



NEW YORK  
CITY BAR

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*By Regular Mail*

December 16, 2010

Hon. Sheldon Silver  
Speaker  
New York State Assembly  
Legislative Office Building 932  
Albany, NY 12248

Hon. Brian Kolb  
Minority Leader  
New York State Assembly  
Legislative Office Building 933  
Albany, NY 12248

Dear Speaker Silver and Assembly Member Kolb:

As the January 2011 legislative session approaches, we join the chorus of other good government groups who are encouraging the passage of new legislative rules as a top priority. We encourage the Assembly to hold a public discussion of its operating rules and ways they can be improved, in a manner that takes into account the public's interest in having a legislature that is transparent, deliberative and accountable to the citizens of the state. Although we applaud the Assembly for the reforms that have taken place since 2005, we believe there is much more to be done.

In light of such progress, we urge you to consider the following recommendations in order to create a more deliberative, representative, and accountable chamber, which will serve to positively impact the governing process of New York. We urge you to pass new rules to increase transparency and make it easier for rank and file members to move bills to the floor for debate, and to mandate hearings and public comment on important bills.

Last year, your Senate colleagues passed several key rules reforms which had the effect of: (i) making it easier for individual senators to bring their bills to a committee vote or to the floor without leadership approval (a flow chart detailing the various ways Senators could ensure a hearing or vote on their bills under last year's rules is attached); (ii) making the distribution of member resources more equitable; (iii) imposing term limits on leadership; and (iv) increasing transparency in the chamber by making the proceedings completely public and accessible via the Senate website. We urge the Assembly to follow suit by passing similar and other rules reforms.

In addition to the reforms the Senate has undertaken, we urge you to take initiative on the following rules changes:

1. Require a committee mark-up process for all significant legislation to both check for mistakes and allow committee members to use their expertise to make constructive comments on bills;
2. Require staff reports for all bills reported out of committee, to assist courts and others in determining the intent of unclear laws;
3. Provide each committee with explicit control over its own budget and the hiring and firing of all committee staff; and
4. 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.

We are of the belief that these reforms, which are modeled on best practices from other states, will make for a more open and democratic Assembly, which is crucial to address the challenges we face in these difficult times. We are here to help and provide assistance in making these reforms possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren Gesinsky". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Loren Gesinsky

Cc: Members of the New York State Assembly (*via email; w/encl.*)

Encl.





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*By Regular Mail*

December 16, 2010

Hon. John L. Sampson  
Democratic Conference Leader  
New York State Senate  
Legislative Office Building 409  
Albany, NY 12247

Hon. Dean Skelos  
Minority Leader  
New York State Senate  
Legislative Office Building 907  
Albany, NY 12247

Dear Senator Sampson and Senator Skelos:

As the January 2011 legislative session approaches, we join the chorus of other good government groups who are encouraging the passage of new legislative rules as a top priority. Although we applaud the Senate for the reforms that were enacted last year, we believe there is much more to be done. Now is the time to consider additional reform measures that will continue to strengthen and optimize the functioning of the Senate as an institution so that individual Senators — from both the majority and minority — can advance the issues they care about and help shape legislation through careful public deliberation.

As you consider changes to the chamber rules, we encourage the Senate to hold a public discussion of its operating rules and ways they can be improved, in a manner that takes into account the public's interest in having a legislature that is transparent, deliberative and accountable to the citizens of the state.

We recognize that important rules changes were made last year. In particular, the Senate rules passed last session make it somewhat easier for individual senators to bring their bills to the floor without leadership approval (a flow chart detailing the various ways Senators could ensure a hearing or vote on their bills under last year's rules is attached). Further improvements to the rules have made the distribution of member resources more equitable, imposed term limits on leadership, and increased transparency in the chamber. These changes have allowed the Senate to be a more accessible, accountable and efficient chamber.

While we encourage you to keep these improvements, we believe there is much more to be done. In light of the current uncertainty over control of the chamber, we urge you to review with a fresh eye the suggestions for rules reform that we and others have previously offered. Now is the

time to make changes that will help the Senate develop a better legislative process, where individual members and the public have a greater role in shaping legislation.

Specifically, we reiterate our support for the following proposals to reform the committee process:

- 1) Reduce the number of legislative committees on which individual Senators may serve to three;
- 2) Require committee members to be physically present to have their votes counted;
- 3) Require that all bills must be accompanied by appropriate fiscal and issue analysis before receiving a vote, and that all bills voted out of committee be accompanied by committee reports showing the work of the committee on the bill (with details similar to those issued in Congress and most other state legislatures);
- 4) Mandate a “mark-up” process for all bills before they are voted out of committee. The mark-up process will require bills to be publicly read, debated, and members of the committee will have an opportunity to introduce amendments to the bill for consideration, debate and vote; and
- 5) Explicitly provide each committee with control over its own budget, including the hiring and firing of all committee staff.

The New York City Bar Association looks forward to the adoption of these changes, which are modeled on best practices from other states, and which we believe will create a more deliberative, representative and accountable legislature. We are here to help and provide assistance in making these reforms possible.

Sincerely,



Loren Gesinsky

Cc: Members of the New York State Senate (*via email; w/encl.*)

Encl.

