

RULES REFORM:
Improve the Transparency & Accountability of the Legislature

Background

The operating rules of the New York State Legislature severely limit the ability of rank-and-file Senators and Assembly members to play a meaningful role in shaping public policy. They also prevent the public from participating in the legislative process or accurately assessing the performance of their representatives. Since 2004, both the Senate and Assembly have made cosmetic changes to their operating rules, but the root problems of our broken Legislature have not yet been addressed in a meaningful and comprehensive way.

These are some of the changes that are urgently needed in the way in which the Legislature conducts the people's business:

Action:

- Pass meaningful rules changes that allow individual members to move legislation and make the Legislature's procedures open and transparent.
- Ensure representation for all citizens of the state.

- **Member and Committee Funding Should Be Distributed by Standard Formulas Publicly Provided in the Operating Rules.** Currently, the Senate Majority Leader and the Assembly Speaker have almost complete discretion over funds given to Legislators and committees for staff, equipment, and operational expenses. The leaders give individuals in the majority significantly more resources even though they represent the same number of constituents as a member of the minority party. Under this scheme, the leadership can also use office and committee funding to reward or punish legislators based on their loyalty to the leaders and their willingness to follow orders. Making staff and office resources equal among members and giving committees control over their own operating budgets and staffing would allow members to effectively represent the interests of their districts.
- **Allow Members to Force Committee Hearings and Votes, and Require Staff Reports for All Bills Reported Out of Committee.** Hearings devoted to specific legislation are a rarity in Albany. Rank-and-file members have little or no power to force a hearing or vote on popular bills over the objection of committee chairs and leadership. Thus, the public and policy experts aren't given the chance to comment before legislation moves out of committee. The operating rules should be revised to encourage public hearings and a robust committee process, including releasing staff reports of reported bills, hearings that allow for testimony by supporters and opponents, as well as the bill's sponsor(s), and public votes by committee members.
- **Enable Members to Bring Bills with Sufficient Support to the Floor for a Vote.** The Senate Majority Leader and the Assembly Speaker have exceptional power to prevent bills from reaching their respective chambers for debate and a vote, even when a majority of members have expressed their support. Thus the leadership has de facto veto power over the calendar, floor debate, and voting process. This is a power not held by the leadership in most states. As a result, it is not unusual for popular bills that lack leadership support to die in committee and never reach the floor. Allowing individual members to bring bills that have been voted favorably out of committee, or that have the support of a majority of members, to the floor for debate and a vote, regardless of leadership objections, will improve the transparency and effectiveness of the legislative process.

ISSUE: GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY

- **Require That Similar Bills Passed by Both Houses Be Submitted to A Conference Committee.** In recent years, the Senate and the Assembly have used conference committees more often, particularly for budget bills. However, there is still no provision within either chamber's rules that will automatically trigger a conference committee to reconcile bills on similar topics. The decision to convene conference committees is left to the sole discretion of the leadership, which leads to gridlock and inaction on important issues.
- **Make the Legislature's Proceedings Completely Public, and Record and Report Attendance, Votes, Minutes and Debates.** The rules governing records of attendance, minutes, and votes in committees are either non-existent or incomplete. The few legislative records that are kept are next to impossible for ordinary citizens to obtain without the expense and delay of a Freedom of Information Law request. With the absence of records, voters' ability to hold legislators accountable for their actions—or inactions—is vastly reduced. Public records, easily accessible to all, should be kept of attendance, votes, minutes, and debate. Additionally, all legislative records should be published online in real time for easy public access. A written, published explanation should be required when exceptions are made.

These changes are not a silver bullet designed to cure every ill of our dysfunctional system. Rather, they represent the most important changes that must be made if we are to move toward a more democratic, responsive, deliberative, accessible, accountable, and efficient Legislature.