

Citizens For A Better New York (CFBNY)
Testimony before The New York State Senate's
Temporary Committee on Rules and Administration Reform
Syracuse NY
February 6, 2009

Good afternoon Senator Bonacic and Senator Valesky. Good afternoon too, to other members of the committee and the legislature.

My name is Reginald Neale. I live at 6032 County Road 41 in Farmington NY, and I have been a New York State resident all my life.

Thank you for the opportunity to speak with you today. I am the first speaker from our organization to testify. We have other speakers signed up to deliver remarks at the hearings scheduled for Albany and Suffolk County and plan to have someone deliver additional remarks at your hearing scheduled for New York City. While there will be some commonality in our remarks, each of us will be delivering part of our organization's entire list of recommendations.

Please extend our thanks to Senator Malcolm Smith as well. It took a lot of courage for Senator Smith to step up to the challenges and potential threats to his power that rules changes might imply. We are hopeful that this committee and the leaders of the Senate will continue to be courageous by building an open and inclusive decision-making process in the Senate. Such a change will break the hold that the Senate Majority Leader and the Assembly Speaker have had on the legislative process for so long, and will bring citizens back into the partnership of governing.

Also, please accept our congratulations for your recent decision to hire Andrew Stengel, formerly of the Brennan Center, to serve as Senior Policy Advisor for Government Reform. The addition of Mr. Stengel to your staff demonstrates your commitment to change.

I am a member of Citizens for a Better New York, a volunteer not-for-profit organization based in Rochester, with members throughout the state. Our mission is to advocate for the well-being of New Yorkers. Our organization's vision is to make our state's public structures more effective and efficient. We seek these improvements in our public structures because we want a state where all citizens can happily live, work, learn, play, and prosper.

People normally think of their public structures as the highways, bridges, parks and waterways that support our transportation, and recreation systems. However, our public structures also include our courts that assure a fair way to resolve differences and our regulations that keep commerce organized and functional. The quality of life and economic success of all New Yorkers depends on the public structures we have all created.

At the heart of these public structures is our legislature. This is where all citizens are represented in the process that decides on the laws and establishes the framework and allocates the financial resources necessary to support all the activities that make a healthy, prosperous New York. It is the legislature that helps all New Yorkers achieve our quality of life and economic success. One of the legislature's important roles is to look after all of these public structures and institutions, and to make sure they are doing their job.

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Thank you and all the other members of the Senate for having the vision and courage to take the time to evaluate how the Senate works, and to consider what changes might make it work better. Our members believe that the well-being of New York's citizens can be enhanced if we can accomplish the 4R's.

The 4R's are:

- **Rules Changes in the Legislature: to restore representative democracy to a Legislature that has been described as the "most dysfunctional" in the nation;**
- **Redistricting: to require an independent, non-partisan commission to establish competitive legislative districts that make sense and ensure accountability.**
- **Referendum and Initiative: to establish a check-and-balance process that gives citizens greater voice for influencing public policy.**
- **Reclaim Fair Elections: to implement Clean Money/Clean Election laws that provide public money for state election campaigns if a candidate agrees to strict spending limits.**

It is common knowledge that the NY State Legislature is dysfunctional. You are all well aware of the reports prepared and published by the Brennan Center for Justice at the NYU School of Law. You also may recall the comments by FBI Special Agent Pikus on the recent indictment of former Senate Majority Leader Bruno. Agent Pikus commented that the investigators faced “. . . significant difficulties in overcoming the lack of transparency in New York State government. The FBI will continue to root out public corruption within New York State government to ensure the integrity of the legislative process.” If the FBI has such a difficult time understanding what's going on, you can see why citizen's eyes glaze over when there's a discussion about how the legislature works and what it accomplishes. Put yourself in the shoes of a prospective employer thinking about New York as a place to relocate or start a business. Knowing about these reports and the poor performance of the legislature, how might this employer view coming to New York?

These negative comments about the performance of the legislature should serve as powerful motivators for groups of legislators, businesses, and citizens to work together. These groups must cooperate in pressing for changes that improve our legislature's ability to work in concert with the other sectors of our state's community for our mutual benefit. We shouldn't leave the evaluation of the integrity of the legislative process to the FBI. We should do it ourselves.

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In order to move the legislature to its rightful place as the most effective public structure in the state, we offer the following ideas.

1. Change the internal Senate rules to implement the recommendations of the Brennan Center. Highlights of some of these changes include:

a. Empower Committees

Samples recommendations of the Brennan Center are: mandatory attendance at all meetings by committee members; increasing the flexibility for calling for hearings; recording and filing of committee proceedings; bills reported out should have a detailed public report, and all bills reported out should be reported by the standing committee, rather than only by the Rules Committee.

As Woody Allen said "Eighty percent of success is showing up." Once there, Senators should be empowered to conduct the business of a legislative committee the way committees are supposed to work, as we all learned in elementary and middle school.

b. Regular use of conference committees

The prime sponsor of a bill should have the authority to request a conference committee when bills addressing the same subject have been passed by both houses. The conference committee should convene within two weeks of such a request. These sessions should be open to the public and should be transcribed.

According to the analysis completed by the Brennan Center, one of the major failures of the NY legislature is the failure to reconcile differences in bills passed in the Assembly and the Senate. Senators and Assembly members who have worked so hard to develop a bill and guide it through the entire legislative process should be empowered to call for and to participate in a conference committee as the second to the last step to the bill being passed by the legislature.

As you know, there are other recommendations offered by the Brennan Center. We believe all their ideas have merit and should be considered as the core of the changes you recommend. The changes recommended by the Brennan Center will go a long way toward making the legislative process transparent, empowering each legislator to have a voice in the deliberations of the committees and the full house, and balancing the representation among all citizens. These rules changes will also help to balance the commitments legislators have to special interests with their responsibility to maintain the public structures that American prosperity and quality of life depend on.

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Finally, an important leadership role you can take is to

Deliver the results of your committee's public hearings to all the members of the Assembly as well as the Senate.

The Senate has taken the lead by creating this committee, having these hearings to gather information, and considering and developing recommendations for rules changes. We ask you to urge your colleagues in the Assembly to take similar action to open up the way their house conducts itself.

For New York to achieve the promise of a better future, we must eliminate the stranglehold of the Assembly Leader and Senate Majority Leader on the committees, legislative agenda, calendar, and process. The current antiquated and restrictive rules in both houses serve as a bottleneck to the efficiency of the process and effectiveness of the outcomes of the Legislature. They also serve to block out the role of citizens, especially those who live in districts represented by a Legislator who is a member of the minority party.

I have enjoyed the opportunity of representing our membership and of speaking with you today. For four years, Citizens For a Better New York has been working to gain the attention of legislators to change the way they do business. We've been writing Op Ed pieces and letters to the editor. We've been writing to and meeting with our local representatives, and we've been collaborating with other advocacy groups. We've also been speaking to groups of citizens, demonstrating in Albany, and talking with news reporters to try to achieve the changes I've discussed with you today. It is refreshing to be able come before you in this open, very public setting and to discuss with you how an open and accountable efficient and effective process for our most important public structure can become commonplace. It fosters images of citizens of our country's revolutionary period coming together to discuss and decide how we should shape our governing bodies. It's refreshing. It's the way it's supposed to be. It's the way we teach our children about how democracy works in America.

Hearings such as this should become commonplace in the workings of the legislature. Transparency in the processes of formulation, debate and voting on legislation should be the standard. Having an open legislative process that reaches out to the public through committee hearings is a way for the legislature to ask for citizen participation in developing the public policies and laws that guide us toward the quality of life and economic success we want in New York. It is this kind of citizen responsibility that our new President is asking all Americans to take up.

There is a lot of talk going on in Washington about how we might increase our investments in our highways, bridges and other infrastructure to serve us better in the future while stimulating our economy. Let's work together to fix the public structures of New York to improve our state's economy and our quality of life.

Thanks for listening. I welcome any questions you might have.