



NEW YORK
CITY BAR

DEBRA L. RASKIN
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April 11, 2016

Hon. Carl Heastie
Speaker
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Hon. Brian Kavanagh
Co-Chair, Workgroup on Legislative Process,
Operations & Public Participation
New York State Assembly
Legislative Office Building 419
Albany, NY 12248

Hon. J. Gary Pretlow
Co-Chair, Workgroup on Legislative Process,
Operations & Public Participation
New York State Assembly
Legislative Office Building 845
Albany, NY 12248

Re: Recommendations of the Workgroup on Legislative Process, Operations & Public Participation

Dear Speaker Heastie, Assembly Member Kavanagh and Assembly Member Pretlow:

On behalf of the New York City Bar Association, I would like to applaud the Assembly and its *Workgroup on Legislative Process, Operations and Public Participation* for its recommendations to promote transparency and increase member participation. These reforms are a solid step towards making an Assembly that is more transparent, deliberative and accountable to the citizens of the state. Many of these reforms have been supported by our committees over the years and we look forward to seeing them implemented.

Given the continued importance of ensuring that the Assembly is operating in a way that is effective, accessible and equitable, we urge you to maintain the Workgroup so it can continue to review the Assembly's operations and monitor the implementation of its recommendations. Moreover, while the reforms put forth by the Workgroup will have a significant positive impact on the way legislative business is conducted, we believe there is still more that can be done. To that end, we would like to offer the following recommendations as ways the Assembly can further reform its operations:

- Require a committee mark-up process for all significant legislation to both check for mistakes and allow committee members to use their expertise to make constructive comments on bills;
- Require staff reports for all bills reported out of committee, to assist courts and others in determining the intent of unclear laws;

- Provide each committee with control over its own budget and the hiring and firing of all committee staff;
- Hold public hearings to aid in your review of the Assembly's operating rules in order to ensure they are updated in a manner that takes into account the public's interests and needs, particularly in light of fast-changing technological developments;
- Reduce the number of legislative committees on which individual Assembly members may serve to three;
- Impose term limits on leadership; and
- Make the distribution of member resources more equitable.

We urge you to increase collaboration with the Senate on these reforms to ensure (to the extent practicable) consistency throughout the rules and operations of each house. While we applaud the important steps the Assembly is undertaking, we continue to believe that comprehensive rules reform will be most effective if it is done in a collaborative and productive way between the legislative houses. New Yorkers should have the same level of access to both houses, particularly when it comes to publicly available information pertaining to pending legislation.

Finally, the need for cooperation and compromise between the houses is particularly important when it comes to enacting ethics reforms outside of the legislative process, such as those proposed by Governor Cuomo in his Executive Budget. We hope that the Governor's proposed reforms continue to be a topic of discussion and, ultimately, become the basis for passage of a robust ethics reform package before the end of session.

Thank you very much for your consideration. If the City Bar can be of any assistance, please feel free to reach out to Maria Cilenti or Elizabeth Kocienda, copied below.

Respectfully,



Debra L. Raskin

Cc: Hon. Michael Blake
 Hon. Vivian E. Cook
 Hon. Jeffrey Dinowitz
 Hon. Deborah Glick
 Hon. Brian Kolb
 Hon. Donna Lupardo
 Hon. Shelley Mayer
 Hon. Francisco Moya
 Hon. Steven Otis

Hon. Crystal Peoples-Stokes
 Hon. Phil Ramos
 Hon. Sean Ryan
 Hon. Rebecca Seawright
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April 11, 2016

Hon. John Flanagan
Majority Leader
New York State Senate
Room 330, State Capitol Building
Albany, NY 12247

Hon. Jeffrey Klein
Independent Democratic Conference Leader
New York State Senate
Legislative Office Building 913
Albany, NY 12247

Hon. Andrea Stewart-Cousins
Democratic Conference Leader
New York State Senate
Legislative Office Building 907
Albany, NY 12247

Re: Recommendations to strengthen Senate operations and promote government transparency and public participation

Dear Senators Flanagan, Klein and Stewart-Cousins:

On behalf of the New York City Bar Association, I would like to call on the Senate to build upon the work of the Assembly and convene a working group to conduct an examination of and make recommendations regarding improving and strengthening the Senate's rules, operations and legislative processes with an aim towards promoting transparency and public participation. The Assembly recently released a series of reforms along these lines which we believe will have a significant positive impact on the way legislative business is conducted in the Assembly.¹ We urge the Senate to conduct a similar review of its operations.

We recognize that a number of the recommendations put forth by the Assembly's Workgroup have already been adopted by the Senate and we applaud your chamber for putting those reforms in place. However, we believe it is in the best interest of individual Senators and members of the public to have a dedicated group in place that can continue to review the chamber's operations and monitor the implementation of reforms. Now is the time to consider additional reform measures that will continue to strengthen the transparency of the Senate's operations. To that end, we would like to offer the following recommendations:

¹ Recommendations of the Workgroup on Legislative Process, Operations, and Public Participation, March 17, 2016, available at <http://assembly.state.ny.us/Press/20160317/recommendations20160317.pdf>.

- Require a committee mark-up process for all significant legislation to both check for mistakes and allow committee members to use their expertise to make constructive comments on bills;
- Require staff reports for all bills reported out of committee, to assist courts and others in determining the intent of unclear laws;
- Provide each committee with control over its own budget and the hiring and firing of all committee staff;
- Hold public hearings to aid in your review of the Senate's operating rules in order to ensure they are updated in a manner that takes into account the public's interests and needs, particularly in light of fast-changing technological developments;
- Reduce the number of legislative committees on which individual members may serve to three;
- Require committee members to be physically present to have their votes counted; and
- Make the distribution of member resources more equitable.

We urge you to increase collaboration with the Assembly on these reforms to ensure (to the extent practicable) consistency throughout the rules and operations of each house. While we applaud the important steps the Senate has already undertaken, we continue to believe that comprehensive rules reform will be most effective if it is done in a collaborative and productive way between the legislative houses. New Yorkers should have the same level of access to both houses, particularly when it comes to publicly available information pertaining to pending legislation.

Finally, the need for cooperation and compromise between the houses is particularly important when it comes to enacting ethics reforms outside of the legislative process, such as those proposed by Governor Cuomo in his Executive Budget. We hope that the Governor's proposed reforms continue to be a topic of discussion and, ultimately, become the basis for passage of a robust ethics reform package before the end of session.

Thank you very much for your consideration. If the City Bar can be of any assistance, please feel free to reach out to Maria Cilenti or Elizabeth Kocienda, copied below.

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Elizabeth Kocienda, Assoc. Dir. of Advocacy, ekocienda@nycbar.org