

BRENNAN
CENTER
FOR JUSTICE

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January 12, 2011

Re: Recommendations for Senate Rules Reform

Dear Senator:

This is a follow up to a December 10, 2010 letter from good government groups on rules reform in the Senate. We read with great interest Sunday's *City Hall News* report that you are currently reviewing the rules of the Senate with an eye towards further reforming the Senate's operating procedures. We are pleased to learn that you are considering reforms that would increase the power of rank and file Senators to shape legislation over the wishes of chamber leadership. We specifically applaud your consideration of changes to the rules that would reduce the number of Senate members needed to get a bill to the floor, equally distribute resources between all members of the Senate, and reform the member item process. And we reiterate our hope that you will retain the vast majority of rules changes enacted last session which moved the chamber in a more open, deliberative and accountable direction.

We remain concerned that reforms to the new Senate rules may fail yet again to significantly alter the committee process. As you are aware, under the current rules there are so many committees that meetings sometimes have to be scheduled "off the floor," making it virtually impossible for citizens to attend. There is no process for reading bills in committee, and no requirement for members to be present to vote. Committee reports are almost always insubstantial and lack a description of a committee's work on a bill. And while major legislation with a fiscal impact requires a fiscal note, this rule is frequently ignored.

In light of these deficiencies, we reiterate our suggestions for changes to the committee process:

1. Consolidate legislative committees and reduce the number on which individual Senators may serve to 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 (absent a vote by the committee to forego that process for any 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.

We are anxious to work with you in the coming days to pass these reforms that will help make the Senate a more open, democratic, and accountable chamber.

In the coming months, the public will be watching closely to see if their calls for fundamental change in Albany have finally been heeded. Enacting these reforms would be an important early signal that the new State Senate is not afraid to challenge the status quo, and is up to the challenges we face in these difficult times.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Norden". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lawrence Norden, Senior Counsel
Brennan Center for Justice at NYU School of Law