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**Testimony Before the New York State Senate
Temporary Committee On Rules Reform**

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Good evening Senators and fellow hearing participants.

Thank you for the opportunity to provide input to the Committee on Rules Reform. We appreciate your efforts and hope that they lead to rules changes in the Senate that benefit the public interest. We also appreciate the initial rules reforms that the Senate has recently implemented.

I am Loren Gesinsky, Chair of the State Affairs Committee of the New York City Bar Association. The members of our committee and the rest of the City Bar are attorneys of diverse personal and professional backgrounds who volunteer their time for committee work out of a desire to benefit the public interest, including the vital interest of ensuring that our state government functions well.

We are aware of the prior testimony to this Committee on Rules Reform and numerous reports and other sources for proposed rules reform, including the excellent reports of the Brennan Center to which your Senior Policy Advisor contributed. We do not aspire to originality. Our testimony is primarily a shorter restatement of key provisions in the report of our committee published in May 2007 entitled *Supporting Legislative Rules Reform: "The Fundamentals,"* which cited approvingly to many other sources, and is available on the City Bar website at <http://www.nycbar.org/Publications/reportsbycom.php?com=61>.

We thank you for the opportunity to once again add our voices to the chorus advocating rules reform in Albany. Repetition should not hurt when the topic is so vital to the welfare of our state. Moreover, the fundamental attributes we want the Senate's Rules to engender — openness, accountability, deliberativeness, and responsiveness — are ones the City Bar advocates for not just in connection with procedural issues, but also in connection with education, election, and other substantive issues.

Our proposals center around three areas we believe could serve as important foundations for other rules reforms: (1) committees; (2) resource allocation; and (3) member items.

Committees

The City Bar believes that a properly functioning Senate must have a healthy and active committee structure so that legislation is properly reviewed, revised, and crafted in an efficient and open manner prior to enactment. Through hearings, committees should solicit public input, balance competing interests, debate the merits, and craft and re-craft thoughtful legislation. In short, we believe that *public* committee meetings and hearings should be the locus of real policy debate. To increase debate and provide the public with an understanding of the purpose and basis for its laws, we propose the following committee reforms:

- 1. All bills reported to the Senate's floor must be accompanied by a detailed and publicly available committee report.*
- 2. Before being reported out of the committee, all bills must be openly presented and considered with an opportunity for amendment.*
- 3. If three or more committee members petition for a hearing on a bill or an agency-oversight hearing, such hearing shall take place unless the petition is rejected by a majority vote of the committee.*
- 4. If three or more committee members petition for a vote on a bill, the chair shall schedule such vote as soon as practicable in the current legislative session and, in any event, no later than ten days before the end of the session.*
- 5. When bills addressing the same subject have been passed by both chambers, a conference committee shall be convened. Such committee shall convene for a public "mark up" session within two weeks of such a request to reconcile the differences in the two chambers' bills before final passage.*

Resource Allocation

The City Bar proposes two reforms regarding resource allocation:

- 1. All senators shall receive equal funding (i.e., "base amount") for the operating costs and staff of their individual offices, regardless of the senator's party affiliation or seniority. Any additional resources provided for "extra" responsibilities shall be considerably less than the base amount and allocated using objective criteria that are publicly known.*
- 2. Each committee shall be authorized to hire its own professional staff. Adequate funding for professional staff, facilities, and equipment shall be provided to each committee, and shall be allocated on a proportional majority-minority split.*

Although we always knew the past allocation of resources in the Senate was uneven, we were surprised by recent reports in *The New York Times* and elsewhere regarding just how uneven. The goal of our proposals is to provide each senator with a reasonable opportunity to be heard even if he or she is not in the majority party, lacks seniority, or has not received certain assignments from Senate leadership. Of course, other rules reforms may also further this goal, perhaps even better; but allocating resources more evenly seems like a good place to start.

Member Items

It is axiomatic that senators must deliver for their constituents in order to justify their presence and re-election every two years. One way in which they accomplish that is through member items, which are appropriations specifically delineated by Senate leaders and senators for local projects, many — but likely not all — of which warrant the expenditures. Historically, Senate leaders have distributed member items to senators based on their loyalty and/or seniority. Given the desire to ensure these member items are granted for legitimate and deserving purposes, the City Bar believes that they should be subjected to openness like the overall legislative process. As such, we propose that *all member items must be:*

- 1. disclosed in budget bills and include the name of the sponsor, recipient of the funds, the amount of funding, and the purpose of the funding;*
- 2. disclosed on the Senate's website; and*
- 3. directed to public or non-profit entities only.*

Conclusion

As I hope the above proposals and comments demonstrate, the City Bar as a whole and its State Affairs Committee enthusiastically support the stated goals of this Committee on Rules Reform. Thank you again for your efforts in this important endeavor and your attention to our input. We look forward to your final recommendations.