

MINORITY REPORT OF THE
TEMPORARY COMMITTEE ON RULES REFORM

Senator John Bonacic
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PREAMBLE

As a basic premise, New York State's budget process and lawmaking process could be radically reformed if:

1. Every Member of the Legislature had the ability to sponsor a bill and see it considered on the merits, not on the political affiliation of its sponsor;
2. Every Member should have equal resources to answer constituent inquiries and research constituent suggestions regardless of seniority or political affiliation;
3. In order to make Committees functional and provide for the best end product, Committee Chairs and Ranking Members should have professional budgets to analyze and help develop the best legislative product. Developing the best product rather than engaging in "gotcha" politics must always be the goal.
4. Each Member had the ability to meet local community needs in an equal or at least rationale manner if local projects are even to be funded at all in the State budget.

If those four things were done, good government and not power politics would prevail, and ultimately the people would be better served.

Pettiness over staff allocations and member items drives animosity and has made the Legislature less functional. Like those who argue for public campaign finance, it is our position that equality of staff allocations and, if they exist, Member items, would lead to an immeasurably more cost effective and better State government.

This report is intended to summarize, from the point of view of the undersigned, where the Temporary Committee on Rules Reform agreed, failed to agree, and agrees on the need for future discussion.

Simply put, yesterday morning at 9:00 AM, Republican Members of the Senate were given a draft report. At that same time those same Members were scheduled to be at Committee meetings and meetings with constituents.

The Republican members simply asked for 24 hours to review the report but Majority Democrats insisted on a vote, even though there was no need to report yesterday.

Nobody can seriously claim the mantra of reform when they force a vote on reform on a report given to Members of the Senate about two hours before the scheduled meeting to vote on it, when those very same Members were scheduled to be elsewhere with their Democratic colleagues at Majority Committee meetings.

Nonetheless, the Minority has read the report and will not bother dissecting the false and self-congratulatory rhetoric put in by its author and will instead cut to the main issues:

AREAS OF AGREEMENT

These areas of Rules Reform which the Minority characterize as a good start, but without the remainder are not real reform

- * Committee Presentations. At Chair's discretion, parties who are interested in specific legislation may be invited to address committee meetings to give presentations, so long as Ranking Member is afforded an equal number of speakers and duration of time for each. Notice shall be given as soon as practicable but in any event not less than three weekdays in advance of the Committee meeting.
- * A Member shall not serve on more than four committees and one subcommittee. Chairs and Ranking Members shall be limited to serve not more than 8 years in that capacity.
- * Committees shall be made up of members in proportion to the Chamber.
- * Attendance will be recorded for Committee meetings and hearings and members must be present to vote unless conflicting committee meeting or hearing. Votes in committee shall be recorded as yes or no.
- * When a bill is filed for introduction, the bill will be time and date stamped.
- * In addition to meetings in the City of Albany, the Finance Committee shall hold meetings and/or hearings on the budget in the various regions of the State (e.g. Western, Adirondack, Central, Hudson Valley, Long Island, New York City).
- * Encourage Committees to hold hearings on legislation they believe is of important public interest, where, outside of the budget, significant public money is allocated, where conduct is regulated or where the proposal would have a broad impact among the public. Require Committees to hold Legislative oversight hearings on State financed programs under the Committees jurisdiction.

- * Allow a petition of 1/3 members of a standing committee to hold a hearing on a specific topic within the jurisdiction of a committee, scheduled no less than two weeks in advance, unless rejected by a majority of the members of a committee.
- * Strike the rule requiring successful non-sponsor amendments to be recommitted to committee of origin.
- * Public documents, including committee records, votes, reports, transcripts, fiscal notes, calendars, and expenditure reports shall be posted online.

REAL REFORM REQUIRES THE FOLLOWING

Issues discussed at the Staff level or by Members in Open Committee but no resolution was reached.

- * **Floor Calendaring:** The Committee should recommend by 9/30/09 a process to bring bills which are on the floor for a vote and may recommend multiple potential solutions for consideration by the Senate. For example, mandatory votes on a bill once it reaches the Calendar or a mandatory vote upon a petition's being signed by 50% of the Members plus 1 of the Senate requiring a vote on such bill.

- * **Fair Committee Staff Allocations as Proposed by Senator Klein:**

On March 24, 2009, Senator Klein said: **"I would like to make a recommendation that we allow the ranker on these committees to be able to hire their own committee or committee staff person, have a counsel as well as a director, the same as the chair."** Senator Klein further pointed out that the Chair should have an additional allocation for a Clerk. The Minority adopts Senator Klein's position.

The reliance by the Majority of **part** of the 2007/2008 Bonacic bill (S.5088) which allocated additional funds to Rankers ignores the other part of the same bill which provided proportionate funding (proportionate to the makeup of the Senate) for central staff. Had the full Bonacic bill been adopted, the Minority would have received approximately \$21 million for staff, not \$13.5 million. Those funds would have enabled the hiring of existing Member staff and the additional minority Committee staff, as envisioned by Senator Klein's comments. It would have enabled professional, bi-partisan review of legislation in empowered committees by Majority and Minority staff and ultimately created a better legislative product.

- * **Banning Senator Rules** Ban the Senate Rules committee from sponsoring bills unless the Committee has voted to put the Committee's name on the bill.

* **Timely moving bills through Committee:** If a bill's sponsor requests the bill be considered by its committee of original jurisdiction at least sixty days prior to the conclusion of the scheduled Legislative Session Calendar, the bill shall be considered by that committee and if it is reported by any subsequent committee the bill is referred to prior to the conclusion of the scheduled Legislative Session Calendar.

If a bill is requested out of its committee of original jurisdiction within sixty days of the scheduled conclusion of the Annual legislative Session Calendar, and is considered by a Committee of original jurisdiction and referred to a Committee of secondary jurisdiction, such Secondary Committee need not consider the bill during that year's Legislative Session Calendar but if it is the first year of a two year legislative term, the bill shall be considered, if requested by the Sponsor within sixty days of the next year's legislative term.

* **Active List:** Post the active list 24 hours in advance on the internet.

* **Equal access to Senate Services.** All of the services available to members should be shared in a nonpartisan fashion. Those services include, but are not limited to, media, printing and technology. The Secretary of the Senate should provide a list of all services available to any Member and issue an immediate directive to all department heads and managers to provide them to all Members irrespective of the political affiliation of the Member.

* **Making Member Items About People not Politicians.** Equality in Member items by Member or in the alternative, the regionalization of Member items based on hearings of the Finance Committee, a Sub-Committee thereof, or the Committees of jurisdiction.

* **The Senate Rejects "3 Men in a Room"** Ban the Majority Leader and/or President Pro Tempore of the Senate or his/her designee from attending non-public meetings on the budget with the Governor and the Speaker of the Assembly or their representatives. This rule shall apply if either the Governor or the Speaker of the Assembly is in the meeting with the President Pro Tempore and/or Majority Leader of the Senate for the purpose of negotiating or discussing public policies to be considered by the Legislature including but not limited to the State budget. It is not intended to apply to representatives of all three (the Governor, President Pro Tempore/Majority leader and Assembly Speaker meeting).

* **Publish Committee Agendas a Week in Advance.** Except for bills being passed or considered with a message of necessity, require Committee Agendas to be

made available on the Internet 7 days in advance, therefore enabling the public more advanced knowledge of committee activity. Require bills to be on committee agendas at least twenty four hours in advance during the last five scheduled days of the annual Legislative Session Calendar.

* **Non-Partisan Staff.** The rules of the Senate shall provide for the hiring of non-partisan, civil service based procedures to hire: research service; maintenance and operations; media services; printing service; payroll and personnel office, accounting, technology; and any other administrative offices.

* **District and Satellite Offices.** There shall be a uniform system based on square miles shall be established to determine if a Senate District shall be eligible for a satellite office in addition to a District office. Rents of District offices shall be based on cost formulas of office rental costs of an equal class of commercial office space based on the prevailing rent in the community which the Member chooses to have his or her District office.

* **“Truth in Legislating”.** A requirement that any bill which imposes a new mandate on localities or raises taxes be listed on a separate mandate and tax calendar prior to its being voted on.

AREAS TO BE ADDRESSED IN THE FUTURE
Areas Where There is not Necessarily Disagreement,
but Work Needs to be Done

* **Develop an Amendment Process in Committee.** The Committee should recommend by 9/30/09 an amendment process.

* **Webcasting of Committee Meetings and Committee Reports:** The Temporary Committee shall assess the capacity to webcast Committee meetings and shall develop specific guidelines for detailed committee reports for legislation by 11/1/09.

* Development of a **NYSPAN** type channel(s).

* **Combining Services with the Assembly:** Discuss with the Assembly the feasibility of combining services, e.g., mail, supply, research, and telephones, as a cost-saving measure. We should engage the Assembly publicly on this.

* **More Conference Committees:** Revamp the joint rule on conference committees to allow the Sponsor or Committee Chair of the original bill's original jurisdiction to call for a conference committee of any two bills which have passed the Senate and Assembly and which embrace a common goal or desire of the sponsors to call for an initiate a conference committee procedure.

CONCLUSION

We agree the Committee should be continued and unfinished business should be addressed as soon as possible. We further suggest that ongoing reviews occur in public of the treatment of Members and their access to resources.

We suggest that an ombudsperson be appointed by the Secretary of the Senate immediately to resolve differences when Members allege they are being treated unfairly.

Enacting the reforms above will ensure that Senators can be representatives of their constituency and of the State, not just "elected officials".

Very truly yours,

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