NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:12 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BRESLIN: The Senate will come to order.

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

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

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

Father Young.

REVEREND YOUNG: Let us pray.

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

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

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

Senate.

ACTING PRESIDENT BRESLIN: Thank you, Father Young.

The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Smith.

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

for its immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Senator Smith.

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Nay?

(No response.)

ACTING PRESIDENT BRESLIN: The ayes have it.

The resolution is adopted.

Congratulations, Angelo. Congratulations to Angelo Aponte.

(Standing ovation.)

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

SENATOR SMITH: Congratulations.

(Standing ovation.)

ACTING PRESIDENT BRESLIN: Senator Smith.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Smith.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: You may proceed.

SENATOR KLEIN: Thank you, Mr. President.

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

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

going to achieve that.

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

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

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

And I think, through this committee

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

I vote yes on this resolution.

ACTING PRESIDENT BRESLIN: Thank you, Senator Klein.

Senator Hassell-Thompson.

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

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

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

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

Thank you, Mr. President.

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

Senator DeFrancisco.

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

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

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

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

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

SENATOR DeFRANCISCO: Six Democrats and three Republicans?

SENATOR SMITH: That's correct.

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT BRESLIN: Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

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

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

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

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

of this effort.

We're finding that the Senate finds a need for a thorough review of the legislative process in this Senate and the administration of this Senate, that the Senate is committed to reforming the rules of the Senate as well as the administration of the Senate generally, to create a more participatory and transparent legislative process. And the effort to change this legislative process, in order to ensure a more open, effective and responsive Senate, should be undertaken openly and with the input of the public and interested organizations.

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Valesky.

The resolution is adopted.

Senator Flanagan.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

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

Senator Flanagan.

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

ACTING PRESIDENT BRESLIN: You may proceed.

SENATOR FLANAGAN: Thank you.

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

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Flanagan.

Would anyone else like to be heard on this resolution?

All those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: All those opposed, nay.

(Response of "Nay.")

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

Senator Bonacic.

SENATOR BONACIC: Thank you,

Mr. President.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: You may proceed, Senator Bonacic.

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

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

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

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

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

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

Senator, you're punishing the people.

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

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

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

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

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

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

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

And treating all members equally,

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

Thank you, Mr. President.

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

Senator Diaz.

SENATOR DIAZ: Thank you, sir.

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

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

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

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

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

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

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

(Laughter.)

SENATOR DIAZ: -- as I have suffered.

(Laughter.)

SENATOR DIAZ: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Adams.

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: All those opposed say nay.

(Response of "Nay.")

ACTING PRESIDENT BRESLIN: The nays have it. The resolution is defeated.

Senator Smith.

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

adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

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

ACTING PRESIDENT BRESLIN: Senator Smith.

SENATOR SMITH: Yes, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you very much.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Nice to see you up there, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I know we can do more; I know we

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Krueger.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Smith has the floor.

SENATOR WINNER: I know. I have the floor.

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: I appreciate that.

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

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

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

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

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

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

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

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

SENATOR WINNER: Thank you.

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

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

ACTING PRESIDENT BRESLIN: Senator Winner.

SENATOR WINNER: Mr. President,

if Senator Smith would continue to yield.

ACTING PRESIDENT BRESLIN: Senator Smith, do you continue to yield?

SENATOR SMITH: Yeah, I yield for another question.

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

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

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

Thank you, Senator Smith.

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

ACTING PRESIDENT BRESLIN: Senator Smith?

SENATOR SMITH: I'll yield for another question.

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

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

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

ACTING PRESIDENT BRESLIN: Senator Smith.

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

SENATOR WINNER: If Senator Smith would continue to yield.

SENATOR SMITH: One more

question, Mr. President.

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

SENATOR WINNER: One more question?

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

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

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

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

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

And the answer is yes.

Thank you very much, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

On the resolution, Senator Winner.

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

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

SENATOR SMITH: Point of order, Mr. President.

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

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

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

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

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

ACTING PRESIDENT BRESLIN: You may respond, Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

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

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

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

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

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

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

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

Senator Klein.

SENATOR WINNER: I believe I still have the floor.

ACTING PRESIDENT BRESLIN: Proceed.

SENATOR WINNER: Thank you.

Will Senator Krueger yield to a question?

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

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

ACTING PRESIDENT BRESLIN: You're out of order.

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

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

SENATOR WINNER: Thank you.

Senator Krueger --

SENATOR LIZ KRUEGER: Senator Winner.

SENATOR WINNER: Through you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you very much.

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

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

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

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

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

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

SENATOR WINNER: Mr. President,

if the Senator will continue to yield.

ACTING PRESIDENT BRESLIN: Senator Krueger, do you continue to yield?

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

ACTING PRESIDENT BRESLIN: Yes, Senator Winner.

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

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

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

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

SENATOR WINNER: Thank you, Senator Krueger.

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

ACTING PRESIDENT BRESLIN: Thank you.

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

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

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

But time will tell. And we'll give you the benefit of the doubt today that you're going to deal with that in good faith. And we will soon find that out, because obviously there is going to be a lot to amend here. There are going to be lots of great amendments that we're going to put forth, in particular when we get to this wonderful budget process that everybody is going to be so proud of.

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Winner.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: You may proceed, Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

Again, I want to thank Majority

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Klein.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

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

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

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

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

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

Now, we can spend a lot of time

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

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

I proudly vote yes and urge everyone to vote yes.

ACTING PRESIDENT BRESLIN: Thank you, Senator Schneiderman.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

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

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

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

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

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

understand.

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

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

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

Thank you, Mr. President.

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

SENATOR SQUADRON: Thank you.

ACTING PRESIDENT BRESLIN: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

(Laughter.)

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

All right. Let me start over.

(Laughter.)

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

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

for our democracy.

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Duane.

Senator Pedro Espada.

SENATOR ESPADA: Thank you, Mr. President.

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

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

the Republican minority now.

I was always treated with respect. I was allowed as a Democrat to pass historic legislation that evened the playing field for students of CUNY and SUNY.

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

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

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

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

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

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

Thank you so very much.

ACTING PRESIDENT BRESLIN: Thank you, Senator Espada.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stavisky.

To close for the Minority, Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you.

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

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

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

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

That was right when they were your amendments.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

For a final close by the Minority,

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

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

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

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

SENATOR BONACIC: Absolutely not.

(Laughter.)

SENATOR SKELOS: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT BRESLIN: Senator Smith, to close for the Majority.

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

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

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

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

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

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

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

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

them to spend time with their families and enjoy that.

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

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

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

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

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

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

(Applause.)

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: All those opposed say nay.

(Response of "Nay.")

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

Senator Smith.

SENATOR SMITH: Mr. President, I

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

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

ACTING PRESIDENT BRESLIN: To be filed in the Journal.

Senator Smith.

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

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

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

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

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