



The League of Women Voters of New York State  
62 Grand Street, Albany, New York 12207  
Phone: 518-465-4162 Fax: 518-465-0812  
www.lwvny.org E-Mail: lwvny@lwvny.org

## THE LEAGUE OF WOMEN VOTERS *of New York State*

### **TESTIMONY BEFORE THE NEW YORK STATE SENATE TEMPORARY COMMITTEE ON RULES REFORM LEAGUE OF WOMEN VOTERS OF SYRACUSE METROPOLITAN AREA FEBRUARY 6, 2009**

Good Afternoon, my name is Joan Johnson and I am Co-President of the Syracuse Metro League of Women Voters. Thank you for inviting me to speak about this important issue of reform of the legislative rules.

As many of you know the League of Women Voters is a unique tri-level, multi-issue, nonpartisan, political organization. It encourages the informed and active participation of citizens in government and influences public policy through advocacy and education. The League has over 50 local Leagues statewide from Shelter Island to Buffalo/Niagara.

As far back as 1975, the statewide members of the League recognized that there were serious deficiencies in Legislative procedures. At that time, Legislative committees were not open to the public and legislation could be unilaterally blocked by the committee chairperson. Legislative sessions consistently went all night and the Majority Leadership could "star" legislation and often did. A two-year study was undertaken and members concluded that several procedural changes in both houses would result in a more open, effective, and responsive Legislature.

Since that time the League has consistently recommended changes to the Rules in both houses of the Legislature. Some reforms have taken hold over the last 20 years. Committee meetings are now open to the public. All night sessions are (we hope) largely gone and "starring" is no longer practiced. Following the 2004 initial report of the Brennan Center for Justice of NYU, a much brighter spotlight has focused on the dysfunction of the legislative rules in both houses. The Assembly has addressed some issues although the League continues to feel that much more needs to be accomplished with the Assembly rules. The Senate, however, did little to change their rules which were stifling to the minority party and unresponsive to an openness which should exist in a representative government. However, this, as those of you sitting here are well aware, is a new day with new opportunities. We applaud the Senate Democratic majority for convening this bi-partisan temporary committee to examine the Senate rules and provide some areas for consensus among your conferences and real reform for the New York citizen. The League believes that in a representative democracy the rules under which the Legislature makes its decisions significantly affect policy choices made by lawmakers. The following are the Rules changes we recommend to accomplish this goal:

## **Senate Committee System**

- All committees shall remain in operation throughout the legislative session. Under previous Senate rules, committees were shut down during the last month of session. All legislation is then moved to the leadership controlled Rules Committee for possible action. Shutting down committees at the end of session – precisely when most legislation is coming before the house for action limits the power of the committees and minimizes public participation on the process. Committees should remain in operation until the Senate finishes its work. In addition, new limits should be placed on the practice of calling committee meetings “off the floor.” Such meetings should only be allowed under agreement between the majority and minority members of the relevant committee.
- Create a real *C-SPAN*-like program for New York State. In a television age, the public has no real ability to understand and participate in state issues without such a program. Committee meetings should be televised and that is where real debates on committee bills should occur. This would not only provide the public with a better understanding of the legislation but also would also increase the credibility and trust the public would have in their individual legislators.
- End the use of “voting by signed agenda” in Senate Committees. Attendance should be mandatory, except for good cause. Legislators should attend committee meetings to ensure that their constituents’ views are fully represented in decision-making. Committee meetings should be recorded and the record made public.
- Allow for a “Form 99” process in the Senate. The Assembly already allows for a “Form 99.” Under the Assembly rules, any member can force a committee vote on legislation introduced by that member. The Senate should allow members the ability to force committee votes as well.
- Require that all committees must post their agendas on the Internet 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).

## **Procedures on the Senate floor**

- Allow full use of the motion to discharge. Minority parties need an institutional mechanism for airing their views and for holding the majority accountable. In addition, time limits on debates should be liberalized.
- Debate on a bill should be limited only by a majority vote of the elected members of the full chamber. Closed-door party conferences cannot substitute for open debate on the floor of the legislature.
- Open bill sponsorship to all members. The majority has in the past prohibited minority party legislators from co-sponsoring legislation. There should be no such prohibition.

- End the abuse of “messages of necessity.” New York State’s Constitution requires that all legislation must be available to legislators a full three days before a house can take any action. This requirement can be ignored when the Governor issues a “message of necessity” which allows for immediate action on legislation. The Constitution created this loophole in order to allow lawmakers to act on issues that required immediate attention. This loophole has been abused by the Governor and the legislative leaders to such an extent that many important decisions are now approved with a message of necessity. The messages are used usually in an attempt to limit public debate over important issues. This Committee should persuade colleagues in the Assembly to join with the Senate and urge Governor Paterson to carefully limit the use of these messages and to prohibit their use in budget negotiations.

### **Conference Committees**

The League of Women Voters has long advocated for the use of conference committees.

- Under current rules, a conference committee process can begin if approved by the leadership in each house. Granting to legislative sponsors the right to create a conference committee for similar to but not same as would greatly enhance the use of these committees to negotiate agreements. Conference Committee chairs must have the ability without direction from the leadership to negotiate the number of Conference Committee sessions. The use of a *C-SPAN*-like program for Conference Committees should be mandated. The public should be allowed to view these important negotiating sessions. Conference began convening about 10 years ago with great fanfare by leaders in both houses and Governor Pataki. The League was encouraged that these would become commonplace for groups of similar legislation. The practice has all but completely disappeared in recent years. We encourage this temporary Committee to recommend a renewed commitment to this practice.

### **Promotion of an efficient Legislature.**

In the past, the legislative leaders would allocate staff and other resources to those members of the majority with the most seniority, to committee chairs and those members who may face tough re-elections. New Yorkers deserve equal representation in their state legislature – irrespective of whether their representatives are part of a legislative majority or not. The League encourages the following recommendations:

- Equal financial and personnel resources for all state legislators. For the purposes of this testimony, the focus is on the Senate allocations. Majority and minority Senators represent equal numbers of constituents so they should have equal staff and resources available to them.

- Each committee should be authorized to hire its professional staff. Adequate funding for professional staff, facilities, and equipment should be provided to each committee, and should be allocated on a proportional majority-minority split.
- For standing committees, proportional representation and staffing for Majority and Minority members. Some have suggested that a central staff comprised of professional civil service experts should staff standing committees. The League believes that this concept should be explored by this Committee.

These are but a few of the recommendations that the League has concerning legislative rules. The League's Legislative Director, Barbara Bartoletti, will be addressing this Committee next week with additional comments.

Thank you again for giving the League this opportunity to address these issues. The League has advocated for legislative procedure reform since 1975. We continue to be optimistic that with this new opportunity, real reform can be enacted for the people of New York to make government more open, transparent and accountable.