

Dr. Ray Petersen

Testimony Before Temporary Senate Committee on Rules and Administration Reform

Syracuse, New York

February 6, 2009

I am Dr. Ray Petersen, professor of political science at Jefferson Community College in Watertown, New York. Thank you for inviting me to come and provide some recommendations to the Temporary Committee on Rules Reform.

I'd like to begin with just a few words of context for my remarks. My doctoral dissertation for the City University of New York focused upon energy policy in New York State from the turn of the century up through the mid-1980s. While conducting the research, I worked extensively with New York State legislation regarding the Power Authority, the Public Service Commission, the State Energy Office, and the energy-planning processes in the state.

Also, I've been teaching State and Local Government for over 20 years, and served as a coordinator for student internships in both houses of the Legislature and for the Governor's Regional Office in Watertown. I have brought hundreds of students to Albany to observe the Legislature in action.

I have reviewed the Brennan Report and discussed these recommendations with veteran participants in the work of the Legislature, including Frank Mauro of the Fiscal Policy Institute. Beginning with the Senate rules, I would like to recommend the following revisions:

1) Respecting motions to discharge, since there is no limit on the number of bills that can go through the process and be considered by committee, there should be no limit on motions to discharge.

2) The Senate leadership should be commended for its action to require that every vote be recorded on motions to discharge, and for allowing full debate. This provides the residents of New York the opportunity to see how their own legislators voted on these motions. While slow roll call may not be necessary with electronic voting, it is essential that there not be voice votes, and that there be a record of how all members voted. These reforms should be made permanent.

The Assembly's response was inadequate to the Brennan Center's report's first recommendation to reduce the barriers to getting bills from committee to the full chamber floor, because it only allows committee members to petition to the committee chair for a vote at the very end of the two-year session. The Brennan Center's 2006 update evaluated this as having no impact upon practice because of the weakness of the Assembly change, as well as the fact that the Senate took no action. Thus, a sincere effort at reform would call for the Senate to revisit this recommendation so that there can be more timely action on getting bills out of committee. Here is the text of the Brennan Center's recommendation.

If three or more members of a committee 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.

With respect to the Brennan Report's recommendation number three regarding the time restrictions on discharge motions, there have been changes in the Senate rules from a 60-day requirement after a bill was referred to committee to a 30-day timeframe. This is still overly restrictive when compared to the vast majority of state legislatures across the country; so a move to allow the motion to discharge after 20 days have passed, as per the original recommendation, would create more member involvement by increasing the likelihood of bringing more bills to the floor.

Brennan's set of recommendations number six--to provide for the discharge of bills from a committee and placement on the calendar upon a motion approved by a majority of the members of the chamber-- did produce a change in rules for the Senate, whereby the majority leader can no longer "star" bills to prevent consideration by the full chamber.

However, this one rules change has not eliminated the majority leader's de facto power to prevent bills from coming to the floor in control of the calendar. For this reason, all of the recommendations of the Brennan Center need to be considered, so that more members will be able to be involved in the process by having more bills reach the full chamber for consideration. These changes should be made permanent, and not be allowed to expire at the end of the year.

One final note with regard to discharge motions: a reform is especially important for home-rule bills where pigeonholing in the Local Government Committee can be costly to municipalities across the state. During the last session, there were unwarranted delays in refunding the customers of municipal water systems, and there was overcharging through high interest rates when there was no evidence of malfeasance by the municipality.

A second area of recommendations would be with respect to transparency of reporting and recording of proceedings.

First, webcasts of proceedings need to be archived and available any time, and not just in real time when the proceedings are live. For instance, Georgia's legislative proceedings are archived and available to the public.

Second, the Senate website should provide public access to previous iterations of bills, not only the website current version. Michigan's website provides each iteration of every bill. A word-search capability for past bills would also be helpful. While it's possible to access past Senate bills back to 1995, a capability for word search for these bills would be most useful.

Third, another change in the website that would be most useful for increasing public awareness and involvement would be providing the information of whether the bill is on the public agenda or not, with a link allowing people using the website to get an alert when the bill is undergoing a vote.

My third main area of recommendations is with respect to resource allocation. I would like to recommend an approach designed to encourage committees to hold more hearings and have greater member and public involvement in the process. For instance, designing a resource-allocation protocol that would respond to the poor performance of standing committees by rewarding attendance, and providing budget for hearings, as well as for committees to make improvements in reporting, should improve performance in those areas. These reforms would put the Senate on a track toward greater transparency to the public of its processes, and accountability to the taxpayers of New York State.

I would offer one final recommendation regarding the reform to institutionalize conference committees: there is a need to strike a balance with the reform by recognizing there is currently member involvement in negotiations on less-controversial bills, so that requiring conference committees for all bills which have different versions may actually strengthen the hand of the leaders, and take away from member involvement with respect to some bills.

The effectiveness of these and other reforms will be best measured in how the Senate handles budget deliberations during this current economic crisis. The lack of action by the Senate Majority in the Special Session last fall has contributed to a worsening of the state's economic situation. However, the citizens of New York cannot afford for the new majority to repeat the failures of the old majority by resisting reform and returning to the "three men in a room" system of policy-making. The work of this committee is essential for restoring public confidence in the accountability of their state government. You face great challenges in designing these reforms in the midst of so many challenges to the State; your task is not unlike undertaking repairs on an airplane while it is in flight.

Once again, thank you for providing the opportunity to allow me and my students to contribute to these reforms of the State Senate. As a guiding principle for your work, I would recommend the statement by Governor Al Smith, quoted in the 2006 update to the Brennan Center Report:

"All the ills of democracy can be cured by more democracy."

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