

MINORITY REPORT OF THE  
TEMPORARY COMMITTEE ON RULES REFORM

Senator John Bonacic  
Senator Joseph Griffo  
Senator George Winner

**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. ✓


\* **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



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**DRAFT REPORT OF  
THE TEMPORARY  
COMMITTEE ON RULES  
AND  
ADMINISTRATION  
REFORM**

**SENATORS DAVID J. VALESKY AND JOHN J. BONACIC**

APRIL 21, 2009

## TEMPORARY COMMITTEE ON RULES AND ADMINISTRATION REFORM

**Senators David J. Valesky and John J. Bonacic**, Co-Chairs

Senator Joseph A. Griffo  
Senator Jeffrey D. Klein  
Senator Kevin S. Parker  
Senator José M. Serrano  
Senator Andrea Stewart-Cousins  
Senator Daniel L. Squadron  
Senator George H. Winner, Jr.

## ACKNOWLEDGEMENTS

Public hearings of the Temporary Committee on Rules and Administration Reform were made possible by the hard work of a number of Senate staffers who arranged four well-attended events across the state. We thank the dozens of advocates and members of the public who testified at the hearings for their thoughtful ideas and constructive criticism. In addition, the National Conference of State Legislatures deserves special recognition for its ongoing guidance and support, in particular Brenda Erickson.

## INTRODUCTION

Barely over 100 days have passed since the Senate elected its new leadership in early 2009—the first time a Democrat has held the title of Majority Leader since a brief time in 1965.

This period was eventful for all Senators and staff: all 62 Senators relocated their Albany offices; the new Majority began the challenging process of building, virtually from scratch, a new central staff; and new Senate Committee Chairs hired their committee staff. The new Secretary of the Senate presided over this institutional staff transition, while ensuring that the Senate's essential functions continued to operate. Simultaneously, the Senate considered and passed a budget for the 2009-10 fiscal year during a severe recession.

We would be remiss if we did not acknowledge the shortcoming of the budget process. In the weeks leading up to passage of the budget, Chairs of standing committees and their Ranking counterparts gave crucial input that was incorporated in the budget. However, the process leading up to the final product was flawed. Next year we can and should do better.

During the tumultuous period of the new session, the Senate's Temporary Committee on Rules and Administration Reform offered the opportunity for the voices calling for change to be heard. These voices—coming from both inside and outside of the Senate—spoke directly to the Temporary Committee as it met publicly to consider how the Senate has operated in the past, and how the Senate should operate in the future.

It has been correctly noted that much of what ails the Senate is the result of “the culture”—the long-standing stranglehold of Senate leadership, resulting in rank-and-file Senators being largely shut out of the legislative process.

As Grant Reeher, Syracuse University Professor of Political Science, testified: “The Legislature has, to put it delicately, an image problem. There is a lot of anger out there about

*from building their own staff to develop policy in ways that they would like. And, again, I do think it's an issue of who has control over what the agenda is, and that's been the reason for it in the past" <sup>69</sup>*

To support robust committee process, the Ranking Members from the Minority conference should similarly be able to hire staff to support their work. Part of a proposal introduced by Temporary Committee Co-Chair Senator Bonacic in 2007 addressed additional funding for Rankers, either \$30,000 or \$50,000 depending on the committee.<sup>70</sup>

#### **RECOMMENDATION**

Create a baseline budget for Ranking Members to hire committee staff along the lines of Senator Bonacic's proposal.

#### **ISSUE: FAIR ALLOCATION OF SUPPORT RESOURCES**

Many of the services available to members should be shared in a bipartisan fashion. Those services include, but are not limited to, media, printing and technology.

#### **RECOMMENDATIONS**

1. Assess all services that will be shared in a bipartisan fashion.
2. Discuss with the Assembly the feasibility of combining services, e.g., mail, supply and telephones, as a cost-saving measure.

#### **ISSUE: CONFERENCE COMMITTEES**

When bills that pass both chambers have similar subject matter, though are not exactly the same, a conference committee can be instituted.<sup>71</sup> These are rarely, if ever used. The alternative practice has been that one house substitutes the version of the bill from the other house. As a result, rank-and-file legislators of one chamber are denied input into the final product.

#### **RECOMMENDATION**

Allow the sponsor of a bill or Chair of the committee of the bill's original jurisdiction to call for a conference committee on behalf of the Senate with the consent of the Majority Leader.

#### **ISSUE: REGIONAL BUDGET HEARINGS**



Budget hearings are traditionally held in limited areas throughout the state depriving the public the opportunity to participate in the process.

Blair Horner referenced the process from decades ago:

*"Back in the '80s, there used to be two sets of hearings. There used to be [the] kind on the governmental side [where] people*

*would come and testify, and then there would be kind of an advocate side of it. So the idea of having that advocacy side of it open to the public on a regional basis I think makes a lot of sense.” 72*

**RECOMMENDATION**

Institute regional budget hearings with an emphasis on non-profit/community needs in eight regions: Buffalo (Western New York), Rochester (Finger Lakes), Syracuse (Central New York), Watertown (North Country), Albany (Capital District), Poughkeepsie (Hudson Valley), New York City and Long Island.



2 NEW YORK STATE SENATE  
 3 TEMPORARY COMMITTEE ON RULES and  
 4 ADMINISTRATIVE REFORM

5 -----x

6 PUBLIC HEARING:

7 RE: Reforming Rules and Administration

8 -----x

9                   New York State Senate  
 10                   Hearing Room  
 11                   250 Broadway  
 12                   New York, New York

13

14                   February 26, 2009

15                   6:10 p.m.

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18 B e f o r e:

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21                   CO-CHAIR SENATOR DAVID J. VALESKY

22                   CO-CHAIR SENATOR JOHN J. BONACIC,

23                   Members

24



5 hearings, anyway.

6           So I think to -- I wouldn't worry  
7 so much about doing a thousand. I would like to  
8 start with taking, "Here's an important bill." The  
9 Patriot Act Bill. The HICA Bill, or whatever that  
10 was in the last years of Pataki when we spent  
11 billions and billions of dollars without even one  
12 member knowing what the bill was, let alone a  
13 hearing.

14           I mean, take some of these real  
15 bills and let the public come in. I don't think  
16 it's necessary that you do a thousand bills or five  
17 hundred bills. I think it's important to do the  
18 bills that each of you know are important to do,  
19 where there's lots of taxpayer money being spent  
20 and where conduct is being regulated, that are  
21 going to have broad impacts and the public wants to  
22 be able to come in and comment on it. It's -- and  
23 not come -- and, you know, it becomes part of the  
24 record that gets -- that you're accountable for.

25           And so I mean, I don't think you

2 need to -- I think everybody will understand that,  
3 even without a real rule about h