



BRENNAN CENTER
FOR JUSTICE

at New York University School of Law



New York
COMMON CAUSE
Holding Power Accountable



December 18, 2012

State Senators Jeffery Klein and Dean Skelos
Legislative Office Building, Room 304
Albany, NY 12247

Dear Senators Klein and Skelos,

Like many New Yorkers, we have closely followed the post-election developments that have led to your new coalition in the Senate. You have stated that this new partnership marks a bold new chapter in the history of the Senate, and we are encouraged by your promise to work in a constructive, bipartisan way to put good policy ahead of politics. As you know, our groups have long deplored the Senate operating rules, which have been one of the most substantial impediments to the thoughtful development of policy that benefits from the creative input of affected New Yorkers. Your coalition presents an unprecedented opportunity to reform those rules and create a body that is more representative, responsive and deliberative.

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 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; and

- e. 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,

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