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COMMON CAUSE/NY  
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NEW YORK PUBLIC INTEREST RESEARCH GROUP**

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**STATEMENT ON SENATE RULES CHANGES**

**NEW RULES A SOLID IMPROVEMENT**

*Too soon to retire dysfunctional label, groups say, but a strong step forward.*

July 16, 2009

Our groups believe that the rules changes adopted last night include changes that will make the State Senate more open and accountable, but do not go far enough to improve the arcane internal operations of the Senate. For example, the new rules provide for:

Greater transparency of Senate proceedings: All hearings of Senate standing committees and meetings shall be recorded and posted on the website within twenty-four hours, and webcast when practicable. This means citizens throughout the state will no longer need to trek up to Albany to follow the votes on issues they feel passionate about. Committee voting records and reports will be available online for the first time in a searchable database. When this is implemented, it will be one of the most significant improvements to legislative transparency in years.

Motions and petitions for chamber consideration: A majority of Senators can move a bill from the calendar to the active list after aging for four days, and three-fifths of the full Senate can move a bill from committee to the active list. Unfortunately, it appears these new rules do away with motions to discharge. We believe that a majority of members should continue to be able to move a bill out of a committee rather than three-fifths of members. The net effect of these changes, however, is an increase in the power of rank-and-file Senators.

C-SPAN: A joint advisory board appointed by the leaders of the two houses will report on how to expand the state's current television offerings. An improved television network will make it much easier for active citizens to follow their government.

Committee hearing process: The new rules attempt to bolster the committee process through increased oversight and hearings. We support the change allowing members to call for hearings

on bills by a vote of one-third of the committee and the holding of statewide regional budget hearings from October to December to discuss the impacts of the state budget on the community.

While these are important improvements, the rules codify an inequitable distribution of resources between the two conferences. In particular, the majority party's central staff allocation will be twice that of the minority party. Additionally, the rules require a base allocation for all Senators' staff – representing a small fraction of the legislative body's overall budget. There is also no specificity with respect to the distribution of general resources, such as those to be spent on office supplies and computers, except that such resources will be distributed "equitably."

The rules also provide for the inequitable allocation of member items. While the minimum 2:1 ratio for the portion received by the two conferences is a significant improvement above the historic 10:1 allocation, this is the first time the unfair distribution process has been codified. Voters will go to the polls knowing that their communities will be punished if they vote for the "wrong" Senate candidate. Additionally, nothing prevents party leaders from punishing insubordinate members by decreasing the amount they receive. We believe that there is no justifiable reason why every Senator should not be guaranteed equal access to community improvement funds.

Finally, the groups point out that these advances were negotiated by leadership behind closed doors, ending ultimately with a floor vote at 3:30 a.m. on Thursday. The way these rules reforms came to pass is an unfortunate indication that the Senate, while making laudable and historic reforms, has not yet fully matured beyond its dysfunctional phase.

Additionally, while the committees' proceedings will now be available online and there are more opportunities for public hearings, the numerous recommendations our groups have made to reinvigorate the committees, including prohibiting "ghost voting," and requiring substantive committee reports and fiscal notes for bills that move through committee have not yet been implemented. It appears that the Committees' budgets, agenda and most of the staff remain controlled by the leadership. The Temporary Senate Committee on Rules and Administration reform is now "directed to make specific recommendations for revising the Senate Rules and the Legislative Law" to improve the committee process by December 1<sup>st</sup>. This is not the first time we have heard a promise to reform this vital area, but we hope that the remaining necessary changes will finally come from this report.

We congratulate the members for these historic reforms. We would particularly like to thank Senators Bonacic, Squadron, and Schneiderman for their recent leadership on this issue. Finally, we look forward to the implementation of additional reforms in the near future, particularly regarding resource allocation.