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BEFORE THE NEW YORK STATE SENATE
STANDING COMMITTEE ON RULES & ADMINISTRATION

COMMITTEE MEETING Capitol - Albany
March 18, 2009

PRESENT: David Valesky, Chairman
 John Bonacic, Co-Chair
 Daniel Squadron
 Joseph Griffo
 Jeffrey Klein
 Jose Serrano
 Andrea Stewart-Cousins
 George Winner

P R O C E E D I N G)

1
2 CHAIRMAN VALESKY: -- has been a temporary
3 committee on Rules and Administration Reform. This is
4 actually a meeting, despite what the poster says
5 there, this is actually a meeting of the Committee,
6 and it's our intention as the Co-Chairs, to, in just a
7 moment, provide some suggestions for rules reform in
8 the Senate that have been gleaned from the four public
9 hearings that we've already held in Albany, Syracuse,
10 New York City and in Suffolk County.

11 Before we do that, and before I ask John to
12 make some opening comments, I did just want to review
13 for the purposes of the public, who may be watching
14 today, and I would just point out that this Committee,
15 it's been the practice of this Committee to webcast
16 all of its deliberations, both in hearings and these
17 meetings, and we continue to offer the public an
18 opportunity to comment.

19 The current rules, by way of a brief review,
20 the current rules that the Senate is operating under
21 that were adopted under January of this year, which
22 will expire at the end of 2009, made a few changes to
23 the existing rules, including a Discharge Motions from
24 Committees and Amendments with Full Debate and

1 Recorded Votes, Open Co-Sponsorship of Bills, a
2 Commitment to Transparency, and also Dual References
3 of bills in cases where legislation is effected by
4 more than one committee, so, those are some of the
5 changed that have already been made to the rules of
6 the Senate, and perhaps most significantly, the
7 establishment of this Committee. We are changed with
8 reporting back to the Senate Majority and Minority
9 Leaders within 90 days as to recommendations for
10 additional changes of the rules of this House.

11 So with that, I ask Senator Bonacic to make
12 some opening comments, and we can begin.

13 SENATOR BONACIC: Thank you, David.

14 You know, we've had four public hearings,
15 and I have thanked Malcolm Smith for putting himself
16 out there, to allowing this process to go forward on
17 reform. And I believe that good process results in
18 good policy. And the problem for years in Albany, the
19 Albany culture, is that there is too much power in the
20 leaders and it diminishes the power of the members.
21 And I am hopeful, if we have people of good will that
22 want to change the culture of Albany, it starts today.
23 And when leaders control money, they control
24 everything in terms of whose chair people, chairwomen,

1 men and women, allowing bills never to come to the
2 floor. Democracy is stifled. And we get tagged as
3 dysfunctional.

4 Now it's difficult to change this culture.
5 The Republicans didn't do it when they were in power,
6 and if that's going to be the barrier to prevent us
7 from going forward, then this Committee will be a non-
8 starter.

9 It would be my goal that every member would
10 be more empowered, that we would have the best of what
11 that member could offer, each other; their
12 intelligence, their expertise, to work in a bipartisan
13 fashion, in committee, to share ideas, legitimate
14 ideas, and then have those bills go to the floor for a
15 vote. That would be my goal. And members have to be
16 accountable.

17 So what I have done, I've handed it to
18 Senator Klein, who's come in, and I've handed to each
19 of you, what I believe is a blueprint for what I heard
20 at the four public hearings.

21 And the other thing that I'd like to share
22 with you, I've had private conversations with Senator
23 Valesky before this meeting, and it's very difficult
24 for us to get started in this environment, this

1 environment of hostility, of name calling on the
2 floor, partisan politics, the darkness of the budget
3 reform process. It has a way of choking us all before
4 we even get started, when I say people of good will.
5 Are we going to actually try to change the process and
6 make it better?

7 And I say to you, in conclusion, if we're
8 able to do this, our legacies will be greater than
9 anything you do individually after you leave this
10 Senate. So, that concludes my remarks, and, you know,
11 anyone else like to speak, please do.

12 CHAIRMAN VALESKY: Comments? Okay.

13 What we'd like to do, this is clearly a
14 working meeting of this Committee, there's nothing to
15 vote on today. The intent is to get comments on some
16 of the suggestions that we have heard throughout the
17 public hearing process and that John and I have tried
18 to consolidate, and actually a couple of documents.
19 So you should each have two documents with you:

20 One, a packet that John has handed out,
21 which we'll go through in just a moment. The other,
22 you should have a two-page document entitled Draft
23 Rules Proposals, that is a bit more concise, but
24 actually there's a significant amount of overlap, I

1 believe.

2 Do you have this document?

3 UNIDENTIFIED SENATOR: No.

4 CHAIRMAN VALESKY: Can you?

5 We'll just make sure everyone has this.

6 We'll work off of the two-page document entitled Draft
7 Rules Proposals and then move to the larger packet,
8 and go from there.

9 SENATOR BONACIC: Sure.

10 CHAIRMAN VALESKY: Does everyone have this?

11 SENATOR SQUADRON: I'm getting it now.

12 CHAIRMAN VALESKY: You're getting it. Well,
13 we'll wait a minute until everyone has it.

14 SENATOR SQUADRON: Thank you, very much.

15 CHAIRMAN VALESKY: I think for the members
16 who had an opportunity to participate in the, in one
17 or more of the public hearings that we held, I think
18 you will all recall that there were at least a couple
19 of major areas that it seemed that many of those who
20 testified could agree on.

21 One was the Committee process itself, and
22 the large area of progress that we think can be made
23 in regard to strengthening the committee process, and
24 ensuring a process where real work gets done by the

1 Standing Committees of the Senate.

2 The other had to do with transparency and
3 openness, and certainly this being Sunshine Week, it's
4 appropriate to be talking about that as well. So as
5 we have laid these out, let's start with the committee
6 process, and I think the best way to proceed, John, if
7 this works, is we can read through these and ask
8 members to comment point by point, and we will, Andrew
9 and Langdon is here, I believe, we'll take their
10 comments from the members and then take that and go
11 back and prepare, begin to prepare the report that's
12 due by April, April 13th.

13 SENATOR GRIFFO: If I may, Chairman.

14 CHAIRMAN VALESKY: Yes. Sure.

15 SENATOR GRIFFO: I think that, you know,
16 from sitting in in the majority of the hearings, I
17 think you've summarized it pretty accurately, but you
18 left out something. I think that it was about member
19 involvement, and empowerment. It was, particularly to
20 the committee process.

21 CHAIRMAN VALESKY: Right.

22 SENATOR GRIFFO: And it was to try to
23 diminish the stranglehold that leadership has on all
24 members regardless of where they sit. It was on

1 transparency, greater transparency, and efficiency,
2 and public involvement also --

3 CHAIRMAN VALESKY: Right.

4 SENATOR GRIFFO: -- to try to encourage the
5 public to get involved.

6 And it was also, and many of them talked
7 about this, in many groups, like Common Cause, League
8 of Women Voters, and NYPIRG, about the equal
9 distribution of resources, and the opportunity
10 potentially to consolidate some of the resources that
11 we have here to save money, to make them more
12 nonpartisan, and to be more equal in the delivery of
13 those resources to all the members to ensure that
14 every member who represents the same citizens across
15 the state, have the same opportunity in that
16 representation.

17 So that was not mentioned today, and I want
18 to, I'm sure that that was a critical part, I believe,
19 for many of those groups that came and spoke before
20 the, our public hearings.

21 CHAIRMAN VALESKY: Okay, let's begin with
22 the committee infrastructure, consolidating the number
23 of committees, reducing membership on committees.

24 Some specific recommendations that we have

1 would be to limit membership by any individual Senator
2 to four committees and one sub-committee. We've also
3 heard the possibility of looking at term limits for
4 committee chairs.

5 Comments on those areas, from any member?

6 SENATOR SQUADRON: No, but forgive me if I
7 have to leave today to go to another committee
8 meeting.

9 CHAIRMAN VALESKY: Right. Any thoughts?
10 Are we all in general agreement that that's the
11 direction we want to move?

12 SENATOR STEWART-COUSINS: I think so.

13 CHAIRMAN VALESKY: Senator Klein?

14 SENATOR KLEIN: I didn't --

15 CHAIRMAN VALESKY: On reducing the number of
16 committees, reducing membership on committees. The
17 possibility of looking at term limits on committee
18 chairs. Anyone feel strongly positive or negative on
19 any of those?

20 SENATOR KLEIN: Yes, I think --

21 SENATOR BONACIC: Go ahead, Jeff.

22 SENATOR KLEIN: Yes, I feel very strongly.
23 I think Senator Bonacic raised some very important
24 points. I think any way that we can effectively

1 reform this process, is by empowering rank and file
2 members. And I think the way we do this is really
3 through the committee process.

4 Right now, I think we need to consolidate
5 some of the committees. Some of our members serve on
6 seven committees. It's virtually impossible to be
7 able to get all of your committees; some of them are
8 scheduled at the same time. And I think, just to back
9 up for a second, I think we need to get rid of proxy
10 voting. So that's why we need to consolidate the
11 committees, also have members serve on fewer
12 committees.

13 I think the least we can expect of our
14 legislators is to show up and vote. They show up and
15 vote on the floor, they should have to show up and
16 vote at the committee level.

17 I think also having members there, and
18 having a more manageable committee, would force a
19 debate, which I think is very, very important.
20 Because I think a lot of the work needs to be, needs
21 to get done at the committee level; have hearings,
22 truly debate bills, amend bills at the recommendation
23 on both sides of the aisle, and I think really
24 reforming the committee process is going to go a long

1 way towards really full reform within our legislative
2 body, so I think all the committee reforms that were
3 recommended by the committee, I think, should be
4 adopted.

5 CHAIRMAN VALESKY: Sure, and I'll go through
6 more specifics, but -- Senator Winner.

7 SENATOR WINNER: Just along the same line, I
8 mean obviously, I think that reforming the, or
9 reducing the number of committees is absolutely
10 critical. And I, and we're not talking about
11 eliminating jurisdictions, we're talking about --

12 CHAIRMAN VALESKY: Right.

13 SENATOR WINNER: -- consolidating --

14 CHAIRMAN VALESKY: Right.

15 SENATOR WINNER: -- committees so that we're
16 still taking up the important subject areas. We're
17 not sort of leaving children and families out there in
18 the, in Neverland, but we're talking about folding in
19 obviously committees that, and it will be difficult as
20 far as getting some Committee Chairs to have to forego
21 some of those positions, but it is impossible to meet
22 the schedule here, to be able to serve with any kind
23 of competency on the level of the number of committees
24 that we're assigned to.

1 But moving forward on the area of the
2 process, as you, or as you were talking about
3 accountability, or whatever, I mean, I, that is
4 something that I think I heard throughout the, in the
5 hearings, and that was the fact that our votes need to
6 mean something.

7 CHAIRMAN VALESKY: Right.

8 SENATOR WINNER: And they have to be
9 accountable for our votes, and not only should we be
10 there to vote, but we should have a vote mean what it
11 says. I mean, a vote yes, should be a vote on the
12 merits. We shouldn't have, I think, votes that are
13 aye without recommendation. I think we should have
14 yes or no votes, and whatever, because that is the
15 whole spirit of accountability, so that people have,
16 or know, the public knows how you stand on a
17 particular issue. I'm not afraid of my position on
18 any particular issue. I'm never going to make
19 everybody happy, nobody is, and I think that account,
20 aye without recommendation, is an effort to try to
21 shield accountability for taking a position on
22 something, and I think that it should be eliminated
23 and we should have yes or no votes, and we ought to be
24 there.

1 SENATOR SQUADRON: Right. I think, and I
2 think that that follows, you know, consolidating the
3 committees is the first step.

4 CHAIRMAN VALESKY: Mm-hmm.

5 SENATOR SQUADRON: And I think it's very
6 appropriate that the Chair and Co-Chair put this
7 first.

8 CHAIRMAN VALESKY: Mm-hmm.

9 SENATOR SQUADRON: This isn't the one that's
10 the conclusion; this is the one that sets the
11 foundation when we can start talking about committees.
12 You know, I, I feel the same way as a newcomer, you
13 know, that aye without rec is hard to understand when
14 you're not here.

15 Now when you have, I'm on nine committees,
16 when you have nine committees and however many bills
17 you have to vote on, I really try to read the bills
18 before I vote on them. I try to really understand
19 them, understand the context. And there have been,
20 there are cases in which, when you're on nine
21 committees and you have so many bills, especially as a
22 newcomer, especially as you're building your staff and
23 your support structure, it's very hard to have an
24 educated vote. So, you know, this is a, this is a

1 logical extension, and, you know, step one, step two,
2 I don't know, but it's a logical step that comes out
3 of having a reasonable number of committees, a
4 reasonable amount of work that you focus on, you
5 become a true expert on.

6 CHAIRMAN VALESKY: Did you want to say
7 something?

8 Andrea.

9 SENATOR STEWART-COUSINS: Well, you know, I
10 was going to dovetail on that.

11 CHAIRMAN VALESKY: Yes.

12 SENATOR STEWART-COUSINS: The ability for
13 all of us, and again, I think so much of this reform
14 process will help us, as Senator Squadron was saying,
15 to really be informed when we sit down and we, we deal
16 with the issue at hand. Again, I, you know, this is
17 the beginning of my second term, but there many times,
18 because of the lack of real preparation, you know, you
19 were handed bills in committee that you just had to
20 make a decision on, and I think it's a legitimate
21 thing to say that, you know what, I need to know more
22 information.

23 Ultimately, there are no abstentions on the
24 floor, so when that bill reaches the floor, you do

1 vote aye or nay, it is not something that you can do
2 on the floor. So I am a little concerned, in the
3 present context, of taking away those ayes, but
4 certainly in the reformed context, I think it would be
5 more comfortable situation because of the more
6 information that we'll have.

7 CHAIRMAN VALESKY: And Senator Griffo, and
8 then we'll come back, okay.

9 SENATOR GRIFFO: I would just ask that as we
10 look towards the consolidation, yes, this is a good
11 way to approach this and it's a good road to go down,
12 but as we look at the consolidation of the committees
13 and the number of committees that members would be
14 assigned to, I would urge again that we, if we keep
15 that in mind with the leadership issue that we have,
16 that we'd establish a mechanism so how we are going to
17 determine how the new committees will be formed, how
18 they will be consolidated, so that members are
19 involved in that in a non-partisan way. Members are
20 brought together to determine what type of committees
21 would come out of this consolidation right now, and
22 what areas of germaneness they would have, so that's
23 not just determined by a couple of people.

24 SENATOR VALESKY: Well I would think that, I

1 would hope that one of the recommendations that would
2 come out of this Committee would be to continue the
3 work of this Committee. Which, technically, by the
4 resolution that was approved lasts for only 90 days.
5 I would certainly be willing to suggest that not only
6 we continue the work of this Committee, but that it be
7 this Committee's responsibility to identify what the
8 new committee structure would actually look like.

9 Senator Serrano.

10 SENATOR SERRANO: Thank you, Senator
11 Valesky.

12 I also wanted to just say that as we move to
13 consolidate the overall committees, that we also look
14 to hold, around this time of year, budget oversight
15 hearings for the agencies that each committee
16 oversees. It's something that we do in the City
17 Counsel, and I find it to be very helpful, and Senator
18 Griffo and I, Senator Griffo, who is the ranking
19 member on the Cultural Affairs Committee, which I
20 chair, we actually held an open hearing, which was on
21 You Tube, which was broadcast, and I applaud Senator
22 Malcolm Smith for making that a reality, but I think
23 we touched upon budget issues that were extremely
24 important, and we gave advocates in the field, those

1 who know better than we do, what the budget will mean
2 to them, to come before the Committee and talk about
3 possible implications of the Executive Budget
4 Proposal. And I believe that that should be something
5 that should be done every year, for every committee,
6 so that we can use that testimony that's given,
7 testimony given at that committee, but also all other
8 times throughout the year, to formulate our processes
9 going forward.

10 So I think, really budget oversight hearings
11 for the agencies involved, should not simply be for
12 one or two committees within the Senate, but actually
13 all of us can help in formulating the, our budget
14 response.

15 CHAIRMAN VALESKY: Let me pick up on some of
16 the specific items in regard to the committee process,
17 which some of you have already touched on, and I think
18 where we can, it appears to me we can find some
19 consensus on:

20 Attendance being recorded for meetings and
21 hearings, members must be present to vote unless
22 conflicting meeting or hearing, which in the
23 consolidation process, there should be far fewer
24 conflicts. That, I sense, a general agreement.

1 What's not --

2 SENATOR BONACIC: Yes and no.

3 SENATOR VALESKY: Yes and no?

4 SENATOR BONACIC: No. The voting.

5 SENATOR VALESKY: Yes, correct, I was just
6 going to get to that.

7 SENATOR BONACIC: Sorry.

8 SENATOR VALESKY: It appears we have
9 consensus to eliminate the aye without recommendation
10 vote. It's not on this sheet, but we'll add it as a
11 recommendation of this Committee.

12 SENATOR STEWART-COUSINS: Is that a
13 consensus?

14 SENATOR GRIFFO: And not the substitute a
15 similar type of --

16 CHAIRMAN VALESKY: Correct.

17 SENATOR GRIFFO: Like a motion to hold --

18 CHAIRMAN VALESKY: Correct. Yes or no. As
19 on the floor.

20 SENATOR GRIFFO: Yes or no.

21 CHAIRMAN VALESKY: As on the floor. Yes.
22 Right?

23 SENATOR STEWART-COUSINS: Mm-hmm.

24 CHAIRMAN VALESKY: I mean, is that --

1 SENATOR STEWART-COUSINS: Well, I think
2 again, the consensus would be in the context of the
3 new --

4 CHAIRMAN VALESKY: In the context --

5 SENATOR STEWART-COUSINS: Of the new --

6 CHAIRMAN VALESKY: -- of the new structure.

7 SENATOR STEWART-COUSINS: -- structure.

8 CHAIRMAN VALESKY: Okay.

9 SENATOR SQUADRON: And actually dovetailing
10 off that, I think that in that case, there should be a
11 process. In fact, there's nothing in the rules now
12 that prevent it, although I know by custom we don't do
13 it, to have a mark up in committee.

14 SENATOR BONACIC: Yes.

15 SENATOR SQUADRON: Because that allows
16 people to, you know, and, you know, if you're not
17 comfortable with something, you can continue to
18 suggest your mark up, you can, that way, explain why
19 you end up voting no on something, even if --

20 CHAIRMAN VALESKY: Yes.

21 SENATOR SQUADRON: -- generally you agree
22 with it. It's actually something that on my
23 committee, on the City's Committee, I'd be happy to be
24 a guinea pig on even before these take hold on a bill

1 or two.

2 CHAIRMAN VALESKY: We may take you up on
3 that. Senator Bonacic and I just had a long
4 discussion over moving to some form of a mark-up
5 committee system as the Congress uses. I think we see
6 that that may be a longer-term goal. I'm not sure
7 that getting to where we would need to get to that
8 point that, you know, we've got to sort of walk before
9 we can run.

10 SENATOR SQUADRON: And if you were to come
11 to the City's Committee at 9:30 on Tuesday, I'm sure
12 you'll see why that's true.

13 CHAIRMAN VALESKY: Ah. Okay.

14 SENATOR SQUADRON: At some point in the next
15 couple of weeks.

16 CHAIRMAN VALESKY: Okay. Okay.

17 SENATOR BONACIC: Can we come to any
18 consensus as to the amount of committees? Because I
19 know now, most of us serve on about seven.

20 CHAIRMAN VALESKY: Eight or nine.

21 SENATOR BONACIC: Eight or nine, right. So
22 it was a suggestion of anywhere, no more than four.
23 Two to four. And we would try to pick committee
24 chairs and rankers that have some expertise in that

1 specialty. So I'm just throwing it out as to, there's
2 no magic number.

3 CHAIRMAN VALESKY: Right.

4 SENATOR BONACIC: But we're thinking at
5 least half of, at least in half. It gives us a better
6 chance of participating more professionally and being
7 more informed.

8 SENATOR KLEIN: And we recommended four,
9 right?

10 CHAIRMAN VALESKY: Well serving on four. I
11 think your question is, how many committees, standing
12 committees --

13 SENATOR BONACIC: Yes, I mean, yes.

14 CHAIRMAN VALESKY: -- with the Senate.

15 SENATOR BONACIC: And I'm just trying to get
16 a sense of where we can, I mean, once we get a
17 consensus, we can have Andrew and Langdon put, you
18 know --

19 CHAIRMAN VALESKY: Right.

20 SENATOR BONACIC: -- consolidate the
21 language. But what I'm trying to do is get consensus
22 on as many things as we can.

23 CHAIRMAN VALESKY: Right, right.

24 SENATOR WINNER: Right, I think instead of

1 doing a finite number, I think we have to sort of
2 figure out which committees would easily be merged.

3 SENATOR GRIFFO: But I think we --

4 CHAIRMAN VALESKY: In terms of by topic.

5 SENATOR GRIFFO: By topic.

6 CHAIRMAN VALESKY: Subject area. Right.

7 SENATOR GRIFFO: And I think what we've
8 agreed to in concept though, if I understand this, is
9 that members would serve on fewer committees.

10 CHAIRMAN VALESKY: Right.

11 SENATOR GRIFFO: And there would be a total,
12 a number, a total number of less committees.

13 CHAIRMAN VALESKY: That's correct. Correct.

14 SENATOR GRIFFO: Fewer committees.

15 CHAIRMAN VALESKY: Exactly.

16 SENATOR GRIFFO: So there would be fewer --

17 CHAIRMAN VALESKY: That's correct.

18 SENATOR GRIFFO: -- committees, and members
19 would then be served on few committees.

20 CHAIRMAN VALESKY: Correct.

21 SENATOR BONACIC: It's just hard --

22 SENATOR GRIFFO: So both concepts.

23 SENATOR BONACIC: -- to come up with a
24 number of committees --

1 SENATOR GRIFFO: Right.

2 SENATOR BONACIC: -- when we don't know
3 which committees we can actually merge together.

4 SENATOR GRIFFO: Right, but we've talked
5 about a committee decrease, and consolidation.

6 CHAIRMAN VALESKY: Yes.

7 SENATOR GRIFFO: As well as limited --

8 CHAIRMAN VALESKY: Correct.

9 SENATOR GRIFFO: -- memberships.

10 CHAIRMAN VALESKY: That's two separate
11 issues, right.

12 SENATOR GRIFFO: So there might be there the
13 areas that we agree, at least in concept on that, and
14 then we have to determine that.

15 SENATOR GRIFFO: There's also --

16 SENATOR BONACIC: And not as many members.

17 CHAIRMAN VALESKY: Right.

18 SENATOR BONACIC: I think on finance, what
19 is it?

20 CHAIRMAN VALESKY: Thirty-five members.

21 SENATOR BONACIC: I mean, that becomes
22 unworkable. Too many Indians.

23 SENATOR SQUADRON: Right, well that's what I
24 was about to -- there's also an issue of committee

1 seats. You know, there's a math question. If we all
2 are on four in one, how many committees there are and
3 then how many seats there are. There's, --

4 SENATOR BONACIC: It's a mechanical process
5 that has to be worked out.

6 SENATOR SQUADRON: Right, exactly. Right.

7 SENATOR BONACIC: But if we can agree that's
8 the direction we want to go.

9 SENATOR SQUADRON: Absolutely.

10 SENATOR STEWART-COUSINS: I think so.

11 SENATOR WINNER: There's another issue that
12 goes along with that that needs to be addressed too,
13 is that, is the proportional representation by party,
14 as whether or not it will be equal proportionately --

15 CHAIRMAN VALESKY: Based on the --

16 SENATOR WINNER: Percentages of --

17 CHAIRMAN VALESKY: Of the Senate, so ...

18 SENATOR WINNER: Of the House.

19 CHAIRMAN VALESKY: Right.

20 SENATOR WINNER: I don't see that in
21 anything here, but that's certainly a matter that
22 needs to be discussed.

23 CHAIRMAN VALESKY: Any thoughts? About
24 adding that as an item?

1 SENATOR WINNER: I mean, obviously the
2 fairest thing is to proportion --

3 CHAIRMAN VALESKY: Right.

4 SENATOR WINNER: Proportion it based upon
5 the number of majority and minority members.

6 CHAIRMAN VALESKY: Yes.

7 SENATOR WINNER: I mean --

8 CHAIRMAN VALESKY: I happen to think you're
9 right.

10 SENATOR WINNER: -- as they are.

11 CHAIRMAN VALESKY: Yes. I happen to think
12 you're right.

13 SENATOR WINNER: I mean, that's the fairest
14 way.

15 CHAIRMAN VALESKY: Yes.

16 SENATOR WINNER: I mean, obviously if
17 there's a whole number, if it worked out to an odd
18 number, obviously I would not expect it not to be
19 rounded in the majority's favor, but at the same time,
20 I do believe that it ought to start out initially as a
21 percentage based upon party.

22 SENATOR BONACIC: Yes.

23 CHAIRMAN VALESKY: Let's look at that.

24 SENATOR BONACIC: Okay.

1 CHAIRMAN VALESKY: Let's put that on the
2 recommendation list.

3 No one commented on the --

4 SENATOR BONACIC: Term limits.

5 CHAIRMAN VALESKY: -- term limits for
6 committee chairs. Now that's -- Go ahead.

7 SENATOR GRIFFO: I'm a strong proponent of
8 that. In fact, I wish we could move that further. I
9 don't know if that that would be under the purview of
10 this Committee, but I think we should consider that
11 for the leadership too. Leadership positions as well
12 as the committee chair positions. Jeff's smiling,
13 because he's got an opportunity. So, but this is a
14 congressional model. You know, six years we've talked
15 about, it serves Congress well, and I think it could
16 work here, actually too. And I would just ask that we
17 consider extending that also to the leadership
18 positions. Making that recommendation.

19 SENATOR KLEIN: Well commenting on the
20 committee chairs, again, I served in the Assembly for
21 ten years, not to take anything away from some of my
22 colleagues, but you had some members that served as
23 chairs of committees for a very long time, as in the
24 previous Majority.

1 There's something to be said, I think, for
2 institutional knowledge. But I think that would be
3 outweighed by giving people the ability to gain an
4 area of expertise, you know, let's say every four
5 years, every eight years, whatever number we decide
6 on.

7 SENATOR BONACIC: Right.

8 SENATOR KLEIN: You know, to give people,
9 and I think, you know, change in that respect, as far
10 as committee chairs, would be a good thing. So I
11 think that's something we should move towards.

12 SENATOR BONACIC: I'd like to piggyback on
13 Jeff, just this thought.

14 Normally that new chair would probably be a
15 member of that committee. And the one that was the
16 chair may just become a member of that committee, so
17 you have, you keep that expertise, and it's, you know,
18 institutional knowledge. I'm sorry, Andrea.

19 SENATOR STEWART-COUSINS: No, no, no.
20 That's fine. I was just going to wholeheartedly
21 agree.

22 I have a record of not agreeing with term
23 limits in elections, because I do think that voters
24 given a choice will make that choice. But in a

1 situation like this where there are no elections,
2 where there are appointments, I certainly think that
3 limiting four, six years for the chairs is quite
4 enough. I think you have an opportunity to learn if
5 you didn't know your subject matter, and then I think
6 you have an opportunity to engage and implement
7 anything that you would want to implement within
8 certainly a six to eight year period.

9 SENATOR SQUADRON: Yes.

10 CHAIRMAN VALESKY: Okay, let's, we'll keep
11 that on as sort of a general area of consensus. I
12 think the one thing we have to be cognoscente of is as
13 we reduce the number of committees, therefore, the
14 jurisdiction of that committee is going to be of a
15 much broader subject area. But I would think that the
16 six, eight year, I mean that should still be within
17 the realm of reasonable.

18 SENATOR BONACIC: Sounds great.

19 CHAIRMAN VALESKY: Okay, keep that.

20 We had an item here at the Chair's
21 discretion, parties who are interested in specific
22 legislation may be invited to address committee
23 meetings to give presentations so long as the ranking
24 member is afforded an equal number of speakers and

1 duration of time for each.

2 Some committee chairs, and I'm sure you're
3 all aware and serve on some committees where committee
4 chairs allow advocates, interested members of the
5 public, to make presentations to the committees on a
6 particular piece of legislation. That is not in the
7 rules anywhere, and we thought that, in the interest
8 of accepting additional input, that we move to a
9 system where others have an opportunity to participate
10 in committee meetings, you know, except the committee
11 members themselves. Is that --

12 UNIDENTIFIED SENATOR: That's great.

13 UNIDENTIFIED SENATOR: I think that's great.

14 CHAIRMAN VALESKY: -- something that makes
15 sense, or...

16 SENATOR WINNER: Yes, the only thing is,
17 from a practical standpoint of time --

18 CHAIRMAN VALESKY: Right, it gets --

19 SENATOR WINNER: -- in place.

20 CHAIRMAN VALESKY: Right.

21 SENATOR WINNER: If we have, I mean, you
22 know, I don't disagree with the concept of public
23 participation, but, you know, if we are lax in our
24 ability to reduce the number of committees that we are

1 participating in --

2 CHAIRMAN VALESKY: Right.

3 SENATOR WINNER: -- and then to open it up
4 for everybody to come in and speak at any particular
5 time, you're going to find yourselves in just as much
6 problems on the, that we have.

7 CHAIRMAN VALESKY: Yes.

8 SENATOR WINNER: I mean, a few minutes, or
9 at the discretion of the chairman with the agreement
10 of the ranker, perhaps, would be a way to fashion such
11 a rule so that you can have a little bit better
12 management of the time rather than institutionalizing
13 that every committee has 15 minutes in the front,
14 because what, the other thing that's going to happen
15 is nobody's going to show up until 15 minutes after.

16 CHAIRMAN VALESKY: Right.

17 SENATOR WINNER: After the committee
18 meeting's supported to start.

19 SENATOR KLEIN: Yes, we discussed this
20 internally. I think one of the things we wanted to do
21 is really open up the committee process. And there's
22 some states that actually have hearing on every bill.

23 SENATOR WINNER: Right.

24 SENATOR KLEIN: Which I can't imagine how

1 they can do that, but some of them attempt to do that.
2 I guess much fewer bills.

3 So one of the things we talked about is at
4 least giving the public and the committee members the
5 opportunity to hear both sides on a very important
6 issue. And we even talked about limiting it to, you
7 know, 15 minutes per speaker, and actually have it
8 scheduled, you know, at every committee so we can
9 actually make sure to get as many people as we can,
10 taking two opposing views of the same piece of
11 legislation.

12 SENATOR BONACIC: I just don't, I want to,
13 we might be getting ahead of ourselves. I just want
14 to go back a couple of steps.

15 A new members comes in. Senator Squadron
16 comes on. And whether he's the Majority or the
17 Minority, it doesn't make a difference because
18 somebody's gotta be Majority, somebody's gotta be
19 Minority. I want to make sure that every elected
20 official in the senate that puts a bill in, that that
21 bill gets addressed. It gets addressed at the
22 committee level, because that's the area where we're
23 going to have debates as to merit of the bill.

24 Now that doesn't happen here. Many a times,

1 your bill will never reach committee. It'll be held.
2 The chair may not like it, may not like you. Or the
3 leader may not like you.

4 SENATOR SQUADRON: Both likely scenarios.

5 SENATOR BONACIC: Right, but you know what
6 I'm saying. So your voice, and your bill, never gets
7 addressed. There's gotta be a process that every
8 member that puts a bill in is going to be guaranteed
9 that that bill is going to be heard in the appropriate
10 committee. Whether it's a 1099.

11 CHAIRMAN VALESKY: Right.

12 SENATOR BONACIC: You know, but they're
13 going to have a chance to have it addressed. It might
14 get held. But your, you're going to have somebody
15 respond to it.

16 SENATOR SQUADRON: Now the true motion to
17 discharge process, you know, that was instituted at
18 the beginning of this session, does begin to address
19 that. Right, because it, what it says is that on any
20 bill the sponsor can file something similar to form
21 99, I forget how it's described in the rules, but it's
22 a similar to the Senator's form 99. And if the
23 committee chair doesn't act on that within a certain
24 number of days, I don't recall chapter and verse how

1 many it is, I believe it's 20, then that motion goes
2 to the floor for a full vote of the floor, and it's no
3 more of this canvass of agreement, which I think we
4 would all agree was just shockingly undemocratic. No
5 more of this closed debate and only 30 seconds for the
6 sponsor. That motion to discharge gets debated just
7 as the bill gets debated, on the floor. So, you know,
8 that does, having the true motion to discharge process
9 does do what you're saying, it seems to me.

10 SENATOR BONACIC: Yes.

11 SENATOR KLEIN: And I would just add --

12 SENATOR BONACIC: Yes, yes, go ahead.

13 SENATOR KLEIN: And you can probably speak
14 on this also, and George could speak on this, you
15 know, in the Assembly, the 99 process that they have,
16 is not the most open process. I mean --

17 UNIDENTIFIED SENATOR: (Unintelligible) bill
18 issue.

19 SENATOR KLEIN: Exactly. I mean, I always
20 remember, you know, I had, you know, all of my bills
21 that I introduced, I used to 99 most of them. And
22 then you would get the last week when most of the
23 legislation is taken up, unfortunately, you would get
24 the call from the chair, and he would ask you to move

1 your 99. And, you know, sometimes you did, sometimes
2 you didn't, but inevitably, it didn't cause your bill
3 to be voted out of committee. So I think we need a
4 different process, and I think what Dan has outlined
5 would probably be a much better process for really
6 debating.

7 SENATOR SQUADRON: And --

8 SENATOR KLEIN: Legislation.

9 SENATOR SQUADRON: And it does have to be --

10 SENATOR KLEIN: And ideas, for that matter.

11 SENATOR SQUADRON: When we debated the
12 resolution on these rules, I remember Senator Winner
13 asked a number of questions about this motion process,
14 you know, whether it would only allow, you know,
15 effectively three days, and other issues like that. I
16 think it's very important that we look at it and make
17 sure that the process that was instituted does
18 respond, you know, my sense of it, I'm new here, so
19 some of these rules you can read, some of them are a
20 question of practice. But I think that those issues
21 that you asked sort of testing whether the motion
22 process was real are very important.

23 SENATOR WINNER: I just get back to the
24 whole principal of accountability.

1 SENATOR SQUADRON: Right.

2 SENATOR WINNER: I just think that every,
3 you've got to have ability to have votes that mean
4 something, that are votes on the merits, not
5 procedural dodges, and that, whether it's a more
6 liberalized motion to discharge process within the
7 committee that would allow a member who wants to have
8 his bill considered by the committee to be able to
9 have an ability to move, to be discharged from the
10 committee at any time during the session, is a way to
11 address that. I would agree, I think that's very
12 perceptive, but one thing I want to take issue with
13 you, Senator Bonacic, is that you indicated that you
14 used, unfortunately, you fell into that Assembly trap
15 and utilized the thing about whether it's held for
16 consideration.

17 SENATOR BONACIC: No, I didn't finish --

18 SENATOR WINNER: I just

19 SENATOR BONACIC: -- my remarks.

20 SENATOR WINNER: I just don't want to have
21 that piece of the --

22 SENATOR BONACIC: I understand.

23 SENATOR WINNER: -- way it is considered,
24 because as you know, Jeff, the Assembly had the whole

1 kill calendar, particularly in the Ways and Means
2 Committee, that was, you know, and it was this big. I
3 mean, it went, and you took one motion to hold ever --

4 SENATOR BONACIC: Right.

5 SENATOR WINNER: It must have been 15, or
6 two or 3,000 bills. So, it was a, it was a really
7 most ridiculous scene you ever saw.

8 SENATOR BONACIC: Well let's --

9 SENATOR WINNER: And that was the
10 consideration under the rule of the Assembly as to
11 having consideration of every bill, and --

12 SENATOR BONACIC: Okay.

13 SENATOR WINNER: -- you know. So that was,
14 that was their definition of how it was considered in
15 that way.

16 SENATOR BONACIC: Let me come --

17 SENATOR WINNER: And that's something I just
18 think that we just need to avoid.

19 SENATOR BONACIC: Let me come back to the
20 example I gave on Dan's bill.

21 We want that bill to come to committee.
22 Forget the motion to discharge, because that's where
23 the expertise is, and we want your bill debated. And
24 maybe amended, maybe not. Maybe with your consent,

1 maybe not. But that's the incubator, the filter
2 process, before we do these motions to discharge.

3 SENATOR WINNER: No. And I think you're
4 missing the point. The motion to discharge would be
5 available within the committee, as well as on the
6 floor. So --

7 SENATOR BONACIC: Time, no, no.

8 SENATOR WINNER: That's why you'll be able
9 to be, to have this bill considered.

10 SENATOR BONACIC: No, no, time out. Time
11 out. Part of, when you get through the first two
12 sheets.

13 SENATOR SQUADRON: Right.

14 SENATOR BONACIC: We get through the rest of
15 the sheets. Any three members of a committee can move
16 it to the floor.

17 SENATOR WINNER: Right, but that's, you
18 know --

19 SENATOR BONACIC: That's --

20 SENATOR WINNER: That's another suggestion
21 plus.

22 SENATOR SQUADRON: All right, just to read,
23 to refer to the rule, and thank you, Andrew for
24 helping me with this.

1 So the rule of motion, the new rule, as
2 amended in this Senate session, so the reformed motion
3 to discharge procedure:

4 “Motion to discharge may be brought either
5 before the standing committee,” may be brought either
6 before the standing committee, “to which the bill or
7 resolution is assigned, or before the House. And such
8 motion shall require a majority of members appointed
9 to the standing committee, to which the bill is
10 assigned, or a majority of members elected to the
11 House agree to such motion.” And then, and then
12 there’s none of the committee on rules. But that’s
13 the --

14 SENATOR BONACIC: I’m not sure I understand
15 that.

16 SENATOR SQUADRON: Essentially the motion to
17 discharge, as written now, as reformed this January,
18 can be done either into a committee, and then there’s
19 a majority vote within the committee, or onto the
20 floor, and then there’s a majority vote on the floor.
21 Again, with an aging process of 20 days. So that does
22 now, and again, these are recorded votes in both
23 cases, so that process that’s already in place does,
24 if utilized, create what you’re talking about, it

1 seems to me.

2 SENATOR BONACIC: Well, you've indicated,
3 well let's go back to the committee. And the
4 committee, a majority of the members say, hold, we
5 want to hold the bill. Okay.

6 SENATOR WINNER: There's no such motion.
7 There cannot be any such motion in order.

8 SENATOR BONACIC: Right. Exactly right,
9 George, under the new process.

10 SENATOR WINNER: Right.

11 SENATOR BONACIC: The new process says, if
12 you have any three members of that committee that
13 wanted to go to the floor, that member will be
14 guaranteed a vote on the floor. It may go down. It
15 may go down on the floor. That's -- George.

16 SENATOR WINNER: Well, I guess my only, I
17 understand exactly what the debate, what we're all
18 looking, at least those that are arguing in this
19 fashion, are looking for an ability to have a member's
20 bill considered in committee on the merits at some
21 point. And whether the mechanism is, I mean, and I
22 take your argument in good faith because I think
23 you're arguing that that is, in your judgment, the
24 mechanism under which you undertake that process. And

1 I do agree with you principally.

2 There are a couple of caveats that I would
3 point out that could be done. Now, first of all,
4 your, you would be able to allow the member who is
5 seeking to have his bill considered, may not be a
6 member of the committee. So under those
7 circumstances, there has to be a mechanism under which
8 the ranker, or another member, can actually make a
9 motion on behalf of another member, member's bill, to
10 have it considered in the committee, if that's the
11 process under, road in which we travel.

12 SENATOR SQUADRON: Even if you're not on the
13 committee.

14 SENATOR WINNER: Right.

15 SENATOR SQUADRON: You can make the motion
16 to the chair.

17 SENATOR WINNER: Right.

18 SENATOR SQUADRON: Under the current rule.

19 SENATOR WINNER: And additionally, the
20 motion must be an order, not withstanding whether the
21 bill is referred. I mean, at least the one, the one
22 that goes to the floor. That's another point that I
23 hope will not be forgotten, because that was a gain
24 that was significantly played in the Assembly, and

1 that is, the day of the motion was scheduled in
2 committee, committee X would move the bill to
3 committee Y and, therefore, defeat the motion. And
4 so, and therefore, said that there was full
5 consideration of the bill and the motion was untimely.
6 So, therefore, under those circumstances, we would
7 have to make sure that those motions are in order.

8 But, you know, I have no, I mean, I think
9 you and John are arguing --

10 SENATOR BONACIC: The same thing.

11 SENATOR WINNER: Are arguing the same thing.

12 SENATOR BONACIC: I think so.

13 SENATOR WINNER: We just need to make sure
14 that we have a rule that reflects the ability to have
15 a member bill debated on the merits, whether it's
16 through a motion to discharge or a motion by a number
17 of members to move the bill.

18 CHAIRMAN VALESKY: Debated on its merits.

19 At the committee level.

20 SENATOR BONACIC: At the committee level.

21 SENATOR WINNER: At the committee level.

22 SENATOR BONACIC: Right, right.

23 CHAIRMAN VALESKY: I think that's --

24 SENATOR WINNER: Well obviously we have some

1 suggestions on the floor as well, but --

2 CHAIRMAN VALESKY: Right, right.

3 SENATOR WINNER: But let's take the first
4 step. First step at a time.

5 SENATOR GRIFFO: I think this is, you're
6 talking about flow of process, but I think another
7 point that has to be addressed at some point, because
8 we're talking about bills also right now, and I know
9 NYPIRG has done an annual study of the preponderance
10 of bills and these one house bills --

11 SENATOR STEWART-COUSINS: Exactly.

12 SENATOR GRIFFO: -- that we should look at
13 putting an end to, and that could be done with
14 limitation of the number of bills that can be
15 introduced. So I think that's got to be a topic of
16 discussion here at some point related to, right now
17 you're talking about the flow of the bill process, but
18 we have to talk about the bills itself because that
19 complicates some of the, that's some of the problems
20 that we have here.

21 SENATOR STEWARD-COUSINS: Yes. Right. I
22 would certainly concur in terms of, and again, I'm not
23 for necessarily limiting the number of bills members
24 can introduce. But I think that if we're going to

1 seriously entertain every bill entertained in every
2 committee, obviously that can't happen --

3 CHAIRMAN VALESKY: From some working --

4 SENATOR STEWART-COUSINS: -- if everybody's
5 able to introduce an unlimited amount of bills. So, I
6 think this is an important discussion that we should
7 continue to work through.

8 SENATOR SQUADRON: And looking at other
9 states that have not been accused of having the most
10 dysfunctional State Legislature do actually, there are
11 frequently gates, not so much in order to avoid
12 talking about a topic, but just in terms of the
13 ability to actually work on those issues which you're
14 debating and talking about, as opposed to having, you
15 know, every member be able to talk about any issue
16 they want for an unlimited number of time.

17 SENATOR STEWART-COUSINS: Exactly.

18 SENATOR WINNER: Well I mean --

19 SENATOR SQUADRON: So there's some good
20 examples that --

21 SENATOR WINNER: -- I don't think our
22 members are, I mean, I've been here for, forever, and
23 that's why I cannot advocate term limits because, but
24 in any event, I mean, from a practical standpoint, you

1 know, I may introduce 50 bills, I mean, you know, I'm
2 not necessarily going to want, even if I file them,
3 you know, so called 99 on the wall, that doesn't mean
4 that I, you know, the Chair, or somebody say to me,
5 you know, this is probably not such a great idea, and
6 I'm not going to want to insist, I just can't see
7 myself insisting on having all 50 bills of mine
8 seriously taken up for a vote in the committee, as
9 they are initially introduced. I mean, they're going
10 to need work, amendments, and suggestions by others,
11 so I just think that from a practical standpoint,
12 we're not looking, I don't think, Senator, at a
13 gridlock of demand to have every bill debated under
14 ever circumstance.

15 SENATOR SQUADRON: Although certainly the
16 other concern would be that being used as a technique
17 in order to gunk up the works of the House on the
18 other side. I mean, you, you could imagine a scenario
19 in which a frustrated legislator, or a frustrated
20 minority party, used that, not as a way to talk about
21 the issues and have an open debate on the substance,
22 which was something that absolutely we have to do, but
23 uses that as a way to prevent the agenda of the House
24 from moving forward. And so, you know, --

1 SENATOR WINNER: And I think that mechanism
2 exists so that --

3 SENATOR BONACIC: Yes.

4 SENATOR WINNER: -- the current rules, as
5 far as the recalcitrant member wants to muck up the
6 rules of the House on, I can lay it out for you if you
7 want to (laughing).

8 SENATOR SQUADRON: That I might see it at
9 some point.

10 SENATOR WINNER: Right.

11 SENATOR BONACIC: We envision that, well,
12 let's go back.

13 An elected official may put a bill in to
14 pander to a constituent. But they don't, they know
15 the bills not going anywhere, but they want to get a
16 constituent, or group off their back. So they say, I
17 put a bill in. But they don't advance it, or they
18 don't file a 1099.

19 And by the way, the cost of a bill to the
20 taxpayer is anywhere between a thousand and \$1,500,
21 per bill. So if you put a limit, and I don't know
22 what that limit is, if we could get a consensus, it's
23 also, you know, it's, you're going to weigh something
24 substitutive when you put a bill in, and you're going

1 to save taxpayers money, and people that are going
2 nuts putting 100 in, or 200.

3 CHAIRMAN VALESKY: Okay, let's put some
4 attention to developing some sort of a rule that gets
5 at, I think, what everyone's talking about. I think
6 we just need more work on this particular topic. I
7 want to make sure we continue to cover as much as we
8 can here --

9 SENATOR BONACIC: Okay.

10 CHAIRMAN VALESKY: -- because we're still on
11 the committee process, and we're at ten of 1. Not
12 that we can't reconvene next week, which I think we're
13 going to have to.

14 The notion of conducting hearings.

15 We heard at our public hearings that we
16 don't do enough public hearings, our committees.

17 Senator Klein, I know you particularly from
18 the perspective of budget hearings outside of Albany,
19 which I think is --

20 SENATOR BONACIC: A good idea.

21 CHAIRMAN VALESKY: -- a very good idea, and
22 I get concerned that our April 1st deadline may
23 constrain a bit of that being able to happen, but --

24 SENATOR KLEIN: We'll start them earlier.

1 CHAIRMAN VALESKY: That's true, we don't
2 have to wait till the Governor's Budget --

3 SENATOR KLEIN: We don't have to wait for
4 the Governor's Budget.

5 CHAIRMAN VALESKY: -- comes out. Right, we
6 can do it in...

7 SENATOR KLEIN: Right. Well if I can --

8 CHAIRMAN VALESKY: October, November.

9 SENATOR KLEIN: -- just, you know, one of
10 the things that I've been pushing for years now, is to
11 have regional budget hearings. I think from the point
12 of view of being to educate our constituents on how we
13 craft a budget in New York State, and also to actually
14 have a true assessment of local needs. Having your
15 not-for-profits in an area come out and say why they
16 need x-amount of dollars. Having your local fire
17 departments, school districts. These are things that
18 I think would really open up our process, and I know
19 we're all going to discuss, eventually, the member-
20 item process, the discretionary funds process. I
21 think this is a very, very important way to determine
22 what actual need is in a region, and a senate
23 district, so individuals aren't left out just because
24 they happen to be in the minority party.

1 SENATOR GRIFFO: That's a great idea. How
2 do you structure it?

3 SENATOR KLEIN: Again, I think --

4 SENATOR GRIFFO: Do you go district by
5 district, or do you do it by regions, like Central and
6 Northern?

7 SENATOR KLEIN: I think it has to be, I
8 would recommend that it be done by region. I think it
9 should be done in consultation with members, you know,
10 on both sides of the aisle who happen to be in a
11 specific region. I think giving you the opportunity
12 to invite the people, you know, who you have contact
13 with who are asking for support from the State.

14 I think also, as David said, we were
15 concerned about the timeline, but again, I think we
16 still can assess need --

17 CHAIRMAN VALESKY: We can back up before --

18 SENATOR KLEIN: -- way before, you know the
19 Governor, --

20 CHAIRMAN VALESKY: Yes.

21 SENATOR KLEIN: -- you know, actually

22 CHAIRMAN VALESKY: Right.

23 SENATOR KLEIN: -- puts out his budget.

24 SENATOR GRIFFO: You could start it right

1 after the State of the State, really.

2 SENATOR KLEIN: Correct.

3 SENATOR GRIFFO: And, do you perceive that
4 the Finance Committee would hold those hearings?

5 CHAIRMAN VALESKY: I think you would have
6 to.

7 SENATOR GRIFFO: Along with a host senator?

8 CHAIRMAN VALESKY: I was just going to say
9 that.

10 SENATOR KLEIN: It would be, I guess you
11 could --

12 SENATOR GRIFFO: Or at least a couple
13 members of the Finance Committee.

14 SENATOR KLEIN: It would be, you know,
15 certainly the Finance Committee Chair would have to be
16 there. I guess it could even be, in some cases,
17 members of the Finance Committee in conjunction with
18 local --

19 CHAIRMAN VALESKY: With local members,
20 right.

21 SENATOR KLEIN: -- members, who happen not
22 to be on the Finance Committee.

23 CHAIRMAN VALESKY: Right.

24 SENATOR KLEIN: So I think there's ways to

1 do it, but I think the most important thing is to
2 really be able to have that blueprint, that would come
3 out of these regional hearings, to make sure that
4 we're really fulfilling the needs of the entire state
5 of New York.

6 SENATOR BONACIC: I think it's a good idea.

7 CHAIRMAN VALESKY: Makes sense.

8 SENATOR BONACIC: I think we should proceed
9 to develop that.

10 CHAIRMAN VALESKY: Let me add to that in
11 terms of hearings.

12 I think we heard it at a couple of our
13 public hearings, the notion that we, as Senate
14 Standing Committees, don't necessarily do what we
15 should be doing by way of oversight of executive
16 agencies. So we put on here, and this is just a
17 suggestion, committees will be encouraged to devote
18 resources to oversight, and conduct at least one
19 oversight hearing annually on a State Agency program
20 or contract within its jurisdiction. That'd be
21 separate than finance hearings on the budget.

22 But for example, the Labor Committee, or
23 whatever a new consolidated Labor Committee would be,
24 would be required to hold a hearing, an oversight

1 hearing over the New York State Department of Labor,
2 and its operations and practices. My understanding is
3 that the Federal Government does that.

4 SENATOR SERRANO: That's what they do at the
5 City Council. Yes, that's a great idea. That's what
6 we did in the New York City Counsel, and it was around
7 budget, but I can understand your desire to keep that
8 separate, but I think what was great about the process
9 we had, was that it gave commissioners the
10 opportunity, well it gave members the opportunity to
11 put commissioners under oath, and asked them to give
12 testimony about what the impact, what the budget
13 impact would be. So sure, the commissioner was there
14 on behalf of their executive, but they were giving us
15 the true information that we needed to then formulate
16 our response.

17 So I think it's a great idea to have it on
18 your end as far as the budget goes, but I think
19 overall oversight, is something that will give us a
20 better opportunity to formulate meaningful legislation
21 and reduce the one-house meaningless bills that we do,
22 and actually help the agencies conduct their business
23 in a better way, so I think it's a great idea.

24 SENATOR KLEIN: And, you know, we all talk

1 about, you know, doing something about, you know,
2 government waste and reducing spending. This gives us
3 the true opportunity to do that.

4 I think, you know, one of the things that
5 I've seen in my experience in the legislature is,
6 there's bureaucratic red tape in all administrations.
7 You know, I sort of dealt with it in the Pataki
8 Administration, the Spitzer Administration, and now in
9 the Paterson Administration. So just the fact of
10 having an agency, you know, that our constituents rely
11 on, that we want to make sure they're actually doing
12 the job that they're supposed to be doing.

13 CHAIRMAN VALESKY: Good.

14 SENATOR SERRANO: Yes, I mean, we have
15 oversight --

16 SENATOR KLEIN: I think --

17 SENATOR SERRANO: -- responsibilities, and
18 over --

19 SENATOR KLEIN: Yes, and I think --

20 SENATOR SERRANO: -- executive
21 responsibilities.

22 SENATOR KLEIN: I think it's worth its
23 weight in gold.

24 SENATOR WINNER: One thought that you might

1 give in the development of this particular process of
2 agency oversight, is that currently, obviously there
3 is the circumstance where each department has so
4 called department bills.

5 CHAIRMAN VALESKY: Right.

6 SENATOR WINNER: And those department bills
7 are referred to committees in the jurisdiction, and
8 the committees that receive those department bills
9 could be said that they have a significant impact upon
10 the operation of the agency, maybe the subject, maybe
11 an area in which you could more define that which you
12 need to have a hearing on. I mean, just a thought.

13 CHAIRMAN VALESKY: Mm-hmm.

14 SENATOR BONACIC: Keep in mind that whatever
15 we do, there's gonna be little bumps and refinements.
16 And what we're trying to do is generically agree;
17 budget hearings outside Albany, at least, I'm hearing
18 on an oversight agency. These are all good things.
19 So these are things we agree on. Okay.

20 Let's keep moving.

21 CHAIRMAN VALESKY: Okay.

22 I think, shall we move off the committee
23 process? I mean we've covered all the areas related
24 to the committee process.

1 SENATOR STEWART-COUSINS: Mm-hmm.

2 SENATOR BONACIC: Sure.

3 CHAIRMAN VALESKY: The chamber. Move --

4 SENATOR BONACIC: One thing, one thing we
5 didn't do.

6 We have to spend money for the chairman and
7 the ranker to hire expertise in the committee. For
8 example, if Jeff is chairing finance, he needs a
9 finance clerk, and he needs a financial analyst.

10 The ranker needs an analyst. And where
11 those analysts agree, so be it. Where they disagree,
12 so be it.

13 The chairman will have more money than the
14 ranker, but if we're going to try to have the
15 committee process be the incubator for bills and
16 ideas, then we need pros for each the chairman and the
17 ranker to do the honest job of the merits of a bill.
18 I just share that.

19 CHAIRMAN VALESKY: Any thoughts?

20 SENATOR BONACIC: Otherwise, if you stack
21 it, and there's not that independent, there's not that
22 independence of ideas, it's just become, you don't
23 want it to become a patronage mill.

24 CHAIRMAN VALESKY: Right.

1 SENATOR KLEIN: Well let me just what, you
2 know, what Majority Leader Smith has done is, he's
3 allowed the chairs to hire all their committee staff.
4 They have their committee clerk, the counsel, as well
5 as the committee director, all hired by the individual
6 committee chair. So I don't know how it works or how
7 it worked in the past, to be honest with you, and who
8 had the opportunity, you know, to hire the committee
9 chair.

10 CHAIRMAN VALESKY: Is that different from
11 the former majority?

12 SENATOR WINNER: I hired my own.

13 CHAIRMAN VALESKY: You did?

14 SENATOR BONACIC: Yes, we did. But what I'm
15 suggesting though, is there's going to be more
16 pressure on the committee, they're going to have to
17 work harder to actually understand what they're doing.
18 And when you pick a chair for housing or mental
19 health, hopefully you're going to pick people that
20 have a passion or experience, but they're going to
21 need a right arm, someone that knows what they're
22 doing, not a friend, not a patron, if it's truly going
23 to work. I just, with specialized talent, experience,
24 education. It's, that's the key.

1 I just throw it out now, and each side has
2 to be able to hand -- hire that pro, because you want
3 a discussion of ideas.

4 SENATOR STEWART-COUSIN: Mm-hmm.

5 SENATOR BONACIC: They may not agree.

6 CHAIRMAN VALESKY: Right.

7 SENATOR BONACIC: Where they can agree, it
8 will make us better. That's the thinking, okay.

9 SENATOR STEWART-COUSINS: Okay.

10 SENATOR BONACIC: So...

11 SENATOR GRIFFO: I have just a procedural
12 question here, when you're talking about, and I know
13 you're taking notes on the basic categories here.

14 SENATOR BONACIC: Yes.

15 SENATOR GRIFFO: But I also am looking at
16 draft rule proposals, and I mean, are you going to
17 just recant some of these too, or we're not voting
18 specifically, like one that I would have a question on
19 right now is that, I like that fact that 1/3 of the
20 members of the committee can vote to schedule a public
21 hearing on a specific topic, but it says unless
22 rejected by majority members of the committee. I
23 think that, to me, is a disconnect. Either you're
24 going to allow 1/3 of the committee to ask for a

1 public hearing on an issue, with nobody to have a veto
2 power. So I think, you know, that would be my
3 concern, which, you know.

4 And I don't know if, this may not be
5 relevant right now, you know, --

6 CHAIRMAN VALESKY: Yes, no.

7 SENATOR GRIFFO: -- what I'm saying, because
8 I'm not sure if we're responding to some of these or
9 just going over --

10 CHAIRMAN VALESKY: Yes.

11 SENATOR GRIFFO: -- general topics right
12 now, so that's why it's a procedural question.

13 CHAIRMAN VALESKY: Yes, I actually, I didn't
14 mean to skip that item.

15 SENATOR GRIFFO: Okay.

16 CHAIRMAN VALESKY: I think that came right
17 out of the Brennan Center Report actually, but the
18 process that I see it, we're charged with a report
19 that has to be delivered to the majority minority
20 leaders by April 13th.

21 What I think we ought to be doing is
22 continuing this process, we can't finish this process
23 today, we'll meet again as a committee, that at some
24 point prior to April 13th, before the break week, that

1 we would come back as a committee to actually take a
2 vote as a committee, on the referring, the written
3 report to the majority minority leaders. I mean is
4 that --

5 SENATOR BONACIC: Yes.

6 CHAIRMAN VALESKY: I mean, that's sort of my
7 sense of --

8 SENATOR WINNER: I would think we're going
9 to have to have another meeting.

10 CHAIRMAN VALESKY: I would think so.

11 SENATOR BONACIC: Yes, sure. Sure.

12 CHAIRMAN VALESKY: We're obviously not going
13 to get through all of this.

14 SENATOR GRIFFO: I just didn't know if this
15 was a topic that should be discussed now or not
16 because, I mean, we can better the Brennan Report in
17 this case, you know, by just saying that 1/3 is 1/3,
18 and that's it, and there's no veto. How's that,
19 Andrew?

20 SENATOR KLEIN: I think we put it in there
21 to allow it to be more manageable. Is that, was that
22 the reason behind that?

23 SENATOR GRIFFO: I think it's --

24 SENATOR KLEIN: So ultimately --

1 SENATOR GRIFFO: I see it more as a veto,
2 Jeff, not as a manageable thing.

3 SENATOR KLEIN: Well also --

4 SENATOR GRIFFO: One third is one third.

5 SENATOR KLEIN: I think you're giving, I
6 think you're giving the committee chair, you know, a
7 real role here as to what, I think that had a lot to
8 do with it too.

9 SENATOR GRIFFO: But to me, it's a
10 disconnect. Either, if 1/3 of the members can call
11 for a hearing but then the majority can overrule that,
12 you're being a manager --

13 SENATOR KLEIN: And I think that's why we
14 did it, we made the recommendation of having these
15 meetings to take, you know, different positions on
16 specific important legislation, otherwise, you know,
17 it could be a scenario where you're just bogged down
18 on having a hearing on every single bill.

19 SENATOR GRIFFO: Yes, right.

20 SENATOR BONACIC: I don't have a problem
21 with that, that the majority can reject the public
22 hearing. Because members --

23 SENATOR GRIFFO: I just wanted to raise it.

24 SENATOR BONACIC: Yes, members can go on

1 their own on a public hearing, if they want.

2 SENATOR STEWART-COUSINS: Or --

3 SENATOR WINNER: You're correct in your
4 observations.

5 SENATOR BONACIC: Yes.

6 SENATOR WINNER: You know, the majority does
7 rule, so you've --

8 SENATOR BONACIC: You've got to have some
9 control over the activity.

10 SENATOR STEWART-COUSINS: Absolutely.

11 SENATOR BONACIC: So I think this sounds
12 pretty good to me.

13 SENATOR STEWART-COUSINS: Yes, I mean either
14 that or the majority --

15 SENATOR KLEIN: And that's the reason that
16 we put those meetings in there --

17 SENATOR WINNER: The majority would have to
18 take a vote.

19 SENATOR STEWART-COUSINS: Yes.

20 SENATOR BONACIC: Yes. Okay.

21 CHAIRMAN VALESKY: All right.

22 SENATOR BONACIC: Dave, we're ready.

23 SENATOR GRIFFO: So we'll reconvene at a --

24 SENATOR BONACIC: Well let's, you want to

1 end it, or you want to keep going?

2 CHAIRMAN VALESKY: We're an hour in, how's
3 everyone's schedules?

4 SENATOR WINNER: Yes, mine's not good.

5 CHAIRMAN VALESKY: Not good, all right.

6 Let's, I think this is a good place to take
7 a break.

8 SENATOR BONACIC: Okay.

9 CHAIRMAN VALESKY: Because we're moving
10 towards an area, a different topic area. Let's break
11 here.

12 SENATOR WINNER: Well just one comment.

13 CHAIRMAN VALESKY: Yes.

14 SENATOR WINNER: I mean fairly we had, I
15 mean, there was some head nodding, anyway, with regard
16 to the issue of professional staffing on both sides.
17 I mean, that again, once again, gets into the whole
18 subject matter of resources, and so -- granny in the
19 attic, but at the same time, granny's in the attic.

20 SENATOR KLEIN: Well, I think I want to go
21 all through this, and, you know, I didn't have an
22 opportunity to read Senator Bonacic, and I'm sure he
23 has that in there.

24 SENATOR BONACIC: And you'll see, Jeff, some

1 overlapping that we've covered today.

2 CHAIRMAN VALESKY: Quite a bit, I think,
3 actually.

4 SENATOR BONACIC: And I think we've covered
5 quite a lot of it.

6 SENATOR STEWART-COUSINS: And I think that
7 one of the things that Senator Klein was saying too is
8 that we, at this point, are, we don't know how it
9 worked when the other, when you were in the majority.
10 But we are really, I think each of us who are chairing
11 are looking for that expertise, and not hiring, you
12 know, friends who think they like the subject too. So
13 we are going through a process that has been
14 encouraged by the leader to actually get people who do
15 have expertise.

16 SENATOR BONACIC: Right.

17 SENATOR STEWART-COUSINS: And help with
18 this, and --

19 SENATOR KLEIN: And by the way, in the
20 Assembly, the Assembly Chairs did not hire their own
21 committee. They were all, it was all central staff,
22 it was not --

23 SENATOR STEWART-COUSINS: Yes. So we might
24 have, I think that may be why there's a disconnect in

1 terms of responding because we're actually doing that.

2 SENATOR BONACIC: Right. Good.

3 CHAIRMAN VALESKY: So let's look at that,
4 particularly also in the light, George, of, I mean if
5 we're going to from 32 committees to 16 committees,
6 the amount of expertise that's required when you
7 shrink the number of committees increases.

8 SENATOR WINNER: Sure.

9 CHAIRMAN VALESKY: So let's see what we can
10 figure out.

11 SENATOR BONACIC: Do you think that we
12 should have, or Andrew and Langdon --

13 CHAIRMAN VALESKY: Yes.

14 SENATOR BONACIC: -- just put a consensus of
15 what it appeared we've agreed on, and then we start on
16 the new areas?

17 CHAIRMAN VALESKY: I think that makes sense.

18 SENATOR BONACIC: Because Kevin wasn't here
19 today, and he would have (unintelligible).

20 CHAIRMAN VALESKY: Let's do that. Okay.

21 SENATOR BONACIC: All right, thank you,
22 Jeff.

23 CHAIRMAN VALESKY: And we'll call a meeting
24 for next week. And we'll ask to stay on schedule

1 here, and we'll continue where we left off.

2 SENATOR BONACIC: Okay. Thank you.

3 CHAIRMAN VALESKY: Thank you, everyone.

4 SENATOR STEWART-COUSINS: Thank you.

5 **(Whereupon, the proceeding in the**

6 **above-entitled matter was concluded)**