

How to Make Albany Behave

By **SCOTT STRINGER** and **JEREMY CREELAN** NOV. 7, 2004

Talk of reform in Albany is everywhere these days. Indeed, recent developments have created what could be a "perfect storm" for legislative reform.

But this confluence of events -- among them, the state's failure to produce a timely budget for the 20th straight year, the Brennan Center for Justice's detailed documentation of the Legislature's dismal failings and several recent elections in which voters have made clear that they care about legislative reform -- will lose momentum unless voters and their representatives take action.

Now, an effort to reform the Legislature is under way in Albany.

Every two years, the Senate and Assembly separately vote on the rules governing each chamber's procedures. And every two years, each has adopted the rules that preserve the Legislature's dysfunction.

But this year's rules vote, which must be held by Jan. 5, may be different. Twenty-six Assembly Democrats, members of their chamber's majority party, have introduced a set of resolutions to reform the rules.

The proposed changes, already a reality in most state legislatures, would be revolutionary in Albany. Among other things, they include:

Giving each committee the power to hire and fire its own staff. That authority now resides with the speaker.

Requiring public hearings on legislation or state-agency issues, if one-fourth of the relevant committee demands such a hearing -- and requiring committee reports on all bills sent to the floor.

SN-2

Ending the practice of "empty-seat voting" by counting only votes of members who are present. Current rules allow the leadership to vote on behalf of absent legislators.

Enabling members to force votes on bills languishing in committee and requiring bills reported out of committee to the full Assembly to be voted on within 60 days.

Limiting the use of the Message of Necessity, a parliamentary tool routinely used to force "emergency" votes on midnight budgets and other bills without giving legislators time to read the legislation.

Making it easier for sponsors of legislation to convene conference committees to resolve differences between the Assembly and Senate and produce a final bill that everyone can live with.

Committee hearings, floor debates, a careful review of important bills before passage, full attendance for a vote -- these staples of a modern legislature are about as common in Albany as a snowstorm in July.

The proposed reforms would go a long way toward changing that. For one thing, the new rules can be enacted in the Assembly alone, without approval from the Senate or the governor. So Albany will be less able to use mutual finger-pointing to explain its failures.

For another, the experience of state legislatures throughout the country shows that when rules reforms take hold in one chamber, the other chamber is likely to follow. Already, leaders of both chambers have convened task forces to consider legislative reforms.

But to get the Assembly's rules reforms passed by January, voters must send a message to Albany that delays or a watered-down proposal are unacceptable. (The proposal already consists of a careful selection of rules changes -- those that make sense while being politically viable.)

At their heart, the proposed new rules are about giving state legislators more of an opportunity to support and shape the laws that voters want passed. And as rank-and-file Assembly members and senators become more engaged, the voice of the public will be heard more clearly.

The result will be better lawmaking. Indeed, good lawmaking is impossible without good legislative rules, as Albany's decades of problems demonstrate.

As far back as 1918, in a letter to fellow Republicans, George F. Thompson, a state senator, wrote that "six years of experience have taught me that the reason for the failures of good legislation in the public interest and the passage of ineffective and abortive legislation can be traced directly to the rules."

If the current rules reforms pass in the Assembly, voters and reform-minded legislators must seize the momentum to demand more. They should urge the passage of broader reforms -- like depriving the parties' leadership of the power to draw legislative-district lines and passing stronger campaign-finance laws.

Now that some lawmakers seem to understand the depth of voters' anger about Albany's dysfunction, it's time to reform New York's Legislature. Let's not wait for the next perfect storm.

Scott Stringer is a Democratic state assemblyman from Manhattan. Jeremy Creelan is associate counsel at New York University's Brennan Center for Justice. The TimesMachine article viewer is included with your New York Times subscription.

We are continually improving the quality of our text archives. Please send feedback, error reports, and suggestions to archive_feedback@nytimes.com.

A version of this op-ed appears in print on November 7, 2004, on Page 14014015 of the National edition with the headline: How to Make Albany Behave.