. I ran on these issues
18 and, even in talking in debates, nobody was
19 interested in what I was saying. So I stopped
20 talking about it.

21 But now I appreciate what the
22 Brennan Center has done, I really do. Because
23 it has the citizenry at least talking about
24 it. And they've focused on us, and I think
25 that's very beneficial. And I think there are

1 many issues here that have to be discussed.
2 Resources is one of them. More say for all of
3 us in this process. More openness so that
4 people will know what's happening in our
5 committees. Just a general more transparency
6 and more involvement of the citizens and for
7 all of us, as well as certainly equal
8 resources or at least more rational,
9 reasonable resources for everyone.

10 And I think there's a lot of work
11 that we can do here. And I'm sorry that we
12 haven't done it in the legislation, the
13 resolution that is before us.

14 Thank you.

15 ACTING PRESIDENT MEIER: Senator
16 Connor.

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

19 Mr. President, in a legislative
20 body the rules, the fundamental principle is
21 the rules are whatever the majority says the
22 rules are at any given time. And you can
23 write all the rules you want, and all the
24 institutional changes can be put in the rules,
25 but the fact is the rules at any given time do

1 not bind the majority. They bind the
2 minority, but they don't bind the majority.

3 That's why we can do business by
4 unanimous consent. There's no way you can
5 eliminate any procedure that we customarily
6 use on unanimous consent as long as there is
7 unanimous consent. You can't pass a rule that
8 says there shall no more be unanimous consent
9 granted to do something. That's an inherent
10 contradiction. The legislative body can move
11 forward together, if no one objects, and do
12 anything it wishes. Anything lawful,
13 obviously, or within its constitutional
14 powers.

15 You know, I've heard rules debates
16 over the years, over many, many years. I see
17 our former colleague Senator Leichter was here
18 today. What a coincidence. I remarked -- and
19 he's here on a visit in connection with an
20 event tonight that his daughter is a key
21 participant in. But the fact is I said to
22 someone a couple of weeks ago, They're going
23 to eliminate the provision from the written
24 rules that allowed the Majority Leader to star
25 any bill that's on the calendar. Most of my

1 colleagues here looked at me like, What's a
2 star?

3 Well, believe me, we were convinced
4 25 and 20 and 15 years ago that this entire
5 house would function with absolutely
6 unadulterated democracy if we could only
7 eliminate the provision in the rules that gave
8 the Majority Leader the power to star a bill.

9 And what that meant, for those who
10 are looking at me saying what's a star, it
11 meant -- to place a star on the bill meant the
12 bill was killed. Even though it had gotten
13 through the committees, even though it had
14 gotten to the floor, even though it might have
15 been cosponsored by 40 members and commanded
16 50 votes here. If the Majority Leader or his
17 designee said "Star the bill," it meant it was
18 dead and it could not be voted on by this
19 entire house.

20 And Senator Leichter would stand
21 here on the rules day and point out that not
22 even the presiding officer of the Supreme
23 Soviet had the power to star a bill, but our
24 Majority Leader did. Now, we all know where
25 the Supreme Soviet ended up. I hope everybody

1 here at least remembers that there was a
2 Supreme Soviet once.

3 But today we're eliminating it from
4 the rules. And how come nobody seems to care
5 or address that? There were editorials,
6 20 years ago there were editorials in all the
7 newspapers demanding that the rules be changed
8 to eliminate the Majority Leader's power to
9 star a bill. There were.

10 And what happened to that issue?
11 Well, the Majority Leader -- and I frankly
12 can't remember, I think it may have been
13 Senator Marino, actually, and Senator Bruno
14 has certainly honored it since -- just made a
15 statement saying: We're not going to change
16 the rule, but I'm not going to do that. And
17 so there has been no bill on the calendar
18 starred by a Majority Leader for the last 12
19 or 14 years. And today the Majority proposes
20 to take the language out of the rules.

21 Well, what's the point of that?
22 The point of that is it doesn't matter. It
23 doesn't matter what the rules say. It matters
24 how the Majority and its leadership behave.

25 And if you look at all the

1 dissatisfaction and the editorials out
2 there -- and, yes, the Brennan Center. I'll
3 talk about them in a minute, because I've had
4 my own experiences with them, Mr. President.
5 But the fact is it's how the Majority behaves.
6 It's how they decide the tenor and the tone of
7 the house is going to be set. It's not what
8 it says in the rules.

9 And by the way, since in the last
10 14 years the Majority Leader has not used his
11 power to star a bill on the calendar, is there
12 a soul in Albany, is there a soul in the State
13 of New York that thinks that resulted in
14 legislation passing this house that the
15 Majority Leader didn't want? I don't think
16 so. I don't think the power of the Majority
17 Leader to control legislation disappeared
18 because he stopped using the star.

19 So it doesn't -- and when you sum
20 it up, the specific language of various
21 rules -- and I know reformers, if you go back
22 and you read about Teddy Roosevelt in the
23 other house in the 1870s pushing for reforms
24 there, reform is not a new game. It comes
25 periodically to Albany. And there's this

1 fascination that if we only changed this rule
2 or this procedure, we'd get perfect democracy.
3 Mr. President, we get the democracy we want to
4 have. The majority in any legislative body
5 sets the tone.

6 You know, there's a proposal to
7 have rules to basically to try and allow the
8 minority to have a bigger role in legislation.
9 Well, my question, Mr. President, is when did
10 the rule pass that said minority members'
11 substantive bills can't pass the house? There
12 is no such rule. And don't look at me,
13 members, colleagues. No one should look at me
14 like, Are you crazy, that can't happen.

15 I came to this chamber in 1978, in
16 my first full session here, in the Minority,
17 sitting in that chair where Senator Savino
18 sits. I passed 19 bills into chapter. They
19 were not local bills. They were not local
20 bills. Changed the statute of limitations for
21 statutory rape. That's not a local bill.
22 Passed the New York City school bus safety
23 law. What did that mean? You had to stop
24 when a school bus was loading or unloading.
25 That never used to be the law in the city, it

1 was just the rest of the state. And I could
2 go on and on. Passed kosher protection laws,
3 since declared unconstitutional. But, hey,
4 they were on the books for 25 years first.

5 Passed a first number of bills like
6 that. Not because the rules said I could, but
7 because the Majority in the house at the time
8 and the Majority Leader -- and I know what his
9 instructions to his counsels were: You may do
10 any legislation for the Minority on the
11 merits.

12 Now, did that mean I passed my
13 legislative agenda? No. I was pretty far to
14 the left then, and I had lots of and lots of
15 bills that I loved, and they weren't going to
16 pass this house with a Republican majority in
17 it. But there were other bills, and I knew
18 how to spot them, that I thought, I can pass
19 this. This just makes common sense. There's
20 no D or R. There's no philosophy in this
21 other than what's right for the public.

22 And the system was, and I'd tell my
23 colleagues, you would go to the committee
24 chair -- and some of you are still here -- go
25 to the committee chair and say, I have this

1 bill or whatever, invariably would be told to
2 meet with my counsel. Meeting with the
3 counsel, invariably would be told by the
4 Republican committee chair's counsel how you
5 should amend the bill because it wasn't
6 drafted properly or covered more than it
7 should or less than it ought to. You would
8 amend it, and lo and behold, the bill would
9 come out.

10 Mr. President, there was a
11 tradition in this house in those days that I
12 have not seen since. And that was when a new
13 member spoke, be he or she Democrat or
14 Republican, when they first spoke on the floor
15 and sat down, all of our colleagues would
16 applaud. Remember that tradition? Haven't
17 seen that done in years.

18 Another tradition. When I first
19 passed my first bill, and I didn't even know
20 it was a tradition, all my colleagues stood
21 and applauded. People knew it was your first
22 bill. People kept track of that. I haven't
23 seen that done in years.

24 I suggest, Mr. President, this
25 rules fight is fine. But it's the way you run

1 the house, it's the respect you give
2 colleagues.

3 And by the way, when it did start
4 to change? I'd say it really started to
5 change after 1984 when the Democrats elected
6 three senators to this house, we won three
7 seats, won three seats that we hadn't held
8 before. Senator Oppenheimer was one, Senator
9 Quattrociochi was one, and Senator Hoffmann
10 was the other. And all of a sudden -- nobody
11 changed any rules, the word just passed among
12 the Majority, don't pass any Minority bills.

13 Now, what has that done, by the
14 way? Reflect upon that, Mr. President. It
15 leaves a lot of very talented members in this
16 Minority up here in Albany with very little
17 legislative role to play. A lot of time on
18 their hands. Time to plot, time to scheme.

19 Now, my second or third year up
20 here I wasn't here sitting here figuring how
21 to knock off the leader. I was interesting in
22 taking the 19 votes and trying to pass 22
23 chapters. And I did. Because I was a
24 legislator. And people came to me, very
25 important unions in this state. Other

1 interest groups would come and say, You really
2 know labor law. Would you carry this bill for
3 me, for our union? And I would. It didn't
4 mean the kiss of death to it.

5 The interesting thing is after the
6 rule -- after there was no rule but a whisper
7 not to do Minority bills, and there was a big
8 fight here. And finally it was slightly
9 modified. Not in writing. And it was we can
10 do those little wonderful pieces of
11 legislation like, you know, letting Mrs. Jones
12 get her house back because it was wrongfully
13 seized for nonpayment of property taxes, or
14 you could give up almost any park in your
15 district, the Majority let you give that away,
16 and alienate it.

17 But the fact of the matter is
18 nothing changed in the rules. And I think if
19 you really look at the dissatisfaction out
20 there -- and by the way, Mr. President, the
21 Brennan Center. I recently testified not two
22 months ago for the defendants in a lawsuit in
23 federal court that's brought by the Brennan
24 Center. My colleagues may not know about
25 this, but if they win that lawsuit, there will

1 be no more judicial conventions, there will be
2 direct primary elections for Supreme Court.
3 And not to debate that now, but there's a lot
4 of problems with that. To my mind, it's not
5 the way to go.

6 So a lot of the lawsuits that they
7 brought in election law, which I'm very
8 familiar with, I've disagreed with. And
9 they've won, they've often won because the
10 state or city boards of elections settled
11 because they really didn't have a dog in the
12 hunt. And they settled and pay legal fees to
13 the Brennan Center. Yeah, they're not for
14 profit, but they have collected hundreds of
15 thousands in legal fees as a result of these
16 lawsuits they've brought.

17 So I have any disagreements with
18 them. And I agree with some of what they do
19 as well, and some of their positions. And I
20 did read that report. And I do find it
21 flawed. But I think the dissatisfaction out
22 there -- unfortunately, the Brennan Center
23 report became shorthand that the press could
24 use to describe this Legislature as
25 dysfunctional.

1 Now, with that, with that
2 conclusion, albeit the evidence doesn't
3 support the conclusion, it's hard to quibble
4 with the conclusion that we are a
5 dysfunctional legislature if your criteria is
6 are members involved, does legislation pass on
7 its merits, is everyone accorded a respectful
8 role in it. We are dysfunctional when it
9 comes to that. And we didn't used to be.

10 And if you talk about the campaigns
11 spilling into the Senate chamber, Mr.
12 President, as Senator DeFrancisco did, it
13 started when the Majority decided their
14 reaction to losing seats in 1984 ought to be
15 shut down the Minority, don't let them pass
16 any bills, don't let them have anything. That
17 wasn't always the way it was done.

18 Yes, the Majority rules. I have
19 talked, I talked 15 or 20 years ago to a very
20 old gentleman in Brooklyn, a gentleman in his
21 90s who once served here and then went on to a
22 distinguished judicial career. I don't
23 know -- he was a judge, anyway, for a lot of
24 years, I don't know how distinguished. But he
25 had served here.

1 And he said, "You still have the
2 same deal up there." And I said, "What's the
3 deal?" And of course in the crass lexicon
4 and political lexicon of his day, he said,
5 "Sixty-forty. Everybody's got to eat."

6 I said, "What do you mean?" And he
7 said, "Well, the deal we always had was in
8 each house the majority gets 60 percent, the
9 minority gets 40 percent. No matter what." I
10 said, "Well, it is based on the percentage the
11 minority had in the house?" "No, no, no. The
12 minority 40 percent, majority 60 percent.
13 Everybody's got to eat."

14 Why was that the rule? Because
15 before the Voting Rights Act, before Baker v.
16 Carr, and before really sophisticated computer
17 programs, that's as much as you gerrymandered
18 it. And experts like the late Don Zimmerman,
19 up on the fifth floor here in their stocking
20 feet, walking over maps with pins and threads,
21 did a good job of gerrymandering, but it
22 wasn't perfect. And each majority always
23 recognized that in the next landslide they may
24 go into the minority and they would like to be
25 treated with respect as legislators.

1 So we can have this rules fight.
2 But what I tell my colleagues is until there
3 is a will and a way to change the way this
4 house operates -- and you can take this over
5 to the other house too -- you can change all
6 the rules you want, it's not going to be a
7 functional small "D" democracy in this house
8 or in this Legislature until people make up
9 their minds to truly end the campaign after
10 the election and to govern together as
11 colleagues.

12 ACTING PRESIDENT MEIER: Senator
13 Skelos.

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

16 Perhaps, Senator Connor, I can put
17 1984 a little bit more in perspective other
18 than the way that you did it. In 1984,
19 Senator Mega defeated an incumbent Democrat,
20 Senator Skelos defeated incumbent Democrat
21 Carol Berman.

22 And following that election,
23 shortly thereafter, I do recall -- and I think
24 you were the campaign chairman, so I thank you
25 for the good job.

1 SENATOR CONNOR: I wasn't.

2 SENATOR SKELOS: You weren't.

3 But I would just also point out
4 that in the aftermath of the '84 election and
5 in particular the '86 election, there were
6 numerous reforms enacted within the
7 legislature based upon the indictment of the
8 minority leader, a number of other individuals
9 within your conference for abuse of public
10 property, essentially, hiring of detectives to
11 follow individuals such as myself on the
12 public payroll. And I could go on and on and
13 on, but that's past history.

14 I know that you went back to '84
15 and that time, so I just thought it would be
16 important to put it in perspective that
17 members win, members lose. But in 1984,
18 Senator Skelos and Senator Mega defeated
19 incumbent Democrats.

20 SENATOR CONNOR: Mr. President,
21 since I've been addressed, may I respond?

22 ACTING PRESIDENT MEIER: Senator
23 Connor.

24 SENATOR CONNOR: Thank you, Mr.
25 President.

1 I would also point out that another
2 seat changed hands. Senator Winikow's seat
3 went to the Republicans. So overall, it was a
4 wash. It was a wash that year. Pick up
5 three, lose three.

6 And I would also point out that
7 those gentlemen who were indicted, no one was
8 ever convicted and they were all dismissed.
9 In fairness to their reputations, no one was
10 found guilty of committing any crime as a
11 result of the 1986 election.

12 Thank you.

13 ACTING PRESIDENT MEIER: Senator
14 Liz Krueger.

15 SENATOR KRUEGER: Thank you, Mr.
16 President. On the bill.

17 My colleagues have talked about
18 whether or not we're fighting over
19 parliamentary procedure or civility or
20 politics. And the answer is, of course, all
21 of the above.

22 But as the chair of the Democrats'
23 Legislative Task Force on Rules and Budgetary
24 Reform, I've had an opportunity to listen to
25 the testimony of people from throughout the

1 State of New York, with their views not only
2 about what is a reality, our dysfunction, but
3 also what we can do about it.

4 And I've also been happily forced
5 to start to study parliamentary procedure,
6 because in fact the purpose of parliamentary
7 procedure is to assure that we have both
8 civility and fairness in moving forward on a
9 day-to-day basis legislatively.

10 And Senator Connor was right when
11 he points out that -- and Senator Bruno was
12 right earlier today when he pointed out that
13 the Majority rules. But the history and the
14 purpose of parliamentary procedure throughout
15 history in both England and the United States,
16 of which our government is modeled after, was
17 to assure that there were standard codes that
18 assured that it is the right in a democracy,
19 small "D," that in a legislature there is the
20 right of free and fair debate, the right of
21 the majority to decide and the right of the
22 minority to protest and be protected. And
23 that without dissenting voices, there is no
24 public debate. And without vigorous public
25 debate in all parts of the legislative

1 process, covered by the media to inform
2 citizens, there is no democracy.

3 And that is why we are here today
4 fighting for changes in our rules, to ensure
5 that we no longer continue to be the
6 dysfunctional legislature that in our hearts
7 all of us know we sit in, and that it is the
8 people's business we are sent here to do, and
9 that we will not accomplish our goals and we
10 will watch year after year more decisions
11 being taken away from us and moved into,
12 frankly, either the Governor's chambers or the
13 judiciary if we fail the assignment of in fact
14 small "D" democratizing ourselves through
15 following fundamental parliamentary procedure.

16 And the New York State Open Meeting
17 Law says it is essential to the maintenance of
18 a democratic society that the public business
19 be performed in an open and public manner and
20 that citizens of the state be fully aware of
21 and able to observe the performance of public
22 officials and attend and listen to the
23 deliberations and decisions that go into the
24 making of public policy. And that the people
25 must be able to remain informed if they are to

1 retain control over those who are their public
2 servants. It is the only climate under which
3 the commonwealth will prosper and enable
4 governmental process to operate for the
5 benefit of those who created it.

6 And parliamentary procedure is
7 relatively simple and clear once you get
8 through all of the detail. And it talks about
9 some fundamental principles. The purpose is
10 to facilitate the transaction of business and
11 to promote cooperation and harmony; to assure
12 equality of rights, that all members have
13 equal rights, privileges, and obligations;
14 that the majority does vote to decide, but
15 that these votes should be recorded; and that
16 the minority's rights should also be protected
17 and that there should be the right of
18 discussion, full and free, on every
19 proposition presented for decision and the
20 right of information and fairness and good
21 faith.

22 And my frustration here tonight is
23 that the package that has been offered by the
24 Majority to be the rules of the Senate for the
25 next two years don't meet any of those

1 standards. And they're not my standards,
2 they're the standards from the "Standard Code
3 of Parliamentary Procedure," which I am
4 advised is the definitive work on
5 parliamentary procedure guiding and governing
6 legislatures and other organizations
7 throughout the United States.

8 So the task is to meet simple
9 parliamentary procedure and hopefully have
10 greater civility between us, as Senator Connor
11 was addressing. And yet this package tonight
12 does not reduce the near-total control of the
13 Majority Leader over the legislative process;
14 does not end the practice of closed-door
15 governing on major issues; does not open the
16 legislative process to greater public scrutiny
17 and input; does almost nothing to improve the
18 critical committee process, merely codifies
19 current Senate practices; does not put into
20 place a workable conference committee process
21 between the two houses; does not require a
22 recorded vote on every Senate floor action,
23 including discharge motions and nonsponsored,
24 also known as hostile, amendments; does not
25 permit the Minority to put forth alternatives

1 to what the Majority has proposed; does not
2 give Minority members a more equitable share
3 of resources; and, perhaps worst of all,
4 effectively prohibits any future efforts to
5 reform the Senate Rules on the floor.

6 What the people see here is clear.
7 What we ought to expect of ourselves is clear.
8 We know we can do better. I would argue and
9 will argue later that the Minority has
10 proposed a definitive package of rules for
11 this legislature that does do better, that
12 does meet the standards of parliamentary
13 procedure.

14 And so I am disappointed with the
15 outcome today and hope that my colleagues on
16 both sides will still look carefully at the
17 package that the Democratic Minority put out
18 over two weeks ago to the public and consider
19 an alternative package to the one that has
20 been presented to us today.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MEIER: Senator
23 Volker.

24 SENATOR VOLKER: Mr. President,
25 you know, I guess having listened to Senator

1 Connor is one of the reasons that I wanted to
2 speak. And I'll speak fairly quickly.

3 Actually, what happened is -- and
4 clearly Senator Skelos, who was in both
5 houses, has a good idea of this whole
6 situation. But I will say this. I was in
7 both houses also, but of course I was there
8 much earlier. It was really the Assembly that
9 changed, not us as much. When the Assembly
10 became really so dictatorial many years ago,
11 it had an impact on us.

12 And I only mention that because --
13 and let me just say that this house has always
14 treated the Senate Minority with much greater
15 respect and much greater -- and tried to deal,
16 in many issues, with a much lighter hand than
17 the Assembly.

18 I can tell you that I remember very
19 well, and I will -- and I haven't told this
20 story about that period when the Senator was
21 talking about. The leader at the time was
22 getting prepared, if I remember right, to
23 leave. And let's just say that he sort of
24 delegated some of the responsibilities to a
25 few members, including myself. And we got

1 into the worst fight I've ever seen in my
2 time, and it went on for about two months
3 until finally one day we had a discussion and
4 we said, you know, it's time to stop this.
5 And we did.

6 And the reason I say that, this is
7 democracy. You know, one of the things that
8 really bothers me about this -- and, you know,
9 you should be asking for more resources, and
10 you want more power. The constitutional
11 framers -- but on the other hand, a socialist
12 republic does that. They give you all the
13 stuff, and somebody else runs things. And
14 everybody is equal, meaning they have less
15 power. But they're equal. That's not the way
16 it works, and they don't work that way in
17 Congress, by the way.

18 I understand what you're saying,
19 but I have to tell you -- and Senator Padavan
20 and I have looked at this -- these rules, and
21 I've got to tell you, these are -- and I must
22 say to you that there was a couple of
23 things -- contrary to maybe what Senator
24 Saland said, there was a couple of things that
25 were pointed out to us that needed change, in

1 my opinion, very much so, and some reforms
2 that frankly -- and the Majority Leader star,
3 yeah, it's true.

4 By the way, I think you were wrong,
5 Marty, because I think that the former
6 Majority Leader, I think, did use it a couple
7 of times. But Joe has never done it. Just a
8 couple of times; I don't think very much.
9 Because, for one thing, he had a guy who
10 pretty well watched legislation pretty
11 heavily, and as you know, so he didn't really
12 have to bother with the star. I admit that.

13 But I think our process here has
14 been much more free than in previous years.
15 But I think the reforms that we've set up here
16 are reforms that keep this body moving. You
17 talk about message of necessity. You know,
18 most of the legislation that we deal with a
19 message of necessity are old bills, reformed,
20 changed, and then finally came out. And
21 they're used because we are in a situation
22 where either we must do it quickly -- most of
23 the messages of necessity are right at the end
24 of the session. They rarely come any other
25 time. And we've tightened up the rules on

1 that.

2 But you and I know very well, if we
3 don't like a piece of legislation and we give
4 the ability of the minority to veto it, you'll
5 do it, just because you don't like it. And
6 that's not the way a democratic majority --
7 and I mean democracy majority -- works.

8 Let me say that the rule changes
9 that we've created here do allow the
10 legislative process to be more representative,
11 more deliberative, more accessible. And let
12 me point something out about dysfunctional.
13 Of course, I'm in a county right now, Erie
14 County, that's really dysfunctional. And, I
15 mean, we can't even get a percent sales tax
16 things done because the county executive and
17 the county legislature are fighting.

18 Nothing in your package, nothing in
19 our package would prevent 63 people from one
20 house from stopping the budget. Because there
21 was a judge's decision, by the way, by one
22 region of the state that said that one region
23 of the state was to get some resources and the
24 other regions were to be shut out. This house
25 could do the same thing. But the Assembly did

1 it. And they waited until August, and we were
2 able to pass a budget.

3 Nothing in any of these so-called
4 rules changes would change that. But what
5 these rules changes do is to allow this house,
6 much more so than the Assembly, to be more
7 open, responsive, and to allow, I think, a
8 greater debate.

9 And I've got to tell you this, as
10 somebody who is on the Codes Committee, as I
11 think many of you know -- by the way, just
12 sending out a congratulatory to all the
13 members of the Codes Committee from last year,
14 because we had one of the best years we have
15 ever had in criminal -- in my opinion, the
16 best year, in criminal justice. And that
17 thank you not only goes to Republican members,
18 but to Democratic members, to Tom Duane and
19 Malcolm and all the people that were on the
20 committee. Because I think we did a pretty
21 darn good job. Not too many people paid
22 attention. The criminals have, by the way,
23 and the bad people. But I'm sending that out
24 because I think it was not noticed.

25 The reason I'm saying this is we're

1 part of the rules -- we didn't need a change
2 in the rules to do that. We did it anyways.

3 Now, these rules changes that
4 Senator Padavan was so involved in -- and
5 debated with the Brennan people, by the way,
6 very strongly -- I think will make our house a
7 more effective house. Our ability will be
8 even greater to do more things in this house.

9 But I would point out to you, we've
10 still got to deal with the other house. We
11 still have to deal with the other house, and
12 we still have to negotiate with the Assembly
13 and with the Governor. We can do all we want
14 here, but we still have to deal with other
15 people.

16 ACTING PRESIDENT MEIER: Senator
17 Schneiderman.

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

20 We are, as Senator Paterson, noted,
21 going make some amendments to this rule. But
22 I just want to try and bring us back down to
23 earth here a little bit. When Senator
24 Paterson spoke earlier, he wasn't saying this
25 is a political issue. What he was saying is

1 this is a matter of integrity. And if you are
2 not hearing what the voters are saying, they
3 may have to say it again. But that doesn't
4 mean it's political.

5 The people in this state are losing
6 confidence in the government. And you can
7 talk about the Brennan Center report. But two
8 weeks ago when Senator Bruno broke and agreed
9 to negotiate with Senator Paterson, a list of
10 dozens of groups sent a letter to the two
11 leaders endorsing basic proposals that are in
12 our amendments and some of which are in the
13 Brennan Center report -- radical groups like
14 the Business and Professional Women of New
15 York State, the Citizens' Budget Commission,
16 Edmund J. McMahon, the senior fellow at the
17 Manhattan Institute, the National Federation
18 of Independent Business, the Greater
19 Binghamton Chamber of Commerce.

20 So this is not a matter of a few
21 radicals or a few airheads down in Lower
22 Manhattan coming up with proposals. Are you
23 not listening to the voters all over this
24 state? This is a house -- we can stand and
25 say, oh, we're better than the Assembly, this

1 and that. The Brennan Center studied five
2 years. Five years. They didn't talk about
3 major bills in this portion of their report.
4 7,109 bills came to the floor of this house;
5 7,109 bills passed.

6 The people of this state do not
7 view this as a real, deliberative legislative
8 body, because what goes on on the floor here
9 is viewed as preordained. It is not viewed as
10 a serious legislature where nothing is ever in
11 dispute, where no bills are ever amended on
12 the floor. It is not viewed as a serious
13 legislature where Mr. O'Clair, sitting here,
14 he had a bill, Timothy's Law, that had over 50
15 sponsors and we couldn't bring it to the floor
16 of the Senate.

17 So I'd like to bring this down to
18 reality. We do have some amendments to make
19 which I would like to get through. And maybe
20 then we can start to consider the reality of
21 the rules we're addressing.

22 It's one thing to say these rules
23 make things more efficient and more effective.
24 I know we heard the same thing in January 2001
25 when this house voted -- and anyone who's on

1 the other side of the aisle who was here in
2 January 2001 voted for this -- to stop the
3 practice of recording votes of Senators on
4 amendments, to stop the practice of recording
5 votes of Senators on motions. How that makes
6 the public more able to tell where their
7 Senators stand, I do not know.

8 The rules proposal you've presented
9 us today continues this trend. Instead of us
10 having open debates, as we are today, on the
11 rules of the Senate, this would require those
12 to be referred to the Rules Committee, which
13 is not a regular committee with published
14 meetings and agendas that are distributed.
15 Here's the Senate committee meeting list. You
16 will never see the Rules Committee listed on
17 such a list, because it operates on the fly
18 and essentially as a sort of a shadow
19 committee. It has its own set of rules in the
20 section on committee rules.

21 So this process is going to
22 continue the trend. So I'd like to bring this
23 back to reality. Anyone in this house who
24 doesn't think we have a serious credibility
25 problem in this state I think is woefully out

1 of touch. And that's what Senator Paterson's
2 point is. We have to do better than tinkering
3 around the edges. We have to do better than
4 passing more aggressive measures that continue
5 the process of this not being a real,
6 functional legislature.

7 I'm sorry. According to the rules
8 of this house, it doesn't matter how many
9 sponsors you have on a bill, it doesn't matter
10 how many years a bill passes out of committee.
11 Under Rule -- what's been called by some
12 commentators "the Heart of Darkness,"
13 Rule VIII, Section 6, the Majority Leader has
14 absolute power to determine what is on the
15 active list, what comes to the floor for a
16 vote and what doesn't.

17 And as long as every bill that
18 comes to the floor passes, as long as that
19 absolutely authoritarian power continues,
20 we're not going to be taken seriously. So our
21 proposal, embodied in our package, is to make
22 the rules real, make the committees real. If
23 a bill is based out of committee, it should
24 come to the floor. If someone wants to
25 sponsor a bill, they should be allowed to

1 sponsor a bill.

2 And I have heard no valid criticism
3 of our report released three weeks ago based
4 on efficiency, transparency, based on
5 responsiveness. So I would appreciate it if
6 we could now move forward with our amendments,
7 and then I know we have time for further
8 debate thereafter. But I believe that we have
9 eight amendments, and we're going to try to do
10 them as quickly as possible. I know there are
11 other Senators who want to speak.

12 Thank you, Mr. President.

13 ACTING PRESIDENT MEIER: The
14 chair is going to finish the list of people
15 who have asked to speak and take members in
16 regular order and recognize them.

17 I know, Senator Valesky, that you
18 have an amendment.

19 Senator Bonacic.

20 SENATOR BONACIC: Thank you, Mr.
21 President.

22 You know, I've been listening to
23 debate now for almost an hour and a half about
24 the rules. And if I had come and visited this
25 chamber for the first time, not involved in

1 politics or being an elected official, and I
2 was seated up there in that audience, I would
3 have to ask, What is everybody talking about?

4 How does any of these rules that we
5 may or may not do bring a timely budget? How
6 does it reduce property taxes? How does it
7 bring affordable health care? How does it
8 lower our car insurance? How does it reduce
9 crime or create jobs? That's what the people
10 want from us, productivity as a legislature.

11 Now, I served nine years in the
12 Assembly. And I have to tell you, in the
13 minority, as far as the policies of
14 leadership, we were treated with disrespect
15 and it was a tyranny.

16 Never disrespectful with the
17 members on both sides of the aisle, never.
18 And some of my best friends are over there on
19 the Democratic side in the Assembly. Because
20 that's the dignity and the civility we give to
21 each other because of people putting us here.

22 So -- and I had to take pride for
23 nine years that I would improve a product that
24 improved the quality of life of the people we
25 served. If I had a good bill, sponsored it,

1 it never saw the light of day. It was taken
2 by a majority member, and it was passed. I
3 didn't like it. But you know what? I got a
4 satisfaction that the people would be better
5 served. And that's what I took back to
6 justify why I'm here. Never got sponsorships.
7 Never got the same resources. But that's what
8 we give.

9 Now, it disturbs me greatly to hear
10 members say we are dysfunctional. We are all
11 stained by that. I grant you that the budget
12 process is dysfunctional, because there's no
13 constitutional, statutory trigger to make an
14 on-time budget. But let me just talk about
15 some of the things that I think we've
16 accomplished together. And never, never as a
17 member get up here and say this Legislature is
18 dysfunctional, because I dispute that greatly.

19 For example, in 1994, New York
20 State was ranked the 6th most violent state in
21 the nation. Today, it's the safest large
22 state in America. There were 86,000 fewer
23 violent crimes in 2003 than in 1994.

24 In the economy, with Empire Zones,
25 Centers for Excellence and all our personal

1 business tax reductions, we are now ranked
2 second in the nation in business climate and
3 new corporate facilities by Site Selection
4 magazine. We're ranked second in the nation
5 in insourcing. That's attracting jobs from
6 foreign-based companies. High-tech projects
7 alone, this year, \$2.7 billion. And we've
8 reduced 19 different taxes, giving back the
9 people \$122 billion.

10 In health care, we stepped up in
11 Family Health Plus and Child Health Plus and
12 now a million more people in this state have
13 insurance that they didn't have before, adults
14 and children.

15 We are among the tops in education
16 per pupil that we invest in our children,
17 trying to bring excellence in education. And
18 it's now estimated that 340,000 senior
19 citizens are enrolled in EPIC, saving
20 20 percent on prescription drugs. Our SUNY
21 system is the best in terms of attendance at
22 SUNY and CUNY.

23 In 2003, we were ranked one in the
24 best parks in the United States. 800,000
25 acres of open space we've created. And we

1 have the toughest acid rain standards, and
2 we've enacted brownfields revitalization
3 program. And today fewer families are on
4 welfare in the last decade than ever before.
5 We dropped nearly 600,000 people off the
6 welfare rolls. Child poverty has declined to
7 a 21-year low of 13 percent. And today we
8 have the best homeland security state in the
9 country, and we're ranked number one, the
10 largest safe state in the country. We have
11 done this together.

12 Now, if you want to stain yourself
13 when an elected official gets up and says we
14 are dysfunction as a Legislature because of
15 election pandering or embracing a lobbying
16 report, that is their privilege to say it.
17 But they are wrong, they are wrong, they are
18 wrong.

19 Can we do better? Should we do
20 better? Absolutely. But I have only cited
21 some things that we have done together that
22 the vote is no, that we are not dysfunctional.
23 And we will be judged on our policy
24 enhancements and how we better improve the
25 quality of life and not this

1 tempest-in-a-teapot rules debate.

2 Thank you, Mr. President.

3 ACTING PRESIDENT MEIER: Senator
4 Saland.

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

7 I would like for a moment just to
8 pursue, if I might, something that was just
9 discussed by Senator Bonacic. I would
10 respectfully submit that if in fact you
11 devised the perfect procedural system and if
12 Brennan, however unrealistic, is perfection,
13 then I would pose some of the very same
14 questions that Senator Bonacic either posed or
15 certainly implied.

16 Would we have an on-time budget?
17 Would we have budget reform? Would we correct
18 the imbalance in the processing of our budget
19 between the Executive and the Legislature?
20 Would we have Medicaid reform? Would we have
21 the ability to do any number of things that
22 we've been criticized for not being able to
23 complete? Would we end logjam? Would the
24 system just come marvelously through,
25 finishing in a cohesive, organized fashion on

1 the last day of the session, whenever that
2 might occur?

3 In the Brennan report, Brennan
4 recommends or makes mention of our inability
5 to obtain Wicks reform. Would we have Wicks
6 reform?

7 I think the answer to each of those
8 questions would be no. And I think those nos
9 are the measure of our dysfunction.

10 I think we all should embrace
11 procedural reform. And I think what we are
12 doing here today certainly is a reflection of
13 trying to agree on what constitutes that
14 procedural reform. And I certainly concur
15 wholeheartedly that there's room for that
16 reform.

17 I do not, however, believe that
18 procedural reform or procedure is the measure
19 of either function or dysfunction. It's not.
20 What has caused us to be viewed as
21 dysfunctional, notwithstanding the comments of
22 Brennan, is our inability to get a budget on
23 time for some 20 years. It is our inability
24 to deal with the issues of Medicaid reform and
25 the others that I mentioned.

1 Now, in his comments a bit earlier
2 Senator Schneiderman made passing reference to
3 Brennan and said something about major
4 legislation really being of no import in the
5 scheme of what we're discussing. Well, I'm
6 going to submit to you that basically the tone
7 and tenor of everything that has occurred has
8 occurred based upon the Brennan report.

9 And for those of you who have read
10 the Brennan report, as Senator Connor
11 mentioned that he has, I think you'll see that
12 certainly the research leaves a lot to be
13 desired. I think you will see that zealotry
14 has replaced research.

15 And quite candidly, you know, I'm
16 just a small-town lawyer who used to have a
17 general practice. I don't practice actively
18 any longer. And perhaps when I saw Cravath
19 Swaine, I just should have stopped right in my
20 tracks and said the imprimatur of Cravath
21 Swaine is on this, how could it not possibly
22 be gold.

23 So I plodded forward in my own
24 bumbling way and just decided that there are
25 some things here that intrigued me. So let me

1 share with you, I started to talk before, when
2 they measure performance by committees or when
3 they measure performance by this chamber, they
4 measure it based upon major legislation and
5 major bills.

6 And they cite McKinney's. And
7 McKinney's, as you know, puts out pamphlets,
8 Russ McKinney's [ph]. They put out about ten
9 every session that [unintelligible]. And
10 basically they draw, Russ McKinney's draws off
11 of those pamphlets. And they describe things
12 called major legislation.

13 And I read to you what some of
14 those items of major legislation are. And
15 I'll just give you just a taste. I mentioned
16 earlier, authorize the City of Elmira, in the
17 County of Chemung, to enter agreement with
18 respect to confinement of detainees in such
19 county jail. Prohibits taxicabs from imposing
20 an additional charge for wheelchairs. Extends
21 for an additional two years the establishment
22 of certain water charges for hospitals and
23 charities in New York City. Extends the
24 statute of limitations for phenoxy herbicide
25 actions for armed forces personnel who served

1 in Indochina, for an additional two years.
2 Adds additional time to appeal a civil
3 judgment or a judgment on order of modus of
4 entry as delivered by mail or by delivery
5 service. Relates to providing tax relief to
6 individuals serving in a combat zone in the
7 Federal Republic of Yugoslavia. Authorizes
8 members of not-for-profit corporations to
9 issue acts of proxy by means of an agent in
10 facsimile signature or by means of electronic
11 transmission. Makes technical corrections to
12 Chapter 271 of the Laws of 1994 relating to
13 creating a women's veterans coordinator in the
14 Division of Veterans Affairs. Establishes the
15 Suffolk County Judicial Facilities Agency.

16 Trust me, I could go on and on.
17 This is the major legislation that we failed
18 to debate. This is the major legislation that
19 we were criticized for not debating. Brennan
20 says -- and they start off right in Footnote 2
21 of the Executive Summary, and I'll, if you'll
22 indulge me, quote it: "For purposes of this
23 study, we have analyzed the major legislation
24 passed from 1997 to 2001."

25 Now, does that constitute analysis?

1 How anybody could have considered that to be
2 major legislation, and let me go over some of
3 it, to debate it -- now, who here in this
4 chamber would have found cause to debate that
5 bill? If you want, I'll give you another 20,
6 30, or 40 of them.

7 Now, the methodology, they go on to
8 talk about frequency of debate. I had to read
9 through 82 pages. If you read the text and
10 didn't read the appendices, you have no idea
11 how they defined debate. So look at the
12 second appendix. That's the one that contains
13 the definition of debate.

14 And this is how they define it.
15 "Frequency of debate," and I'm quoting, "This
16 refers to a significant debate" -- I'm not
17 quite sure what that means -- "over a bill
18 with at least a few speeches or exchanges over
19 the merits of the bill rather than simply an
20 explanation of its terms by the sponsor." So
21 mere debate isn't good enough. It has to be
22 significant to receive the Brennan seal of
23 approval.

24 Now, from this they extrapolate
25 that 82 percent of major legislation passed

1 without any discussion, much less debate, in
2 the Assembly, and 71 percent in the Senate.

3 Why would those bills have been
4 debated? Why? I mean, there was no reason to
5 debate them anyway. And as I said, I could
6 bore you with a list far greater than that.

7 So according to Brennan, if I am
8 asked to explain a bill and two or three of my
9 colleagues ask me questions, that's not
10 significant debate. If I rise to explain a
11 bill, I answer two or three questions, two or
12 three people get up to explain their votes,
13 that is not debate.

14 Now, some of you may be aware I
15 formerly was an officer in the National
16 Conference of State Legislatures and in that
17 capacity had the opportunity to visit a number
18 of legislative chambers in other states. What
19 we think of as debate, at least what I've
20 thought of as debate, and Brennan certainly
21 says is not debate, is routinely the kinds of
22 debate that I've observed in the eight or so
23 chambers that I have visited, one house or
24 another, in both -- in both houses or one
25 house of the states that I've attended.

1 And they go on to say basically the
2 same thing about committees. There are few
3 committee hearings on major bills. Well, why
4 would you hold a committee hearing to figure
5 out the needs of the Chemung County Jail, why
6 would you hold a committee hearing to go
7 extend payments for -- or exclusions for
8 payments of charities for buildings in
9 New York City or for a veterans' affairs
10 person, a woman, in the Office of Veterans
11 Affairs? I mean, would that require a public
12 hearing? But yet we're criticized for not
13 doing it; it's a measure of our dysfunction.

14 Let me suggest to you a little
15 further that in some instances they've
16 compared apples and oranges. If you've
17 bothered to read the report, you'll see they
18 talk about professional legislatures. We are
19 one of I believe nine professional
20 legislatures that they list. We're joined by
21 California, we're joined by Michigan, we're
22 joined by Ohio, we're joined by New Jersey,
23 we're joined by Massachusetts and two or three
24 others.

25 And they go on to assert that we

1 have too many committees. They say that with
2 the exception of the State of Mississippi,
3 which has 35, New York State has more standing
4 committees than anybody else. Well, when I
5 say compared apples and oranges, when you
6 look, for instance, at California, which has a
7 much smaller senate than we do, when you look
8 at Wisconsin, Illinois -- Illinois, 35
9 senators, 17 committees. Wisconsin, 33
10 senators, 16 committees. Michigan, 38
11 senators, 28 committees. California, 47 and
12 26 committees.

13 If you apportioned those committees
14 based on the size of a 62-member house, a
15 number of those states would have more
16 committees than we do. We would all be
17 generally in the same ballpark.

18 And then they go on to talk about
19 logjam. Very, very disingenuously, I thought.
20 They state, and I'm quoting here, "Evidence is
21 not available for this report to determine
22 whether the New York State Legislature has
23 faced a greater logjam than other chambers in
24 recent years."

25 Now, how does one measure the

1 degree of logjam in 99 legislative chambers?
2 How do you do that? And what determines the
3 degree of logjam?

4 It goes on to say, "Plainly, the
5 end-of-session logjam is one of the many
6 practices and procedures that preclude
7 legislators' serious consideration of final
8 legislation prior to a floor vote."

9 Well, let me just suggest to you
10 that going to the very sources that Brennan
11 went to, particularly to NCSL, looking at some
12 of the tables that they looked at -- and some,
13 if they looked at, they chose not to use --
14 they would have known that when it comes to
15 logjam, given the most recent data for 1998,
16 43 states representing 82 chambers reported
17 frequent logjams. No state reported never
18 having a logjam, and about a dozen reported
19 having occasional logjam. Their disclaimer
20 was, quite honestly, a bit disingenuous if not
21 dishonest.

22 You heard earlier mention of some
23 of the criticism about the Majority Leader
24 hiring and firing committee staff. I've been
25 in this house now for 14 years; this is my

1 15th. I have hired every person on my
2 committee. If I had to remove somebody, that
3 was my responsibility. And I think that's
4 true of everybody here. This Majority Leader
5 has never required us to hire or fire anybody.
6 It's a chairman's decision. It may be the
7 case in the Assembly, but not the case in this
8 house.

9 Assembly Rules may have never met.
10 Senate Rules does. And I think I speak for
11 every chairman here, I negotiate my bills.
12 The Majority Leader doesn't do it for me. I
13 and my staff negotiate my bills with the
14 Assembly and with the Governor's office.

15 Brennan looked at the operation of
16 one Assembly committee. There are 70 standing
17 committees in this house. One Assembly
18 committee. And they based all of their astute
19 findings with regard to how committees operate
20 on this one Assembly committee.

21 They talk about, with criticism,
22 the fact that the chairperson controls bills
23 in committee. Does that come as a surprise to
24 anybody? Does that not happen routinely
25 throughout the country? Well, if you're not

1 aware, let me tell you -- and NCSL could have
2 provided the information to them; they may
3 have had it, chose not to use it -- it's a
4 common practice. The majority of states defer
5 to the chairman with regard to activities
6 within the committee. A clear majority,
7 probably somewhere about 60 percent of them.

8 They talk about legislators not
9 actually consenting individually to bills that
10 are passed. Who does not consent individually
11 to a bill that's passed, regardless if it's a
12 fast roll call or a slow roll call?

13 You know, and they talked about
14 empty-seat voting. We're going to a system
15 now where the controversial calendar, you'll
16 vote from your seat. I assume Brennan knew
17 this, or if not, they chose to ignore it;
18 there are some 28 states in which they have
19 consent calendars. Members cast one vote for
20 the entire calendar. They vote for the first
21 bill, and that becomes their vote for the
22 entire calendar, or they just vote for the
23 entire calendar en masse, one vote.

24 Additional states, such as the state of North
25 Carolina, they'll just have a consent

1 calendar, one vote for local bills.

2 And for some reason or other, they
3 failed to note that there are 18 states that
4 do voice votes. You have no idea what a
5 member has done, none whatsoever. Not a word
6 is it mentioned in the Brennan report.

7 It's safe to say that Brennan was
8 probably aware that 25 chambers vote from
9 their office. Now, why do I say they vote
10 from their office? Well, the long and the
11 short of it is I'm being a little tongue in
12 cheek. Their office is in the chamber. They
13 sit at their desk. There's no district
14 office, there's no Capitol office. So they
15 don't have to go too far.

16 And then I don't know if there's
17 anybody here who subscribes to this, but they
18 claim that at no time does the Legislature
19 have to consider a vote in order to pass
20 legislation.

21 So I guess nobody bothers to read
22 bills, nobody has to concern themselves with
23 how they voted on a bill. Because according
24 to Brennan, you never have to consider how
25 you're going to vote on a bill.

1 Now, I was particularly intrigued
2 with regard to their comments on hearings, or
3 lack thereof, in committees. And I was
4 certainly surprised to see the name of -- my
5 name and a member of my staff, which
6 incidentally was spelled incorrectly, in the
7 portion of the text that dealt with -- this
8 may have been a footnote -- that dealt with
9 the actions of hearings on major legislation.

10 And the person who conducted the
11 research, the telephone interview, slash,
12 research -- I have no idea if it was a man or
13 a woman -- but basically this person said that
14 I never held hearings on a bill, a bill which
15 dealt with providing security for students in
16 a school setting, requiring fingerprinting and
17 criminal background checks on school
18 employees. And the proposition that was cited
19 was that the Senate dealt with these major
20 bill and never held hearings.

21 Well, this very capable, competent,
22 astute researcher really knew his stuff or her
23 stuff. Had they bothered to research, what
24 they would have known was that I held four
25 hearings on the predecessor of that bill.

1 They were held during 1998. 1999 marked a new
2 session. In 1999 that bill took a new number,
3 and changes were incorporated based on the
4 four hearings that I had held in the preceding
5 year.

6 The depth of the research was
7 awesome, and this person certainly did a
8 stunning job. And they also cited several
9 bills for which there were public hearings as
10 not having had public hearings. I mean, the
11 quality of research is astounding.

12 They offer, without support or
13 conclusion, that voters cannot hold their
14 representatives accountable. Now, the last
15 time I checked, all our votes are public
16 records. We routinely receive questionnaires
17 by each and every advocacy group that God only
18 knows have been created.

19 And they cite, several times, Al
20 Rosenthal. Al Rosenthal has been cited by
21 some as the dean of legislative studies. And
22 they cite "The Decline of Representative
23 Democracy" in numerous footnotes. It's a 1998
24 publication.

25 In 2004, in a work called "Heavy

1 Lifting: The Job of the American
2 Legislature," the same Al Rosenthal states:
3 "It is easy to second-guess the Legislature
4 and the process. There may always be better
5 ways to pass a bill or to defeat one. More
6 study, more deliberation, more input and
7 greater efficiency are frequently advocated.
8 Editorial writers seldom hesitate to tell the
9 public how the Legislature could better do its
10 job. And the Legislature probably could
11 always do better in some way. But the process
12 is not really manageable, depending as it does
13 on contingencies of all kinds. As long as
14 there is disagreement among members, interest
15 groups to deal with a member has to worry
16 about, or a governor who wants a piece of the
17 action, the process can take just about any
18 course, and it does. Everyone and everything
19 is connected, interdependent, and no one is in
20 full control. Legislating is truly a
21 collective endeavor, but is one in which many
22 people pull in different ways.

23 "Legislatures do not look good
24 because of the very nature of the function
25 they perform. They channel, express and try

1 to settle differences and conflicts. They do
2 so in a complicated, unprogrammed, and human
3 fashion. The most unattractive business to
4 the average eye, legislatures and the process
5 come off as even less attractive as a result
6 of their treatment in the press, in political
7 campaigns by advocates for one side or
8 another, and because of the misbehavior of
9 some of their own members."

10 Rosenthal then goes on to make this
11 statement: "Legislatures are not pretty, but
12 neither is democracy." Which is not unlike
13 the words of Winston Churchill, who said:
14 "It's been said that democracy is the worst
15 form of government except all those other
16 forms that have been tried from time to time."

17 The reality is, ladies and
18 gentlemen, that Brennan is a lobbying group.
19 The stories, by the way, you know, for today
20 have been written. And certainly to some
21 extent this represents an exercise in
22 futility, because I'm sure the same members in
23 the media who didn't read the Brennan report,
24 the same editorial writers who didn't read the
25 Brennan report have already written their

1 stories and they're just inserting the quotes
2 and the names as, you know, they're wont to
3 do.

4 But the long and the short of it is
5 if you took everything that Brennan wanted --
6 and some of it is just not to be found in any
7 legislature anywhere in these 50 states of
8 ours, in 99 chambers, so it is so beyond the
9 pale of anything that you would find anywhere
10 as almost borderline fairy tale. But were you
11 to do it, it would not be the measure of
12 dysfunction. It would not make this chamber
13 any more functional than it was last session.
14 It wouldn't resolve the budget gridlock. It
15 wouldn't resolve the host of other issues that
16 really have been the measure of dysfunction.

17 ACTING PRESIDENT MEIER: Senator
18 Valesky.

19 SENATOR VALESKY: Thank you, Mr.
20 President. On the resolution.

21 I think that in listening to
22 members on both sides of the aisle talk this
23 afternoon and this evening, I think we're
24 missing one important point. The reason to do
25 real reform of the rules of this house has

1 nothing to do with Democrats and Republicans.
2 It has nothing to do with which party controls
3 the majority of this house. It has to do with
4 good government.

5 And I can tell you that perhaps
6 more than any other member in this chamber, I
7 was looking forward to being able to support
8 new rules of the Senate that were in the best
9 interests and in the spirit of good
10 government. And in fact, two weeks ago today,
11 when the Majority Leader announced his intent
12 to work in a bipartisan fashion to create real
13 reform of the rules of the Senate, that was a
14 very encouraging sign.

15 Unfortunately, today we don't have
16 real reform of the rules of the Senate. The
17 people of New York State, certainly the people
18 in the 49th District in Central New York that
19 I now represent, people don't care about
20 Democrats versus Republicans. They don't care
21 which party controls the majority. All they
22 care about is a government that is responsive,
23 a government that is responsible, and a
24 government that acts on their behalf and in
25 their best interests. That's why we ought to

1 be enacting real reform of the State Senate
2 here today.

3 And if I might, we have a series, I
4 believe, of eight amendments to offer up at
5 this time.

6 Mr. President, I believe you have
7 an amendment at the desk. I ask that be
8 reading of the amendment be waived and ask to
9 be heard at this time on the amendment.

10 ACTING PRESIDENT MEIER: The
11 amendment is at the desk, the reading is
12 waived, and you're recognized to explain the
13 amendment.

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

16 As Senator Paterson indicated in
17 his remarks earlier, one of the components of
18 the new rules package that we'll be asked to
19 vote on shortly includes a proposal that would
20 require all future proposals to change the
21 Senate Rules to be approved by the Rules
22 Committee before coming to the Senate floor
23 for a vote.

24 So my understanding of that rule,
25 should it be approved today, would mean that

1 there would be a fairly high likelihood that
2 we would never have a debate on the floor of
3 this Senate again in regard to rules of the
4 Senate.

5 So my amendment would alter those
6 proposed rules changes by deleting the
7 proposal to refer all future proposals to
8 change Senate Rules to the Rules Committee, by
9 eliminating the Rules Committee itself in
10 order to return authority over legislation to
11 the substantive committees, and creating in
12 place of the Rules Committee a Rules and
13 Administration Committee which would provide a
14 forum for discussion, consideration and
15 implementation of various Senate policies,
16 which I think a rules committee ought to be
17 used for, as opposed to making decisions and
18 moving legislation to the floor, an aspect
19 that ought to be left to the substantive
20 committees.

21 So I urge support from all of my
22 colleagues today on this amendment. Thank
23 you.

24 ACTING PRESIDENT MEIER: Those
25 Senators in agreement with the amendment

1 please signify by raising your hands.

2 SENATOR SCHNEIDERMAN: Point of
3 order.

4 ACTING PRESIDENT MEIER: Senator
5 Schneiderman, state your point of order.

6 SENATOR SCHNEIDERMAN: Mr.
7 President, is there going to be a roll call
8 recorded on this amendment?

9 ACTING PRESIDENT MEIER: Senator,
10 this is governed by Rule 9-3(e) of the Senate,
11 which provides for a canvass of agreement.

12 SENATOR SCHNEIDERMAN: Well, for
13 the record, we would request a recorded vote
14 on this, since we are in the period of
15 two-week extension of the rules.

16 And let the record reflect that on
17 our side of the aisle, we respectfully request
18 that every Senator should be proud of the way
19 they vote and not seek to avoid a recorded
20 vote.

21 Thank you, Mr. President.

22 ACTING PRESIDENT MEIER: The
23 negatives raise your hands, please.

24 I'm sorry, the votes in agreement
25 please raise your hands.

1 THE SECRETARY: Those recorded in
2 agreement are Senators Andrew, Breslin, Brown,
3 Connor, Diaz, Dilan, Duane, Gonzalez,
4 Hassell-Thompson, Klein, L. Krueger,
5 C. Kruger, Onorato, Oppenheimer, Parker,
6 Paterson, Sabini, Savino, Schneiderman,
7 Serrano, A. Smith, M. Smith, Stachowski,
8 Stavisky and Valesky.

9 ACTING PRESIDENT MEIER: The
10 amendment is not agreed to.

11 Senator Brown.

12 SENATOR BROWN: Thank you, Mr.
13 President.

14 I believe there's an amendment at
15 the desk. I ask that the reading of the
16 amendment be waived, and I would like to be
17 heard on the amendment.

18 ACTING PRESIDENT MEIER: The
19 amendment is at the desk, the reading is
20 waived, and you're recognized to explain the
21 amendment.

22 SENATOR BROWN: Thank you.

23 The purpose of this amendment is to
24 demonstrate that we take the budget deadline
25 seriously. And hopefully, if this amendment

1 is passed, it would help lead to on-time
2 budgets in our state. As we all know,
3 New York has failed to adopt its budget in a
4 timely manner every year since 1984.

5 Now, neither the current Senate
6 Rules nor the proposed 2005-06 Senate Rules
7 include any provisions to change the way the
8 Legislature considers the budget. This
9 amendment represents a different way of
10 addressing budget reform. It simply requires
11 the Legislature to remain in session after
12 April 1st when the budget has not been acted
13 on.

14 We have the power to change the
15 process of late budgets in this state. What
16 we're doing certainly, clearly, is not working
17 for our community. Let's end the process of
18 late budgets by passing this amendment.

19 Now, clearly the goal of this
20 amendment is to keep us working until we get
21 our job done, and that's to pass the budget.
22 I believe, and my constituents have said --
23 and I think all of our constituents are saying
24 all across the state -- that they want to see
25 the budget passed on time. When the budget is

1 not passed, it has a negative impact on school
2 districts, local governments and
3 community-based organizations.

4 This year, our goal should be to
5 pass a budget on time, and this amendment will
6 help us to accomplish that. I ask my
7 colleagues to join with me in supporting this
8 measure.

9 ACTING PRESIDENT MEIER: Senator
10 Padavan.

11 SENATOR PADAVAN: Will the
12 Senator yield to a question.

13 ACTING PRESIDENT MEIER: Senator
14 Brown, do you yield for a question?

15 SENATOR BROWN: Yes, I do.

16 SENATOR PADAVAN: You said "the
17 Legislature." I assume you mean both houses
18 when you say "the Legislature."

19 SENATOR BROWN: Yes, I do.

20 SENATOR PADAVAN: These are
21 amendments to our rules in this house. They
22 are not binding on the Assembly. Do you
23 agree?

24 SENATOR BROWN: Yes, I do.

25 SENATOR PADAVAN: Okay. So

1 therefore, we could stay here until the cows
2 come home, Senator.

3 If the Speaker of the Assembly
4 crosses his hands and says, "I'm not going to
5 deal with the budget until the end of July,"
6 or whatever date he picks, would that in any
7 way, shape or form serve any purpose for us to
8 be here every day between April 1st and the
9 time he decides that he's going to negotiate
10 in good faith?

11 SENATOR BROWN: I believe that we
12 can break with business as usual and we can
13 lead by example.

14 I think if this house takes the
15 step of demonstrating our leadership by
16 staying here every day, working and
17 demonstrating our willingness to negotiate a
18 budget agreement, that we can have an impact
19 on the other house of the Legislature as well
20 as on the Governor.

21 SENATOR PADAVAN: On the
22 proposed --

23 ACTING PRESIDENT MEIER: Senator
24 Padavan, on the proposed amendment.

25 SENATOR PADAVAN: There is no

1 doubt that we agree, Senator, that we want an
2 on-time budget, that we want budget reform.
3 And indeed, this house, last year and again
4 this year, passed specific legislation that
5 would achieve that objective. And I think you
6 voted for it, if my memory serves me
7 correctly.

8 SENATOR BROWN: Yes, I did.

9 SENATOR PADAVAN: Yet the
10 Assembly refuses to join with us, to partner
11 with us in these initiatives that would be
12 true budget reform, not simply sitting here
13 but putting in place those procedures and
14 mechanism that would win the day for the
15 people of this state. And as you properly
16 stated, school districts and others would know
17 what is forthcoming in our budget.

18 But the fact remains, we cannot do
19 this unilaterally, that it requires the other
20 house to act in good faith. And if there was
21 any indication, we saw last year when the
22 Speaker said, Until July 31st comes about, I'm
23 not even going to talk about this. And so we
24 came here week after week, into August, when
25 we finally adopted a budget, if not every week

1 certainly on and off.

2 I think we demonstrated clearly our
3 commitment, as you propose in this amendment.
4 But I suggest to you that the amendment is
5 faulty because it has no effect over the other
6 house, and that a better approach would be to
7 try and convince them, your colleagues in the
8 majority there, to follow our lead on true
9 budget reform.

10 ACTING PRESIDENT MEIER: Senator
11 Skelos.

12 SENATOR SKELOS: Senator Brown,
13 just a -- I haven't really seen the amendment
14 at this point, but you would require all of us
15 to be here after April 1st --

16 SENATOR BROWN: Yes.

17 SENATOR SKELOS: -- if there's no
18 budget?

19 In your amendment, do you eliminate
20 per diems for legislators that there then
21 after April 1st?

22 SENATOR BROWN: No, the amendment
23 does not eliminate per diems, Senator.

24 SENATOR SKELOS: Thank you.

25 ACTING PRESIDENT MEIER: Senator

1 Connor.

2 SENATOR CONNOR: Mr. President, I
3 don't support this. Because I remember when
4 Senator Marino was the Majority Leader and I
5 spent good Fridays here, Palm Sundays. It
6 didn't pass a budget any bit sooner. At the
7 end of session when we had important
8 legislation, we were here on July 4th. What
9 did I do on July 4th? I went to the movies
10 and I collected a per diem, as did most of the
11 members here.

12 So I don't think this is going to
13 accomplish anything. And I'm just reading it,
14 and it says that we can't adjourn. Well, we
15 don't adjourn. We don't adjourn. We just
16 don't sit in session. It's faulty. The
17 constitution says we can't adjourn without
18 permission from the other house. So we don't
19 adjourn.

20 So, you know, it's whether we're in
21 active session. When Senator Bruno says "I
22 move the Senate stand adjourned until next
23 Monday, intervening days to be legislative
24 days," it means, I don't know, Senator Farley
25 or somebody comes up here every day and pounds

1 us into session, and we're in session every
2 day. So we are in session every day or every
3 other day. Because if we don't do that, we
4 violate the constitution.

5 I'm not voting for this.

6 ACTING PRESIDENT MEIER: Senator
7 Brown.

8 SENATOR BROWN: On the amendment,
9 Mr. President.

10 You know, the reality of it is we
11 are not here every day. We pass extenders, we
12 go home, members go to their businesses, they
13 go to their law practices. Some, in fact, go
14 to their summer homes. I've seen members come
15 back here during these extender periods with
16 great tans.

17 I mean, the reality is we are not
18 working, we are not doing the job that we were
19 elected to do. That is the reality of it.
20 And it's ridiculous.

21 And I heard the voters in my
22 district loud and clear in 2004. They want
23 that budget passed on time. They don't want
24 us going on vacation. They don't want us
25 going home. And that's what this amendment is

1 designed to do.

2 ACTING PRESIDENT MEIER: Those in
3 agreement with the amendment please signify by
4 raising your hand.

5 SENATOR SCHNEIDERMAN: Mr.
6 President.

7 ACTING PRESIDENT MEIER: Senator
8 Schneiderman, why do you rise?

9 SENATOR SCHNEIDERMAN: Point of
10 order.

11 I don't want to have to keep
12 repeating this, but we would like a ruling
13 from the chair as to why we are not able to
14 record the votes on these amendments.

15 ACTING PRESIDENT MEIER: Senator
16 Schneiderman, the chair did in fact rule. I
17 told you that it was Rule 9-3(e) of the Senate
18 which provides for a canvass of agreement on
19 petitions, motions and amendments. And that
20 in fact was the way Senator Paterson
21 articulated it when he spoke some moments
22 earlier. That is the ruling of the chair.

23 Those Senators in agreement with
24 the amendment please signify by raising your
25 hands.

1 THE SECRETARY: Those recorded in
2 agreement are Senators Andrews, Breslin,
3 Brown, Diaz, Dilan, Duane, Gonzalez,
4 Hassell-Thompson, Klein, L. Krueger,
5 C. Kruger, Onorato, Oppenheimer, Parker,
6 Paterson, Sabini, Savino, Schneiderman,
7 Serrano, A. Smith, M. Smith, Stachowski,
8 Stavisky, and Valesky.

9 ACTING PRESIDENT MEIER: The
10 amendment is not agreed to.

11 Senator Krueger.

12 SENATOR KRUEGER: Thank you, Mr.
13 President.

14 I believe that there is an
15 amendment at the desk. And I'd ask that the
16 reading of the amendment be waived and would
17 like to be heard on my amendment.

18 ACTING PRESIDENT MEIER: Your
19 amendment is at the desk. The reading is
20 waived. You're recognized for the purpose of
21 explaining your amendment, Senator.

22 SENATOR KRUEGER: Thank you.

23 I rise to propose Amendment Number
24 3, to empower communities, open bill
25 sponsorship, and improve the legislative

1 record and make more information available to
2 the public.

3 This amendment would alter the
4 Majority's proposed rules for 2005-2006 in a
5 variety of ways. One, it would allow the
6 ranking Minority member or any three committee
7 members of either party to place a bill on a
8 committee agenda to be debated in the
9 committee.

10 Two, it would allow the ranking
11 Minority member or any three committee members
12 of any party to hold a public hearing.

13 Three, it would authorize any
14 Senator to join on any bill as a cosponsor.

15 Four, it would require detailed
16 committee reports on each bill that is
17 reported to the floor.

18 Five, it would require more
19 information to be made available to the public
20 through the Internet. The active list,
21 including committee transcripts and votes,
22 fiscal notes, and Senate expenditure reports
23 all should be available to the public far more
24 easily.

25 Democracy is good. My party right

1 here is prepared to have our votes counted
2 when we do hostile amendments. We're even
3 proposed to publicly disagree with each other
4 and not always vote together on every bill.
5 That is open government. That's what we're
6 striving for.

7 Allowing committees to function as
8 they do in most state legislatures, as many
9 reports have documented -- as Congress
10 operates -- ensures that there is public
11 discourse, that there is public information
12 about the bills being put forward, that
13 there's an opportunity for the committee to
14 actually listen to various bills and debate
15 them and vote on them and decide whether they
16 should move to the floor or not for a vote.

17 That is a radical change from how
18 we do business today in the Senate and how we
19 would continue to do business under the rules
20 proposed by the Majority tonight. The simple
21 concept of allowing ranking members or a group
22 of members of a committee to decide whether a
23 bill can even be put on a committee agenda for
24 a discussion and debate, or to have a public
25 hearing on a bill -- not every bill, but on

1 bills that are felt to be important enough by
2 a certain number of committee members or the
3 ranker for the committee -- is standard
4 operating procedure in many legislatures
5 throughout this country.

6 Open bill sponsorship is a
7 fundamental way for the voters to see where
8 their leaders, their legislators are on
9 particular legislation.

10 Senator Schneiderman used an
11 example earlier; I just want to clarify it.
12 Because, in this house, Minority members are
13 universally or, with some exception, not
14 allowed to submit a buck slip and have it
15 accepted to be cosponsors of bills, to say to
16 you, our colleagues and to the world, We
17 support this legislation, we'd like to move
18 it, because of that last year in this chamber
19 a bill called Timothy's Law, with 33
20 Republican sponsors, enough sponsors to pass
21 the bill without one Democrat, a bill that
22 didn't get to this floor despite the fact that
23 23 Democrats signed buck slips asking to
24 cosponsor that bill -- that was 56 Senators
25 out of 62 who were on record as saying they

1 wanted this bill to at least come to the floor
2 for a debate.

3 Open bill sponsorship is a very
4 simple and very clear-cut way to document
5 democracy and the democratic process. Our
6 amendment would allow for it.

7 Finally, our amendment would allow
8 for improving the legislative record and
9 making more information available to the
10 public. Constituents should be able to obtain
11 information about their Senator's views and
12 their actions and their votes here on the
13 floor, on motions to discharge, on hostile
14 amendments, and on bills. The legislative
15 process itself should be as clear and
16 transparent as we, as legislators, and modern
17 technology can possibly make it.

18 And frankly, thanks to the Internet
19 and television, there is so much more we could
20 do to ensure that the public knows what goes
21 on up in our chamber and what doesn't. And
22 they will become greater participants in the
23 process of government and democracy for it.

24 So I hope that my colleagues will
25 join me in supporting this amendment tonight.

1 Thank you, Mr. President.

2 ACTING PRESIDENT MEIER: Those in
3 agreement with the amendment please signify by
4 raising your hand.

5 THE SECRETARY: Those recorded in
6 agreement are Senators Andrews, Breslin,
7 Brown, Connor, Diaz, Dilan, Duane, Gonzalez,
8 Hassell-Thompson, Klein, L. Krueger,
9 C. Kruger, Onorato, Oppenheimer, Parker,
10 Paterson, Sabini, Savino, Schneiderman,
11 Serrano, A. Smith, M. Smith, Stachowski,
12 Stavisky and Valesky.

13 ACTING PRESIDENT MEIER: The
14 amendment is not agreed to.

15 Senator Duane.

16 SENATOR DUANE: Thank you, Mr.
17 President. I believe there's an amendment at
18 the desk.

19 ACTING PRESIDENT MEIER: Your
20 amendment is at the desk. Do you wish to
21 waive the reading and be recognized to explain
22 it?

23 SENATOR DUANE: I do, Mr.
24 President. Thank you.

25 ACTING PRESIDENT MEIER: Proceed,

1 Senator.

2 SENATOR DUANE: This amendment
3 would alter the proposed rules by eliminating
4 the canvass of agreement so that the vote of
5 every nonsponsor or hostile amendment and
6 discharge motion would be recorded. It would
7 also eliminate the limits on discharge
8 motions.

9 As those of us who were here may
10 recall, in 2001 the Senate Rules were amended
11 to drastically limit the opportunity for
12 Senators to move to discharge a bill out of
13 committee and to provide that a roll call
14 would take only on the final passage of a
15 bill. Instead, a canvass of agreement is
16 recorded.

17 The effect of this was to end the
18 practice of recorded votes on hostile
19 amendments and motions to petition a bill or
20 resolution out of committee. Under the
21 pre-2001 rules, a roll call vote was recorded
22 on all hostile amendments and all discharge
23 motions.

24 A canvass of agreement is a list of
25 Senators supporting the amendment or motion.

1 It ensures that no Senator is recorded as
2 voting against a proposal.

3 I believe the public deserves
4 better. They should be able to find out when
5 an alternative is offered to a legislative
6 proposal, and they should be able to know
7 where their Senator stands on that proposal.
8 That is what advocates for legislative rules
9 reform mean when they talk about openness and
10 accountability.

11 Quite simply, when you take a
12 position you should be prepared to defend that
13 position. If you prefer one Senate bill to an
14 alternative proposal, you should be prepared
15 to articulate why you supported one over the
16 other. If you feel that a bill should not be
17 discharged from committee, then you should be
18 prepared to answer for that position.

19 And it's for those reasons, Mr.
20 President, that I urge any colleagues to vote
21 in the affirmative on this amendment.

22 ACTING PRESIDENT MEIER: Those
23 Senators in agreement with the amendment
24 please signify by raising your hand.

25 THE SECRETARY: Those recorded in

1 agreement are Senators Andrews, Breslin,
2 Brown, Connor, Diaz, Dilan, Duane, Gonzalez,
3 Hassell-Thompson, Klein, L. Krueger,
4 C. Kruger, Onorato, Oppenheimer, Parker,
5 Paterson, Sabini, Savino, Schneiderman,
6 Serrano, A. Smith, M. Smith, Stachowski,
7 Stavisky and Valesky.

8 ACTING PRESIDENT MEIER: The
9 amendment is not agreed to.

10 Senator Malcolm Smith.

11 SENATOR MALCOLM SMITH: Thank
12 you, Mr. President.

13 Mr. President, I believe there is
14 an amendment at the desk. I ask that the
15 reading of it be waived and I be heard on the
16 amendment.

17 ACTING PRESIDENT MEIER: Your
18 amendment is at the desk, Senator. The
19 reading is waived, and you're recognized to
20 explain your amendment.

21 SENATOR MALCOLM SMITH: Thank
22 you, Mr. President.

23 I am going to be so bold as to make
24 three assumptions about all of our behaviors
25 and all of our beliefs. And should I be

1 wrong, anyone can challenge me and obviously
2 correct me.

3 One, I believe as legislators we
4 firmly believe in doing the right thing. And
5 that is we got elected to office because we
6 wanted to serve, we wanted to do the right
7 thing by the people that we represent.

8 The second thing is we wanted to do
9 the best that we could. And again, I say that
10 when we got elected to office, we believed and
11 we want to make sure that we not only do the
12 right thing but we do the best that we can to
13 represent the people of this state.

14 The third thing is something that I
15 think we all share, and that is we try and we
16 want to treat others the way we would like
17 them to treat us. And I would daresay if I
18 was to ask that question of each member in
19 this chamber, in particular those in the
20 Majority, if you think it is fair the way we
21 are being treated or in fact if you would like
22 to be treated the way we are being treated, I
23 would daresay you would side with my opinion.

24 I would only ask that for a moment
25 you think about that question. Do you really

1 believe that we are being treated fairly? Do
2 you really believe or do you feel that you
3 would like to be treated the way that we are
4 being treated right now in this chamber?

5 The amendment that I have, Mr.
6 President, is Amendment Number 5. It speaks
7 to the messages of necessity. And I took a
8 moment to just look up a basic definition of
9 the word "reform." And the Oxford Dictionary
10 says "Reform: To make or become better by the
11 removal of faults and errors."

12 The message of necessity as it is
13 now, the Governor can certify it, requested by
14 the Speaker or the Majority Leader. The bill
15 is voted on immediately. The rule -- or the
16 reform that has been put forward today simply
17 adds that a member will be required to explain
18 or give additional information on the need for
19 such message.

20 When you go to the actual rule,
21 Rule VI, Section 1, it actually says that if
22 the member deems appropriate, they would be
23 required to make additional statements.

24 That is not any reform, Mr.
25 President. It does nothing for or to change a

1 fault or an error that exists in this
2 particular rule right now.

3 The amendment that I am putting
4 forward, which is one that I think would
5 provide some fairness to the process, simply
6 requires a two-thirds vote to a message of
7 necessity, allowing this full chamber to be a
8 full partner in participating in whether or
9 not messages of necessity can be handed down.

10 I think my leader, Senator
11 Paterson, offered up a comment earlier about
12 it which explained the, if you would, scenario
13 that last year we experienced when the
14 Governor sent a message of necessity down for
15 the minimum wage, only to, after we passed the
16 bill in this chamber, to come right behind us
17 and veto the bill.

18 Therefore, it is with great
19 pleasure that I offer this amendment. I think
20 Senator Bonacic talked about fair treatment.
21 I think the amendments that you heard prior to
22 this one, as well as those that you will hear
23 after, speak to the need for fairness.

24 We are not offering these up to be
25 hostile; we are offering them up because these

1 are the right things to do. We were elected
2 to do the right thing. We were elected
3 because we wanted to do the best that we can.
4 And we are here in office now asking for you
5 just to be fair in what we are trying to do as
6 legislators in this particular body.

7 You're in the majority. That's a
8 fact of life. That's the way it is now. The
9 day will come when that situation may change.
10 And I would daresay you would want to be
11 treated fairly, just like we are asking to be
12 treated fairly today.

13 So this particular rule, this
14 amendment that we're asking to change is just
15 one that simply says we would like a
16 two-thirds vote on a message of necessity.
17 We're not asking for a lot. We're only asking
18 that you give us the right to be treated by
19 like decent humans and which you would like to
20 be treated yourself.

21 So therefore, Mr. President, I
22 offer this amendment. I hope that our members
23 in this entire chamber will support this and,
24 as you ask them to raise their hand, that in
25 true bipartisanship they will see fit to raise

1 their hand to this amendment.

2 Thank you very much, Mr. President.

3 ACTING PRESIDENT MEIER: Senator
4 Larkin.

5 SENATOR LARKIN: Will Senator
6 Smith yield for a question.

7 ACTING PRESIDENT MEIER: Senator
8 Smith, do you yield for a question from
9 Senator Larkin?

10 SENATOR MALCOLM SMITH: Senator
11 Larkin, as a true military man, it will be my
12 pleasure to yield.

13 SENATOR LARKIN: Thank you very
14 much.

15 Senator Smith, you know that the
16 Assembly can ask for a message of necessity
17 and this house can ask for a message of
18 necessity or the Governor can give us a
19 message. Right?

20 SENATOR MALCOLM SMITH: Yes.

21 SENATOR LARKIN: Could you give
22 me an idea of how many messages of necessity
23 in the year 2004 you voted for and how many
24 you voted against?

25 SENATOR MALCOLM SMITH: Well, I

1 will tell you, the significance of a message
2 of necessity, Mr. Larkin, which I'm clear you
3 understand and I understand, is one in which
4 there is an emergency, one in which something
5 critical happens, like we did with 9/11, like
6 we did if something critical comes down like
7 what the Governor did last year on the bill
8 for the minimum wage.

9 But unfortunately, it has been
10 abused. It is simply abused. So when you ask
11 how many have I voted for, I voted for those
12 which I thought were messages of necessity
13 based on the rules which you employed during
14 that time.

15 Today we are asking that you change
16 such rules. And you brought up the Assembly.
17 What the Assembly does is their business. The
18 Senate, we are a distinguished body of
19 individuals, as Mr. Bruno will tell you,
20 separate and different from all the rest,
21 because we are the best.

22 So therefore, if in fact we want to
23 continue to lead, to lead -- and I daresay
24 your speaker, the Majority Leader, Senator
25 Bruno, does that in tremendous fashion, just

1 as my colleague and friend Senator Paterson
2 does. I daresay we have probably two of the
3 best leaders in this particular body.

4 However, what needs to happen is
5 you need to vote for this amendment, which
6 will allow you to then put on your record that
7 you have voted for this particular rules
8 change regarding the message of necessity.

9 SENATOR LARKIN: I appreciate the
10 dialogue about the vote. But my question
11 is -- answer me, please -- how many did you
12 vote for and how many did you vote against?
13 You don't need a counsel to tell you that.
14 You're a bright man.

15 SENATOR MALCOLM SMITH: I voted
16 for as many as I needed to agree to.

17 SENATOR LARKIN: Thank you.

18 SENATOR MALCOLM SMITH: Thank
19 you.

20 ACTING PRESIDENT MEIER: Those
21 Senators in agreement with the amendment
22 please signify by raising your hand.

23 THE SECRETARY: Those recorded in
24 agreement are Senators Andrews, Breslin,
25 Brown, Diaz, Dilán, Duane, Gonzalez,

1 Hassell-Thompson, Klein, L. Krueger,
2 C. Kruger, Onorato, Oppenheimer, Parker,
3 Paterson, Sabini, Savino, Schneiderman,
4 Serrano, A. Smith, M. Smith, Stachowski,
5 Stavisky and Valesky.

6 ACTING PRESIDENT MEIER: The
7 amendment is not agreed to.

8 Senator Hassell-Thompson.

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Mr. President. I believe there's an
11 amendment at the desk. And I ask the reading
12 of the amendment to be waived, and I would
13 like to be heard on that amendment.

14 ACTING PRESIDENT MEIER: Your
15 amendment is at the desk, the reading is
16 waived, and you're recognized to explain the
17 amendment.

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

20 Many of my colleagues have already
21 alluded to the essence of this amendment, and
22 that is to ensure that there is equal
23 allocation of resources to both sides of the
24 aisle in this house.

25 Without elaborating further,

1 because I think they've already spoken well on
2 the issue, I will just go to the amendment and
3 suggest that this amendment would amend Senate
4 Resolution 195 as follows. At page 19,
5 designate the undesignated paragraph under
6 Section 2 as Subsection A, and insert the
7 following at page 20 as Subsection B, which
8 reads: "Each Senator shall be entitled to an
9 equal allocation of staff, newsletters and
10 other printed materials, postage, travel and
11 prerequisites, provided that the allocation
12 for staff may be greater for Senators holding
13 leadership positions or for any Senator
14 serving as the chair or ranking member of a
15 standing committee, so long as the allocation
16 is commensurate with the additional duties
17 assigned to such Senator."

18 This amendment provides for equal
19 resources for all Senators regardless of party
20 affiliation. Resources include, as I've said,
21 et cetera. The equal resources for all
22 Senators would ensure that all constituent
23 voices are heard and that their interests are
24 served by the entire Legislature.

25 Senators who chair a committee or

1 serve as ranking Minority member will be
2 entitled to additional resources required to
3 fulfill their responsibilities.

4 New York can be very partisan at
5 times, but every member of the public deserves
6 and is entitled to equal representation.
7 Senators must have the resources they need to
8 do their job, which is to advocate on behalf
9 of their constituents.

10 Thank you, Mr. President.

11 ACTING PRESIDENT MEIER: Those
12 Senators in agreement with the amendment raise
13 your hands.

14 THE SECRETARY: Those recorded in
15 agreement are Senators Andrews, Breslin,
16 Brown, Connor, Diaz, Dilan, Duane, Gonzalez,
17 Hassell-Thompson, Klein, L. Krueger,
18 C. Kruger, Onorato, Oppenheimer, Parker,
19 Paterson, Sabini, Savino, Schneiderman,
20 Serrano, A. Smith, M. Smith, Stachowski,
21 Stavisky and Valesky.

22 ACTING PRESIDENT MEIER: The
23 amendment is not agreed to.

24 Senator Sabini.

25 SENATOR SABINI: Mr. President, I

1 believe there's an amendment at the desk. I
2 ask that the reading of the amendment be
3 waived, and I'd like to be heard on the
4 amendment.

5 ACTING PRESIDENT MEIER: Senator,
6 your amendment is at the desk, the reading is
7 waived, and you're recognized to explain your
8 amendment.

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

11 I offer an amendment that will help
12 and empower every member of this body in many
13 ways. First of all, it would end the practice
14 of absentee voting in committee, end the
15 practice of holding committee meetings off the
16 floor, which we do far too much, and require
17 the Senate to stand at ease when a committee
18 meeting is held off the floor.

19 The proposal would prohibit the
20 recording of committee votes unless the
21 Senator is physically present -- unless
22 they're simultaneous committee meetings, and
23 hopefully we'd have fewer of those. It would
24 limit the holding of committee meetings off
25 the floor by requiring the consent of ranking

1 Minority members or two-thirds of all the
2 members of the committee and require the
3 Senate to stand at ease when such meetings are
4 held.

5 Now, right now it's mistakenly
6 thought by some that we have proxy voting. We
7 really don't, at least not according to our
8 rules. But we do have absentee voting. The
9 amendment would prohibit absentee voting and
10 require a Senator to be present to cast their
11 vote.

12 Now, this is not revolutionary.
13 Years ago in the New York City Council, for
14 example, you could actually have the guy who
15 swept the floor cast your vote for you. They
16 changed it; the committees functioned. It
17 wasn't the end of civilization. Water still
18 ran, bills kept getting passed, toilets still
19 flushed. It worked.

20 The public deserves accurate
21 information about a Senator's role in the
22 law-making process and committee process,
23 including their attendance and votes. Without
24 legislators' participation in the legislative
25 process and publicly available information

1 about what we do and how we do it, voters
2 can't really judge what we're doing. That
3 goes in general elections or primaries. The
4 voters really should be able to measure what
5 it is that we do or don't do.

6 The amendment would end the current
7 practice of permitting Senators to vote on
8 matters coming before a committee without
9 having been there. And, you know, one of the
10 things that strikes me, our legislative task
11 force in the Minority on reform had a very
12 enlightening hearing and a witness, Eric Lane,
13 who said that many who criticize the process
14 in Albany, particularly in the Senate, miss
15 the point, that the most glaring malfunction
16 of what we do is that our committee process
17 really doesn't work properly.

18 That even though we have a
19 committee structure and some of the committee
20 chairmen work very hard, we really run most of
21 our legislation at the end of session through
22 the Rules Committee, most of the important
23 stuff. So you don't develop the expertise
24 that you should on the issue, because you
25 don't hear the discourse. Committee meetings

1 are five minutes long, we don't take them very
2 seriously, and in effect you can mail in your
3 vote.

4 I'll give an example of something
5 that was done just within the last two years.
6 We passed a smoking ban in public places in
7 this state. Senator Fuschillo worked very
8 hard to keep that issue alive and succeeded in
9 doing so. But let's doing look at the example
10 of what happened at the city level and what
11 happened at the state level.

12 At the city level, there was nine
13 months of hearings on the bill to ban smoking
14 in restaurants and bars. There were over 700
15 witnesses -- doctors, attorneys, bar owners,
16 restaurateurs, health experts and just plain
17 citizens. And they came forward, and the bill
18 was amended and reworked to address some
19 concerns of people. But there was a process.
20 It was open to the public. Everyone knew what
21 was coming. You knew when the vote was going
22 to be, and it happened.

23 What did we do? Two days later, I
24 believe it was, we did it in one day. Both
25 houses, bam. Both houses as guilty as the

1 other in doing it in a fast manner, in a
2 manner that really didn't have a public
3 process, in a manner that didn't take into
4 account a lot of things that affected other
5 parts of the state.

6 And I would submit to you that's
7 because we really have a structure that
8 doesn't allow the committee process to be that
9 important. It works sometimes, as I said.
10 And I'm sure there are committee chairmen who
11 are going to be upset who say, My committee
12 works. The structure doesn't engender that.
13 If it works, it's in spite of the structure.

14 My amendment would also take into
15 account a more important law that we can't
16 ignore, and that's the law of physics. My
17 understanding is, although we only got this
18 proposal seconds before we got in the chamber,
19 that we are going to require people to be in
20 their seats to vote now. Well, if you're in
21 your seat on the floor to vote, you can't be
22 in a committee meeting off the floor. So the
23 law of physics sort of trumps anything we do
24 here.

25 So why don't we just sort of

1 reratify the law of physics and say, you can't
2 have a meeting off the floor while we're
3 voting on things here on the floor, especially
4 if we're going to require people to be in
5 their own seat.

6 If a Senator wants to actually
7 participate in a committee meeting off the
8 floor, he has to hear about it -- and if
9 you're not in the chamber, you won't hear
10 about it -- and he has to leave his
11 responsibilities on the floor. And that even
12 minimizes the debate that we carry on on the
13 floor.

14 This rules change will permit
15 committee meetings be held off the floor under
16 appropriate circumstances. And there will be
17 appropriate circumstances, but it would be
18 designed to ensure that those committee
19 meetings are the exception and not the rule.

20 Finally, when it's necessary for
21 the Senate to hold a committee meeting off the
22 floor, the rule would provide that we stand at
23 ease. Now, we do that sometimes now, but not
24 enough.

25 And I think it's only fair to all

1 the members, no matter what party affiliation
2 they have, to make their jobs a little bit
3 easier and make the debate more meaningful by
4 ending the practice of rampant meetings off
5 the floor. And that's what my amendment
6 proposes to do.

7 Thank you, Mr. President.

8 ACTING PRESIDENT MEIER: Those
9 Senators in agreement with the amendment
10 please signify by raising your hand.

11 THE SECRETARY: Those recorded in
12 agreement are Senators Andrews, Breslin,
13 Brown, Connor, Diaz, Dilan, Duane, Gonzalez,
14 Hassell-Thompson, Klein, L. Krueger,
15 C. Kruger, Onorato, Oppenheimer, Parker,
16 Paterson, Sabini, Savino, Schneiderman,
17 Serrano, A. Smith, M. Smith, Stachowski,
18 Stavisky and Valesky.

19 ACTING PRESIDENT MEIER: The
20 amendment is not agreed to.

21 Senator Schneiderman.

22 SENATOR SCHNEIDERMAN: Thank you,
23 Mr. President.

24 This is the final amendment. I
25 believe it is at the desk. I would request

1 that its reading be waived and ask to be heard
2 on the amendment.

3 ACTING PRESIDENT MEIER: The
4 amendment is at the desk. The reading is
5 waived. You're recognized to explain the
6 amendment.

7 SENATOR SCHNEIDERMAN: Thank you,
8 Mr. President.

9 This amendment is our full package
10 of proposed rules reforms. On January 5th,
11 our conference, after work by Senator
12 Krueger's task force, issued a series of
13 proposals of comprehensive reforms to the
14 Senate Rules.

15 This amendment would strike the
16 proposed rules that have been introduced by
17 the Majority and would replace them with our
18 proposal. I would respectfully submit that
19 our proposal is superior in every respect.
20 Let me give you a couple of brief examples.

21 But it's superior because the
22 essence of our proposal is to further
23 democratize and open up the legislative
24 process in this house. And the essence of the
25 Senate Rules as they are now is to perpetuate

1 what is essentially an authoritarian
2 structure.

3 Why do I say that? Let's look at a
4 couple of examples. The current rule, Senate
5 Rule VI, Section 1(b), the Temporary
6 President, when a bill is introduced, has
7 absolute unfettered discretion to say it's
8 going to this committee and not that
9 committee. It then is lodged in a committee
10 under the current Senate Rules.

11 Our rule would provide for a
12 Committee on Rules and Administration that
13 would decentralize this process. It would
14 have rules. It would have regulations. The
15 process of a bill proceeding forward after
16 it's introduced would not be subject to the
17 unfettered discretion of one man or woman.

18 Second of all, once a bill goes to
19 a committee, under the current Rule VII,
20 Section 3, the committee chair has absolute
21 unfettered discretion on what to put on the
22 committee agenda and may add or delete right
23 up until the committee meeting. It is
24 suggested that perhaps 24 hours notice to
25 committee members is appropriate where

1 possible.

2 So even if a bill goes to a
3 committee with a responsible chair, that chair
4 has absolute discretion over whether it
5 actually gets voted on.

6 And finally, even if a bill passes
7 a committee -- and this, for me, was the most
8 astonishing thing about this Legislature when
9 I got here -- under Rule VIII, Section 6, and
10 I'm going to quote, "The Temporary President
11 may file with the Journal Clerk a list of
12 bills in the Third Reading Calendar which may
13 be acted upon on that date and may lay aside
14 any other bills." The Temporary President.

15 The Majority Leader has absolute,
16 unfettered discretion to say even though a
17 bill has 55, 62 sponsors, it doesn't matter;
18 if it passes out of a committee twenty years
19 in a row, it doesn't have to come to the floor
20 for a vote. That is in the current rules.

21 Our rules would change that. Our
22 rules would provide that bills can be brought
23 from the committee to the floor. Three
24 members of the committee or the ranker could
25 put it on the agenda for a vote in the

1 committee. And once it leaves the committee,
2 there is no provision that the Majority Leader
3 controls the active list. It would proceed to
4 the floor for a vote unless the sponsor pulls
5 it back.

6 Our rules would open this house up,
7 would democratize this house. We would
8 restore, as Senator Duane just pointed out,
9 the rule that you record votes on amendments
10 and on motions. And we would not, as the
11 proposed rules by the Majority would do, shunt
12 the debate on Senate Rules that we're having
13 here today into the black hole of the Rules
14 Committee.

15 I'm sorry to say that I guess if
16 this rule passes today, this is going to be
17 the last debate on Senate Rules we're going to
18 have on the floor of the Senate until there's
19 a substantial change in the structure of this
20 house. That is the wrong thing to do. It is
21 wrong to reduce the recording of votes. It is
22 wrong to end the public's ability to know.
23 And it is certainly wrong to take the rules
24 debate, now that the public has caught on to
25 the fact that our rules have problems, and try

1 and shunt it off to a committee.

2 Our rules would open the house,
3 would democratize the house, would change the
4 house. The proposal advanced by the Majority,
5 I'm sorry to say, would actually make things
6 worse. It purports to do things -- we only
7 received this, again, a few hours ago -- that
8 I believe it doesn't do.

9 And I would respectfully call my
10 colleagues' attention to the fact that in fact
11 this does not -- the proposal by the Majority
12 does not end absentee voting. It seems to
13 institutionalize it. As drafted, and it was
14 just handed to us, it states that a member's
15 vote on any matter before the committee shall
16 be entered by the member on a signed official
17 voting sheet delivered to the committee chair.
18 So I guess just being present and listening to
19 the debate and voting doesn't work anymore.
20 You have to -- this institutionalizes absentee
21 voting.

22 So the proposal before us today by
23 the Majority does not democratize, does not
24 open up, does not make this house more
25 transparent. Our proposal would, and that's

1 what's offered in this amendment.

2 And my final point to my colleagues
3 here -- and this is meant with all sincerity.
4 I know there are people here, particularly
5 some of our committee chairs, who work very
6 hard. But when I hear the argument that
7 process doesn't matter, that it doesn't really
8 matter, we can't do any better -- process does
9 matter. We can change our rules. We can have
10 a more democratic process. And it borders on
11 un-American to say process doesn't matter.

12 When the Founders gathered in
13 Philadelphia 220 years ago, they weren't
14 writing rules of property or mortgages or
15 marriage, they were setting up a process.

16 So process does matter. Let's not
17 say, Oh, it doesn't make any difference,
18 people are bad, people are -- if you don't
19 have goodwill, you can't do anything. We can
20 change our rules. We can get more bills to
21 the floor. And maybe the results will be
22 beneficial for our government. I think they
23 will be.

24 I believe in the American system of
25 democracy. I believe in a representative

1 government where legislators are empowered to
2 represent their constituents in every aspect
3 of the business of their house. And I
4 respectfully submit that this amendment would
5 carry out those goals, Mr. President.

6 ACTING PRESIDENT MEIER: Those in
7 agreement with the amendment please signify by
8 raising your hands.

9 THE SECRETARY: Those recorded in
10 agreement are Senators Andrews, Breslin,
11 Brown, Connor, Diaz, Dilan, Duane, Gonzalez,
12 Hassell-Thompson, Klein, L. Krueger,
13 C. Kruger, Onorato, Oppenheimer, Parker,
14 Paterson, Sabini, Savino, Schneiderman,
15 Serrano, A. Smith, M. Smith, Stachowski,
16 Stavisky and Valesky.

17 ACTING PRESIDENT MEIER: The
18 amendment is not agreed to.

19 The question now is on the
20 resolution. The Secretary will call the roll.

21 Senator Sabini.

22 SENATOR SABINI: On the
23 resolution, Mr. President.

24 ACTING PRESIDENT MEIER: Senator
25 Sabini, on the resolution.

1 SENATOR SABINI: You know, we
2 heard -- since we're not going to listen to
3 any of our suggestions, let's start talking
4 about some of the rules that are on the floor
5 now.

6 You know, we listened to a very
7 lengthy discourse about great things that have
8 happened in the state based on what the
9 Legislature has done. That's our job. Good
10 God, if we hadn't done some of those things,
11 what the hell do they pay us for? But we can
12 do better. That's the whole point. We can do
13 better.

14 I heard a lengthy book review today
15 on the Brennan Center report. I assume the
16 reviewer didn't like the report. That has
17 nothing to do with these rules. Has nothing
18 to do with the rules. I didn't hear anyone
19 explain why it is that members can't cosponsor
20 bills. I didn't hear anyone explain why it's
21 a good idea why votes aren't recorded. I
22 didn't hear any of that during debate. Didn't
23 hear it once.

24 Why is it a good idea that votes
25 aren't recorded on a canvass of agreement?

1 Why is it a good idea that members can't
2 cosponsor bills? I don't know. Does that
3 make government better? Is it making this
4 better here? I don't think so. We can do
5 better.

6 And if everyone in this building --
7 and it goes for the two houses -- really
8 thinks that every editorial writer in the
9 state, half the citizens in the state who pay
10 attention, and the experts and the
11 good-government groups who watch us and the
12 reporters who watch us are all wrong -- boy,
13 oh, boy. There was a fable about that. It's
14 called "The Emperor Has No Clothes."

15 I mean, I guess if we stand here
16 long enough and wish it, we can think we're
17 really right about this, that we're the ones
18 doing the right thing and everyone else is
19 crazy. It usually doesn't work that way,
20 though.

21 And, you know, I heard that the
22 stories were written about this already and
23 the quotes will be inserted. And you're
24 right. Just like everything else that happens
25 here. What happens here, it's no different

1 than the World Wrestling Federation, it's no
2 different than the Harlem Globetrotters. We
3 know the outcome when the bills come up. It's
4 based on the rules, on the structure.

5 We send hundreds of thousands of
6 people around the world -- I heard the
7 President talk the other day about restoring
8 democracy around the world and exporting it,
9 those values. We're going to have an election
10 in Iraq. And I'll bet you that the Iraq
11 National Assembly will have better rules than
12 we have, based on American influence.

13 But not here. Not in this house.
14 We can't have that. Because instead, we get a
15 copy of the proposal just before we walk in
16 the door. If this proposal is so good, why
17 didn't it see the light of day before? I
18 don't know. Our proposal has been out there,
19 talked about, public forums ad nauseam. And
20 yet we get our copy of our rules here just as
21 we walk in the door.

22 It's wrong. The process is wrong,
23 and people know it. And, you know, if you
24 want to choose to believe that it's not
25 important, so be it. We'll all be judged

1 later on. But I think it's important. I
2 think the public has figured out it's
3 important. And until we start to realize and
4 be a more responsive government, we're going
5 to have to listen to these people scream at
6 us, both in our districts and in our
7 newspapers.

8 ACTING PRESIDENT MEIER: Senator
9 Hassell-Thompson.

10 SENATOR HASSELL-THOMPSON: To
11 explain my vote, Mr. President.

12 ACTING PRESIDENT MEIER: Well,
13 we're not on the vote yet. You want to be
14 recognized on the resolution?

15 SENATOR HASSELL-THOMPSON: I want
16 to be recognized on the resolution.

17 ACTING PRESIDENT MEIER: Senator
18 Hassell-Thompson.

19 SENATOR HASSELL-THOMPSON: One of
20 the tactics that is used worldwide whenever we
21 are in disagreement with something or someone,
22 we vilify the messenger. Therefore, we can
23 afford to ignore the message. You can vilify
24 the Brennan Center. You can vilify the League
25 of Women Voters. You can vilify any of the

1 good-government groups that you choose. But
2 you will not stop the message.

3 The message is that this government
4 is broken. And those of you of good
5 conscience know it. But you will vote the way
6 you will vote, but you will know in your heart
7 that this is broken. So vote as you will.
8 But the message is still a good message no
9 matter whom the messenger may be.

10 ACTING PRESIDENT MEIER: On the
11 resolution. The Secretary will call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MEIER: Senator
14 Paterson, to explain his vote.

15 SENATOR PATERSON: Mr. President,
16 we put forth rules that this conference has
17 advocated for basically for twenty years. We
18 advocated for it when no one would listen to
19 us. We now find that over a period of time
20 that a lot of people are listening to us.

21 So we think that this is good
22 government. Obviously it's more enticing when
23 it gets a lot of public approval, which it is
24 now. So I don't mind if anybody questions my
25 motivations.

1 As a matter of fact, actually my
2 motivation was I wanted to be the head of the
3 Republican Senate Campaign Committee. I
4 thought this was a good way to actually
5 present the conference's positions better.

6 But the reality is in the end that
7 when you do question anybody's motivations,
8 one of the primary requisites of receiving
9 equity in the law is that you come to court
10 with clean hands. And when I look at this
11 package, I'm trying to figure out what is the
12 motivation of having canvass of agreements, of
13 having resources so widely disparate in this
14 place, and of taking the Rules Committee --
15 the rules proposals and actually disposing of
16 them in a Rules Committee which calls for a
17 resolution.

18 And under my reading of the rules,
19 I don't even understand how a resolution goes
20 before the Rules Committee, that there's no
21 real way to do that.

22 So I think that at the end of this
23 vote, since it's the tone around here really
24 more than the rules, we will try as hard as we
25 can to cooperate, and we will go forward. But

1 since this may be the last time I ever speak
2 about the rules on the Senate floor, I just
3 didn't want to miss the opportunity to say
4 that I always thought it was a good system and
5 we should have kept it.

6 I vote no.

7 ACTING PRESIDENT MEIER: Senator
8 Paterson will be recorded in the negative.

9 Senator Breslin, to explain his
10 vote.

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

13 On January 10th I thought that -- I
14 was one of the ones who thought that real
15 reform would take place during these past two
16 weeks. What we see in the 62 pages that have
17 been presented to us -- and again, presented
18 to us right before session -- are at best
19 disingenuous. They're an attempt to do as
20 little as possible and to not effectuate real
21 reform, but to try to do that very small
22 amount that hopefully will please people who
23 aren't as interested in reading whether reform
24 takes place.

25 I think the Majority has failed. I

1 think the people of the State of New York will
2 realize the Majority has failed. Because this
3 place still remains the most dysfunctional
4 body in the United States. And for that
5 reason, I vote in the negative.

6 ACTING PRESIDENT MEIER: Senator
7 Breslin will be recorded in the negative.

8 Senator Bruno, to explain his vote.

9 SENATOR BRUNO: To explain my
10 vote.

11 We're voting for this resolution
12 that is before the floor. And I listened with
13 great interest to the debate. And I have the
14 greatest deal of respect for my colleague
15 Senator Paterson and all of my colleagues
16 here.

17 But reform is in the eyes of the
18 beholder. And when it's all said and done,
19 we're talking being a process here on the
20 floor and a process that works and has worked.
21 It doesn't necessarily suit every individual,
22 but governing is governing.

23 And we can talk about what's going
24 to happen two years from today when we're all
25 together. But that's two years from today.

1 And we're here now, and we have to govern over
2 these next two years.

3 So what we have before this
4 conference is reform. And as you are not
5 supportive, you're not supporting the reforms
6 that you talk about. We took budget reform
7 out, and you're selective as to how you
8 support budget reform for this year.

9 And that's really the parents of
10 all reform. If we don't get a budget in place
11 on behalf of your constituency this year,
12 shame on us. But we're going to do everything
13 that we can in this chamber to get a budget
14 done by April 1st. And that is a reform that
15 we should stay focused on.

16 The process that we're going
17 through is governing. And I appreciate the
18 observations, the comments. And we are where
19 we are. So I would urge my colleagues here to
20 support reforming this process, making it more
21 open, more responsive to the public.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MEIER: Senator
24 Bruno will be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Senate Resolution Number 195
3 are Senators Andrews, Breslin, Brown, Connor,
4 Diaz, Dilan, Duane, Gonzalez,
5 Hassell-Thompson, Klein, L. Krueger,
6 C. Kruger, Onorato, Oppenheimer, Parker,
7 Paterson, Sabini, Savino, Schneiderman,
8 Serrano, A. Smith, M. Smith, Stachowski,
9 Stavisky and Valesky.

10 Excuse me, Senator Brown is in the
11 affirmative.

12 Ayes, 33. Nays, 24.

13 ACTING PRESIDENT MEIER: The
14 resolution is adopted.

15 Senator Bruno.

16 SENATOR BRUNO: Mr. President, is
17 there any further business to come before the
18 Senate this evening?

19 ACTING PRESIDENT MEIER: There's
20 no further business at the desk, Mr.
21 President.

22 SENATOR BRUNO: Can I announce
23 that there will be a Finance Committee meeting
24 at 9:15 in the Majority Conference Room --
25 tomorrow morning, not this evening. A.m.

1 And, Mr. President, we're handing
2 up the following committee assignments and ask
3 that they be recorded.

4 ACTING PRESIDENT MEIER: The
5 assignments are received and will be entered
6 in the Journal.

7 SENATOR BRUNO: Mr. President,
8 there being no further business to come before
9 the Senate, I would move that we stand
10 adjourned until 11:00 a.m. tomorrow.

11 ACTING PRESIDENT MEIER: On
12 motion, the Senate stands adjourned until
13 Tuesday, January 25th, at 11:00 a.m.

14 (Whereupon, at 7:26 p.m., the
15 Senate adjourned.)

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