

BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW  
CITIZENS UNION  
COMMON CAUSE/NY  
LEAGUE OF WOMEN VOTERS OF NEW YORK STATE  
NEW YORK PUBLIC INTEREST RESEARCH GROUP

January 28, 2011

**RE: Senate Rules**

Dear Senate Majority Leader Skelos,

We write regarding the Senate Rules that were introduced on January 25, 2011 and sent to the Committee on Rules. As the public awaits the next step in this process, we urge you to publicly consider, debate, and adopt new rules that our groups have proposed that will help make the Senate a more open, transparent, and accountable chamber.

Our groups were pleased to see that most of the important advances from last session were included in the proposed rules. The Senate Majority deserves credit for keeping term limits on leadership, allowing members to advance legislation over the objections of leadership, and continuing to allocate resources more equitably (though we continue to believe that as a basic principal of fairness to their constituents, each member, regardless of party or seniority, or how much they are favored by leadership, should receive equal resources).

Unfortunately, the new proposed rules fail to take the next crucial steps that are needed to continue reforming the Senate. Our concerns with the proposed rules lie both in the *process and the substance*. We were disheartened that the rules resolution was made public only two hours before a scheduled vote. When it was made available, the resolution lacked a memo or a red-lined version to explain the proposed changes, making it impossible for members of the public to understand before the vote what changes were being considered. For those of us hoping legislators in the “new Albany” would be conducting business in a more open manner, this was not a good start.

As to the substance of the proposed rules, we were disappointed to see that reforms to the committee process our groups have proposed on two occasions were not included. We were particularly discouraged that at a time when the Senate should be consolidating the number of committees, the proposed rules instead create an additional one. Nor do we understand that portion of proposed Rule 2, Section 1 that seems to attempt to prohibit the Lieutenant Governor from casting a vote for the Temporary President of the chamber in the event of a tie among the Senators. As you are no doubt aware, the New York State Constitution already provides under what circumstances the Lieutenant Governor may cast a vote, and the Senate is bound by those provisions, regardless of what internal operating rules it passes.

Finally, we were disappointed to see that several reforms proposed by Senator Bonacic and others that would have increased the power of rank and file members, as well as provide additional transparency and accountability, were left out.

We reiterate our suggestions to reform the committee process:

1. Consolidate committees to reduce their number and ensure that individual Senators serve on no more than three, as is typical in other state legislatures (including such large states as California, Florida, Illinois, Michigan, Ohio, and Pennsylvania);
2. Eliminate proxy voting in all committees by prohibiting members from casting absentee votes on official voting sheets delivered to the committee chair;
3. Require committee reports issued with any bill voted out of committee to set forth the purpose of the bill, the proposed changes to existing law, section-by-section analysis, the bill's procedural history, committee or subcommittee votes, any individual members' comments on the bill, and organizations which support and oppose the bill;
4. Require a process for reading, debating and amending any bill before it receives a vote from the committee, unless a majority of committee members vote to forego that process for a particular bill;
5. Strengthen the ability of committee chairs to control the committee budget and make hiring and firing decisions; and
6. Institutionalize conference committees, so that when bills addressing the same subject have been passed by both chambers, a conference committee will be convened at the request of the prime sponsor from each chamber or the Speaker and Majority Leader.

These suggested changes are not intended to benefit any individual or party. They are intended to improve the functioning of the Senate as a democratic legislative body, so that it may conduct the people's business in a more responsible, open, and transparent way. We urge you to include these suggestions during the next Rules Committee meeting and on the floor, and to openly debate them in both proceedings. To the extent that members do not or cannot support them, we urge them to provide a public explanation for their opposition.

Sincerely,

Brennan Center for Justice at NYU School of Law  
Citizens Union  
Common Cause/NY  
The League of Women Voters of New York State  
New York Public Interest Research Group