



NEW YORK STATE SENATOR

Malcolm Smith

Court Recognizes Only The Election Of Senator Smith As Temporary President Of The Senate, Says Senate Must Decide

MALCOLM A. SMITH June 16, 2009

(Albany, NY)- Today, the Albany County Supreme Court ruled that the issue of control over the State Senate was for the Senate to decide and not the court. The court also recognized only the validity of the January 7, 2009 election of Senator Malcolm A. Smith as Temporary President of the New York State Senate.

In part, the decision of Judge McNamara states, “Nonetheless, a judicially imposed resolution would be an improvident intrusion into the internal workings of co-equal branch of government.” The court also stated, “In the present context, the question calls for a solution by the members of the State Senate, utilizing the art of negotiation and compromise.”

“The Senate Democratic Conference wants to get back to doing the people’s work, but the Senate Republicans are more interested in continuing their desperate attempt at a political power grab,” said Senate Democratic Conference Leader John L. Sampson. “We cannot let the work of the people be derailed by politics. I urge the Senate Republicans to come back to the table and work with us on an equitable governing agreement that will allow us to get back to governing- what the people elected us to do.”

“Today’s court ruling exemplifies the Senate Democrats’ repeated calls for a bipartisan power sharing agreement that will allow the Senate to get back to work,” said Senate President

Malcolm A. Smith. "If the Senate Republicans and Dean Skelos are truly interested in governing and not retaining titles they never earned, they will join with us and end the gridlock they have brought back to Albany."

Yesterday, the Senate Democrats' offer of a bipartisan power sharing agreement was rejected by the Senate Republican Conference.

The Senate Majority offer included:

- Democratic and Republican Presidents of the Senate alternating daily;
- Floor Leaders alternating daily (from a different party than that day's President of the Senate)
- 6-Member Senate Conference Committee (3 Democrats, 3 Republicans) to determine what legislation reaches the floor