

1 BEFORE THE NEW YORK STATE SENATE
2 TEMPORARY COMMITTEE ON RULES AND
3 ADMINISTRATION REFORM

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5 Committee Meeting

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7 Room 124
8 The Capitol
9 Albany, NY

10 March 24, 2009
11 11:05 a.m.

12 PRESIDING:

13 Senator David J. Valesky
14 Cochair

15 Senator John J. Bonacic
16 Cochair

17 PRESENT:

18 Senator Jeffrey D. Klein

19 Senator George H. Winner, Jr.

20 Senator Jose M. Serrano

21 Senator Joseph A. Griffo

22 Senator Andrea Stewart-Cousins

23 Senator Daniel L. Squadron

24

1 CHAIRMAN VALESKY: Senator Bonacic
2 and I will call this meeting to order.

3 By way of introduction once again,
4 since there is a likelihood that folks are
5 watching this around the state because we're
6 webcasting it, my name is Senator David
7 Valesky from the 49th Senate District, one
8 of the cochairs of our Temporary Committee
9 on Rules and Administration Reform.

10 This is the second committee meeting,
11 where we are picking up where we left off
12 last week and discussing suggestions, items
13 for discussion, looking for some consensus
14 so that we can move quickly to the
15 report-writing process. And as members
16 know, the report is due to the Senate
17 majority and minority leaders by April -- no
18 later than April 13th.

19 John?

20 CHAIRMAN BONACIC: Thank you, David.

21 I think what we would like to do to
22 start this meeting is talk about the 13
23 points that I believe we agreed to at the
24 first meeting. And then we'll go into

1 further discussion of additional items, if
2 we may.

3 Do you want to start, or do we want --

4 CHAIRMAN VALESKY: Let's just make
5 sure everyone is working off the same
6 document.

7 CHAIRMAN BONACIC: It's dated
8 March 24, 2009. It's entitled "Draft Areas
9 of Agreement." Do you have that?

10 SENATOR SQUADRON: Yeah.

11 CHAIRMAN BONACIC: Okay. The first
12 one is with respect to committee
13 presentations. We had: "At chair's
14 discretion, parties who are interested in
15 specific legislation may be invited to
16 address committee meetings to give
17 presentations, so long as the ranking member
18 is afforded an equal number of speakers and
19 duration of each time. Notice shall be
20 given" -- we'll try to do it not less than
21 72 hours in advance of the committee
22 meeting.

23 You want to read the second one?

24 CHAIRMAN VALESKY: The term limits

1 and numbers of committees, we're talking
2 about limiting membership to four committees
3 and one subcommittee per member.

4 The timeline here, either -- the
5 committee itself -- we make a recommendation
6 by April 13th to that fact, or at some
7 intervening date between that date and the
8 end of session, or by September 15th to take
9 effect January 1, 2010. "Chairs and ranking
10 members shall be limited to serve not more
11 than 6 or 8 consecutive years in that
12 capacity." We discussed that last week.

13 CHAIRMAN BONACIC: No. 3, "Committees
14 shall be made up of members in proportion to
15 the chamber."

16 CHAIRMAN VALESKY: Four, "Attendance
17 will be recorded for meetings and hearings
18 and members must be present to vote unless a
19 conflicting committee meeting or hearing."

20 SENATOR GRIFFO: Just a quick
21 question on No. 2 there. Are we talking
22 about committee reduction too?

23 CHAIRMAN VALESKY: Correct. Was that
24 not clear? You're right, that needs to

1 be -- yes.

2 SENATOR GRIFFO: Total number of
3 committees.

4 CHAIRMAN VALESKY: Right. Unless
5 that comes later. Andrew?

6 MR. STENGEL: No, that's the spirit
7 of what No. 2 is.

8 CHAIRMAN VALESKY: Okay. So
9 consolidation of committees. Yeah, that
10 needs to be -- we can add a little bit
11 there. Okay?

12 CHAIRMAN BONACIC: No. 5, we're going
13 to remove proxy committee voting effective
14 upon the committees being consolidated, so
15 no member serves on more than four standing
16 committees and one subcommittee.
17 "Attendance at meetings is required absent
18 medical or transportation issues upon the
19 consent of the chair or ranking member."

20 CHAIRMAN VALESKY: Item 6,
21 eliminating -- we discussed eliminating the
22 "aye without recommendation" option and
23 allowing for a written statement of vote.
24 Voting in committee shall be recorded as yes

1 or no. A member may provide a written
2 statement of the reasons for his or her vote
3 which shall be appended to the bill report,
4 which will be maintained by the clerk of the
5 committee and posted on the Internet.

6 SENATOR WINNER: Just one brief
7 comment on No. 5, the proxy committee
8 voting.

9 CHAIRMAN VALESKY: Sure.

10 SENATOR WINNER: I just would take
11 some offense to the word "proxy." I don't
12 think that's what we really do. We have
13 voting sheets. We actually vote; we don't
14 give our vote to someone else to vote for
15 us. We actually do make a vote.

16 So just for my own personal
17 sensibility, sensitivity, just if you would
18 change that to say that eliminating the
19 voting sheets or --

20 CHAIRMAN BONACIC: Yeah. And I think
21 for purposes of clarification, Senator
22 Winner is suggesting we don't give power of
23 attorney for our votes, we always vote
24 ourselves. We may not --

1 SENATOR WINNER: We don't do proxy
2 voting now. So we're not eliminating
3 something that we don't do now, so . . .

4 CHAIRMAN BONACIC: I just would like
5 to comment on Item 6, with Senator Valesky.
6 Mr. Stengel, who has been working with our
7 counsel and helping us with drafting the
8 language, suggested on No. 6 a member may
9 not vote if there's a conflict of interest
10 if he so states.

11 So he doesn't vote yes or no, he says
12 "I abstain because of a conflict of
13 interest." I think that would be an
14 appropriate category.

15 CHAIRMAN VALESKY: Makes sense.

16 SENATOR SQUADRON: Yeah.

17 CHAIRMAN BONACIC: Do we agree on
18 that?

19 CHAIRMAN VALESKY: General consensus
20 on that?

21 SENATOR SQUADRON: Abstention with
22 cause.

23 CHAIRMAN VALESKY: Sure, abstention.

24 CHAIRMAN BONACIC: No. 7, which I

1 think is a very important provision, we had
2 developed an amendment process in committee,
3 allow committees to request the sponsor
4 amend a bill during consideration within the
5 committee. So only upon the sponsor's
6 agreement to such amendment, if he's present
7 or he consents, that bill will be reported
8 out by the committee as an amended bill.

9 If the sponsor is not present or does
10 not consent to what the committee is
11 suggesting, then the sponsor will be
12 notified -- I mean, the committee will be
13 notified, and we could do several things.
14 We could ourselves vote the way the sponsor
15 wanted it, without the amendment, up or
16 down. If we thought the amendment was in
17 order, we could change it in committee, vote
18 up or down. Or -- I think that would be the
19 two things.

20 Jeff?

21 SENATOR KLEIN: Yeah, I just have a
22 question on this process. How can we ensure
23 that we're not going to delay the reporting
24 of the bill out of committee? You know, I

1 understand that we can contact, you know,
2 the sponsor of the bill in terms of whether
3 or not he or she wants the bill amended.

4 But, I mean, I don't want -- if someone
5 wants to pass a bill, we need to pass a bill
6 quickly, it's an important issue that has to
7 be acted on, how do we streamline this
8 process? You know what I mean?

9 I agree with the amendment process, but
10 I want to make sure there's no delay. Can
11 we require that the amendment be presented
12 before the committee so it gives the sponsor
13 the opportunity --

14 CHAIRMAN VALESKY: Before the meeting
15 itself?

16 SENATOR KLEIN: Yeah, before the
17 meeting. To determine whether or not they
18 agree with the amendment, whether or not
19 they want to accept the amendment.

20 CHAIRMAN BONACIC: I think it's a
21 good suggestion that Senator Klein brings
22 up. The key is we may not know until we get
23 involved in the committee whether or not an
24 amendment is warranted. So that dealing

1 with the sponsor has to occur after our
2 committee meeting or -- probably after the
3 committee meeting.

4 We call for a five-day period to
5 resolve it with that sponsor and put it back
6 on our next committee meeting.

7 SENATOR KLEIN: Some committees only
8 meet once a week; some don't even meet once
9 a week.

10 CHAIRMAN BONACIC: That's a
11 mechanical process we've got to work out to
12 address what you're talking about. But it
13 is a good point.

14 SENATOR KLEIN: And I'm thinking that
15 there possibly could be a process where we
16 can do it before the meeting. Because, you
17 know, after all, I think the purpose of
18 empowering committee chairs and really
19 opening up our committee process would, I'm
20 hopeful -- of course, people will be
21 prepared for committee meetings, read the
22 bills, be able to identify the problems, and
23 have a real open debate at the committee.

24 So maybe we can have something where

1 the amendment could be required before the
2 actual meeting.

3 CHAIRMAN BONACIC: We could try.
4 Except we're not going to have the
5 interaction of the members. And that's
6 what's critical.

7 SENATOR SQUADRON: There could be a
8 single request process before the committee
9 meeting to the sponsor -- you know, a
10 request for markup, for example, one time.
11 If the sponsor says okay, then the sponsor
12 is allowing it to be delayed by the markup
13 meeting. Or the sponsor could say no, this
14 bill can't go through markup; you know, vote
15 it through in your committee meeting.

16 So that would be up to the sponsor
17 whether it gets delayed or --

18 CHAIRMAN BONACIC: I think that's a
19 good idea. I think we've got to try to work
20 out a process. But I think we're all on the
21 same wavelength.

22 SENATOR SQUADRON: Good.

23 CHAIRMAN BONACIC: Okay?

24 CHAIRMAN VALESKY: I think so.

1 CHAIRMAN BONACIC: Okay, you go
2 ahead.

3 CHAIRMAN VALESKY: I think that
4 brings us up to No. 8; right?

5 CHAIRMAN BONACIC: Yes.

6 CHAIRMAN VALESKY: Regional budget
7 hearings. This was, I believe, Senator
8 Klein's suggestion from last week.

9 "In addition to meetings in the City of
10 Albany, the Finance Committee shall hold
11 meetings and/or hearings on the budget in
12 the various regions of the state -- for
13 example, Western, Adirondack, Central,
14 Hudson Valley, Long Island, and New York
15 City."

16 We also discussed last week Senator
17 Griffo's suggestion that these need not
18 occur only after the Governor's budget
19 presentation. These are hearings, and by
20 nature the time process would in fact have
21 to occur well before the Governor actually
22 submitted his budget request to be able
23 to --

24 SENATOR SQUADRON: I would also say

1 not just the Finance -- you know, Finance
2 Committee or joint committees, Finance and
3 subject area. You know, sort of leave that
4 open, but at least put that possibility in
5 there for these regional hearings.

6 SENATOR KLEIN: And the individual
7 members from the region.

8 CHAIRMAN VALESKY: Right, the host
9 member.

10 SENATOR GRIFFO: And the other thing,
11 Dave, the suggestion here by region as
12 opposed to locality-specific I think is
13 important too, because then we can go around
14 different parts of those regions too, so
15 we're not in the same cities that we
16 normally tend to go to. We can take a look
17 at the map so that we can encourage more
18 people to get involved in the process there.

19 CHAIRMAN VALESKY: Mm-hmm. Mm-hmm.

20 CHAIRMAN BONACIC: No. 9, oversight.
21 "Each committee and subcommittee shall hold
22 at least one oversight hearing on a program
23 or state agency within its jurisdiction
24 annually."

1 CHAIRMAN VALESKY: And we're clear
2 that that has nothing to do with No. 8.
3 Well, there may be some overlap, but that's
4 an entirely separate issue.

5 No. 10, a petition for a hearing. "In
6 the event a third of the members of the
7 committee petition the chair of such
8 committee for a hearing at a designated time
9 and place or designated times and places,
10 such hearing shall be granted unless a
11 majority of committee members file with the
12 chair and the ranking member a signed
13 statement of rejection of the hearing within
14 one week of the filing of the petition with
15 the chair."

16 I think that captures what we discussed
17 last week. Right? Okay.

18 CHAIRMAN BONACIC: And as far as the
19 question is concerned, I don't think we
20 should get involved with the issue of
21 subpoenas now.

22 CHAIRMAN VALESKY: I don't either. I
23 don't either.

24 CHAIRMAN BONACIC: Committee

1 transparency, No. 11. "Committee meetings
2 and hearings will be webcast and video of
3 meetings will be permanently archived at the
4 Senate's website. The committee shall be
5 responsible for maintaining web-based home
6 pages for all records and meetings which
7 will aggregate information in the possession
8 of the committee chairperson, including but
9 not limited to agendas, fiscal impact notes,
10 local fiscal impact notes, voting records,
11 statements provided to the clerk by members
12 of the committee explaining their vote,
13 minutes of the meeting, attendance at
14 meetings, and shall be promptly updated with
15 new information and records of the
16 proceeding at least weekly during the months
17 the Senate is in session."

18 We might have to make some
19 improvements. The committee rooms need to
20 be wired and technology may need to be
21 purchased, so we may want to add "within a
22 reasonable period of time as practical."

23 CHAIRMAN VALESKY: Okay? Chamber
24 transparency. "All floor votes,

1 transcripts, minutes and video shall be made
2 public on the Senate website as soon as
3 practicable, but not later than one week.
4 Recordings, transcripts and minutes shall be
5 available to all members or their staff upon
6 request. And the videography, audio, and
7 camera angles shall ensure all sides of the
8 Senate chamber where members sit are shown."

9 That draws a chuckle from Jay Gallagher
10 in the audience.

11 CHAIRMAN BONACIC: No. 13, NYSPAN.
12 "Temporary Committee shall direct its
13 cochairs to assess the structure and cost of
14 a state model of C-SPAN and report back to
15 the committee as expeditiously as possible
16 but not later than September 1, 2009."

17 CHAIRMAN VALESKY: And I would just
18 say, John, before we go to these "Further
19 Discussion" items, I don't think we actually
20 have it in here, but if we're reporting back
21 to a committee by sometime in September, we
22 have to formally continue this committee.
23 And this committee is set to expire on
24 April 13th. So obviously there can't be any

1 reporting back if the committee doesn't
2 exist.

3 So we need a specific recommendation to
4 continue the committee beyond April 13th.
5 So, Andrew, if you could make sure . . .

6 CHAIRMAN BONACIC: All right. Let's,
7 if we may, get into "Further Discussion."

8 Before I talk about this issue, I come
9 back to the goal. The goal was that if a
10 Senator puts a bill in, that Senator
11 deserves an airing of that bill on its
12 merits if the Senator wants it to go forward
13 in committee.

14 If that bill passes that committee, we
15 want to make sure that that Senator is
16 entitled to have that bill voted on on the
17 floor on the active calendar. That would be
18 true to our meaning and respect for every
19 member as a Senator to have his legislation
20 heard on the merits.

21 If the committee votes it down after a
22 debate, that bill does not go to the floor.
23 And it's not subject to a motion to
24 discharge, because that was the place where

1 it was debated on the merits fully.

2 The only other way it can get to the
3 floor, as we envision it, is a petition
4 process by 60 percent of the members that
5 think this bill has such overriding concerns
6 and a substantial effect on the people, it
7 deserves a committee of the whole -- meaning
8 62 legislators -- to address it through a
9 petition process of 60 percent of the
10 members.

11 And by the way, that's very difficult
12 to get. In all probability, that petition
13 process will not be successful. But I'm
14 going to just take an example: gay
15 marriage. I just happened to pick that one.
16 It may not pass a committee. But it may
17 have such overriding interest by the people,
18 in democracy, that they may pressure members
19 to sign that petition process: We want a
20 full debate on that issue on the floor with
21 60 percent of the members. Excuse me --
22 yeah, 60 percent.

23 If we never get 60 percent, that issue
24 is dead for that year because that committee

1 turned it down. But that member got an
2 airing of the bill, and he still has some
3 action, so to speak, like a sort of a
4 referendum process. Not exactly, but -- so
5 that's the thinking that we've discussed.

6 So I -- anybody have problems with any
7 of that?

8 CHAIRMAN VALESKY: I'm not sure
9 whether I do or not. It just intuitively,
10 it seems to me, from civics classes of way
11 back when, and particularly since we're
12 trying to empower committee chairs and
13 committees, that if a committee defeats a
14 particular piece of legislation, something
15 intuitively tells me that that should be the
16 end of that legislation for that session.

17 I'm not sure that there should be an
18 override mechanism. Isn't that
19 counterintuitive? If one of our significant
20 goals is to strengthen committees, then I'm
21 not sure we ought to have any mechanism to
22 override the decision of a committee.

23 SENATOR KLEIN: And just to follow up
24 with what David said, again, I think the

1 purpose and the way we get true reform --
2 and I think we agreed on that last time --
3 is by empowering individual chairs, thus
4 empowering rank-and-file members.

5 And if we're going to have committees
6 that are going to debate the issues of the
7 day, with committee staff to enable the
8 members to do that, I think, as David said,
9 if an issue gets a fair hearing during the
10 committee process and it's voted down, that
11 should be the end of the bill.

12 CHAIRMAN BONACIC: Let me just
13 explain why it may be something to think
14 about.

15 As I've indicated, it's not likely that
16 the petition process would be successful.
17 But in appointing members to a committee,
18 they could all come from one region. They
19 could be -- let's say the majority appoints
20 five members from New York City and the
21 ranker appoints four members outside New
22 York City. And the issue is an MTA issue.
23 I'm making this up as we're going.

24 But it's a payroll tax issue, let's

1 just say. So the region members are
2 stacked, vote it down, but there might be
3 broad-based interest greater than that nine
4 committee members, or seven, to warrant to
5 get to the floor. As a practical matter,
6 those five members that voted it down, that
7 majority, they're your colleagues, the rest
8 of the majority. And you may say, hey, we
9 thought it was a bad idea; don't be signing
10 the petition process.

11 And it's never going to happen. Except
12 that if we want to give democracy a voice,
13 any of us could say: Go see your senator,
14 see if they'll sign the petition, that if
15 you think this issue is important, that we
16 can get an airing on the floor.

17 That's the only purpose of it, to open
18 it up for the voice of democracy. And in
19 all likelihood, it's not going to happen.
20 But it's a process.

21 SENATOR KLEIN: Again, to respond to
22 that, I understand, you know, the points
23 you're making and what you're trying to get
24 across.

1 But getting back to this new committee
2 process that we're developing, if there's an
3 issue that's important, if there's an issue
4 that individuals care about and that
5 constituents are talking about, it's up to
6 that individual legislator who's carrying
7 this bill to amend the bill, to convince
8 members of the committee how important this
9 is and in some ways get them to change their
10 vote.

11 I mean, an active committee process is
12 a give-and-take between individual senators.

13 CHAIRMAN VALESKY: Otherwise I'm
14 concerned -- and, George, I think you want
15 to speak -- otherwise I'm concerned that it
16 takes away -- if I have a bill, it should be
17 incumbent upon me as the sponsor to convince
18 the members of that committee to approve it.

19 If something like this exists, doesn't
20 that then allow me to say "All right, well,
21 it doesn't really, in the final analysis,
22 matter what the committee thinks, because I
23 can always overrule the committee no matter
24 what they do and go a petition route to the

1 full Senate"? Which seems to be working
2 against what we're trying to do in terms of
3 strengthening committees.

4 George?

5 SENATOR WINNER: Well, just one
6 query. Are we talking now about eliminating
7 any circumstance whereby a motion to
8 discharge would be in order in the event
9 that a bill was defeated in committee, and
10 not having any motion to discharge available
11 on the floor of the Senate?

12 CHAIRMAN VALESKY: I think we are.

13 SENATOR SQUADRON: I think we're
14 talking about two questions, right? We're
15 talking about the question what do you do if
16 a committee chair is not willing -- if a
17 committee chair doesn't put a bill on the
18 agenda, right, is there a deal there. And
19 then the second is what do you do it if the
20 committee puts the bill on the agenda and,
21 in the process, the committee votes it down.

22 SENATOR WINNER: Right. And I
23 understand that.

24 What Senator Bonacic I think is getting

1 at is the fact where there are circumstances
2 where there may be a majority that is
3 arbitrary or under the control of the
4 leadership by saying that we want to just
5 plain defeat a bill and therefore avoid any
6 exposure for the rest of the house to be
7 able to look at it and have to vote on it.

8 I mean, the whole process of -- the
9 whole theory of a motion to discharge is
10 that a motion to discharge is asking or
11 calling upon the Senate as a whole to act as
12 a committee of the whole to take over the
13 deliberations of the committee and act in
14 its stead and therefore vote yes or no in
15 the place of the committee to determine
16 whether the bill should be reported.

17 And so that's why I think that, you
18 know, a motion to discharge may --

19 SENATOR SQUADRON: A motion to
20 discharge doesn't do that if a committee --
21 a motion to discharge says if the committee
22 is not willing to consider this bill within
23 20 days, I believe is the rule currently.

24 SENATOR WINNER: Well, no, a motion

1 is discharge is asking the Senate as a whole
2 to stand in the stead of the committee.

3 SENATOR SQUADRON: Right. But if the
4 committee in the interim votes the bill
5 down, then the motion is no longer valid.

6 SENATOR WINNER: Well, it's valid to
7 the extent if you want to allow one to be
8 then held in the body as a whole and then
9 have the body as a whole overruling the
10 determination of the committee.

11 Then under the circumstances, then the
12 Senate as a whole then would act in the
13 stead of the Committee on X to vote that
14 bill out of committee, notwithstanding the
15 action of the committee in prior activity.

16 SENATOR SQUADRON: Not withstanding
17 the fact that the committee has voted the
18 bill down already.

19 SENATOR WINNER: Right.

20 SENATOR SQUADRON: My understanding
21 of the motion, in the rules we have -- I
22 don't have the rules front of me -- but is
23 that the motion is filed and if the
24 committee within the interim period

1 considers the bill, then the motion is no
2 longer -- the motion to take it to the floor
3 is no longer valid because the committee has
4 dealt with the issue.

5 SENATOR WINNER: That's correct.

6 SENATOR SQUADRON: The motion is a
7 way to force it either to the floor, you
8 know, either the Senate in general, or the
9 committee to deal with the bill in --

10 SENATOR WINNER: No, no, that's
11 accurate. I mean, I understand that.

12 I'm suggesting, in response to Senator
13 Bonacic's concerns that there somehow is a
14 circumstance where there is a committee that
15 is acting arbitrarily and capriciously and
16 not providing for a real hearing on the bill
17 but just merely is rubber-stamping the
18 actions of the leadership, that under those
19 circumstances there be some mechanism. And
20 this would be a mechanism in which to do
21 that.

22 But that that's obviously something
23 that would be not in accordance with what
24 the rule is currently.

1 SENATOR GRIFFO: Dave, I also think,
2 though, if we're trying to really change the
3 process and the system here, then you have
4 to allow for some format of appeals, too, to
5 prevent any potential problems in the
6 future, as has been described here, where a
7 group could -- you could think and we'd like
8 to believe that everything is going to be --
9 obviously we can empower everyone more, but
10 we also want to believe that it's going to
11 be genuine and true.

12 But if in some way politics enters into
13 the equation, how do you prevent that for
14 the future? I think that's what we're
15 trying to establish here. Even inmates on
16 death row have the right to an appeal to the
17 governor. So, I mean, we need to find out
18 what is the ultimate appeal here that can be
19 done for a member.

20 And if they feel in any way -- I mean,
21 obviously there has to be safeguards. But
22 we need to, I think, review this. Because
23 it's not detracting from the committee
24 process and the empowerment, it's just

1 leaving a final option as a court of last
2 resort.

3 CHAIRMAN BONACIC: Let me just
4 embellish some of the concerns.

5 We want to empower members. The chair
6 and the members that are appointed are done
7 by the majority leader, so they're beholden
8 to that majority leader. They're beholden.

9 If there is an issue of such statewide
10 concern but that majority leader does not
11 want that bill to be considered or does not
12 want his members to weigh in on a vote where
13 they can hide in the bushes, then he can
14 tell that chairman and those members "kill
15 this bill." And it stays in the bushes,
16 other than the votes of those -- if there's
17 nine members, and there's five in the
18 majority, it gets killed.

19 And what I'm suggesting is there may be
20 a populist movement that disagrees with
21 those five members that can get the bill on
22 the floor so there's a vote and everybody
23 knows in the state where you stand on it.
24 And believe me, it's a vehicle for democracy

1 and sunshine. And it's a hard thing to make
2 happen.

3 I don't know what that issue is that
4 would get you beyond the committee. But the
5 concern is you're beholden, those chairmen
6 and those appointees, to that majority
7 leader. And while you say we're weakening
8 him and empowering ourselves, the truth is
9 you're still beholden to that majority
10 leader and you may march in lockstep to his
11 orders.

12 So there's a small minority that's
13 killing that bill, not giving it a process
14 for a full debate. That's what we're
15 getting at.

16 SENATOR SQUADRON: I'd be interested
17 in what other states do in relation to this
18 issue.

19 You know, I think in Albany it's pretty
20 revolutionary to think that if a committee
21 kills something that it can get to the
22 floor. I'd be very interested in what the
23 federal houses do and what the other states
24 do.

1 SENATOR KLEIN: We should take a look
2 at this. Because, you know, clearly, I
3 mean, you know, we all agreed on committee
4 presentations, smaller committees, doing
5 away with a voting sheet, voting, amendment
6 process in committees.

7 So I think, you know, while what
8 Senator Bonacic raised may have been
9 something that was needed under the old
10 process, right now I think we're going to
11 have a fair airing, you know, of the
12 legislation and issues of the day, you know,
13 as these new committee -- the new committee
14 process that we're developing would
15 advocate.

16 So I think we should take a look and
17 see what other states --

18 CHAIRMAN VALESKY: I was just going
19 to say that. Let's leave this as an open
20 issue, and let's go back to NCSL and look at
21 what other states and the Congress do and
22 see how they handle the issue of appeals
23 beyond the committee level. Okay?

24 CHAIRMAN BONACIC: Okay.

1 The other thing was the "99" process,
2 to make sure that it gets voted on in
3 committee. My thinking on this one is it
4 goes to Committee A -- only because I have
5 now a little experience on how we're doing
6 it with the Judiciary and Codes and Finance.
7 It goes to Judiciary, a 99 is filed by a
8 member. It gets voted on, it passes, and
9 the Judiciary chairman says now it goes to
10 Codes because it has a financial impact --

11 CHAIRMAN VALESKY: No, a penal
12 impact.

13 CHAIRMAN BONACIC: A penal impact.
14 Okay, a penal impact. Well, both, penal or
15 financial. And it could go to Finance. So
16 it's possible it could go to three
17 committees.

18 I think that that member would have to
19 file a 99 in each committee to get -- do we
20 agree? Okay. I just want to make sure
21 mechanically that --

22 SENATOR SQUADRON: I think we do want
23 to make sure the timing on that is
24 realistic, that we don't -- whatever the

1 delay period is, that it be -- you know,
2 that if it has to go to three committees
3 that there's enough time in the calendar for
4 that actually to move it forward with the 99
5 process.

6 Because we wouldn't want in effect to
7 have the time run out, the calendar run out
8 because the 99 process has to happen three
9 times. So I think it's very important that
10 it's for real.

11 CHAIRMAN BONACIC: Well, if our goal
12 is anything that gets passed through a
13 committee gets to the active list and voted
14 on, then it behooves those two other
15 chairmen in my example, Codes and Finance,
16 they have to move quickly to ensure an
17 active vote. Which is what you're
18 expressing your concern over.

19 SENATOR SQUADRON: Or the
20 alternative. I mean, that's right, that's
21 the reason. So we'd have to make sure the
22 99 process is timed appropriately.

23 CHAIRMAN BONACIC: Right. But if
24 we're all on the same page, that's a

1 mechanical thing that can be worked out.

2 Anybody have a problem with any of
3 that?

4 CHAIRMAN VALESKY: I think we're all
5 on the same page.

6 CHAIRMAN BONACIC: Okay. Oh,
7 budgets. Oh ho ho, this is I've been
8 waiting for. Budgets and empowering members
9 to do the job. In committees, we're talking
10 about equal staffing for committees.

11 And we would hope that you still enable
12 funding for central staff at least at the
13 same levels that you were funded. So that
14 is important to us. In 2007, I tried to get
15 it done. I couldn't get it done, couldn't
16 get it started. We had 10 Democrats on the
17 bill of equal staffing, including you,
18 Senator Valesky, and Senator Smith and
19 others. And we're asking now, as part of
20 the reform, that that be part of our
21 agreement.

22 SENATOR KLEIN: I'd like to talk
23 about this. And, you know, one of the
24 things that Majority Leader Smith did even

1 before we did our earlier rule changes is
2 substantially increase the allocation for
3 individual members. It's now \$350,000.

4 I know when I was elected to the Senate
5 four years ago, I came from the Assembly
6 where I had 10 years ago of seniority, and
7 my allocation at the time was \$200,000,
8 actually about the same as I had when I was
9 an Assembly member.

10 So this is a substantial increase in
11 allowing individual rank-and-file members
12 to, I think, meet the needs of their
13 district by having adequate staff.

14 The other issue which I think is
15 important is I think, you know, we have to
16 look at the big picture. One of the things
17 we've done here and we attempt to do is,
18 again, getting back to opening up the
19 committee process. That's how we empower
20 rank-and-file members.

21 And one of the recommendations I'd like
22 to make, and we talked about it a lot, I
23 think if we're going to have a real
24 committee process, an open process where

1 we're going to be able to effectively debate
2 the issues of the day and both the ranker
3 and the chair have a say in this process, I
4 would say that now, as I mentioned last
5 week, Senator Smith I think changed the
6 committee process tremendously by allowing
7 individual chairs in the majority to pick
8 their committee staff -- the clerk, the
9 committee director as well as committee
10 counsel. So those members now are not
11 beholden to the majority leader, they're
12 beholden to the individual chair of the
13 committee.

14 I would like to make a recommendation
15 that we allow the ranker on these committees
16 to be able to hire their own committee or
17 committee staff person, have a counsel as
18 well as a director, the same as the chair.
19 I guess in the course of cutting back, I
20 don't think we need two clerks of a
21 committee, that the majority member who
22 chairs the committee -- you know, the clerk
23 is the clerk in essence not only for the
24 majority member but for the entire

1 committee.

2 I think that's a way that there will
3 be, you know, adequate preparation on bills,
4 adequate hearings when we do have hearings,
5 when we invite our guest speakers is one of
6 the other recommendations.

7 And again, that's the way we take the
8 power away from the individual majority
9 leader and empower the chair or the ranker
10 and empower rank-and-file members.

11 SENATOR GRIFFO: I think you may be
12 moving in the right direction, Jeff, but
13 again, the numbers are what's important
14 here. We talk about equal resources are
15 essential, in my opinion, if we're going to
16 be true to reform and what this committee is
17 all about. And if we do believe, and we
18 should, that every member has the same role
19 and responsibilities commensurate with his
20 duties as a member of this legislature,
21 particularly as a senator, then we have to
22 empower them with the necessary resources to
23 do the job. So you have to look at the
24 total numbers, though.

1 When you indicate this year, for
2 instance, that individual members received a
3 specific amount, that's a step in the right
4 direction. But if that's at the expense of
5 the central staff allocated to the minority
6 or majority, then you have not moved
7 forward. And I think --

8 SENATOR KLEIN: I disagree.

9 SENATOR GRIFFO: But that is true.

10 SENATOR KLEIN: We had a whole
11 discussion earlier, and Senator Bonacic
12 brought it up, if you allow the majority
13 leader to prevent a vote on a piece of
14 legislation or pick specific members on
15 committees to hold up bills, that's the way
16 we don't empower rank-and-file members.

17 What we're doing here is we're moving
18 away from the concept of having the minority
19 leader, in your case, or the majority leader
20 tell you how much money you're getting for a
21 specific staff person on the committee or
22 who that person will be.

23 So I think allowing an individual
24 member to hire their own staff -- and yeah,

1 for those specific staff people that I
2 talked about, the counsel and the director,
3 yeah, you need adequate resources to pay
4 that person.

5 SENATOR SQUADRON: And in all the
6 ways large and small, the fundamental change
7 here is having members who have the
8 capacity, both because of their role in the
9 committee and because of their resource
10 protection, as it were, on both the majority
11 and minority sides, to be an independent
12 voice, to independently represent their
13 constituents and their own conscience. And
14 if you do that and you -- this is a move
15 away from centralization towards member
16 empowerment.

17 SENATOR GRIFFO: That's fine. But I
18 mean are you telling me that there would be
19 no disproportional percentages in central
20 staff for majority and minority, there would
21 be equal amounts given for communication,
22 for member services?

23 SENATOR KLEIN: I'm not even looking
24 at central staff. I'm looking at empowering

1 individual members. And everything we've
2 talked about thus far, we've talked about
3 making sure that we have a strong committee
4 process, making sure we empower
5 rank-and-file members.

6 So if we want to be able to do that,
7 you as a ranker on a specific committee, you
8 need to have a counsel of your own. You
9 need to have a --

10 CHAIRMAN VALESKY: It's not on
11 central staff.

12 SENATOR KLEIN: -- of your own. We
13 have to make sure the resources are there to
14 allow you to have that.

15 SENATOR GRIFFO: But what is going to
16 be the percentages between the chair of the
17 committee, what are they going to be able to
18 hire, as opposed to the ranker?

19 SENATOR KLEIN: Again --

20 SENATOR GRIFFO: That's important,
21 though. It's got to be a part of the
22 discussion here. Because if we're talking
23 about, sure, a clerk -- if it's going to be
24 an attorney and a clerk and a research

1 analyst, say, for the majority, the chair,
2 then the minority would get a counsel, a
3 research person, but not a clerk, I'm
4 saying.

5 SENATOR KLEIN: Right now -- I don't
6 want to speak out of turn, because I'm not a
7 committee chair. But I believe they all
8 have a counsel, they have a director and a
9 clerk.

10 CHAIRMAN VALESKY: Can any of you
11 answer?

12 SENATOR STEWART-COUSINS: That's
13 essentially it, yeah.

14 SENATOR KLEIN: Well -- and again, as
15 I mentioned earlier, I think having two
16 clerks is just a waste of resources.

17 SENATOR GRIFFO: I agree. I agree.

18 SENATOR WINNER: But then would the
19 majority be having -- for your floor
20 operation, would then you be having a whole
21 counsel's office to be able to service the
22 majority's operations on the floor as it
23 relates to areas that are apart from the
24 committee structure?

1 I mean, the only problem with moving
2 entirely away from the central-staff type of
3 model like the Washington model is that they
4 don't deal with the volume of legislation or
5 the volume of bills that we do in the
6 regular course of business, and that we have
7 other members that the central staff has to
8 serve, rather than having just -- you know,
9 I mean I trust if John Bonacic is the ranker
10 on XYZ Committee that he's doing all right,
11 but we've got the rest of our members that
12 need to be briefed and knowledgeable as it
13 relates to the legislation that's coming
14 before us.

15 And so we still have to have a
16 reasonable central staff operation to be
17 able to take care of the overall conference
18 requirements.

19 SENATOR KLEIN: I understand. But
20 that's not what I brought up.

21 SENATOR WINNER: No, but I just don't
22 to say that you're going to give me, as
23 ranker on Investigations, a lawyer and maybe
24 a investigator or a research person and

1 Senate Finance operations, you've got,
2 obviously, you know, a number of other
3 things that are --

4 SENATOR KLEIN: I understand
5 perfectly. But I don't think anyone here
6 has said yet --

7 SENATOR STEWART-COUSINS: No, it's
8 not either-or --

9 SENATOR GRIFFO: Here's what I would
10 say to this. I think what you did say is
11 that this is another issue. And I would say
12 all these issues are intertwined. They
13 should be dealt with collectively right now.

14 If we're going to talk about equal
15 resources relative to, you know, staffing
16 and the setup, we should look at the whole
17 structure so that we don't get confused
18 later. We look at everything right now, how
19 it should be put together, look at it in
20 some form of a chart, how it would work.
21 And that would serve all of us to try to
22 reach that objective of --

23 SENATOR KLEIN: It should be
24 something we have to discuss. But, you

1 know, overall what I presented thus far is,
2 first, a larger resource allocation for an
3 individual member -- which, by the way, has
4 nothing to do with Majority Leader or
5 Minority Leader. It's there, it's for
6 everyone -- and then give individual
7 members, rankers on committees and chairs,
8 the opportunity to hire their own staff.

9 SENATOR SQUADRON: And I think it's
10 -- oh, go ahead.

11 SENATOR STEWART-COUSINS: And I just
12 wanted to again just broaden this
13 conversation in terms of resources, because
14 it's not just necessarily a dollar amount.
15 We are talking about what happens in
16 people's district offices.

17 I have a desk in my district office now
18 that doesn't have a phone. And the reason
19 why it doesn't have a phone is because I was
20 only allocated three lines despite the fact
21 that I had more people than lines. So
22 because I'm not there, I don't have a phone.
23 If I want to use a phone, I have to go to my
24 secretary's desk to use a phone.

1 So I think that we need to really
2 look -- and I say this only because having
3 served in the majority -- and I know you and
4 I came in in the same class, so you don't
5 necessarily know. But having served in the
6 majority for a long time, there are certain
7 assumptions that you begin with when you
8 create what the needs are. And I just --
9 not that I want to live life looking
10 backwards, but I want to tell you where we
11 are.

12 So that when we talk about resources,
13 it's beyond necessarily what you think, it
14 is things like making sure that you're not
15 having a DOS application on your computer,
16 it's about making sure you've got a Xerox
17 machine, a copier machine that actually can
18 do that.

19 So when we say that we have to look at
20 the whole, the totality, even on a chart, I
21 think it's important that we look at the
22 totality, that we see where it's been, where
23 we're going, and what the optimum --

24 SENATOR GRIFFO: And what it should

1 be.

2 SENATOR STEWART-COUSINS: That's
3 right. And what are the optimum resources
4 one needs in order to effectively serve your
5 300,000-plus constituents.

6 And I think if we begin there, we have
7 gone a far way.

8 SENATOR GRIFFO: I agree with Senator
9 Stewart-Cousins.

10 SENATOR SQUADRON: There's a
11 fundamental principle here. And, you know,
12 we've done a lot of good work, I think.
13 These meetings, at least for me, are about
14 as much fun as I've had since I've come here
15 in January. We're doing real work, and
16 we're being honest about it.

17 And I do think it's very important that
18 the fundamental principle doesn't get lost,
19 and the fundamental principle is one that I
20 think Senator Bonacic talked about pretty
21 eloquently earlier, which is that members
22 should have the ability to represent their
23 constituents regardless of their
24 relationship with leadership, committee

1 chairs should have some ability -- committee
2 chairs and rankers should have some ability
3 to really drive the agendas of those
4 committees regardless of their relationship
5 with leadership.

6 Those principles can't be sacrificed to
7 this other thing. And this other thing is
8 an important discussion, but it's a
9 discussion that has to do with where this
10 body starts, with a history that's shameful
11 in this body, that I think we can all agree
12 is shameful in this body in terms of how
13 resources were dealt with and allocated and
14 the ability of members to do their job.

15 And to pretend that we're not driving
16 forward a really meaningful principle
17 because we have a baseline that's incredibly
18 problematic that we need to deal with
19 separately I think would really be a shame.
20 I think it would really undermine the
21 bipartisan work that we're doing in a
22 serious way on this committee.

23 SENATOR WINNER: But, Senator, in all
24 due respect, you know, I appreciate your

1 characterization of the past as being
2 shameful. What we're concerned about is
3 that while we're dealing with a lot of
4 principle-type statements here and we're
5 hopeful that we're moving forward in good
6 faith here to accomplish the issue of equal
7 resources, please be -- you know, don't be
8 surprised that we're a little mistrustful.

9 Because the numbers that we have before
10 us to date that we're operating on,
11 notwithstanding Senator Klein's
12 representations, are not even as equal or as
13 fair as the so-called shameful numbers that
14 you were operating under in the past. So
15 we're a little distrustful that we're not,
16 in fact, going forward in a manner which the
17 reality is going to meet the rhetoric here.

18 SENATOR SERRANO: I've just got to --
19 you know, I usually don't like to interject.
20 But if I could, I just think that that's a
21 very disingenuous statement, Senator. I
22 think --

23 SENATOR WINNER: Well, Senator, why?
24 I mean, the fact --

1 SENATOR SERRANO: I'm about to
2 explain why.

3 SENATOR GRIFFO: The central staff
4 allocations that were made --

5 SENATOR SERRANO: Right out of the
6 gate, right out of the gate, under the
7 leadership of Malcolm Smith, we made
8 significant changes in the way that
9 resources were allocated. You did not serve
10 in the minority the way I did. We got
11 nothing. We would -- they tried to grind us
12 into the ground.

13 So I think it's important that we be
14 cognizant of our tone in these meetings,
15 because we lose credibility when we say
16 things like, you know, it wasn't as bad as
17 you're saying it was. It was pretty bad,
18 and we're moving forward and we're not
19 looking back. But we don't need to be
20 lectured here on these types of things when
21 you consider what we've been through.

22 CHAIRMAN BONACIC: Thank you, Senator
23 Serrano. I want you to know that Senator
24 Winner has served in the Assembly

1 minority -- how many years?

2 SENATOR WINNER: Twenty-six years.

3 CHAIRMAN BONACIC: I think he
4 knows --

5 SENATOR WINNER: I think I know what
6 it's like to serve in the circumstance
7 whereby you're not being treated fairly,
8 Senator.

9 SENATOR SERRANO: Okay.

10 SENATOR WINNER: All I can say is I'm
11 not casting aspersions on anything that
12 we're doing here. What I'm merely pointing
13 out is that I expect and you should expect
14 that -- on both of us -- that we're not
15 being misled by whoever is pulling the purse
16 strings here, that we actually have some --
17 that our rhetoric is going to match the
18 reality of this so-called equal allocation
19 to have the resources that we're doing.

20 Right now I'm merely pointing out the
21 fact of the matter is that right now those
22 allocations, with the sole exception of the
23 individual-member type of allocations, are
24 not necessarily that which you are

1 representing them to be as far as moving
2 forward in a fair allocation of resources.

3 And we expect to articulate and defend
4 that position going forward because right
5 now, you know, you can call it whatever you
6 want, but the numbers are going to add up
7 and they're going to be right there and
8 everybody is going to be able to see them.
9 And I just want to make sure that we're
10 moving in that direction.

11 SENATOR SQUADRON: And, Senator, I
12 think we would agree that hopefully everyone
13 will be able to see them, and the
14 transparency with those numbers moving
15 forward is a key baseline to any of this
16 discussion.

17 CHAIRMAN BONACIC: Let me just tone
18 the rhetoric down a little bit and just -- I
19 want to get back to a principle. The
20 principle, as I understood it, is last
21 year -- we're talking of numbers. These are
22 the facts; we've looked at them before we
23 came here. I don't want to get into the
24 numbers game, but it's to Senator Winner's

1 point.

2 There was \$14 million allocated to
3 Senator Smith in the minority for
4 operations. Senator Smith made the
5 determination how much would be allocated
6 per member, how much would be kept for
7 central staff. And the fact that Senator
8 Smith may have allocated -- and these
9 numbers are not accurate, but I'll just say
10 approximately -- \$250,000 per minority
11 Senate office. Because I've spoken to a lot
12 of the Senators; this is what is they said
13 their allocation was.

14 And then when Senator Smith is now in
15 the majority, and he gives \$350,000 -- he
16 decides -- to each Republican office, he has
17 shortchanged central staff still by
18 approximately a million and a half dollars.
19 So that discretion given to the minority
20 leader, making it 250, 300, 350.

21 So when I hear, you know, press
22 comments at conferences that we gave --
23 meaning Malcolm Smith -- gave the Republican
24 minority more than they got, that's not

1 necessarily true. It's the total picture.
2 We're getting less, but how it was broken
3 down. Okay? That's just how it happened.

4 CHAIRMAN VALESKY: Let me just try to
5 make a few points of -- I don't know, of
6 where I think we're at or maybe where we're
7 going.

8 First of all, and I don't know the
9 specific numbers, but I can assure you that
10 the central staff of the new majority is
11 significantly smaller than the central staff
12 of the old majority in terms of dollars, in
13 terms of people. I don't have the figures
14 off the top of my head, but I can assure you
15 that's that the case. So both central
16 staffs are smaller than they used to be,
17 majority and minority.

18 It just seems to me that we're dealing
19 with two issues here. The issue of \$350,000
20 per member, all 62 members, is to run our --
21 and to serve our 300,000 constituents, to
22 run our district office operations to be
23 able to provide constituent services, which
24 I think is the bread and butter of

1 everything we do. I don't think that has
2 anything to do with central staff.

3 In other words, we all have been given
4 a \$350,000 allocation to use as we will in
5 terms of hiring, of putting a staff
6 together, to run our constituent services
7 operation.

8 On top of that, back to our committee
9 discussion, the issue of -- and I think
10 Senator Klein's suggestion is right on
11 point -- of providing allocations on top of
12 those base allocations for constituent
13 services, which has nothing to do with the
14 committee process. In my mind, that has to
15 do with the operations that each of us do as
16 Senators in our districts. On top of those
17 allocations are additional allocations for
18 chairs, directly to chairs of committees to
19 hire their committee staff -- as we are
20 doing as our chairs -- and to Senator
21 Klein's suggestion, directly to ranking
22 members to hire their counsel and however
23 else -- I don't know what the number is, but
24 the ranker takes that -- so that neither

1 conference, neither leader -- if part of
2 what we're trying to do is diffuse power
3 from the two leaders, majority and minority,
4 isn't that the way that we all ought to be
5 heading, monies directly to the chairs and
6 rankers to hire their own staff?

7 SENATOR GRIFFO: David, I want to see
8 this, though. We need to look at this. I
9 mean, with all due respect, I think all of
10 this is intertwined. And you're moving
11 perhaps in the right direction by saying
12 that if you look at the committee structure,
13 the chair will have this and the ranker will
14 have this. But I think it all has to be put
15 together, minimum base for your Senate
16 offices.

17 You heard Senator Stewart-Cousins talk
18 about the type of equipment that's given. I
19 just think this is all intertwined. We
20 can't go about this individually now. It
21 can't be itemized anymore. This has got to
22 be looked at in total concept.

23 SENATOR KLEIN: Again, I just want
24 to -- I had the opportunity to both serve in

1 the majority and in the minority, as Senator
2 Winner did. And again, I think we're all
3 talking about -- and I don't want to be
4 repetitious, but the committee process I
5 think is very, very important.

6 I remember from my days in the Assembly
7 where you could not tell the difference
8 between the central staff and whoever the
9 chairman's staff was of the committee. I
10 mean, there was nobody you could talk to --
11 the committee chair, you know, was really
12 beholden in many cases to central staff,
13 because those people were far more powerful
14 and far better paid than the individual
15 committee chair staff.

16 So again, getting back to what I said
17 before -- and I think if you took a private
18 poll of all of us, Democrat and Republican,
19 I think they would all agree that they'd
20 rather have the allocations given directly
21 to them, the \$350,000, to be able to service
22 their district and to be able to hire their
23 own individual counsels and committee
24 directors so they can get the job done and

1 they can do what the residents of their
2 district sent them to Albany to do.

3 That's all I'm saying. I'm not saying
4 we shouldn't do a breakdown of central staff
5 versus individual staff. But I think the
6 first step that we have to do if we're
7 really going to have a real committee
8 process and really empower rank-and-file
9 members is to do the things that I said.

10 CHAIRMAN BONACIC: Okay, I want to
11 comment on Senator Klein. Having served in
12 the Assembly for nine years, in the
13 minority, staff had more power than chairmen
14 and members. And he is absolutely correct.
15 And it should never be that way.

16 I think what -- I like the direction
17 that Senator Klein and Senator Valesky and
18 all of us are going to empower more members
19 and strengthen their muscle to debate merits
20 of bills in committee. It's a good thing.
21 I think we all agree to that.

22 But -- and equal resources to run your
23 offices. No senator should be punished if
24 they're in a minority, because you're

1 shortchanging their constituents. I mean,
2 that's crazy. That's dysfunction at its
3 worst. And that's what's the Albany
4 culture.

5 And there's no way we should ever allow
6 that to happen. You deserve the respect and
7 dignity. If you can get elected to be a
8 senator, you should have the resources, like
9 every other senator, to take care of your
10 constituents. I think we --

11 CHAIRMAN VALESKY: Well, we do now,
12 John. That's what the 350 is. That's what
13 the 350 is for each of us.

14 CHAIRMAN BONACIC: Well, I've lost
15 four employees since -- with the new method.

16 SENATOR SQUADRON: My concern here is
17 because the principle you're talking about
18 is so important, it's very easy to say,
19 Well, look at how much Senator Bonacic or
20 central -- you know, the majority has lost
21 going to the minority.

22 But when you're talking about a
23 baseline of that sort, that's not really the
24 question. The question is, is it now, do we

1 now have the kind of baseline ability to
2 represent our constituents.

3 SENATOR SERRANO: It was an
4 unrealistic amount that you were getting
5 before. I'm sorry, it was just way too
6 high, and we were getting way too little.
7 So now as we bring it back into balance,
8 you're going to see a reduction, because it
9 could never be what it was, 85/15, going
10 forward.

11 SENATOR SQUADRON: While I think
12 Senator Griffo's point is important, and I
13 think Senator Klein agreed with it, we
14 should look at this broadly. Looking at it
15 against last year as if last year was
16 somehow sane or somehow met any of these
17 principles I think wouldn't be honest,
18 wouldn't be legitimate.

19 CHAIRMAN BONACIC: Okay. I think
20 right now the majority central staff is
21 twice the amount for the minority central
22 staff. And all I think Senator Winner was
23 saying is that there are government
24 operations that a central staff takes care

1 of that a ranker or a chairman in committee
2 would not be involved in.

3 And there has to be a reasonable
4 allocation to central staff. Where we land,
5 I'll leave that to reasonable minds acting
6 in good faith. I'm not here to give quotas.
7 But if we can move in that direction, I just
8 need you to think that we need a central
9 staff and we need to empower members
10 wherever we settle on. And when we empower
11 members to represent their constituents,
12 there should be equality.

13 SENATOR SQUADRON: I think it's just
14 important, the acknowledgment of what
15 Senator Smith did do in January to the
16 baseline allocation. That is a significant
17 difference in terms of every one of the 62
18 of us, each of our 62 members' abilities
19 to --

20 SENATOR KLEIN: It's another
21 \$100,000.

22 SENATOR SQUADRON: So I think it's
23 important to acknowledge that as something
24 that's real and does matter. In terms of

1 the principle we're talking about, it's
2 important.

3 And I think, similarly, it's important
4 on the committee level. That is a big
5 principle.

6 CHAIRMAN BONACIC: You know, Senator
7 Squadron, I guess it's the eyeglasses that
8 you wear. When Santa comes and you're only
9 used to getting one gift and somebody else
10 is used to getting 10 gifts and then Senator
11 Smith comes and he gives everybody three
12 gifts, you say "Wow." And the one that had
13 10 says, "Boy, did I get shortchanged."

14 But I respect what you're saying.
15 We're trying to get an equilibrium here
16 that's fair, knowing we need a central
17 staff. And we certainly want to empower
18 members. And I like where Senator Klein is
19 going and Senator Valesky on this issue --
20 we've talked about it privately -- to
21 empower members. Okay?

22 SENATOR GRIFFO: What I am suggesting
23 is we can't go there until you look at the
24 whole package. And I think -- hopefully,

1 Senator Klein, you agree with that now.
2 There are disproportionate resources here
3 based on not only majority/minority but even
4 seniority. And the key is we need to
5 examine that disparity, and we need to
6 determine now how can we be better, how can
7 we change this culture truly. If we're
8 committed to changing the culture here, what
9 can we do in total context?

10 Some of the illustrations that Senator
11 Stewart-Cousins brought up, let's look at
12 each and every aspect and let's make a
13 determination of how that construct should
14 work with member individual base salaries,
15 with empowerment, with staff for committees,
16 how the central staff would be designed and
17 dedicated. Let's set that. Let's be really
18 innovative and courageous here. This is a
19 unique opportunity. I hope we just don't
20 falter in that regard.

21 SENATOR SERRANO: Just one final
22 comment on Senator Griffo. I think he makes
23 a great point, as well as Senator Bonacic,
24 about changing the culture in Albany.

1 I think -- I mean from my own personal
2 experience, I've had staff members who, when
3 we as Democrats came into the majority,
4 thought that we were going to have
5 everything that the Republicans had formerly
6 when they were in the majority. And I had
7 to inform them, no, we're doing things
8 differently. We're going to take a lot less
9 in order to create the reforms that we think
10 are important.

11 We're definitely not there yet, not
12 even close. But I think that we're
13 definitely trying to change people's
14 attitudes about majority versus minority and
15 have it more like the congressional model,
16 which I think is a lot fairer and it brings
17 about a lot more bipartisanship.

18 SENATOR KLEIN: Senator Griffo,
19 Senator Serrano I think makes an excellent
20 point. I mean, you know, first of all, one
21 of the things that Majority Leader Smith did
22 was keep the same allocation of central
23 staff until March 31st, which I think was a
24 very important thing to do because there's a

1 transition taking place.

2 But, you know, I think a lot of what
3 we're doing here is really what we're
4 supposed to be doing as far as empowering
5 rank-and-file members. And again, I agree,
6 we have to look at the big picture. As you
7 said, that's something that's very
8 important. But I still want to say we're
9 making, you know, major strides just that
10 we're sitting here talking about this. So I
11 don't --

12 CHAIRMAN VALESKY: In public, by the
13 way.

14 SENATOR KLEIN: And I was never
15 one -- and I guess this is another personal
16 experience -- you know, to complain about
17 allocations. I mean, you know, I got
18 elected, I worked hard to get elected, I
19 worked hard in my district. But I think if
20 you're really new -- and again, we don't
21 want to get into that here because I don't
22 think it's forward and we want to move
23 forward in a positive way -- the disparity
24 was huge. And to now move forward and

1 correct that disparity is going to take some
2 time.

3 And that's why I think what we're
4 talking about now is a very, very important
5 issue for us.

6 CHAIRMAN BONACIC: If I just -- as a
7 corollary to what we're discussing, you
8 know, we have two sets of printers, two sets
9 of photographers, two sets of research, two
10 sets of media. Why?

11 I mean, my thinking is we should get an
12 independent group, professionals, that serve
13 us equally on services that are
14 nonpolitical, and it would save the taxpayer
15 money. That's something we should think
16 about.

17 CHAIRMAN VALESKY: I agree.

18 CHAIRMAN BONACIC: And in keeping --
19 this is not political, you know, and it
20 would -- everybody gets treated equally.
21 And with newsletters, you know, those
22 services that we need in common. Like the
23 Congress.

24 SENATOR KLEIN: I believe that's

1 what's happening now, actually. I mean, you
2 know, talk about one of the disparities that
3 took place, you know, something as simple as
4 having a newsletter printed in the same --

5 SENATOR SERRANO: In color.

6 SENATOR KLEIN: -- as far as majority
7 versus minority, never took place in the
8 past. Right now I believe that everyone,
9 you know, has the same printing allocation
10 done at the same central office.

11 So, you know, things like that are
12 taking place. I don't know how many people
13 want to get involved in the minutiae but,
14 you know, the graphics that we were able to
15 use in the minority were ancient. I mean,
16 it was absolutely ridiculous. And right now
17 I think everyone is using the same, you
18 know, very nice graphics, things that people
19 actually want to read when they get it in
20 their mailbox. So that's already been
21 taking place.

22 As far as radio and TV, and I know many
23 of us do our own TV shows that aired in our
24 districts on various cable access channels,

1 I know personally, you know, I always like
2 to do one at least every two weeks. The
3 ability to have that accomplished was
4 ridiculous. I mean, you know, I used to
5 have a time frame from 2:30 to 2:45 on
6 Tuesday afternoons. And if I was five
7 minutes late, I couldn't do the show.
8 Again, that's not taking place right now.

9 So I think on those little things that
10 in many cases the public doesn't know about,
11 I think, you know, we're accomplishing that
12 equality, which is something that's very,
13 very important.

14 SENATOR GRIFFO: Jeff, Senator Klein,
15 would you believe that if you're looking to
16 approach that equality that we could set
17 standards of how that's done? Perhaps maybe
18 it could be done on seniority as opposed to
19 political affiliation as to the best times
20 that are available.

21 SENATOR KLEIN: Well, I don't think
22 it should be done by seniority at all. I
23 think something as simple as printing
24 newsletters --

1 SENATOR GRIFFO: No, no, not
2 newsletters. But appearing on --

3 SENATOR KLEIN: -- in your district,
4 the access to the radio and TV, that should
5 be done equally across the board.

6 SENATOR SQUADRON: As someone who's
7 run against an incumbent, I think it would
8 be --

9 SENATOR KLEIN: The young woman that
10 you used for the TV shows is still there,
11 you know, interviewing us as she interviewed
12 you in the past.

13 SENATOR GRIFFO: I'm not proposing
14 that you use seniority, I'm just saying that
15 I'm not sure that what you're saying is
16 actually taking place right now. I mean
17 that's the point, that people are even being
18 given bad time slots, like you said.

19 So I'm saying what type of a mechanism
20 would you put in place to ensure that
21 there's equal access at reasonable times and
22 things of that nature? I even question
23 whether or not we should be in some of this
24 business. I don't know why the legislature

1 should have a TV studio, to be quite honest
2 with you. These are things that, you know,
3 maybe don't need to be here.

4 And if we do have these things, then we
5 should be moving towards a nonpartisan model
6 and developing some type of a process where
7 each member can know how they can access
8 this so that nobody can say that they're
9 being discriminated against based upon
10 their --

11 SENATOR KLEIN: I think that's very
12 easy to accomplish by, you know, adequate
13 scheduling, have someone, you know, on the
14 minority side and the majority side just
15 coordinating schedules.

16 CHAIRMAN BONACIC: Just so you know,
17 that there are things going on that are very
18 punitive, whether it's a philosophy imparted
19 to staff -- it's not in the spirit of our
20 discussions. And I think -- I can give you
21 personal experiences of where we don't have
22 access to TV and where they don't send the
23 things out and where -- but I'm not
24 criticizing. It takes a while to educate

1 all of the people under the new majority.

2 And the mentality is still there. This
3 is payback time, baby. And it's vindictive
4 and punitive -- not all, but that stuff is
5 still going on. And you're probably not
6 even aware of this stuff because you're not
7 affected by it. And that's something if we
8 can get agreement and move forward, that's a
9 reeducation process.

10 SENATOR STEWART-COUSINS: You know, I
11 just -- I don't know how long this sort of
12 thing -- but I think on some levels it's
13 important because, again, it's our
14 opportunity to talk about not only the
15 future but the present and the past. But
16 the reality is is that not only -- it's not
17 always about being vindictive. It's about
18 what people know.

19 When I first came -- and I keep going
20 back to my life, you know, because it was
21 interesting, as you might expect. But when
22 I first came to get a head shot, we did a
23 head shot in a closet. I had no background
24 choices. We had, you know, a closet.

1 When I went to get my head shot this
2 time, not only did I go into a photography
3 studio that I didn't know existed, but I had
4 someone holding a reflector to make sure the
5 light hit my face properly.

6 I didn't know that existed. So
7 therefore I didn't know what I missed. A
8 lot of people didn't know what they missed
9 because a lot of people didn't know it
10 existed. We didn't know what others had.

11 So a lot of it is not necessarily being
12 vindictive, a lot of it is realizing what the
13 resources are available and what the
14 opportunities could have been and then
15 finding a way, which doesn't necessarily
16 happen instantaneously, to right those
17 things that should be righted.

18 And yes, I think that there may be a
19 third people who want maybe revenge, there's
20 a third who are like, well, let's see where
21 we go, and there's a third who are real
22 reformers. And I think that if we again set
23 the stage and the groundwork appropriately
24 and let people know the realities from

1 whence we came -- I mean, it's not going to
2 change for them, because a lot of stuff we
3 didn't even know existed.

4 When you were at one of our hearings
5 and you were saying, "Well, gee, I had an
6 opportunity to did a stand-up and I couldn't
7 talk about the things that I wanted to talk
8 about," there were people on our side who
9 were like, "I never knew what you guys were
10 doing when I walked by. I didn't know you
11 were doing stand-ups, because nobody ever
12 invited me to do one."

13 So please understand that it might be
14 in some cases vindictiveness, but a lot of
15 thing is just the natural by-product of
16 finding for the first time what the
17 resources really are, and then we can find a
18 way to really distribute them in a way that
19 makes sense.

20 SENATOR KLEIN: I just want to state
21 on the record that Senator Stewart-Cousins
22 doesn't need any help in lighting; she is
23 picture perfect.

24 (Laughter.)

1 SENATOR SQUADRON: In fact, my photo
2 was an hour after yours, Senator
3 Stewart-Cousins, and I was told, "Senator
4 Stewart-Cousins is really good at this."

5 SENATOR STEWART-COUSINS: I was
6 shocked. And, you know, I was really
7 shocked. When I saw the little reflector, I
8 was like, wow, you know, I must really be a
9 Senator now. You know, I mean, I had no
10 idea. So --

11 CHAIRMAN BONACIC: And we all concur
12 with Senator Klein.

13 SENATOR STEWART-COUSINS: Thank you.
14 All right, thank you. Enough of that.
15 Thank you.

16 CHAIRMAN BONACIC: Should we get into
17 member items? Only because we're talking
18 about equal resources. And we'll only have
19 15 more minutes, because of the schedule.

20 Again, the concept of member items,
21 when you give peanuts to the minority --
22 which the Republicans have in the Senate,
23 and vice versa in the Assembly -- and the
24 lion's share to the majority, who are you

1 hurting?

2 SENATOR STEWART-COUSINS: The people.

3 CHAIRMAN BONACIC: You're hurting the
4 constituency, again.

5 And I think that it does a disservice
6 to the process and the institution when you
7 favor constituents from a majority. And now
8 I understand, saying this, it may sound
9 disingenuous for being under a leader for
10 14 years who did this. And I didn't see
11 many Republicans standing up condemning it.
12 And I don't see many Assembly Democrats
13 standing up in the Assembly condemning it.

14 But it's wrong. We know it's wrong.
15 It's unfair. And it's going to be hard for
16 the majority in this room to do the right
17 thing and sell your colleagues on doing
18 what's right for the constituents in
19 democracy. And that's all I'll say on this
20 issue. Because there are those that Senator
21 Stewart-Cousins talked, a third are
22 reformers, a third payback, and a third just
23 happy to be here.

24 (Laughter.)

1 CHAIRMAN BONACIC: You know, you'll
2 have forces working against you to do the
3 right thing.

4 SENATOR STEWART-COUSINS: But there's
5 a difference, again, between the Santa
6 Claus -- and then I'm going to leave because
7 I actually have to be in EnCon. But there's
8 a Santa Claus analogy, when Santa Claus
9 could not get down the chimney because there
10 were so many goodies, and then the other
11 people had the coal.

12 So I think what you'll see is less of a
13 resistance to, again, the way member items
14 come, because I guess the most of the media
15 here remembers a report about the year where
16 there were like \$88 million in member items
17 in the Republican and about \$8 million in
18 the -- you know, half of the state got less
19 than \$10 million as opposed to almost the
20 other half getting \$100 million.

21 I don't think anybody thinks that's
22 okay. And I don't think anybody wants to
23 see anything like that perpetuated. But
24 again, you know, I think you'll see

1 certainly more sensible approaches to member
2 items that really, you know, make it good
3 for the entire state. I'm sure everybody is
4 in that --

5 CHAIRMAN BONACIC: And in tough
6 economic times maybe it's not even thinking
7 about member items in this budget.

8 CHAIRMAN VALESKY: Well, Senator
9 Klein put on the table last week some sort
10 of regionalization --

11 SENATOR KLEIN: If I can just jump
12 in, you know, all of us here I think, I hope
13 are in agreement that we all strive for a
14 fairer allocation. And I think the way
15 we're going to be able to achieve that is by
16 having these regional budget hearings, so it
17 gives the opportunity not only to the
18 individual member but the region itself to
19 advocate for their specific needs. The
20 individual senators in that region can
21 invite their not-for-profits, their school
22 districts, you know, to make a case that
23 they need X amount of dollars to continue a
24 specific program.

1 I think it also provides important
2 transparency, because I think it would be
3 very interesting to show our constituents on
4 how we craft a budget in New York State.
5 And I think we need to do this as early as
6 possible to be able to give every region the
7 opportunity to make their case.

8 And I think, you know, that's how we're
9 going to be able to determine who needs what
10 and how we make sure that every Senator and
11 their respective constituencies get the
12 member items, discretionary funds, to meet
13 their individual needs.

14 Also, I believe that being there's
15 going to be transparency attached to this,
16 there won't be as much government waste. I
17 mean, there won't be, you know, monies -- I
18 have nothing against the cheese museum, but
19 that seems to come up in every newspaper all
20 the time, and other things like that.
21 Because it's the opportunity for real
22 organizations, real not-for-profits,
23 organizations that are important to our
24 respective districts and regions to get

1 mention is the two different cultures. What
2 amazed me when I became a senator was that
3 Senator Goodman had 12 blocks in New York
4 City. I had five counties. Betty Little
5 has to travel 3 1/2 hours from one side of
6 her district to another. So the amount of
7 libraries, fire companies, you know -- as
8 opposed to Nassau, five senators, with a
9 little piece. It makes a difference in
10 needs.

11 I just say that to you that when you
12 look on the issue of fairness -- Senator
13 Valesky knows, the upstate senators know
14 what I'm talking about -- our needs are
15 different; our geography is vast. That's
16 all.

17 SENATOR KLEIN: Again, getting back
18 to what I said, and I'm glad Senator Bonacic
19 raised those things, I am familiar with
20 capital aid from my days in the Assembly,
21 and the member item process.

22 But again, I think by having these
23 regional hearings where we can actually
24 determine individual needs and regional

1 needs, it takes some of the power away from
2 the respective leaders. You know, who
3 again -- I remember when I was getting
4 capital money, the Speaker decided exactly
5 how much capital money each individual
6 Assemblyman got. And if you wanted more for
7 a specific project that was important or,
8 you know, was large, you had to go back to
9 the Speaker again. He had to allocate that
10 money.

11 At least we're going to have a process
12 through these hearings where, you know, at
13 least certain projects will be talked about
14 and discussed, and these individuals can
15 advocate for those projects. So I think
16 it's just a much, much better starting
17 point.

18 SENATOR GRIFFO: Senator Klein, how
19 would you move from the process -- which I
20 acknowledge is a good process -- to a model,
21 then? Because who then makes that decision?
22 That's the concern, that still there is one
23 or a group making that determination. How
24 do you break that?

1 SENATOR KLEIN: I think these are the
2 things that we have to look at.

3 I think the first step is, you know,
4 figuring out -- because I think what I've
5 heard here is a lot of things that have gone
6 on and are new to us. Again, I didn't know
7 about bullet aid when I was in Assembly.
8 That's something that I guess was utilized
9 in the Senate.

10 I guess once we figure out, you know,
11 what the resources out there -- it goes back
12 to what you raised, Senator Griffo, about
13 staff and how we allocate that properly. I
14 think the regional hearings are a very
15 important first step towards equal
16 allocation or a fairer allocation.

17 SENATOR GRIFFO: And I would continue
18 to maintain, though, as we do that first
19 step, that we continue to recognize that
20 everything is intertwined, that we can't
21 take that step alone without telling us
22 where we're going with the next step.

23 SENATOR SQUADRON: And I think, you
24 know, from my personal perspective, I don't

1 think these dollars should be spent based on
2 political affiliation, I really don't. So,
3 you know, I think that that's absolutely a
4 fairer, better way to do this. You know, so
5 I think there's no question about that.

6 What's the process to get there on
7 March 24th? You know, I think that's -- I
8 actually think that's a legitimate question.
9 But, you know, certainly from my
10 perspective, I think it's important that we
11 at least are out there saying, look, this
12 should not be, you know, a 90/10 or a -- you
13 know, there shouldn't be a split here based
14 on this partisanship. That's my view.

15 SENATOR SERRANO: If I could just
16 jump off on Senator Squadron, I totally
17 agree with what you're saying. I may be in
18 the minority in my philosophy on member
19 items, but I'm not the biggest fan of member
20 items.

21 I think part of the problem with the
22 culture of Albany is that member items have
23 been politicized. And I personally believe
24 that member items don't get you elected or

1 get you unelected. Again, I could be way
2 out there and get chased down the hall by my
3 other colleagues, but, I mean, case in
4 point, Olga Mendez, who preceded me, was
5 getting millions of dollars in member items
6 as a Republican. And I had none, because I
7 wasn't a senator, and I still defeated her.

8 And after I was sworn in, a little
9 political vindictiveness: all of her member
10 items were cut, even if they were for worthy
11 groups or whatever, as a way to further
12 punish me. As well as not getting an office
13 for a year, but that was another issue.

14 But I firmly believe that as we move
15 towards the situation where we create equity
16 or as close to equity as possible for member
17 items for all senators, regardless of
18 affiliation, that we really, really try hard
19 to extract the politics. Because I
20 personally believe, and I'll keep saying it
21 over and over, that member items do not get
22 members in better graces with their
23 community, nor do they put them in worse
24 graces.

1 I think it's really about how hard you
2 work in your district. And if anyone needs
3 any indication of that, Senator Klein is the
4 hardest-working senator I've ever met, goes
5 to every single event, and I think that's
6 why he's always reelected, not necessarily
7 because of member items.

8 SENATOR SQUADRON: One thing they do
9 do, though, is help build up issues, and
10 so -- you know, help build up communities.
11 And so, you know, that piece of this is an
12 important piece.

13 SENATOR KLEIN: And I guess just as a
14 sidebar, I think, you know, what Senator
15 Serrano says is correct. You know,
16 certainly my experience is -- you know, I
17 took over from Senator Guy Velella, who was
18 very, very good at allocating member items
19 throughout his district. And, you know,
20 there were many, to be perfectly honest, in
21 my district who thought the world was going
22 to end, that it was the end of Little League
23 and not-for-profits and life as we knew it
24 in the 34th Senate District. But it never

1 happened.

2 But I think it is important, as Dan
3 also said, that we use the money wisely when
4 we allocate. So I think just as important
5 as the open process, as I said, as far as
6 the regional budget hearings, but even more
7 importantly through Project Sunshine, to
8 make sure that the public knows about how we
9 spend taxpayer dollars in discretionary
10 funds, I think is worth its weight in gold.

11 Because again, I never understood why
12 people would be ashamed of the fact that
13 they're giving \$5,000 to a Little League or
14 \$15,000 to a volunteer ambulance corps. And
15 I think that transparency is important, and
16 I think we'll be getting to a better place
17 by having the regional budget hearings.

18 SENATOR GRIFFO: Cochairs, I have a
19 question to the cochairs potentially now.
20 And we're running short on time.

21 Is there a possibility that you can
22 direct staff to identify some of these
23 resources that we talked about to determine
24 what could be consolidated, what could be

1 eliminated that we provide right now, and
2 what could be put in a nonpartisan category?

3 Because these are all some of the
4 concepts that we had down here certain
5 numbers. But that may be the approach, to
6 say if you can identify what's being
7 distributed, how they're being distributed,
8 and what we can maybe do or undo. Is that a
9 possibility?

10 CHAIRMAN BONACIC: I think it's a
11 good suggestion. I think my counsel could
12 work with Mr. Stengel and do that, sure.

13 CHAIRMAN VALESKY: You mean between
14 the two houses or --

15 SENATOR GRIFFO: No, just here in the
16 Senate.

17 CHAIRMAN BONACIC: First of all, I
18 think we've only got five more minutes. I
19 want to thank the members for an honest
20 discussion.

21 I really believe, and I'm not
22 dramatizing, we have a limited window of
23 opportunity. And any issues we do not
24 resolve and we kick it off to the future,

1 the Albany culture will contaminate the
2 process and will suffocate what we're trying
3 to do.

4 I don't say that -- I've just watched
5 this place both as a minority member and a
6 majority member. The things we're doing are
7 pure. They are revolutionary in Albany.
8 And we're looking for a few good men and
9 women ready to break this Albany culture.
10 Thank you.

11 CHAIRMAN VALESKY: Let me just make
12 some final comments as well, John.

13 Tomorrow we're meeting at what time,
14 Ari? Twelve noon, 12 noon tomorrow. I
15 would -- obviously the last thing I would
16 want to do would be to cut off debate. But
17 we have some serious time constraints, so I
18 would like to suggest that if tomorrow we
19 can get through the remainder of the agenda,
20 then we have a report that has to be written
21 based on the work that we've done.

22 April 13th we are scheduled to not be
23 here. So I'm going to suggest that --
24 April 7th is the last scheduled day for

1 session prior to our break, assuming the
2 budget is done, obviously. So I'm going to
3 suggest that our timeline going forward,
4 that we meet as a committee after tomorrow
5 one final time, on April 6th or 7th, so that
6 we can actually take up the written report
7 and take a vote on it to recommend it to the
8 majority and minority leaders.

9 SENATOR GRIFFO: So it would be my
10 understanding, again, Senator Valesky, that
11 we'd meet tomorrow, try to finalize this.
12 As a result of that, they would put together
13 something, a draft document, for us to
14 either approve or disapprove or whatever?

15 CHAIRMAN VALESKY: Correct. That's
16 correct.

17 SENATOR GRIFFO: And that would all
18 be done by April 7th.

19 CHAIRMAN VALESKY: Before we leave,
20 that's exactly correct.

21 SENATOR GRIFFO: And can we try to
22 follow up on what I suggested, then?
23 Because I don't know how we're going to do
24 that, but -- with that time constraint.

1 CHAIRMAN BONACIC: I don't think
2 that's hard, because we've done this
3 analysis already. So I think it's just a
4 matter of trying to get agreement.

5 Thank the members, and we're adjourned.

6 (Whereupon, at 12:29 p.m., the
7 committee meeting adjourned.)

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