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# Letter On Bipartisan Senate Operating Agreement Sent To All Senators

By *William J. Larkin Jr.*

Posted by [William J. Larkin Jr.](#) [1] on Tuesday, July 7th, 2009

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A copy of the following letter regarding the details of a long-term, bipartisan Senate operating plan was signed by all members of the Republican Conference and Senate President Pedro Espada and delivered today to all 62 members of the New York State Senate-----

July 7, 2009

Dear Senate Colleague,

For the last four weeks, we have all been under tremendous pressure. Our house has witnessed the stress and strain that the changes of June 8<sup>th</sup> have brought on all of us. Change is never easy, but with it comes new opportunities for all of us, most importantly, an opportunity to improve the way the Senate operates and functions on behalf of the people of this state.

While we believe the vote on June 8th is valid and was conducted according to the Rules of the Senate, we find ourselves today divided and must reconcile this fact in order to allow us to move forward.

Many of you have been directly involved in discussions over the last few weeks on a bipartisan operating agreement that recognizes the even split between the Democrat conference and our reform coalition. Those meetings and discussions have included our staffs who have been working nonstop over these last several days to develop a blueprint that can resolve how we can function as an evenly split body.

The solution is quite simple -- 31-31 equals 50-50.

Under the plan put together jointly by staff and members, individual Senators will be empowered to do the job they were elected to do, unencumbered by the singular power of leadership that, in the past, had authority over staff, resources and legislation.

The operating agreement, which was built from the ground up deals with what is important to all of us as Senators, that is how to effectively legislate and provide for our constituents and to restore order and dignity to the Senate.

The agreement is modeled on information received from the National Conference of State Legislatures, and other states that have successfully dealt with gridlocked legislatures. It would evenly divide the operations of the Senate and treat individual Senators on both sides of the aisle fairly by ensuring that all members have equal levels of staff, and equal access to services such as

printing, mail, and community projects. It would also empower individual members to bring bills on the floor to a vote.

It is a reasonable, long-term plan that represents a lot of hard work by members and staff of our Reform Coalition and from the Senate Democrat conference. But it is apparent that not all Senators understand why it is fair for everyone involved.

Therefore, the details listed below, which reflect compromises addressing all of the concerns raised by members and staff of the Democrat Conference and the Coalition, show how a bipartisan operating agreement affects you and the Senate as a whole.

#### LEGISLATIVE BUSINESS WILL BE CONDUCTED IN A BIPARTISAN MANNER

- The Coalition and Conference will each have a leader who will share a Co-Leader role.
- The Temporary President will delegate his authority to preside to the Coalition and the Democratic Conference, who will alternate in the selection of a Presiding Officer, who will alternate weekly (during the first few months of the legislative calendar) or alternate daily (in the month of June or beyond the legislative calendar).
- The Floor Leader will be selected by the Conference or Coalition which has not selected the Presiding Officer, who will also alternate between the Coalition and Conference each week or day, depending on the legislative calendar.
- There will now be a Motion for Consideration or a Petition for Consideration which will empower rank-and-file lawmakers and allow them to bring a bill on the floor to a vote without the consent of the Leaders.
- The Active List will be jointly created by a working committee composed of an equal membership from the Coalition and the Conference, with participation from the Temporary President of the Senate.
- A vote to amend a bill on the floor will only require a majority of the members present and voting.
- Bills shall always be sponsored by a member-- there will be no Rules bills.
- Messages of necessity will not be utilized unless it is an actual emergency situation.
- The professional staff of the Senate Finance Committee will be preserved to serve all 62 members following the best practices of other states and the NCSL model with a Non-Partisan Senate Central Finance Office. This office will, like 40 other states, have co-managers who will administer the Office for the benefit of all 62 members of the Senate. The Coalition and Conference would also each have a small, partisan staff who could utilize the office's work product-- such as revenue projections, analysis of the budget, and creation of reports or fiscal studies.
- Legislative Sessions, committee meetings, hearings and other legislative business will begin airing on a C-Span- like channel called NYSPAN pursuant to a plan adopted by the Senate.

#### FAIRNESS AND EQUALITY FOR INDIVIDUAL MEMBERS

- The Senate will be administered in a fair, equitable and non-partisan manner. There will be two Co-Secretaries of the Senate who will ensure that all Departments are adhering to this established creed. All members will now receive equal access to the resources of the Senate for printing, mailing, and other services provided by the Senate's central administrative departments.
- The positions necessary for the central, administrative functions of the Senate will not be charged against either the Conference or Coalition.

- The Coalition or Conference shall have the authority to approve its own expenses and shall be its own appointing authority for its own employees.
- The amount allocated for the Central Staff of both the Coalition and Conference will be equal. Central staff will include the Counsel and Program staff, the Communications Staff, and other staff needs as determined by either the Coalition or Conference. The amount likewise allocated for additional staff for Committee and Leadership positions will be equal for both the Coalition and Conference.
- Committees will operate in a more democratic manner- Committee co-chairs will be created to jointly administer the Committee functions, and there will be equal committee membership between Conference and Coalition. The Co-Chairs will jointly agree on a Committee agenda. In an instance of a Chair and Ranker, the Rankers will have a formal role in the development of a committee agenda.

### EMPOWERING MEMBERS, DILUTING POWER OF LEADERS

- The Senate will adopt the Congressional model to establish a realistic and workable base allocation for each member, to adequately staff their individual offices. This figure may be augmented by a set amount for additional staff necessary to accommodate a Chair or Leadership position, not dependent on which member holds the position. The current staff that individual members rely on to serve the needs of their constituents and implement their legislative agenda will be preserved.
- The Agreement will preserve resources for the benefit of all 62 members of the Senate, rather than simply the few, favored members.
- The Motion for Consideration and Petition for Consideration will empower rank-and-file lawmakers by opening up the active list without the consent of the Leadership.
- The Active List will no longer be created by one leader, but rather a working committee composed of equal membership from both the Coalition and the Conference.
- Each member will be able to fulfill commitments made to his or her constituents for community projects.
- Each member will be allocated an amount for a district office and/or satellite offices pursuant to a geographic formula, which will accommodate cost, size, or other geographic limitations which necessitate a satellite office.
- There will be term limits for leadership positions and Committee Chairs.

### LONG-TERM, BIPARTISAN PLAN

- The agreement will be in effect through December 31, 2010.
- The agreement will be adopted by the Senate as a whole by Resolution, and may not be altered during the legislative term except by the vote of 3/5 of the members elected to the Senate.
- The agreement will, however, allow for only a proportional change in the distribution of resources if the make-up of either the Conference or Coalition changes.

These historic changes and reforms will completely change the Senate from a leader-driven body to member-driven. That is best for Senators and for their constituents. By recognizing this as the basis for any final agreement, the leadership issues can be resolved in short order.

We believe that by communicating with you directly and bringing this information to your attention we can end this stalemate, convene a real regular session with all 62 Senators present, get back to work, pass bills and begin to restore the confidence of the people in their government.

Sincerely,

Pedro Espada Jr.  
Temporary President of the Senate

Dean G. Skelos  
Majority Leader

Related information

**Senator:**

[William J. Larkin Jr.](#) <sup>[1]</sup>

Authored by Senator



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