

**Brennan Center for Justice
Common Cause/New York
Empire Center for New York State Policy
League of Women Voters of New York State
New York Public Interest Research Group**

STRENGTHEN THE SENATE'S PROPOSED RULES

Our organizations, strong supporters of rules reform, urge that the Rules of the Senate for 2009 be further strengthened. We understand that complete revision of the Rules and Procedures properly requires a bi-partisan deliberative process and that the Senate must immediately adopt rules to be able to address the fiscal challenges outlined by the Governor. Nevertheless, the rules that are under consideration today can, and should, reflect the commitment to reform and a more open Senate procedure contained in recent comments by both the Senate Majority and Minority Leaders.

We appreciate that the changes in the Rules as currently proposed—easing discharge motions, eliminating canvass of agreement, and allowing minority co-sponsorship—are a step forward, but, we believe, need further strengthening in order to reflect the promise of wholesale procedural reform that many members and the leadership of both conferences have made, as recently as this past week, to the public. A strong commitment to broader reform requires, at the very least, immediate changes to the rules in the area of transparency and procedures governing committee function. We urge you to adopt the following changes to the proposed rules.

Immediately Increase Transparency

Well into the information age, the New York State Senate's deliberations have been far too opaque. This should not be a matter of controversy, and is not an issue that needs study, but seems to follow naturally from the Majority Leader's promises of greater transparency. The new rules should require all the records of public importance to be available on the Senate website as soon as practicable, including committee agenda at least 3 days in advance of a meeting, votes, transcripts of debate, and the House's legislative expenditures, in order to insure "real-time communication with the people of the State of New York" as soon as possible, not some time in the future. While staffing issues may require a short delay in implementation, we believe including the mandate in the rules *now* -- making it clear that the Senate will place these documents on the web as soon as logistically possible -- is important. Including such a mandate in the rules as adopted at the beginning of session would send a clear message about each member's resolve to make the Senate a more open, transparent body. Proposed amendments to Rules II and XIV which can be immediately adopted are:

Add to Rule II, §7, final sentence: and shall be posted to the Senate's website, in Portable Document Format, as soon as practicable after generation or collection, but in no event later than 5 session days after collection.

Add a new Section c to rule XIV:

Section c. It shall be the duty of the Temporary President to take all necessary steps to post all Senate records subject to the freedom of information law on the Senate website as soon as, and in the manner most, practicable.

While full revision of the manner in which committees are administered and function will require more time for bipartisan and the public's analysis and consideration, the Senate rules adopted at the start of session should more strongly reflect a commitment to a more vigorous committee procedure. In addition to introduction of a motion

to discharge procedure which includes the ability to discharge motions from standing committees and the Rules Committee, which our groups support as proposed, the Rules should be amended to eliminate “ghost voting” by requiring committee members to cast their votes in person during regular open committee meetings. As in the Assembly, no “proxy” votes should be permitted. We urge adoption of the following revision to Rule VII, §5.a of the Senate Rules as proposed:

Rule VII § 5 (a) should be amended to read, “No committee shall vote to report a bill or other matter unless, for all bills having a fiscal impact, all members of the committee receive the fiscal memo pertaining to the bill no less than 3 session days before a vote on the bill is scheduled, and a majority of all the members thereof vote in favor of such report. Each report of a committee upon a bill shall reflect the work of the committee on the bill and shall have the roll call tally of the committee vote on the bill, indicating the vote of each Senator, and the fiscal memo, if any, attached thereto. and such report and vote Such information shall be available for public inspection and posted on the Senate’s website. A member’s vote on any matter before the committee must be cast in person during the committee meeting concerning this matter; no proxy vote shall be valid.

Immediately Memorialize Commitment to Meaningful Reform

Our groups support an open bipartisan deliberative process to consider a complete evaluation and revision of the Senate’s rules and procedures, so long as the procedure authorized does not result in lengthy examination and unrealized recommendations reported at some time after the close of the current session. We stand ready to cooperate with the Temporary Senate Committee on Rules and Administration Reform, to provide our expertise and best advice, and assist in any way to insure a quick, open, and meaningful process. However, we note that most members of the Senate are already aware of many of the problems with the current rules by virtue of the fact that they have served in the Senate for many years, and that our organizations have issued numerous reports and specific recommendations, including the three detailed reports from the Brennan Center for Justice.

We strongly urge that the authorizing resolution require that the Temporary Committee should report by March 15 with the intent of instituting new rules soon after, well before the end of session. As has been reported, reduction of Republican staff allocations will begin on April 1. That date is the ideal opportunity to institute new procedures which fulfill the promise of “allowing greater public input into [the] legislative process, as well as provides for greater authority for individual members “ as well as ensuring that staffing decisions are made under the new rules.

We believe that it is essential that the authorizing resolution should also specifically commit to providing the Temporary Committee with sufficient staff, budget and autonomy to adequately meet its designated responsibilities.

We also strongly urge that the authorizing resolution be amended to specifically charge the Temporary Committee to propose revisions which will institute the reforms which have been promised. We believe that the authorizing resolution should more clearly require the Temporary Committee to recommend specific rules change which will include:

- 1. Strengthening standing committees, allowing them greater independence and encouraging meaningful participation by rank-and-file members and bill sponsors.**
- 2. Allowing individual members, not only the leadership, to move bills to the floor for debate and vote.**

- 3. Allowing ample opportunity for adequate review and consideration of legislation by individual members by, for example, revising legislative deadlines and the session calendar of all bills and requiring that all bills with fiscal impact are accompanied by thorough fiscal notes provided to members prior to the bill's consideration in committee or on the floor.**
- 4. Providing all members with sufficient resources, more equitably distributed in accordance with some objective standard.**
- 5. With respect to all of the above, making records of the legislative process transparent and easily accessible to the public via the Internet.**