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December 14, 2012

New York State Assembly
State Capitol
Albany, New York

ATT: Robin Marilla, Records Access Officer

RE: FREEDOM OF INFORMATION LAW (FOIL) REQUEST
Assembly Rules & Rules Resolutions

Dear Ms. Marilla:

Following up our conversation a short time ago, wherein you stated that only the Assembly's current rules are posted on the Assembly's website, www.nyassembly.gov, and that past rules are not accessible through a search, I would greatly appreciate your assistance, pursuant to FOIL and otherwise, in obtaining copies of the Assembly's past rules beginning in 1993, as well as all documents pertaining thereto, including transcripts of debates relating to adoption of the rules and resolutions to amend or revise the rules that were not adopted.

Relevant to this request is a November 19, 2004 press release of Assemblyman Michael J. Fitzpatrick, which states:

"The Assembly minority conference has offered sweeping reforms to the Assembly rules at the beginning of each legislative cycle for the past decade. Recently, all 47 minority members pledged support to the Assembly rules reforms recommended by the Brennan Center (with minor exceptions). The members also said they will support the latest version of a resolution sponsored by Assemblyman Scott Stringer (D-NY) and 26 other Assembly majority members as a positive first step toward achieving reform." (underlining added).

For your convenience, a copy of the press release is enclosed.

Your prompt attention would be greatly appreciated. Please advise, by e-mail, as to the cost.

Thank you.

Yours for a quality judiciary,

A handwritten signature in black ink, appearing to read "Elena Ruth Sassower", with a long horizontal flourish extending to the right.

ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Enclosure



Assemblyman Michael J. Fitzpatrick

Assembly District 7

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Fitzpatrick Calls for Assembly to Make Reform Priority No. 1 in 2005

Joins Assembly Minority Conference and Brennan Center to Urge Rules Changes

November 19, 2004

Assemblyman Michael Fitzpatrick (R,C,I-Smithtown) and fellow members of the Assembly minority conference were joined at an Albany press conference on Nov. 17 by representatives of the Brennan Center for Justice at New York University School of Law to urge legislative reform as the first order of business when the Assembly returns for its new session in January.

"The Brennan Center report, 'The New York State Legislative Process: An Evaluation and Blueprint for Reform,' ranked our state Legislature the most dysfunctional and the least democratic in the nation," said Assemblyman Fitzpatrick. "Considering the facts and figures from the Brennan Center's analysis we, as the Legislature, need to address the problems that exclude rank-and-file lawmakers and the citizens they represent from the legislative process, and make this our priority for the 2005 legislative session."

According to the Brennan Center analysis:

- From 1997 to 2001, fewer than 5 percent of the major bills passed by the Assembly or the Senate were debated on the floor.
- From 1997 to 2001, only 0.5 percent of the major bills passed by the Assembly received a committee hearing, and only 0.7 percent of the major bills passed by the Senate were studied at a hearing.
- From 1997 to 1999, the Assembly voted on 4,365 bills, and not a single bill was voted down.
- New York is the only Legislature that routinely allows "empty seat" voting, a practice in which absent legislators have their votes automatically recorded as a "yea."

"The 2004 elections are over and I am hopeful that all of the campaign promises – in which seemingly all candidates labeled themselves as reformers – were not simply election rhetoric, but sincere commitments to reform. We urge Speaker Sheldon Silver and all of our majority colleagues to make reform the Assembly's first priority when the new legislative term begins in January," said Assembly Minority Leader Charlie Nesbitt (R,C,I-Albion).

"Since the release of the Brennan Center report in July, the people of New York state have been demanding an end to 'business as usual' in Albany," said Scott Schell, spokesperson for the Brennan Center. "We all know that bipartisan efforts are rarely seen in the Legislature, and by joining the push for reform, Leader Nesbitt and the minority conference are saying to the people of New York that this reform effort is real, it's gaining steam, and positive change is near at hand."

"It has been the minority conference who has advocated the reforms and rules changes necessary to make the Assembly less about the power of Speaker Silver and more about the role of each elected member from across the state," explained Fitzpatrick.

The Assembly minority conference has offered sweeping reforms to the Assembly rules at the beginning of each legislative cycle for the past decade. Recently, all 47 minority members pledged support to the Assembly rules reforms recommended by the Brennan Center (with minor exceptions). The members also said they will support the latest version of a resolution sponsored by Assemblyman Scott Stringer (D-NY) and 26 other Assembly majority members as a positive first step toward achieving reform.

In addition to these proposals, the Assembly minority conference are advocating a number of measures that would move further toward achieving a more open, responsible, responsive state government in New York and giving greater voice to rank-and-file legislators.

"During the 2005 legislative session, the Assembly minority conference will be bringing every one of these reform proposals to the floor of the Assembly for a full vote," said Leader Nesbitt.

Among the measures that the Assembly minority conference has long championed are those to:

- Further open the "motion to discharge" procedure to allow for consideration of bills by the entire legislative body despite inaction on the committee level.
- Require that committee membership reflect the majority to minority membership ratio in the Assembly. Under the current formula, committee membership is calculated by determining the ratio of majority to minority members in the Assembly, and giving that ratio to the majority, plus any fractions, plus one additional member. For example, the Libraries Committee currently consists of eight majority and one minority member.
- Allow the ranking minority member on each committee to call for public hearings by the committee.

- Require that when a motion to hold a bill fails in committee, an immediate motion be made to report that bill.
- Create a "member's prerogative" allowing each Assembly member to bring at least one bill of statewide implication to the floor for a vote during each legislative session.
- Require that the Rules Committee provide an agenda and that it convene regularly scheduled meetings, as is now done by the other committees.
- Require that bills with home rule requests from local municipalities be considered in committee at the first meeting that is held after the bill has been in committee for three days.
- Require a supermajority, or two-thirds, vote for final passage of all bills that impose, continue or revive taxes.
- Require that all bills on the calendar that impose a mandate on localities or school districts, as well as all bills that would require additional taxes, be specifically labeled or identified as such on the calendar.
- Enact various provisions to ensure timely passage of the state budget, including forbidding consideration of non-budget bills after April 1 if a budget is not in place and the convening of budget conference committees no later than March 15 of each year to facilitate the process of finalizing a budget before the April 1 deadline.

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