

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

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

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

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

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

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

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

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

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

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

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

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

**Dated:** June 22, 2009  
Albany, New York

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