

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 January 12, 2009

11 3:12 p.m.

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13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

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

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

4 I ask everyone to please rise for
5 the Pledge of Allegiance.

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

8 ACTING PRESIDENT BRESLIN: The
9 invocation today will be given by the Reverend
10 Peter Young, from Mother Theresa in Albany.

11 Father Young.

12 REVEREND YOUNG: Let us pray.

13 By being a Senator you have been
14 accepted into a leadership position so that
15 you can more fully serve the people of
16 New York State.

17 In this spirit of community, our
18 prayer today will be to better achieve the
19 goal of dedicated representation and the power
20 that is entrusted to all of our legislative
21 leadership. May you attain your satisfaction
22 in your services to your constituents.

23 May we today welcome our newly
24 elected Senators and our Secretary of the

1 Senate.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Father Young.

4 The reading of the Journal.

5 THE SECRETARY: In Senate,
6 Friday, January 9, the Senate met pursuant to
7 adjournment. The Journal of Thursday,
8 January 8, was read and approved. On motion,
9 the Senate adjourned.

10 ACTING PRESIDENT BRESLIN:
11 Without objection, the Journal stands approved
12 as read.

13 Presentation of petitions.

14 Messages from the Assembly.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Smith.

22 SENATOR SMITH: Mr. President, I
23 have a privileged resolution at the desk. I
24 ask that the title be read and that we move

1 for its immediate adoption.

2 ACTING PRESIDENT BRESLIN: The
3 Secretary will read.

4 THE SECRETARY: By Senator Smith,
5 Senate Resolution Number 7, that Angelo J.
6 Aponte, of Staten Island, New York, be, and he
7 hereby is, elected Secretary of the Senate for
8 the years 2009-2010.

9 ACTING PRESIDENT BRESLIN:
10 Senator Smith.

11 SENATOR SMITH: Mr. President, I
12 rise to support and nominate Angelo Aponte to
13 be the Secretary of the Senate for this
14 2009-2010 session.

15 Angelo Aponte is someone I have
16 known back as far as Mayor Koch. We served
17 together in that administration. He served
18 within City Hall with myself, in addition to
19 serving as commissioner of the Department of
20 Consumer affairs, one who's familiar with the
21 law, a distinguished background in both
22 fields. He also served in the State of
23 New York as Secretary of DHCR, a very
24 distinguished career there as well.

1 He has been a dedicated servant to
2 the public, in his most recent position
3 serving as vice president for finance and
4 administration of Staten Island College as
5 well.

6 And I believe that the State of
7 New York and this conference, its members,
8 will be well served as the Secretary for the
9 Senate.

10 It gives me great pleasure to make
11 that nomination this morning.

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator Smith.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT BRESLIN: Nay?

19 (No response.)

20 ACTING PRESIDENT BRESLIN: The
21 ayes have it.

22 The resolution is adopted.

23 Congratulations, Angelo.

24 Congratulations to Angelo Aponte.

1 (Standing ovation.)

2 (Whereupon, Angelo Aponte was sworn
3 in, by Senator Malcolm Smith, as Secretary of
4 the New York State Senate.)

5 SENATOR SMITH: Congratulations.

6 (Standing ovation.)

7 ACTING PRESIDENT BRESLIN:
8 Senator Smith.

9 SENATOR SMITH: Yes,
10 Mr. President, I have a privileged resolution
11 at the desk. I ask that this title be read
12 and move for its immediate adoption.

13 ACTING PRESIDENT BRESLIN: The
14 Secretary will read.

15 THE SECRETARY: By Senator Smith,
16 Senate Resolution Number 8, providing for a
17 Temporary Senate Committee on Rules and
18 Administration Reform.

19 ACTING PRESIDENT BRESLIN: The
20 question is on the resolution. All those in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BRESLIN:
24 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BRESLIN: The
3 resolution is adopted.

4 Senator Smith.

5 SENATOR SMITH: Yes,
6 Mr. President, on the resolution.

7 I believe, colleagues, this is, as
8 we stated last week, a moment we can all be
9 very proud of. As distinguished members of
10 this body, we have taken an oath of office for
11 this session, and we also have indicated to
12 the citizens of this state that we will do
13 business differently in the State of New York.

14 This particular resolution is a
15 resolution that forms a Temporary Committee on
16 Rules and Administration Reform. It's one
17 that the public has asked for, one that I know
18 back in 2005 Senator Bruno had a similar task
19 force he put forward. On that particular task
20 force there were members of the Majority.

21 We will have a bipartisan
22 commission. In addition to having a
23 bipartisan commission, in an effort to show
24 that we are working together, this particular

1 Rules Administration Committee will come back
2 in 90 days. We are not asking for them to
3 come back in a year. And within those 90
4 days, we will ask that they will bring new
5 rules forward that we will debate and adopt.

6 Most significantly, Mr. President,
7 we are also asking for dual chairmanships of
8 this committee. I have spoken to the Minority
9 Leader, Dean Skelos, and we have agreed that
10 Senator Bonacic as well as Senator Valesky,
11 David Valesky, will chair this committee, in
12 the spirit of bipartisanship -- a first for
13 this chamber, where such a task force is being
14 chaired by members of the opposite party.

15 It gives me great pleasure to
16 support this resolution. I think it's a great
17 sign to the people of the State of New York
18 that we are prepared to do things differently.

19 And I thank my colleagues. I thank
20 Senator Skelos for his cooperation and his
21 partnership, and I know that Senator Bonacic
22 and Senator Dave Valesky will do a great job
23 and come back with a great report within the
24 first 90 days.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Senator Smith.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President,
6 I'd like an opportunity to speak on the
7 resolution.

8 ACTING PRESIDENT BRESLIN: You
9 may proceed.

10 SENATOR KLEIN: Thank you,
11 Mr. President.

12 I too want to congratulate our
13 Majority Leader, Malcolm Smith, on putting
14 forth this resolution. Putting together,
15 appointing a Temporary Senate Committee on
16 Rules and Administration Reform is really our
17 first step in ushering in a new Albany.

18 If we're going to effectively do
19 the people's business, if we're effectively
20 going to deal with the problems of New York
21 State, we need to do that in a bipartisan
22 fashion. And I think by putting together this
23 commission or committee to actually look into
24 ways we can reform the rules, that's how we're

1 going to achieve that.

2 You know, we talk about all the
3 things we need to do -- taking care of our
4 economic crisis, taking care of other issues
5 that are near and dear to our heart. But at
6 the same time, we can't accomplish that unless
7 the rules of this legislative body are more
8 democratic.

9 I know not everyone is satisfied
10 with the speed that we move towards this
11 reform. But I want to tell you something. We
12 waited 44 years; we can wait another 90 days,
13 and we can do it right. Because what this
14 committee will do will make sure that the
15 advocates all over this state -- the editorial
16 boards, the good-government groups -- that for
17 so long advocated for reform in our house have
18 a seat at the table.

19 And that's the way it should be.
20 Because what we're looking forward to is sort
21 of a different type of governing, something
22 that I call grass-roots governing, decisions
23 made from the bottom up.

24 And I think, through this committee

1 and the hearings that will be held, we'll come
2 up with ways that we can run this legislative
3 body in a more democratic fashion and, just as
4 importantly, in a more bipartisan fashion.

5 I vote yes on this resolution.

6 ACTING PRESIDENT BRESLIN: Thank
7 you, Senator Klein.

8 Senator Hassell-Thompson.

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Mr. President.

11 I rise to support this resolution
12 and also to say that for the last eight years,
13 I have worked with my colleagues in this
14 chamber to make the Senate a better place to
15 operate and do business of the State of
16 New York.

17 The reforms that we pass today will
18 make the Senate the type of legislative body
19 that it was meant to be: An open body, a
20 deliberative body, and one that the people of
21 the State of New York can be proud of. For
22 which this is a very important signal, too,
23 that we send of our commitment to changing the
24 way things are done.

1 The year that I came to the Senate,
2 we went into a dark place of rule changes that
3 stifled the voice of the people that were sent
4 to this legislative body on behalf of the
5 people of the State of New York. We are now
6 offering an opportunity for those voices to be
7 heard, for those debates to be carried, and
8 for this Senate to deliberate in a way that
9 will benefit all members and all residents of
10 the State of New York. For this I am very
11 grateful.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Hassell-Thompson.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Just one
17 question. I don't know who to direct it to.
18 Senator Smith? Senator Klein? It doesn't
19 matter to me.

20 ACTING PRESIDENT BRESLIN: You
21 can direct it right to the chair, if you
22 would.

23 SENATOR DeFRANCISCO: I'd request
24 the sponsor to just confirm that the

1 bipartisan commission that's being appointed
2 to study in a bipartisan fashion, that has
3 bipartisan chairmen, is it true that the
4 membership is four Democrats and two
5 Republicans? I just want to ask if that's in
6 fact the case.

7 SENATOR SMITH: No, it's six and
8 three.

9 SENATOR DeFRANCISCO: Six
10 Democrats and three Republicans?

11 SENATOR SMITH: That's correct.

12 SENATOR DeFRANCISCO: Thank you.

13 ACTING PRESIDENT BRESLIN:
14 Senator Craig Johnson.

15 SENATOR CRAIG JOHNSON: Thank
16 you, Mr. President.

17 I also rise in support of this
18 resolution. I first want to commend Majority
19 Leader Smith for his leadership and his vision
20 and putting his actions behind the words that
21 he has spoken for so long.

22 This is an important first step for
23 reforming this great body of ours. And I
24 think what's really a great demonstration of

1 the commitment that we are showing is these
2 meetings are not going to take place behind
3 closed doors, but it's going to involve public
4 hearings and it's going to allow the advocates
5 and hopefully the public themselves, the
6 people that we represent, the opportunity to
7 weigh in on how this Senate operates.

8 I'm thankful for the leadership
9 that Majority Leader Smith has already shown
10 in proposing this commission to undertaking
11 rules reform. I thank him for his leadership,
12 and I'll be voting yes in favor of the
13 resolution.

14 Thank you very much, Mr. President.

15 ACTING PRESIDENT BRESLIN:

16 Senator Valesky.

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

19 Just briefly, we have a tradition
20 in this house of at times reading resolutions
21 or the text of resolutions into the record.
22 At times we don't do that. I just wanted to
23 share for the members a couple of the
24 paragraphs of this resolution, in the spirit

1 of this effort.

2 We're finding that the Senate finds
3 a need for a thorough review of the
4 legislative process in this Senate and the
5 administration of this Senate, that the Senate
6 is committed to reforming the rules of the
7 Senate as well as the administration of the
8 Senate generally, to create a more
9 participatory and transparent legislative
10 process. And the effort to change this
11 legislative process, in order to ensure a more
12 open, effective and responsive Senate, should
13 be undertaken openly and with the input of the
14 public and interested organizations.

15 I share the spirit of the
16 resolution, as the co-chair of this committee,
17 and declare today on the floor of the Senate
18 that I look forward to working closely and
19 cooperatively with Senator Bonacic, my
20 co-chair in this effort.

21 Thank you.

22 ACTING PRESIDENT BRESLIN: Thank
23 you, Senator Valesky.

24 The resolution is adopted.

1 Senator Flanagan.

2 SENATOR FLANAGAN: Mr. President,
3 I have a resolution at the desk, I believe.
4 Amendment at the desk, excuse me.

5 ACTING PRESIDENT BRESLIN: The
6 Secretary will read.

7 THE SECRETARY: By Senator
8 Flanagan, Senate Resolution Number 67, to
9 adopt the rules of the Senate for the years
10 2009-2010.

11 ACTING PRESIDENT BRESLIN: Anyone
12 wishing to be heard on the resolution?

13 Senator Flanagan.

14 SENATOR FLANAGAN: Mr. President,
15 I'd like to be heard on the resolution.

16 ACTING PRESIDENT BRESLIN: You
17 may proceed.

18 SENATOR FLANAGAN: Thank you.

19 I guess I sort of get to go first
20 on this side. And I was talking to my
21 colleague Senator Lanza, and part of what I
22 was thinking -- I'm not sure who said this,
23 but a lot of where you stand depends on where
24 you sit.

1 And I have a new seat today; I want
2 to thank Senator Smith for giving me a new
3 seat. Unfortunately, I'm stuck with Lanza and
4 Robach on each of my sides here, but --

5 (Laughter.)

6 SENATOR FLANAGAN: -- we can talk
7 about that later.

8 I want to talk about a couple of
9 different things in relation to this
10 resolution and in reference to the past
11 resolution that just passed, and recognize a
12 couple of basic things.

13 While we debate and deliberate a
14 number of these things here, and these issues
15 in this chamber, what does it really mean to
16 the public? And how do we actually go back
17 and translate to the public what it is that
18 we're doing here? Because the reality is it's
19 challenging enough for each of us
20 individually.

21 And I don't think we should kid
22 ourselves, to what really -- what is a motion
23 to discharge? What is a canvass of agreement?
24 What does it mean to have power vested in the

1 Temporary President of the Senate? How does
2 that translate to the average person in Utica
3 or Nassau County or Plattsburgh? What does it
4 mean to their life?

5 So I look at that as somewhat of a
6 backdrop for what we're doing here today. And
7 as we move forward, and in listening to the
8 comments from some of my colleagues, I do
9 think it is important to recognize some of the
10 changes that we've seen already. Now, I'm not
11 naive to the process. I'm fortunate enough to
12 be starting my 23rd year here in this chamber,
13 and I have spent 16 years in the Minority. So
14 I know where I stand, and I know where I sit.

15 And in that context, I look at what
16 we're offering in our resolution and compare
17 it to what is being advanced by the Majority.
18 And I recognize, and I think the public will
19 recognize, and my colleagues will, that we
20 play a slightly different role. And part of
21 that role is to be the loyal opposition.

22 I think I view part of our
23 responsibility to advance issues, to push an
24 agenda, and yes, periodically to make people

1 uncomfortable by pushing the envelope, by
2 raising issues that sometimes people don't
3 want to talk about and reminding people where
4 they came from.

5 So what I would respectfully offer
6 on behalf of my colleagues in the Senate
7 Republican conference is this resolution,
8 which in essence, Mr. President, mirrors the
9 resolution that was offered by the Senate
10 Democrats in January of 2007.

11 The difference between what I'm
12 offering and what we will see, I think,
13 relatively shortly is that this is the whole
14 ball of wax, and what we've been given today
15 is a lot less.

16 And that's okay, as long as we're
17 honest with the public as to what we're doing.
18 Because the reform agenda that came about, it
19 didn't need a temporary committee, it didn't
20 need more study, it didn't need more debate,
21 it didn't need more public hearings. Because
22 it was advanced and it was voted on by this
23 body, and it was a focal point of the reform
24 and the change agenda, and there was outspoken

1 advocacy by many of my colleagues in the
2 Majority advancing exactly what I'm offering
3 today for the body's consideration.

4 Now, will I support the rule
5 changes that will come ultimately? Yes, I
6 will. And I think my colleagues will as well.
7 But it's not enough. So what we're trying to
8 do is advance exactly what was offered before.

9 And I like to hear that the public
10 should weigh in and that the advocates should
11 weigh in and that the media should have a
12 chance. I don't know, I keep abreast, I
13 think, as well as anybody. There's a heck of
14 a lot that's been written on the subject
15 already. There's a lot of advocacy groups
16 that have weighed in quite heavily on this
17 issue, and they haven't really deviated. I
18 don't think we need any more time.

19 We are arguing for more
20 transparency, more disclosure. No disrespect
21 to Senator Breslin or to Senator Smith, to
22 diffuse some of the power of the Majority
23 Leader and to make sure that rank-and-file
24 members have more to say.

1 In terms of committee involvement,
2 how to get a bill on a committee, how to get a
3 bill out of a committee, how to advance a bill
4 on the floor, how to stimulate the debate on
5 the floor, and how to get issues before the
6 public that sometimes may not have gotten here
7 in the past.

8 This is a true reform agenda. It's
9 the full step forward, not a baby step,
10 Mr. President.

11 ACTING PRESIDENT BRESLIN: Thank
12 you, Senator Flanagan.

13 Would anyone else like to be heard
14 on this resolution?

15 All those in favor say aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BRESLIN: All
18 those opposed, nay.

19 (Response of "Nay.")

20 ACTING PRESIDENT BRESLIN: I
21 believe the nays have carried. The resolution
22 is defeated.

23 Senator Bonacic.

24 SENATOR BONACIC: Thank you,

1 Mr. President.

2 I have also an amendment to
3 Resolution Number 9, if I may.

4 ACTING PRESIDENT BRESLIN: The
5 Secretary will read.

6 THE SECRETARY: By Senator
7 Bonacic, Senate Resolution Number 68, to adopt
8 the rules of the Senate for the years
9 2009-2010.

10 ACTING PRESIDENT BRESLIN: You
11 may proceed, Senator Bonacic.

12 SENATOR BONACIC: This amendment
13 would basically allow equal resources for each
14 Senator to run their office. If you are a
15 chairman or a ranker, you would get a little
16 bit more. And as to each other, a chairman or
17 a ranker, because it should be proportionate
18 to the balance of power, those reimbursements
19 should be almost equivalent.

20 Also, the amendment provides that
21 the committee members' makeup be proportionate
22 to the representation. For example, we have a
23 Health Committee; I just happened to take
24 that. There's 11 members. Should be, I would

1 say, a majority of one of the Democrats, six
2 to five, in proportion to the balance of power
3 in this chamber.

4 Just a couple of things I'd like to
5 share with you. But before I do that, I want
6 to thank our Majority Leader for keeping the
7 staff allocations the same till April 1st, to
8 allow an orderly transition. You didn't have
9 to do that. You did it, and I thank you for
10 it.

11 Number two, the culture in Albany
12 is wrong. It has been wrong for many, many
13 years. And I blame that on the longstanding
14 leadership of the Speaker and our prior
15 Majority Leader. And what was that culture?
16 It was to empower leadership and disempower
17 members. That's wrong.

18 So when we talk of equal
19 representation and resources, we're talking of
20 giving that particular Senator the power to
21 represent 320,000 people. Because when a
22 Senator is punished, half the allocation goes
23 to the Minority member, double goes to the
24 Majority member. You're not punishing the

1 Senator, you're punishing the people.

2 I don't believe for one moment that
3 when anyone became a Senator here they
4 intended to punish any of the constituents in
5 the State of New York who are represented by a
6 Minority member.

7 It's time to change the culture.
8 And that's something you have been talking
9 about for the past couple of years. I've been
10 handed a list of newspaper articles with many
11 of you quoted -- changing, reform,
12 bipartisanship, equality. I'm hopeful you're
13 going to do that, because in the next 90 days
14 we're going to work on rule changes.

15 But on this point in particular,
16 when I was a Majority member back in April of
17 2007, I put a bill forward that called for
18 equal resources. You know what? We got 10
19 Democrats on that bill. And thank you,
20 Malcolm Smith, our Majority Leader: You were
21 one of them. As well as you, Senator Valesky.

22 And I applauded, privately, Liz
23 Krueger when she took on litigation to change
24 the system for equal resources.

1 This is not to embarrass anyone
2 today. This is an opportunity for change, to
3 change the culture. I look forward to the
4 next 90 days. I look forward to working with
5 you. We face real fiscal challenges. We need
6 the talent, the intelligence and the
7 cooperation of every Senator here to get
8 through this year.

9 And I just want to leave you with
10 one other thought before we run. It has been
11 said that we should live so that when your
12 children think of fairness and integrity, they
13 think of you.

14 My hope, as someone who has
15 advocated reform as a member of the Senate
16 Majority, is reform can now happen. If so,
17 the credit will go to those who, at a time of
18 great triumph, were benevolent to those were
19 not, fair to those who were not, and who
20 recognized, at a time in our nation's history
21 when it was clearer than ever that all people
22 are created equal, that we can represent
23 320,000 equally.

24 And treating all members equally,

1 that will be the only way to ensure democracy
2 and equal representation.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BRESLIN: Does
5 anyone else wish to be heard on this
6 resolution?

7 Senator Diaz.

8 SENATOR DIAZ: Thank you, sir.

9 Mr. President, I'm going to refer
10 to my colleagues on the other side.

11 For six years I have been in this
12 chamber representing the 32nd Senatorial
13 District in Bronx County, one of the poorest.
14 For six years I have been asking for staff.
15 For six years I have been working with six
16 staff members, trying to help my community,
17 while other members in the Majority, they used
18 to have 25 staff members, 30 staff members.

19 For six years I have been asking,
20 give me money to fix my office so the people
21 in my district can go to a decent office, like
22 the Majority members used to have.

23 For six years I have been asking to
24 give me some phones because my six staff had

1 to share three lines. So when three of them
2 were on the phone, the other three had to wait
3 till one line opens.

4 So I understand your pain. I
5 understand what you're saying, because I lived
6 through that for six years. And because I am
7 a minister, the pastor of a church, I would
8 agree with you. Just because I am the pastor
9 of a church. Just because I am an evangelical
10 preacher, I would say yes, let's share. Let's
11 help them. Let's be equal.

12 If I were not a pastor, if I were
13 not a preacher, I would say suffer a little
14 bit --

15 (Laughter.)

16 SENATOR DIAZ: -- as I have
17 suffered.

18 (Laughter.)

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

21 ACTING PRESIDENT BRESLIN:
22 Senator Adams.

23 SENATOR ADAMS: Thank you,
24 Mr. President.

1 I heard Senator Diaz. I remember
2 when I was elected and I went to my Senate
3 office that it was in the same condition, had
4 the same furniture as Marty Markowitz used to
5 have almost 20-some years ago. And we
6 attempted to get funds, as Diaz just stated,
7 to renovate. And I was denied.

8 I took money from my pension and
9 tore down the walls, and my staff went in and
10 we painted, put down new carpet, put new
11 furniture inside. Because as Senator Bonacic
12 stated, it doesn't matter if a constituent is
13 from Troy, New York, or Troy Avenue in
14 Bedford-Stuyvesant. We were sent here to
15 represent them.

16 And so you can complain that the
17 train is not moving fast enough, but thank
18 you, we're on the right track. We're on the
19 right track. Because I do acknowledge,
20 Leader, I do acknowledge that some of the
21 finest people in the State of New York are on
22 both sides of this aisle. And we are in the
23 process of putting our state in the right
24 direction.

1 Because when a terrorist attacks
2 this state, they do not stop to ask "Is it a
3 Democrat or Republican we're destroying?"
4 When a family member is starved or can't
5 afford to fill up their car -- when we pull
6 into a service station, they don't say take a
7 buck off a gallon because they're a Senator.

8 We are all in this together. And
9 yes, you had an opportunity to bring us all
10 together. You failed. Now join the team.
11 Let's do this. Let's stop complaining about
12 what we're doing wrong and make sure we do
13 what is right for the people of the State of
14 New York.

15 So I'm not going to hold grudges,
16 in my short period of time, for the thousands
17 I had to put in my district office. I'm not
18 going to hold grudges. Because something is
19 more important than anything else in here. It
20 is important that we help the everyday
21 New Yorker who is catching hell. Who is
22 catching hell.

23 I want to give you one short story,
24 and I tell it often. Two hunters in the

1 forest are hunting live game. They come up
2 against a lion. One of the hunters looks at
3 the other and says, "Let's run." The other
4 hunter says, "We can't outrun a lion." The
5 first hunter says, "I don't have to outrun a
6 lion, I just have to outrun you."

7 (Laughter.)

8 SENATOR ADAMS: This is what
9 we've become. We're no longer concerned about
10 dealing with the lion of foreclosure, the lion
11 of our everyday American can't send their
12 children to college, the lion of unemployment,
13 the lion of high taxes. All we want to do is
14 outrun each other.

15 And without realizing that when the
16 lion of all of those issues becomes filled
17 with devouring you or me, he's still in the
18 jungle. We must come together and decide how
19 we get rid of the lion and not each other.

20 I'm committed. I hope you're
21 committed. I know Vincent Leibell is
22 committed. I know Lanza is committed. I know
23 others on that side of the aisle I've had
24 conversations with are committed.

1 Today is our day to prove the
2 pundits, the editorial boards, to prove
3 everyone wrong. The best men and women in
4 this state sit in this chamber. Now it's time
5 to put our A game on and bring home the
6 victory to the people of the State of New
7 York. I'm willing to do it. And I think we
8 can build a team around a marquee player named
9 Malcolm Smith.

10 ACTING PRESIDENT BRESLIN: Thank
11 you, Senator Adams.

12 The question is on Senator
13 Bonacic's resolution. All those in favor say
14 aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT BRESLIN: All
17 those opposed say nay.

18 (Response of "Nay.")

19 ACTING PRESIDENT BRESLIN: The
20 nays have it. The resolution is defeated.
21 Senator Smith.

22 SENATOR SMITH: Mr. President, I
23 have another resolution at the desk. I ask
24 that it be read and move for its immediate

1 adoption.

2 ACTING PRESIDENT BRESLIN: The
3 Secretary will read.

4 THE SECRETARY: By Senator Smith,
5 Senate Resolution Number 9, providing for the
6 adoption of the rules of the Senate for 2009.

7 ACTING PRESIDENT BRESLIN:
8 Senator Smith.

9 SENATOR SMITH: Yes,
10 Mr. President.

11 Today we put forth a resolution not
12 for the sake of political rhetoric, and not
13 for the sake of political promises, but for
14 the true reason why we all took the call to
15 represent districts around the State of
16 New York.

17 There has been too long a period of
18 time when we have tried to represent our
19 constituency by doing what we think is best,
20 as opposed to doing what is best.

21 Today, this resolution that we're
22 putting forth for rules changes is a first
23 step. And I think that needs to be
24 underscored to all our members, and it needs

1 to be underscored to the public as well. This
2 is not the final day for rules reform.

3 However, we are now here, on this
4 date. We have to move forward with something
5 that says to the public that we are serious.
6 Today we are here saying just that.

7 Are you going to be a hundred
8 percent happy? Probably not. Are you going
9 to be a hundred percent sad about it? I would
10 hope not. Do I know that we have more to do?
11 Absolutely.

12 But today we're putting forth a
13 resolution that will allow all of us to go
14 back to our districts, to go back, if we
15 choose, to talk to the press. And when they
16 say to you, "Well, you started out, but this
17 is not good enough," we can all say the same
18 thing: Yes, maybe it's not good enough. But
19 guess what? We did two things today.

20 One, we said to the public that we
21 are going to tell you the truth and we're
22 going to do it.

23 Two, we also said to them that we
24 heard what you said. We heard the cry, we

1 heard the calling for change. And that's what
2 we're going to do with the adoption of these
3 two resolutions today.

4 This one changes several things.
5 One, it restores the motion to discharge. We
6 think this is important. That makes a
7 rank-and-file member truly feel like a member.

8 Two, it will allow members to
9 cosponsor bills with one another. Senator
10 Libous decides he wants to cosponsor a bill
11 with Senator Klein, God bless him. That's a
12 good thing.

13 Three, it will allow members' votes
14 to be counted on amendments. There's no
15 reason why, as we talk about transparency,
16 where the public will not have the ability to
17 see and hear about debates, see and hear about
18 how we vote.

19 And wouldn't it be wonderful if we
20 brought a bill to the floor that was defeated.
21 What is wrong with that? Congress does it,
22 City Council does it, I think local
23 governments do it. Why shouldn't we do that
24 here as well?

1 We will also be able to have a dual
2 reference -- and I think that's modeled by the
3 Assembly -- where it provides a check and a
4 balance. It allows our members, when a
5 committee chair -- whether it's Senator Diaz,
6 whether it's Senator John Sampson -- if in
7 fact we feel that there is some jurisdiction
8 that needs to be discussed on one of those two
9 committees, that can happen. As opposed to
10 the chairman just moving it through.

11 So again, Mr. Chairman -- and I
12 know a number of my colleagues want to talk
13 about it, but I do want to applaud Senator
14 Skelos, Senator Libous, and Senator Bonacic,
15 who will be part of that new committee,
16 because of their willingness to be a part of
17 this.

18 We've had some discussions early
19 on, and I think we are sending a message. The
20 62 -- not half, the 62. We are all in this
21 together.

22 I think this sends a great message
23 to the public that this is the day that will
24 go down in history that the State Senate of

1 New York has decided it was time to listen to
2 the public, as opposed to preach to the
3 public, by saying we're going to make this
4 rules adoption and make this place much more
5 participatory and much more functional for the
6 members themselves.

7 Thank you very much.

8 ACTING PRESIDENT BRESLIN: Thank
9 you, Senator Smith.

10 Senator Liz Krueger.

11 SENATOR LIZ KRUEGER: Thank you,
12 Mr. President.

13 Nice to see you up there,
14 Mr. President.

15 ACTING PRESIDENT BRESLIN: It's
16 nice to be here.

17 SENATOR LIZ KRUEGER: I stand to
18 support this package of rules changes.

19 And I agree with some of my
20 colleagues who spoke earlier from the other
21 side. It's not as far as we can go. I don't
22 believe it's as far as we will go. That's why
23 I am so pleased that our new Majority Leader
24 has agreed to create a committee with a

1 mandate, a deadline, and members of both
2 parties to be participating in it.

3 But I also want to highlight some
4 of the things that my new Majority Leader just
5 spoke on, because these are the issues -- I
6 did hold a legislative task force on rules
7 reform, and I did listen to the public come
8 and testify. And several of the key issues
9 that I saw as a new Senator when I got here in
10 2002, and lived with since then, are issues
11 we're addressing right away.

12 And I think colleagues on both
13 sides of the aisle do understand how important
14 it is that we're making the changes we are
15 right now, on the first day of Malcolm Smith
16 being the Majority Leader in an actual day of
17 session.

18 And one of those again, as he just
19 mentioned, is allowing open cosponsorship of
20 bills. I watched so many times bills that
21 colleagues on both sides of the aisle would
22 privately say were so important, but we
23 couldn't bring them to the floor because there
24 wasn't enough momentum.

1 I remember distinctly handing one
2 of my colleagues the buck slips of 23
3 Democrats, saying, "Take them now, cosponsor
4 the bill with 23 Democrats along with the
5 33 Republicans that had sponsored the bill at
6 the time, and what leader could stop us from
7 bringing that bill to the floor for debate?"
8 And I was told no, they weren't allowed to
9 accept 23 signatures to show that we could
10 move that bill.

11 And it was Timothy's Law, and it
12 took us several years more to finally pass
13 that bill.

14 So I understand how important open
15 sponsorship is. And I also understand how
16 important it is to have our votes recorded, to
17 no longer have canvasses of agreement where we
18 dance around procedural votes. As opposed to
19 being able to say "I voted for this" or "I
20 voted against this."

21 And the fact is, I think we were
22 one of the only legislatures in the country
23 who had invented that concept of a canvass
24 rather than having recorded votes.

1 And some of us might have tough
2 times explaining some of our votes going
3 forward. And that's what we get hired to do,
4 to make tough decisions in the best interests
5 of 19 million New Yorkers, and to be able to
6 explain and justify the positions we take on
7 the floor of the New York State Senate.

8 And I think it is very important
9 that we're going back to the earlier rules
10 around motions to discharge. And I agree with
11 my colleague who spoke about the importance of
12 reforming the committee process. And I
13 believe we will, through the committee that
14 was created today, I believe we will make more
15 progress on that.

16 And something that I know my leader
17 wanted to mention, but he didn't, so I will,
18 just for the record -- his concern about
19 ensuring we use the Internet and other
20 electronic media to make sure that the public
21 has fuller access to the information about our
22 legislation and the votes that we take.

23 So I want to thank Malcolm Smith
24 for investing in that plan. He spoke of it

1 last week, about using new technology. What
2 do we all talk about all the time? The
3 importance of increasing transparency and
4 accountability in government.

5 So the concept that the 62 of us
6 and our staff can get on a Senate computer and
7 find out much more information than the other
8 19 million New Yorkers? It's not right.
9 Everyone should have access to as much
10 information as possible.

11 And it's going to mean we have more
12 questions to answer, and our jobs might be
13 tougher and more people might ask us harder
14 questions.

15 But I would argue that in the
16 21st century our ability to be a better
17 government, a more transparent government, and
18 a more accountable government can be easily
19 driven by the new technologies that are out
20 there, that are available, that will become
21 more and more cost-effective. So I also want
22 to thank him for including that in the rules
23 reform we do today.

24 I know we can do more; I know we

1 will do more. But as someone who has argued
2 for changing the rules of this Legislature
3 from before I got into office, I want to thank
4 Leader Smith for taking these first steps
5 today. I know they're not our last steps, and
6 I'm very proud to be able to vote for these
7 reforms today.

8 Thank you, Mr. President.

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

11 Senator Winner.

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

14 It's my privilege to be able to
15 rise and discuss these rules change today.
16 And I commend Senator Smith for bringing forth
17 a comprehensive proposal.

18 However, I do agree with my
19 colleagues that this proposal does not go far
20 enough.

21 Frankly, one thing that's being
22 overlooked here is the fact that this
23 committee is going to report in April, and a
24 substantial portion of the legislative session

1 will be over by then. In particular, all of
2 the motion to discharge opportunities will be
3 over by the fourth week in April.

4 And that will preclude a lot of the
5 opportunities, that individual members that
6 you're touting to have all this power will be
7 precluded from exercising those abilities
8 between now and then, to a large degree.

9 Additionally, I don't know what is
10 so difficult about changing the rules to have
11 accommodated Senator Bonacic's proposal in
12 particular. Particularly the suggestion that
13 we have equal resources is something that's
14 been adequately advocated on your side of the
15 aisle for many, many years. In fact, Senator
16 Krueger in fact litigated that matter and is
17 more familiar with the arguments in favor of
18 that than anyone else in the room.

19 Certainly if you're able to
20 accomplish the ability to cosponsor bills and
21 you're able to accomplish the elimination of
22 the canvass, you're certainly able to
23 accomplish the minimal language that would be
24 necessary to provide for the equal sharing of

1 resources, and certainly able to accomplish
2 the minimal ability to be able to have
3 proportional representation on committees.

4 I mean, if proportional
5 representation on committees is not the
6 ultimate issue of fairness, I don't know what
7 could be. I mean, what is fair about being
8 nonproportional? What is particularly fair
9 about a two-to-one representation on the
10 commission to reform the rules?

11 I mean, right off, we're starting
12 out on the wrong foot. We've got now a
13 disproportional representation on reforming
14 the house rather than a proportional
15 representation on reforming the house.

16 And additionally, believe it or
17 not, isn't it ironic that here we are taking
18 voice votes on resolutions rather than
19 recorded votes. I mean, we should be having
20 recorded votes. Everybody's going to be proud
21 of recorded votes.

22 So to that extent, I think that we
23 have not only failed to accommodate what are
24 the minimal suggestions of the Brennan

1 Commission with respect to the reform of the
2 rules, but, additionally, we're contradicting
3 and putting sort of a smokescreen to avoid
4 doing anything particularly in the spirit of
5 that which you advocated during the campaigns
6 between now and whenever whatever is adopted.

7 Which we don't know what will be
8 adopted, because it is going to be two-to-one
9 directed by members of your side of the aisle.

10 With that, I think that inasmuch as
11 we do have between now and April in order to
12 deal with the procedures that are going to be
13 dealt to us with regard to this rules changes,
14 I'd like to be able to ask Senator Smith if he
15 would yield to a few questions as to how some
16 of these rules that are being proposed and
17 changes that are being proposed are going to
18 operate.

19 Would Senator Smith yield to a
20 series of questions as to the operations of
21 the new rules that are put forth in your
22 resolution?

23 ACTING PRESIDENT BRESLIN: Excuse
24 me. Senator Winner, I don't believe Senator

1 Smith has the floor.

2 SENATOR WINNER: I know. I have
3 the floor.

4 So I'm asking Senator Smith if
5 he'll yield to some questions as to the rules
6 that he is proposing.

7 ACTING PRESIDENT BRESLIN:
8 Senator Winner, I don't believe he has the
9 floor to yield. You have the floor.

10 SENATOR WINNER: Well,
11 Mr. President, I think the normal procedure
12 that at least I used to remember is that if I
13 want to ask questions of the sponsor as to the
14 provisions of his proposal, will he yield for
15 some questions as it relates to those
16 proposals?

17 ACTING PRESIDENT BRESLIN: I
18 would ask if Senator Smith would like to
19 stand --

20 SENATOR SMITH: Yeah, sure, I'll
21 answer a couple of questions, Mr. President.

22 ACTING PRESIDENT BRESLIN: And,
23 Senator Winner, I would also say that I can be
24 corrected at any time, because I'm not telling

1 you that I would be absolutely correct in all
2 of my rulings.

3 SENATOR WINNER: I understand,
4 Senator, that none of us are infallible with
5 regard to our interpretations of the rules.

6 ACTING PRESIDENT BRESLIN: I
7 appreciate that.

8 SENATOR WINNER: Senator Smith,
9 one of the proposals in here as it relates to
10 the elimination of the canvass of agreement is
11 as it relates to motions to discharge.

12 Now, is this proposal sort of
13 similar to the proposal that exists currently
14 in the New York State Assembly rules? Or is
15 this an entirely new crafting of your own?

16 SENATOR SMITH: I'm not familiar
17 with the Assembly's rules at this point. I'm
18 dealing with the --

19 SENATOR WINNER: I'm sorry,
20 Senator, I can't hear.

21 SENATOR SMITH: I said I'm not
22 familiar with the Assembly's rules. I'm
23 dealing with that we had discussed before,
24 prior to us taking over the Majority.

1 And this is simply a canvass of
2 agreement in that votes will be recorded, as
3 opposed to in the past, where we would have, I
4 guess, a canvass of agreement, as you have put
5 it before.

6 SENATOR WINNER: So would you
7 agree, Senator, that --

8 ACTING PRESIDENT BRESLIN:
9 Through me, Senator Winner, if you would.
10 Thank you.

11 SENATOR WINNER: Thank you.

12 Mr. President, I would ask Senator
13 Smith whether or not he would agree that under
14 this rule there will be a printed roll call,
15 and I would ask him as to what form that
16 printed roll call will be on a motion to
17 discharge vote.

18 SENATOR SMITH: Yes, Mr.
19 President, there will be a printed roll call.
20 And we also will have further transparency by
21 having it on the Internet.

22 ACTING PRESIDENT BRESLIN:
23 Senator Winner.

24 SENATOR WINNER: Mr. President,

1 if Senator Smith would continue to yield.

2 ACTING PRESIDENT BRESLIN:

3 Senator Smith, do you continue to yield?

4 SENATOR SMITH: Yeah, I yield for
5 another question.

6 SENATOR WINNER: Senator Smith,
7 will there be any notations on the roll call
8 to differentiate a motion to discharge from a
9 procedural vote or a vote on the merits of a
10 particular piece of legislation?

11 SENATOR SMITH: Mr. President,
12 I'm advised by counsel that we will have a
13 notation as such.

14 ACTING PRESIDENT BRESLIN: Thank
15 you very much, Senator Winner.

16 Thank you, Senator Smith.

17 SENATOR WINNER: If Senator Smith
18 would continue to yield, Mr. President.

19 ACTING PRESIDENT BRESLIN:
20 Senator Smith?

21 SENATOR SMITH: I'll yield for
22 another question.

23 SENATOR WINNER: Senator Smith,
24 if I could ask you a hypothetical question as

1 far as procedure is concerned, as it relates
2 to whether a particular type of motion is in
3 order or whether it's not in order.

4 In the event that Senator X would
5 file a motion to discharge a particular bill
6 from the Committee on Health or any other
7 committee, in the event that the bill is then
8 reported from the Committee on Health to a
9 subsequently referred committee -- let's say a
10 few hours or a day before the motion was
11 scheduled to be heard -- would that preclude
12 the motion to discharge from being in order
13 and being heard on the floor?

14 ACTING PRESIDENT BRESLIN:
15 Senator Smith.

16 SENATOR SMITH: Mr. President, I
17 think that would be basically a point of
18 order. And at that point you deal with the
19 presiding officer.

20 ACTING PRESIDENT BRESLIN: Thank
21 you, Senator Smith.

22 SENATOR WINNER: If Senator Smith
23 would continue to yield.

24 SENATOR SMITH: One more

1 question, Mr. President.

2 ACTING PRESIDENT BRESLIN: One
3 more question, Senator Winner, through me.

4 SENATOR WINNER: One more
5 question?

6 SENATOR SMITH: Yes. I have
7 another meeting I need to get to.

8 SENATOR WINNER: Senator, if
9 Senator Smith would indicate whether or not he
10 feels that the Majority, pursuant to the new
11 rule that states that a motion to discharge
12 has to be present on a calendar of motions to
13 discharge for a five-day period, does the
14 Majority have the obligation to promptly print
15 the calendar for discharges?

16 For instance, such as calendars are
17 printed on a regular day, will the calendar
18 for motions to discharge be regularly printed
19 forthwith after the motions are submitted?

20 SENATOR SMITH: Mr. President, I
21 quite frankly appreciate my distinguished
22 colleague's questions, because it really
23 allows us to put further transparency to what
24 we're trying to do.

1 And I appreciate the fact that your
2 question is exactly what we plan on doing. I
3 would hope, during discussion, he might be
4 involved with the committee, because I think
5 the expertise he offers is one that we would
6 use.

7 And the answer is yes.

8 Thank you very much, Mr. President.

9 ACTING PRESIDENT BRESLIN: Thank
10 you, Senator Smith.

11 On the resolution, Senator Winner.

12 SENATOR WINNER: Well, Mr.
13 President, in all due respect, I understand
14 that Senator Smith has another commitment.

15 But perhaps someone else who is
16 familiar with these rules would yield to some
17 questions as it relates to the procedures
18 involving motions to discharge and amendments
19 and also on the committee reports. Perhaps
20 Senator Krueger.

21 SENATOR SMITH: Point of order,
22 Mr. President.

23 We've indicated that we have a
24 Rules and Administration Committee that we

1 have put forth. I think it would do us well
2 for my distinguished colleague, Senator
3 Winner, who -- I think he's right. I think
4 the questions that he is asking are
5 thoughtful, I think they're insightful. And I
6 think that is something that we would love to
7 have him a part of so that we can make sure we
8 get this right the first time.

9 So perhaps if my colleague would
10 appreciate the time element, that he would
11 allow us to move the agenda but yet still have
12 those questions put forward to the Rules and
13 Administration Committee, of which Senator
14 Bonacic will be co-chairman. And I'm sure he
15 would work very closely with Senator Winner,
16 as I see he has some very insightful thoughts
17 and questions.

18 ACTING PRESIDENT BRESLIN: Thank
19 you very much, Senator Smith.

20 SENATOR WINNER: Mr. President,
21 on the point of order. I believe Senator
22 Smith raised a point of order. I don't know
23 what the point of order was, but I would be
24 glad to respond to the point of order.

1 ACTING PRESIDENT BRESLIN: You
2 may respond, Senator Winner.

3 SENATOR WINNER: Thank you,
4 Mr. President.

5 In all due respect to our Majority
6 Leader, as I pointed out in my initial
7 remarks, these are the rules that we have to
8 live by between now and the middle of April.

9 And as a result, there are certain
10 procedures that are being touted as being
11 reforms that are in fact questionable as to
12 whether or not they will, de facto, be reforms
13 or whether they will act as the same type of
14 subterfuge that the New York State Assembly
15 Majority has operated under for several
16 decades.

17 And those have been every single
18 opportunity to thwart the opportunity of the
19 Minority to bring a motion to discharge has
20 been present. And whether it's failure to
21 print the calendar, whether it's moving a bill
22 from one committee to another just hours or
23 minutes before the motion is scheduled to be
24 heard, whether it's creating undue time limits

1 to prevent the bill from ever being
2 considered, whether it's limiting the number
3 that can be considered in a day, those have in
4 fact created a circumstance whereby there have
5 been very few, if any, motions to discharge
6 authorized and allowed on the floor of the
7 New York State Assembly.

8 I just don't want you to fall into
9 the same trap of touting reform but knowing
10 full well that it's not going to happen.

11 So under those circumstances,
12 Mr. President, I don't think the Senator's
13 point is well taken.

14 ACTING PRESIDENT BRESLIN: And
15 that was really a statement rather than a
16 response to a point of order.

17 Senator Klein.

18 SENATOR WINNER: I believe I
19 still have the floor.

20 ACTING PRESIDENT BRESLIN:
21 Proceed.

22 SENATOR WINNER: Thank you.

23 Will Senator Krueger yield to a
24 question?

1 ACTING PRESIDENT BRESLIN: Excuse
2 me, we're back to the same situation. Senator
3 Krueger does not have the floor. You have the
4 floor.

5 SENATOR WINNER: Will Senator
6 Krueger yield to a question on --

7 ACTING PRESIDENT BRESLIN: You're
8 out of order.

9 SENATOR WINNER: With all due
10 respect, Mr. President, I'm asking the Senator
11 to yield to a question with regard to her
12 remarks. Something that in my judgment,
13 humble judgment, is clearly in order as a
14 necessary ability to engage in any type of
15 debate in this house. Without that, we would
16 never be able to talk to one another.

17 ACTING PRESIDENT BRESLIN:
18 Senator, in order to accommodate you, I've
19 been told that Senator Krueger is more than
20 willing to yield to you.

21 SENATOR WINNER: Thank you.

22 Senator Krueger --

23 SENATOR LIZ KRUEGER: Senator
24 Winner.

1 SENATOR WINNER: Through you,
2 Mr. President.

3 ACTING PRESIDENT BRESLIN: Thank
4 you very much.

5 SENATOR WINNER: Senator, you
6 made the statement in your remarks that we are
7 no longer going to, quote, dance around
8 procedural votes, unquote, as it relates to
9 eliminating the canvass of agreement and
10 imposing a change in the motion to discharge
11 procedure. And therefore I believe you
12 indicated there would be recorded roll call
13 votes and they would properly reference what
14 an individual's position is on the respective
15 bill that's under consideration.

16 Is that an accurate representation?
17 And if so, does that mean that we are going to
18 be having, for sure, debates on the merits
19 with respect to the motions to discharge bills
20 that we bring before this house?

21 SENATOR LIZ KRUEGER: For the
22 record, I'm not the sponsor of the resolution,
23 so I want to be careful to not misspeak any
24 language of the resolution.

1 My understanding is that we will
2 not have canvasses of agreement, we will
3 actually have votes up or down as individual
4 Senators, and that we will be going back for
5 this period of time -- until the Rules and
6 Administration Committee makes final
7 recommendations, we will be going back to the
8 model that the Senate used prior to the
9 changes effective 2001.

10 And I was not here under those
11 rules. You actually were the Majority then.
12 It was right before I joined the Senate when
13 we made the changes, so it is my
14 understanding -- and again, I might defer to
15 some of my colleagues on either side of the
16 chamber who were here then, pre-2001. It was
17 my understanding that at that time, yes, there
18 was actual debate on motions to discharge on
19 the floor of the Senate, and there were votes.

20 But again, I want to be careful not
21 to misspeak a point in history where -- I
22 don't know if you were here yet, Senator, but
23 I wasn't.

24 SENATOR WINNER: Mr. President,

1 if the Senator will continue to yield.

2 ACTING PRESIDENT BRESLIN:

3 Senator Krueger, do you continue to yield?

4 SENATOR LIZ KRUEGER: Yes, I do,
5 Mr. President.

6 ACTING PRESIDENT BRESLIN: Yes,
7 Senator Winner.

8 SENATOR WINNER: Senator Krueger,
9 my question I think is fairly simple and
10 straightforward. Do you consider a vote as to
11 whether to discharge a bill from committee as
12 a vote on the merits with respect to the
13 individual vote that you're taking? Or do you
14 consider it to be a procedural vote only?

15 SENATOR LIZ KRUEGER: I hope that
16 it will be both. It will be both a debate on
17 the actual substance of why this bill should
18 come out of committee for a vote. But I
19 also -- which is more the procedural can we
20 move this bill out of committee to the
21 calendar.

22 But I also assume, and maybe that's
23 the difference you and I are having, because I
24 wasn't here when we did it that way. I assume

1 that there will be actual substantive
2 discussion of why any individual bill is so
3 important that it merits a motion to discharge
4 out of committee.

5 SENATOR WINNER: Thank you,
6 Senator Krueger.

7 On the resolution, Mr. President,
8 so as to not prolong this much longer, because
9 I can't --

10 ACTING PRESIDENT BRESLIN: Thank
11 you.

12 SENATOR WINNER: There are a
13 couple of other areas in here that I think
14 that we need to make sure that the Majority is
15 not sliding toward the Assembly Majority types
16 of interpretation of particular votes.

17 And while I take Senator Valesky
18 and his reported quotes at his word, whereby
19 he has indicated that there are going to be
20 recorded votes on motions and on amendments
21 and on legislation, that I also hope that
22 there is not going to be a wholesale use of
23 what has been touted in the Assembly or
24 utilized in the Assembly to thwart any types

1 of recorded votes, and that is a rather narrow
2 interpretation of what constitutes
3 germaneness, which has been utilized rather
4 adversely to silence the Minority.

5 But time will tell. And we'll give
6 you the benefit of the doubt today that you're
7 going to deal with that in good faith. And we
8 will soon find that out, because obviously
9 there is going to be a lot to amend here.

10 There are going to be lots of great amendments
11 that we're going to put forth, in particular
12 when we get to this wonderful budget process
13 that everybody is going to be so proud of.

14 And also I think that there is an
15 opportunity here when we go forward on these
16 amendments, in the amendment process and the
17 motion to discharge process, to make sure that
18 the members of your side of the aisle are in
19 fact true to their word as it relates to their
20 efforts to reform this process. Because it
21 will become very transparent very, very
22 quickly if that is not the case.

23 So in the spirit of bipartisanship
24 today, I think -- and also knowing full well

1 that we have to have a set of rules in order
2 to operate in the temporary basis under which
3 these rules are there, I thank you for the
4 opportunity to debate these rules today, and
5 hope that the pronouncements that have been
6 made in the media and during the campaigns and
7 elsewhere will bear fruition and that a lot of
8 those abuses that still currently exist in the
9 other house of this Legislature are not
10 incorporated and don't find their way and wind
11 their way into the procedures that you're now
12 planning to put in place.

13 Thank you.

14 ACTING PRESIDENT BRESLIN: Thank
15 you, Senator Winner.

16 Senator Klein.

17 SENATOR KLEIN: Thank you,
18 Mr. President. I'd like an opportunity to
19 speak on the resolution.

20 ACTING PRESIDENT BRESLIN: You
21 may proceed, Senator Klein.

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

24 Again, I want to thank Majority

1 Leader Smith and also single out Senator Liz
2 Krueger for all the hard work she has done
3 over the years to reform our process.

4 I think it's clear, and I think
5 everyone is in agreement, that what we're
6 doing here today is a modest first step. But
7 it's also a very important beginning. And
8 what we are doing today is a lot more than has
9 been done in the past, and I think we should
10 all applaud this small step forward but
11 eventually a giant step forward in reforming
12 our process.

13 Because I think what we are doing
14 today is making sure we're empowering
15 rank-and-file members. The best way we can
16 reform this legislative body is by making sure
17 that everyone has a say in the process,
18 whether or not you were elected as a Democrat,
19 whether you were elected as a Republican.

20 And I do just want to concentrate
21 on one piece of this bill, which is permitting
22 open-bill sponsorship, which is authorizing
23 any Senator to join on any bill as a
24 cosponsor.

1 Again, I think a lot of the
2 Senators who spoke before me mentioned that
3 many don't really know, meaning our
4 constituents, what all this floor procedure
5 really means. I know Senator Flanagan was
6 very articulate in talking about that.

7 And I want to tell you something.
8 My four years in the Minority, I had a very
9 hard time explaining to my constituents,
10 explaining to interest groups why I wasn't
11 allowed to sponsor a bill -- or cosponsor a
12 bill. Forget about sponsoring a bill and
13 actually have any chance of that bill passing,
14 but actually cosponsoring meaningful
15 legislation.

16 I remember I did a lot of work in
17 trying to repeal the five-year statutory
18 limitation on rape. And I was successful.
19 And Senator Skelos, who was the eventual
20 sponsor of that legislation, did allow me, at
21 the end of the day, to be a sponsor. I thank
22 you for that.

23 But I think we need a much more
24 open process. Not by asking permission of the

1 sponsor of the bill, not asking permission of
2 the respective leaders of our conferences, or
3 not even asking an individual member whether
4 or not they want to sponsor a bill.

5 If our constituents feel that this
6 is an issue of importance, if an individual
7 legislator feels that this is an issue of
8 individual importance, we should have the
9 ability to cosponsor that legislation.

10 So again, it may not seem like a
11 lot. But this one piece I think at least will
12 make most Senators -- I hope all of us -- feel
13 that we're really doing the people's business
14 when we come up to Albany.

15 I thank you, and I vote yes on this
16 resolution, Mr. President.

17 ACTING PRESIDENT BRESLIN: Thank
18 you, Senator Klein.

19 Senator Schneiderman.

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

22 I'd like to thank Senator Smith,
23 our Majority Leader, for sponsoring this
24 resolution.

1 And I just have to say that
2 listening to some of my colleagues on the
3 other side of the aisle, of the late majority,
4 brings back fond memories.

5 I disagree with -- oh, he's gone --
6 Senator Flanagan. Well, John, I do disagree
7 with you when you make the point where you
8 stand depends a lot on where you sit. I
9 understand that point of view. But I do think
10 that where you sit really should more be a
11 matter of conduct than of words.

12 And I would urge all of you to take
13 a look at what we're doing and take a look at
14 what you did in the last ten years, and
15 consider this. Words are very cheap in
16 Albany. Look at our actions. Today we move
17 forward to make the Senate a somewhat more
18 transparent, democratic place. We move
19 forward to actually enact reforms.

20 In the last ten years, you have
21 changed the rules twice when you had the power
22 and both times made it a less democratic, less
23 transparent place.

24 Now, we can spend a lot of time

1 reminiscing about the abuses of the past and
2 about not being able to get our names on bills
3 and having constituents in your office
4 demanding that you sponsor a bill which you
5 were prevented from sponsoring. But it's time
6 to move on. Let's move on.

7 Let's look at these rules reforms.
8 Ask yourself a simple question. Do these
9 rules reforms, in their own modest way, move
10 us forward or backwards?

11 And I would suggest to you there is
12 no possible argument that these do not move us
13 forward. For the first time since I've been
14 here we are changing the rules to open things
15 up, to make it more democratic, to make it
16 more transparent.

17 When you changed the rules to
18 eliminate the requirement that we record the
19 votes of Senators so our constituents couldn't
20 tell how we voted on motions, was that moving
21 things forward? I don't think so. I don't
22 think so.

23 When you made us jump through
24 bizarre loops to get any sorts of resources,

1 was that making the place more democratic,
2 more transparent? I don't think so.

3 I don't know, Senator Duane and I
4 had a great time the year we couldn't get
5 supplies at all -- paper clips, pencils,
6 paper. Was that really the kind of conduct
7 that you now want to call on us to emulate?

8 I would suggest to you that you
9 have to look at actions. And today, for the
10 first time since I've been here, we are
11 enacting rules reforms that actually make this
12 a more democratic, more transparent place.
13 And we are acknowledging that we have further
14 to go.

15 Nothing like this has ever happened
16 since I've been here. Senator Smith is saying
17 we know this is a first step, we're
18 demonstrating that we're on the path of reform
19 by making sure these rules expire earlier than
20 we're required to by appointing a bipartisan
21 committee to consider and report back. We are
22 trying to move forward.

23 Is this going to be hard? Does
24 anyone with power give it up easily? No. But

1 this is a good-faith effort. And this is the
2 first time since any of us have been here that
3 we're moving forward with reforms that
4 actually open this up, that give a little bit
5 more hope, that give a little bit of
6 encouragement to the reformers among us and to
7 the reformers outside that we can change, we
8 can devolve power, we can become a more
9 democratic, transparent and efficient body.

10 I could not be prouder to be here
11 today and to see that in our first week in
12 power we're not just talking, we're not just
13 putting rhetoric on a bad bill or a bad
14 resolution. I would say we're not just
15 putting lipstick on a pig, but it's been
16 overused in recent months.

17 (Laughter.)

18 SENATOR SCHNEIDERMAN: This is
19 not a pig. This is reform.

20 I proudly vote yes and urge
21 everyone to vote yes.

22 ACTING PRESIDENT BRESLIN: Thank
23 you, Senator Schneiderman.

24 Senator Squadron.

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

3 Thank you all. It's a great honor
4 to be standing for the first time as a member
5 of this body. It's a great honor to be a
6 member of this body, a great honor to be
7 speaking, for the first time that I stand as a
8 member of this body, on Senator Smith's
9 resolution.

10 I am very glad that you're the
11 leader of this body and am very proud that I
12 have the opportunity to speak on such a
13 resolution on my inaugural day.

14 Certainly it's not a day when we're
15 waving a magic wand and fixing everything. I
16 don't think that's how the world works. It's
17 not even the way that a strange place called
18 Albany works.

19 But we are certainly today in a
20 real way fixing something, and in a way that I
21 think all of the members -- in fact, members
22 on both sides of the aisle -- are proving
23 they're deeply committed to. And it's
24 heartening for a new member to see how

1 committed folks across this chamber are to the
2 kind of change that I called for.

3 I'm new here; I don't have a great
4 deal of experience here as a member. I do
5 have a great deal more experience not as a
6 member of this body.

7 And let me tell you, the rules of
8 this body are not something that people think
9 about specifically across this state. But the
10 effects of the rules of this body are
11 something that make a difference in people's
12 lives every day across this state, from the
13 eastern end of Long Island, where another new
14 member comes from today, Senator Foley, all
15 the way up to Western New York and Buffalo,
16 where Senator Stachowski and Senator Thompson
17 are from, among others.

18 And by changing the way we operate,
19 we will be offering the people of this state
20 the ability to hold us all accountable for
21 what we do and don't do in this very tough
22 year and in the ensuing years, as we get past
23 even these beginning reforms that are more
24 than has ever happened, as far as I

1 understand.

2 Although if anyone knows of a
3 greater day for reform in this body in the
4 last couple of decades, I would love to hear
5 about it -- perhaps afterwards in the lounge I
6 was recently introduced to.

7 Today is not just a call for change
8 with the security that it won't happen. It's
9 not a call for a mere headline. Today is the
10 beginning of real change, because of the
11 conviction that it must happen and will
12 happen.

13 And I'm very, very proud to be a
14 member of this body today. I am proud to
15 support this resolution, and the previous one
16 that passed, and work over the next 90 days
17 and the upcoming years to say to the people of
18 New York, please, hold us accountable. That's
19 why you elected us.

20 Thank you, Mr. President.

21 ACTING PRESIDENT BRESLIN: Thank
22 you, Senator Squadron. And congratulations on
23 your first speech.

24 SENATOR SQUADRON: Thank you.

1 ACTING PRESIDENT BRESLIN:

2 Senator Duane.

3 SENATOR DUANE: Thank you,
4 Mr. President.

5 Something did come to mind; I was
6 wondering who told Senator Squadron about the
7 lounge.

8 (Laughter.)

9 SENATOR DUANE: But really my
10 greatest regret is that Senator Larraine
11 Hoffman is not here for this day.

12 All right. Let me start over.

13 (Laughter.)

14 SENATOR DUANE: You know,
15 actually, it's sort of exciting for me, after
16 ten years, to have a debate like this about
17 reform. And I just think in and of itself,
18 that is sending a message to New Yorkers.

19 And, you know, debates about reform
20 and rules are always going to be contentious.
21 I mean, even in one-house bodies, which I came
22 from -- it seems so long ago -- we had
23 contentious debates about rules and rules
24 reform. And I think it's incredibly healthy

1 for our democracy.

2 I mean, I am very glad to get rid
3 of the canvass of agreement. Good riddance.
4 It was just really, you know, a concept whose
5 time should never have arrived. And I think
6 that people going on the record is a very good
7 thing, and for people to have the courage of
8 their convictions is a good thing.

9 And I actually don't think that the
10 breakdown is always going to be on a partisan
11 basis. It hasn't been to this point, and I
12 don't expect that it will be going forward.

13 And I remember when Assemblymember
14 Grannis was being confirmed as the
15 environmental commissioner, that one of the
16 things that made me think so highly of him was
17 that I knew that when he was in the Assembly,
18 that all of his bills were open to everyone to
19 sign onto.

20 And while my colleagues on the
21 other side of the aisle didn't particularly or
22 necessarily take me up on the offer at the
23 time, I always offered my bills to everyone
24 for them to sign onto.

1 And even if I had grudges about
2 that and, you know, that this one didn't let
3 me sign on, or that one -- you know what? My
4 grudges don't matter anymore, because those
5 days are gone. And that's -- I mean, that
6 really is huge. You know, there won't be any
7 bad feelings about that anymore.

8 So even, you know, the things that
9 we're doing today -- and we could disagree on
10 whether it's a small step or a large step or a
11 middle step. It's still a step worth noting
12 that's going to bring us really to, I think, a
13 new and better era where we'll have a better
14 opportunity to work together during these
15 incredibly difficult times.

16 And I think the other thing is no
17 matter -- and I say this from personal
18 experience -- no matter what the rules are or
19 what's going on, one person in this chamber
20 can make a huge difference. And no matter
21 what the rules are, no matter what's going on,
22 I really think determination and a strong
23 belief in what it is that you're doing is
24 really what makes the difference.

1 And I think that each and every one
2 of us are here because we have those strong
3 beliefs. And every voice here is one that
4 needs to be and should be heard. And that
5 passion that each one of us brings here is
6 what's going to change things for all
7 New Yorkers.

8 So I'm excited about our ability to
9 work together, and I commit to work together
10 with everyone who's in here.

11 Thank you.

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator Duane.

14 Senator Pedro Espada.

15 SENATOR ESPADA: Thank you,
16 Mr. President.

17 And I must lead by saying that this
18 debate here -- indeed, this resolution -- is
19 not as procedural as it might be to others.
20 This is a very personal matter to me.

21 In 2002, on the pathway towards
22 bipartisanship, I was allowed to join the
23 majority conference, then led by Senator
24 Bruno. I got to know many of the members of

1 the Republican minority now.

2 I was always treated with respect.

3 I was allowed as a Democrat to pass historic
4 legislation that evened the playing field for
5 students of CUNY and SUNY.

6 And now, today, I'm at the
7 precipice of making another type of history
8 consistent with bipartisanship. And I have to
9 thank Senator Smith, a person I've known for
10 over 30 years, for the spirit and the reality
11 that he has crafted into this resolution.

12 Because, indeed, it is a pathway
13 towards bipartisanship. It is a bridge to our
14 future, when our children and grandchildren --
15 and, by the way, I have nine of them, of the
16 latter -- can really see a future without
17 artificial divisions that were there in 2002.

18 And those barriers were brought
19 down by Senator Bruno, and we broke the color
20 barrier then. First person of color to be
21 allowed to participate as a Democrat in 2002.

22 So Senator Skelos and the
23 Republican minority now understand how to get
24 it right. We today, here, clearly understand,

1 and historically, waiting for 40 years for the
2 opportunity, understand how to get it right.

3 And it's for all of those reasons,
4 and in the spirit of unity, that I support
5 this resolution.

6 Thank you so very much.

7 ACTING PRESIDENT BRESLIN: Thank
8 you, Senator Espada.

9 Senator Stavisky.

10 SENATOR STAVISKY: Thank you,
11 Mr. President.

12 I think that 12 months from now,
13 when they do the year-end wrap-up, they're
14 going to talk about a new era, a new
15 bipartisanship that hopefully will continue
16 for many years to come.

17 In my Senate district we say that a
18 long journey begins with a single step. And I
19 think we took that step today, and I
20 congratulate Senator Smith for leading us on
21 the beginning of a long journey.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BRESLIN: Thank
24 you, Senator Stavisky.

1 To close for the Minority, Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: Thank you.

4 I think that Senator Schneiderman
5 stated it very accurately, that conduct is
6 much louder than words.

7 Today the Majority is touting these
8 new reforms -- it may be a small step, it may
9 be a historic step; we've heard different
10 characterizations. The fact of the matter is
11 is that conduct speaks a lot louder than all
12 of those words.

13 For the life of me, I don't think
14 that anyone is possibly surprised or in any
15 way is wool being pulled over anyone's eyes by
16 this debate today.

17 The conduct over the many years
18 that the Majority was in the minority is that
19 the rules are horrible. The rules are not
20 fair. I've got volumes of quotes -- and I'm
21 not going to single out anyone or try and
22 embarrass anybody -- about how these rules
23 changes are essential and fair, the rules
24 changes that we submitted, the amendments.

1 That was right when they were your amendments.

2 There were speeches on the floor,
3 you made amendments for these various
4 amendments that we're making, when we were in
5 the majority.

6 You had filed a lawsuit -- somebody
7 spent some money or got a good pro bono
8 attorney to file a lawsuit to try to change
9 the rules the way you wanted the rules.

10 Some of you, including the Leader
11 and Senator Krueger, cosponsored John
12 Bonacic's bill for equal staffs and the like
13 and spoke eloquently on the floor when you
14 were in the minority.

15 Liz Krueger had hearings -- the
16 minority task force or whatever she mentioned
17 it was -- about rules changes, and she learned
18 a lot.

19 Now, ladies and gentlemen, I don't
20 think anybody is going to be surprised with
21 this analysis, and that is how possibly can
22 you go through all of those efforts and argue
23 so vigorously for so many years, bring
24 lawsuits, study, and during the campaign, in

1 order to take over the majority, tout reform,
2 the Brennan reforms that you're going to do as
3 your first priority, and come up with these
4 four minor changes and say we'll defer the
5 rest until we have had a chance to let people
6 forget about it. And, you know, I don't think
7 anybody is being fooled.

8 So all I want to say is you're in
9 the majority. You can provide any rules you
10 want. You don't have to file a lawsuit
11 anymore, you don't have to campaign on it
12 anymore, you don't have to debate about it
13 anymore, you don't have to say a word. You
14 can now do with your vote exactly what you
15 claimed was necessary for the many years you
16 were in the minority.

17 So all I wanted to do is basically
18 set the record straight. Conduct is a heck of
19 a lot more important words touting these as
20 real reforms.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BRESLIN: Thank
23 you, Senator DeFrancisco.

24 For a final close by the Minority,

1 Senator Skelos.

2 SENATOR SKELOS: Thank you,
3 Mr. President.

4 I rise today to comment on some of
5 the words that were spoken by my good friends
6 on the other side of the aisle.

7 I read from an article in the Times
8 Union, an op-ed by Lawrence Norden, who is
9 counsel at the Brennan Center. And he
10 mentions in a positive way that both Senator
11 Smith, the Majority Leader, and I have spoken
12 about the importance of independence of
13 committees, the equal resources.

14 And, Senator Bonacic, I know when
15 you mentioned prior Majority Leaders and
16 Speakers not doing something, you didn't
17 include me.

18 SENATOR BONACIC: Absolutely not.
19 (Laughter.)

20 SENATOR SKELOS: Thank you.

21 But I also go on in this article,
22 and I'd like to point out, about the
23 resolution that Senator Smith has put forward
24 today, and they mention that the "new proposed

1 rules resolution, scheduled for a vote today,
2 falls short of his present and past
3 statements."

4 It says some positive things about
5 the resolution. And I know, you know, a lot
6 of the issues that are within the Brennan
7 Center report and recommendations were
8 strongly supported by Senator Valesky, and I'm
9 surprised he didn't support it today.

10 But it says here: "There is
11 nothing wrong with these changes, but they
12 fall short of the kind of comprehensive reform
13 the Senate needs if it's to become the
14 deliberative, open, representative,
15 accountable body that the Senate Democrats
16 promised before the November elections."

17 Then it also goes on to say, "The
18 Democrats already have a road map to rules
19 reform -- one sponsored by none other than
20 Malcolm Smith in January 2007, when he was
21 still minority leader. When Smith introduced
22 that resolution, every Senate Democrat
23 supported it. His earlier proposal, like most
24 of the Brennan Center's recommendations, makes

1 it clear how little the Senate Democrats have
2 proposed now that they have a majority."

3 So, Mr. President, I would urge to
4 reconsider the resolutions that were defeated
5 by my good friends in the Majority, on the
6 Democrat side, all 32 of you rejecting those
7 proposed resolutions, which we think were very
8 positive.

9 And I would quite frankly urge my
10 colleagues on this side of the aisle -- of
11 course, vote as you wish -- to vote against
12 the resolution.

13 And, Senator Duane, I agree with
14 you. This was a wonderful day in debating
15 reform, debating change. And I'm confident
16 that throughout the legislative session there
17 are going to be many bills that are important
18 to us individually -- important to you,
19 Senator Duane -- that are going to come to
20 this floor, and we're going to have an open
21 and frank debate about the merits of that
22 legislation.

23 So again, Senator Smith, we have
24 taken a step forward in a positive way, and I

1 think the fact that we are looking at reform
2 today is positive. But we urge you to take
3 those additional steps, not wait until
4 April 14th or April 13th when the Senate
5 session is a good part of the way through, but
6 put them in effect now. They don't need to be
7 debated, certainly Senator Bonacic's proposed
8 resolution.

9 It's simple. Support it. Support
10 the Brennan Center, which every single one of
11 you has heralded as the example of reform.
12 Support the Brennan Center, as you have in the
13 past.

14 Thank you.

15 ACTING PRESIDENT BRESLIN:

16 Senator Smith, to close for the Majority.

17 SENATOR SMITH: Yes, thank you
18 very much, Mr. President.

19 My colleagues -- Senator Squadron,
20 Senator Liz Krueger, Senator Schneiderman,
21 Senator Klein, Senator Valesky, Senator
22 Bonacic, Senator Winner, Senator DeFrancisco
23 and my partner in this body, Senator Skelos --
24 this is a very historic day for us. I think

1 there was not a person on this floor that said
2 something wrong. I think everybody was right.

3 I think you were right in that we
4 have to do more, and we will.

5 I think you were right in that
6 actions speak louder than words, and we acted
7 today, louder than the words we heard for the
8 last 20 years.

9 I think you were right when you
10 said as we go forward, please make sure we
11 make some changes. And we will do that by
12 getting that report back from the committee in
13 90 days.

14 We rightfully agreed that there is
15 more to be done. However, today is Monday.
16 We took charge on Wednesday. We went home,
17 some of us, on Thursday. And, God willing,
18 you had a wonderful weekend with your families
19 and enjoyed the ascension to something that
20 has not happened in over 43 years. And on
21 Sunday night, they came here.

22 Now, I know that my colleagues
23 present themselves as superwomen and supermen.
24 But while I ask them to get no sleep, I do ask

1 them to spend time with their families and
2 enjoy that.

3 And I think tomorrow, when
4 Senator Bonacic calls Senator Valesky and
5 Senator Winner and Senator DeFrancisco gives
6 him all the advice that he needs to bring
7 forth the rules that you now put forth today,
8 we will be more than happy to entertain those,
9 and we probably will adopt them on short
10 order.

11 I don't think 90 days is a long
12 period of time, given that we had the rules
13 that we were governed by for almost 43 years.
14 So I don't think another three months is going
15 to hurt. If we waited that long, ladies and
16 gentlemen, we can wait another three months
17 and do it right. What we are trying to make
18 sure is we don't go back and make mistakes and
19 have to come back and correct it.

20 So what we did today is send the
21 message to the public, the message which is we
22 heard you, we're making the changes.

23 What I don't want to do, though, is
24 miss one of the most historic things that are

1 happening in these rules. And I think while
2 we are talking about committee members and
3 committee sponsorships of bills and motions to
4 discharge, there is one thing that is in these
5 rules that we have not talked about today, and
6 that's the historic change that we made in
7 creating a vice president of the Senate for
8 urban planning and policy by the name of Pedro
9 Espada, the first person to chair that on this
10 floor in the Senate.

11 And I salute you, Pedro Espada,
12 along with my colleagues here.

13 (Applause.)

14 SENATOR SMITH: And so,
15 Mr. President, while we are thankful for the
16 advice and input of our colleagues, while I
17 think all of them deserve praise for the
18 effort they put into it, we have a lot more to
19 do. We do. We have a lot more to do.

20 And I would hope that even those
21 who are not a part of the committee will
22 provide input in such a way that we will
23 clearly make a statement to the public within
24 the next three months.

1 And again, the committee may come
2 sooner than that. They may debate for a month
3 and say, you know what, we're done. Ninety
4 days is the out date. It doesn't mean that
5 they can't come back sooner. And should they
6 do so and the rules are debated and agreed
7 upon, we'll be happy to make those changes,
8 because we have a lot more to do.

9 Mr. President, I thank you very
10 much for your presiding, and I look forward to
11 these new rules.

12 ACTING PRESIDENT BRESLIN: Thank
13 you very much, Senator Smith.

14 The question is on the resolution.
15 All those in favor say aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BRESLIN: All
18 those opposed say nay.

19 (Response of "Nay.")

20 ACTING PRESIDENT BRESLIN: I
21 believe the ayes have it. The resolution is
22 adopted.

23 Senator Smith.

24 SENATOR SMITH: Mr. President, I

1 hand up the following leadership notice and
2 ask that they be filed in the Journal.

3 And at the same time, I also hand
4 up the following Finance Committee members'
5 notice and ask that they be filed in the
6 Journal as well.

7 ACTING PRESIDENT BRESLIN: To be
8 filed in the Journal.

9 Senator Smith.

10 SENATOR SMITH: Mr. President,
11 before we adjourn, I'd just like to announce
12 that we'll be having an immediate press
13 conference following this session, and I
14 invite all my colleagues on both sides of the
15 aisle to be a part of that, as we discussed
16 the rules changes.

17 And, Mr. President, if there is no
18 further business at the desk, I ask that we
19 adjourn and reconvene on Tuesday, January 13,
20 at 11:00 a.m.

21 ACTING PRESIDENT BRESLIN: The
22 desk is clear, Senator Smith. There being no
23 further business to come before the Senate, on
24 motion, the Senate stands adjourned until

1 tomorrow, Tuesday, January 13th, at 11:00 a.m.

2 (Whereupon, at 4:43 p.m., the
3 Senate adjourned.)
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