

BRENNAN CENTER  
FOR JUSTICE

*at New York University School of Law*



January 6, 2015

Senate Majority Leader Skelos  
Legislative Office Building  
Albany, NY 12247

Senate Leader Klein,  
Independent Democratic Conference  
Legislative Office Building  
Albany, NY 12247

Senate Minority Leader Stewart-Cousins  
Legislative Office Building  
Albany, NY 12247

Assembly Speaker Silver  
Legislative Office Building  
Albany, NY 12248

Assembly Minority Leader Kolb  
Legislative Office Building  
Albany, NY 12248

**Re: Recommendations for Legislative Rules Reform**

Dear Messrs. Skelos, Klein, Silver, Kolb and Ms. Stewart-Cousins:

On behalf of our organizations, we write to urge that you reform the rules governing the proceedings and operations of the legislature.

Democracy demands public participation in public policy decision-making. Backroom dealing and secrecy undermine public confidence and breed public cynicism and apathy. Central to all policymaking are rules by which legislatures decide what to do.

Public confidence in the rules that govern the legislative process is a cornerstone in public support for lawmaking. Public distrust of the legislative process erodes democracy.

In particular, our groups call for four main changes: (1) increase the strength and efficiency of committees, so that they function fully and effectively; (2) provide greater opportunity for rank and file members to bring legislation with majority support to the floor, even over the objection of leadership; (3) institute more equitable allocation of resources between all of the conferences; and (4) increase transparency in the chamber.

More specifically, we strongly urge you consider the following changes to legislative procedures:

1. Increase the strength and efficiency of committees by
  - a. Reducing the number of standing committees, and the number upon which members can sit;

- b. Allowing Senate members to vote in committee only if they are physically present;
  - c. Clarifying the rule on petition for hearings, so that 1/3 of members can ensure a hearing on a bill unless a majority of members object;
  - d. Requiring a public reading and mark up process for bills before they can be passed through committee;
  - e. Requiring that all committees must post their agendas and notices online a full two days in advance of the meeting (with exceptions only for those additions that are agreed to by the ranking minority member of the committee); and
  - f. Requiring that all bills that pass out of committee include reports that set forth the purpose of the bill, proposed changes to existing law, a section-by-section explanation of the bill, a cost-benefit-analysis, the bill's procedural and voting history, and any individual members' comments on the bill.
2. Encourage greater participation by all legislators by providing the opportunity for a simple majority of members to bring any bill to the floor for consideration and a vote, regardless of leadership objections.
  3. Foster equity and comity through the fair allocation of resources between the majority and minority parties by ensuring that funding for central staff is proportionate to a conference's size and tightening rules prohibiting the use of resources for political purposes.
  4. Increase transparency by making access to information on the Legislative Retrieval Service free and following through with the creation of the State Government Public Affairs Channel (often referred to as "NYSPAN").

When your new coalition convenes for the first time in January and adopts new operating rules, you will have a tremendous opportunity to send a signal to New Yorkers about your commitment to making the Senate a more representative, deliberative, accountable and efficient legislative body. We hope that you will adopt the reform proposals listed in this letter, and welcome the opportunity to discuss them with you in greater detail in the coming weeks.

Sincerely,

Lawrence Norden, Deputy Director,  
Democracy Program  
Brennan Center for Justice

Dick Dadey, Executive Director  
Citizens Union

Susan Lerner, Executive Director  
Common Cause New York

Sally Robinson, President  
League of Women Voters of New York State

Blair Horner, Legislative Director  
NYPIRG