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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,

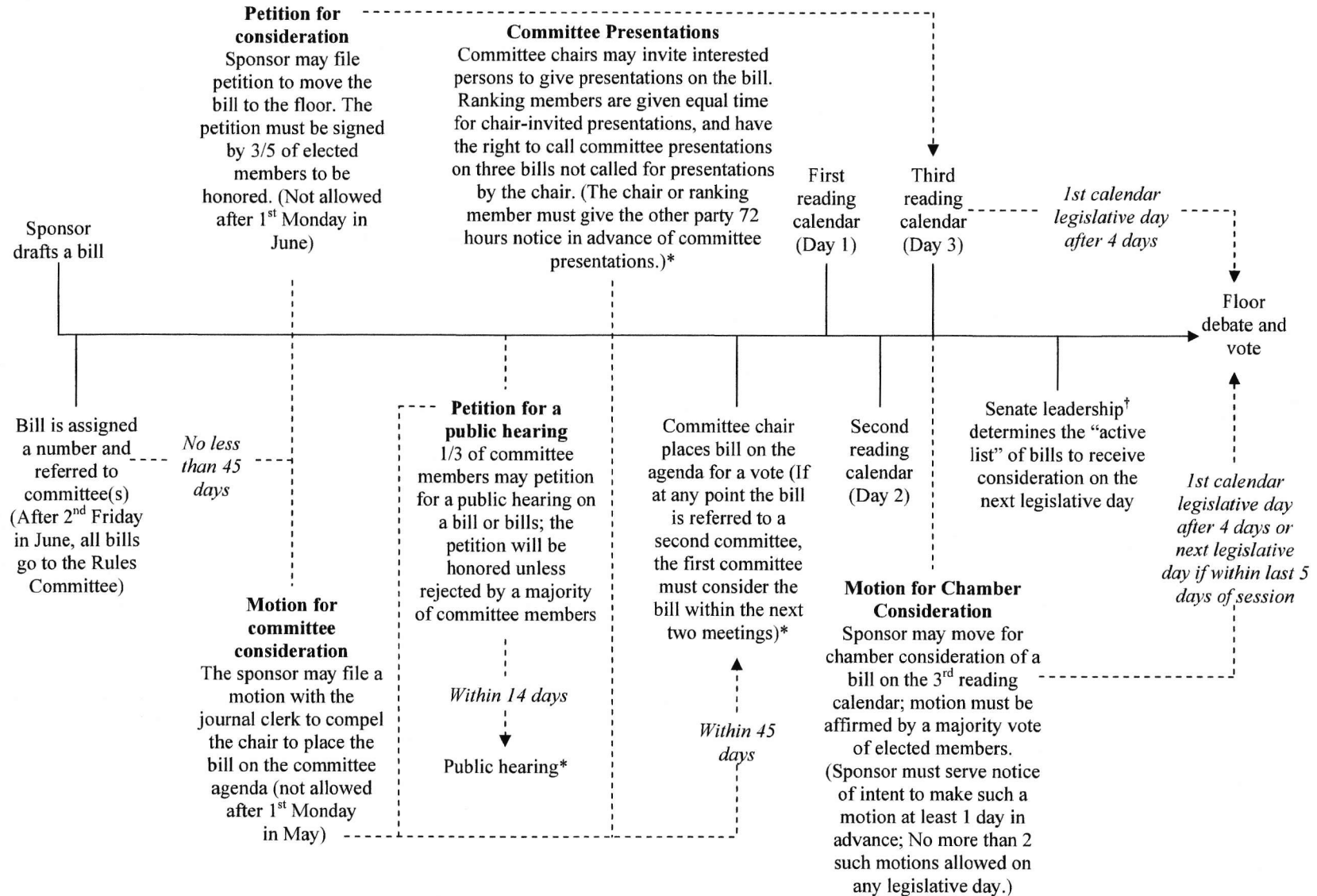


Loren Gesinsky

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

Encl.

## BILL REVIEW TIMELINE UNDER NEW SENATE RULES



\*All meetings of committees must be video-recorded and made available on the Senate website. (To the greatest extent possible, videos must be webcast live.)

<sup>†</sup> Senate rules grant authority over the active list to the Temporary President.