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### **Pay raise must come with reform**

New York state lawmakers must ban outside income if they accept higher salaries  
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There should be strings attached.

As the New York State Compensation Committee considers whether to recommend pay raises for state lawmakers, it should also be thinking about significant ethics reform. Without such reform, legislators should not accept another penny in their paychecks.

The very fact that a compensation committee exists is a questionable practice. The committee's recommendation on raises will be binding on Jan. 1 unless lawmakers call a special session to reject it. (That brings to mind flying pigs.)

The process allows lawmakers to receive more money without having to say they gave themselves a raise. Doing so would undoubtedly give their opponents fodder for negative campaign commercials during the next election. Some experts question whether this politically motivated process is even legal.

But, for now, it is what is written in the books, by the lawmakers themselves.

We do think there are circumstances that justify higher salaries. Lawmakers get a base pay of \$79,500, and this has not changed in nearly two decades. While this amount might seem high for the Rochester region, it is low for communities in or near New York City.

This often means lawmakers secure outside income, and that opens the door for corruption, as we have seen far too many times in Albany. Their votes and influence can easily be used for personal gain at the expense of the electorate.

Lawmakers also get extra pay — up to \$41,500 — for serving in leadership positions. But, these stipends, known as "lulus," give the Senate Majority Leader and Assembly Speaker the ability to use legislative committee appointments to reward or punish lawmakers, depending on how they vote on legislation. Again, this takes power away from the people these lawmakers are supposed to represent—namely, you.

Lawmakers must only receive raises if they also 1) institute a gradual ban on outside income and 2) eliminate "lulus."

If a pay raise is recommended, it should come with a rigid expectation that lawmakers make these two ethics reforms, and perhaps others, top priority on day one of the 2019 legislative session in January. Unlike the raises, these reforms would not be automatic.

Lawmakers have gone decades without a salary increase, but New Yorkers have waited even longer for Albany to make significant progress on ethical reform.

This continual lack of self-discipline has made New York government among the nation's most corrupt. It has cost countless tax dollars and severely eroded public trust in the institution.

In order to earn a pay raise, lawmakers must make day one a new day in New York.

# ALBANY TIMES UNION

## Legislators' pay shouldn't be a political bargaining chip

By Richard Brodsky

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While I served in the Legislature, a governor of the state offered me money if I supported bills he wanted to pass. I hasten to add that this governor was and is a person of strong moral character and a decent, honest public official.

The money I was offered came in the form of a proposed pay raise. And he isn't alone. A chorus of reformers, editorialists and other governors repeatedly propose the same bargain. Vote for what I think is good legislation and legislators get a pay raise.

It's an awful and disgraceful bargain. It's also, in my view, illegal. State law reads: "A person who gives or offers money, or any promise therefor, to a member of the Legislature to influence such a member or person to give or withhold his vote" is guilty of bribery.

The irony is that most of the folks proposing this corrupt bargain are so-called reformers. Apparently, the techniques that are justly condemned and prosecuted so often are fine and dandy if applied to a pay raise. Campaign finance reform is the current trade bait, but banning outside income, or charter schools, or on-time budgets are all on someone's list.

The rhetoric is high-minded and elegant. The offers made to me back then and those being made now are somehow viewed as appropriate politics, the kind of trade-off that we all know goes on every day.

It doesn't. It isn't. It's blackmail.

There are very compelling arguments for all kinds of reform, for and against charter schools and timely budgets. But once it's OK to trade money for votes

on any issue, it's OK on every issue. You want to improve the ethical climate in Albany, start by eschewing bribery in any form.

The Legislature and commissioners of the state are underpaid, without a raise in 20 years. It is hard — and close to impossible in New York City and other high-cost areas — to pay rent, buy food and otherwise raise a family in New York on the amounts currently paid.

The cynical exploitation of the failures and unpopularity of the Legislature make this possible, as does the willingness of governors George Pataki, Eliot Spitzer, David Paterson and Andrew Cuomo to use a pay raise as a club to get their agendas advanced. It is now impossible to legislate intelligently about compensation. The result has been a series of jerry-built commissions trying to dance around the political difficulties and finally get a raise done.

Here we are again, with a commission again wrestling with how to do the right thing. The folks on the commission are smart and honorable, and it is devoutly to be hoped that they get it done this week. Without the blackmail and horse-trading that continue to poison the well.

For the record, the reform agenda embraced by the blackmailers is important and necessary. Neither the Legislature nor the governor has done well by important reforms, most critically the need to end legal bribery by campaign contribution. But you will never, ever improve the moral sensibilities of elected officials by insisting on the very tactics you otherwise lambaste. Raise the damn pay.

Richard Brodsky is a former state Assembly member.

**The New York Times**

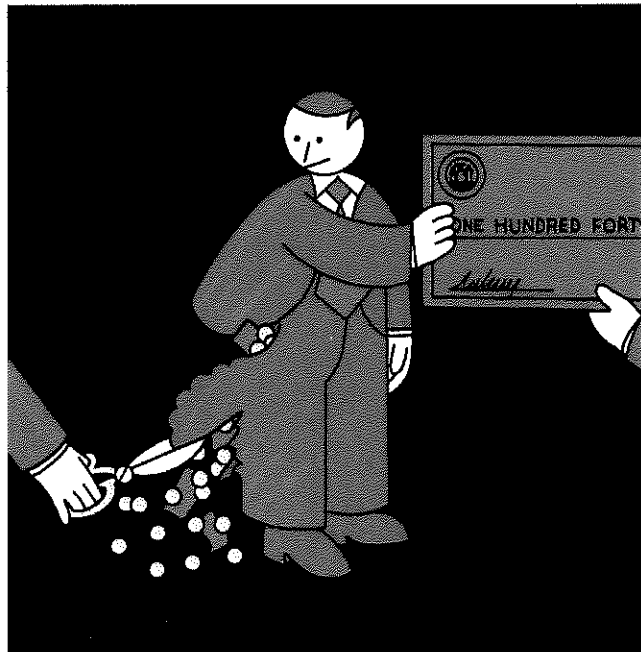
# No Albany Pay Raise Without Limits on Outside Income

New York legislators deserve higher salaries, but only if they come with new ethics requirements.

## By The Editorial Board

The editorial board represents the opinions of the board, its editor and the publisher. It is separate from the newsroom and the Op-Ed section.

Nov. 25, 2018



Pete Gamlen

While the \$79,500 salary for members of the New York State Assembly and Senate is among the highest for legislators anywhere in the country, it is comparatively low for top talent in a costly state, especially in New York City and its suburbs. Some lawmakers

seek additional income from outside jobs, which has led to conflicts of interest and, at times, corruption.

In an unusual arrangement that was part of the state budget deal approved earlier this year, Gov. Andrew Cuomo and the Legislature created a committee to consider raises for legislators. The four-member committee — State Comptroller Thomas DiNapoli, former State Comptroller H. Carl McCall, City Comptroller Scott Stringer and former City Comptroller William Thompson Jr. — is supposed to issue its decision by Dec. 10. Unless the Legislature formally rejects it, their proposal will become law on Jan. 1.

With this small bit of Albany craftiness, state lawmakers may be able to get a raise without having to actually vote for one. Some lawmakers are reportedly lobbying for a \$148,500 salary — matching the salary of the New York City Council, but about \$24,000 more than required to compensate for inflation since their last raise 20 years ago.

But any raise must come hand-in-hand with genuine ethics reform. Any substantial raise needs to be accompanied by a ban on outside income — the higher salary implicitly recognizes that the position is a full-time job — and on the stipends for committee chairs known as “lulus,” which legislative leaders use to reward or punish members, consolidating power and making the lawmaking less democratic.

To see the corrupting potential of outside income, look at the former Assembly speaker, Sheldon Silver, who was convicted in May on extortion and money laundering charges. Prosecutors said two real estate developers gave Mr. Silver kickbacks through a law firm for backing legislation they wanted. Prosecutors also said he directed state grants to a doctor who in turn referred cancer patients to a law firm that gave Mr. Silver some of its fees. Mr. Silver performed no legal work for the firm, Weitz & Luxenberg, but was paid for referrals to it.

Some have argued that the language that created the committee does not allow it to do anything other than increase lawmaker pay. It is worth pausing here to marvel at the hubris of lawmakers and Mr. Cuomo, who have drawn up a panel with the power to give Albany a raise, but only an ambiguous ability to enact the reforms that should accompany it. So the committee needs to be bullish in its interpretation of the law, requiring reforms as part of the deal. Otherwise, the members of this committee will be lending their own names to another specious Albany back-room deal, with taxpayers footing the bill for years to come.

If lawmakers want to be paid as much as New York City Council members, they should be willing to act as responsibly. In 2016, city lawmakers took an open vote to increase members' pay from \$112,500, while banning most forms of outside income and lulus.

The pay committee should do one of two things: reject any pay raise unless the Legislature bans lulus and outside income before Dec. 10, or, in their final report on that day, set a pay raise along with those two bans. If lawmakers think the committee does

not have the authority to do more than set pay, they can reject the report and do what they should have done to begin with, enact the changes themselves.

It's the responsibility of the committee members, people of good reputation, to do the right thing rather than playing along with Albany's games and accommodating anything less than what New Yorkers deserve.

Good government demands fair compensation for lawmakers, but only when they earn and keep the public's trust.