



NEW YORK STATE SENATOR

Malcolm Smith

## Senate Democratic Conference Announces Latest Governing Proposal, Let Real Bipartisanship Rule Governor's Extraordinary Session

MALCOLM A. SMITH June 19, 2009

(**New York, NY**)- Today, the Senate Democratic Conference renewed their call for a fair, reasonable and bipartisan solution to ensure that the extraordinary session Governor David A. Paterson has indicated he will call for will result in the passage of critical and time sensitive legislation. With dozens of bills to extend the ability of local governments to fund schools, roads and local law enforcement in grave jeopardy, the Senate Democratic Conference has offered a bipartisan operating agreement that would allow both sides to come together and engage in the work that needs to be done for the people of New York.

“Our conference has met in good faith and tried to find a workable solution with our colleagues on the other side of the aisle, and today, we are again prepared to cast aside political disputes so that we can come together to meet the needs of all New Yorkers,” said Democratic Conference Chairman John L. Sampson. “There is too much at stake to let politics trump people. Our proposal will allow us to immediately address legislation vital to millions of New Yorkers and continue to do what we were elected to do- serve our constituents.”

“After witnessing the chaos that has gripped Albany throughout these past two weeks, never has it been more important for us to put partisanship aside and renew our commitment to putting the people first,” said Senate President Malcolm A. Smith. “Our proposal for an equitable operating agreement will allow us to get essential work done and pass legislation that local communities need to survive. This is not about one side winning and another losing. It is about fulfilling the duties of our office and serving the best interests of the people of New York.”

Among the bills to be potentially taken up at the Governor’s special session are tax extenders to fund local and county government operations and programs; the Power for Jobs Program that provides low cost electricity to businesses and non-profit groups across the state; and legislation to allow over \$1.75 billion in federal stimulus and education funds to flow to local school districts.

**BIPARTISAN OPERATING AGREEMENT FOR EXTRAORDINARY SESSION IN THE NEW YORK STATE SENATE**

**WHEREAS** the Democratic and Republican Conferences are unable to agree as to who is the validly elected President Pro Tempore of the New York State Senate; and

**WHEREAS** the Democratic Conference contends that the last valid election of a President Pro Tempore was the January 7, 2009 election of Senator Malcolm A. Smith, while the Republican Conference contends that the last valid election of a President Pro Tempore was the June 8, 2009 election of Senator Pedro Espada, Jr.; and

**WHEREAS** in order to move forward with legislation critical to the people in the Extraordinary Session of the Legislature called by Governor David A. Paterson, the Democratic Conference is willing to put aside temporarily the dispute over the election of the President Pro Tempore;

**WE HEREBY PROPOSE** the following bipartisan operating agreement to allow the New York State Senate to function in the upcoming Extraordinary Session, to put the present struggle for political power on hold and allow legislation critical to the people of our state to be passed:

**1. Term of Agreement.** This agreement shall bind parties during the June 2009 Extraordinary Session called by the Governor pursuant to his authority under Article IV Section 3 of the New York State Constitution.

**2. Presiding Officers.** The Presiding Officer of the Senate shall be designated by mutual agreement between the Democratic Conference and the Republican Conference.

**3. Floor Leaders.** The parties agree to rotate Floor Leaders, alternating daily, one each to be designated by the Democratic Conference and the Republican Conference, respectively. On each day that the Presiding Officer is named by the Democratic Conference, the Floor Leader for such day shall named by the Republican Conference, and on each day that the Presiding Officer is named by the Republican Conference, the Floor Leader for such day shall be named by the Democratic Conference.

**4. Senate Procedures.** The parties agree to establish a six-member Senate Conference Committee, comprising three members designated by the Democratic Conference and three members designated by the Republican Conference, to determine all additional procedural issues.

**5. Matters for Consideration.** The parties agree that the only matters to come before the Senate during the Extraordinary Session of the Legislature shall be those designated by the Governor, that no other legislative matters, resolutions, motions or procedures of any kind shall be considered, and that neither of the parties shall attempt to call a regular session of the Senate before, during or after the Extraordinary Session.

**6. Casting Vote Prohibited.** During the life of this agreement, no Senator shall make or attempt to make a casting vote under any circumstances.

**7. Reservation of Rights.** Nothing in this agreement shall constitute a waiver of the rights or claims of either party in any proceeding.