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# New York Lawmakers Will Not Get Raise, Commission Decides

By JESSE MCKINLEY and VIVIAN YEE NOV. 15, 2016

ALBANY — It has been nearly two decades since New York State lawmakers have had an increase in pay, a period that has seen two recessions, three presidents and more corruption scandals than most people can count.

But any immediate hopes of higher wages were dashed on Tuesday, as a key state commission, led by three appointees of Gov. Andrew M. Cuomo, declined to throw its weight behind a raise for legislators.

Fran Reiter, a former senior aide to the governor who serves on the commission, the State Commission on Legislative, Judicial and Executive Compensation, said the reasoning was largely based on the public's distaste for Albany's continuing ethics problems.

Ms. Reiter said the governor's appointees would support a meaningful raise only if the Legislature — which is not due back in the capital until early January — held a special session before the end of this year to pass legislation that would “address the public's concern and opposition by making the position effectively full-time and limiting outside income.” She said the Legislature had so far shown “obstinacy” in failing to pass such ethics measures.

The lack of support from Mr. Cuomo's nominees, combined with abstentions by the commission's judicial nominees, doomed a proposal to substantially increase lawmakers' pay, currently fixed at \$79,500 a year. The proposal would have brought the pay to upward of \$110,000 a year, a figure pegged to a yearly increase of a little more than 2 percent, applied retroactively to the lawmakers' last increase, in 1999.

The lack of a cap on income earned outside the Legislature has contributed to several corruption scandals, including one that ensnared the former State Assembly speaker, Sheldon Silver, a Democrat who was convicted on corruption charges last November. Shortly after that, Mr. Silver's counterpart in the Senate, Dean G. Skelos, a Republican who was majority leader, was also convicted of corruption charges, along with his son, Adam.

At the same time, the \$79,500 yearly salary impels many lawmakers to pursue some form of supplemental income; the New York City Council, for example, voted in February to raise its members' pay to \$148,500.

"I know in metropolitan New York, an \$80,000-a-year job doesn't get the best people available," said Roman B. Hedges, a representative of the Assembly speaker, Carl E. Heastie, a Democrat.

Mr. Hedges had argued in a letter to the commission that better pay would create a "more professional Legislature" and attract more candidates willing to serve in Albany. He said on Tuesday that the governor's position, as expressed by Ms. Reiter, amounted to a political ultimatum in what was supposed to be a nonpolitical decision.

"That's what I just think I heard: 'Do it my way or don't do it all,'" Mr. Hedges said.

Frustration with the governor's appointees also came from other members of the panel. Barry Cozier, one of the representatives of the state's chief judge, said the executive members' approach amounted to an "abdication" of their responsibilities.

Ms. Reiter was ready to hit back. “My opinions are my own,” she said, adding that she was “offended” by suggestions that she had carried water for the governor. “I’ve had zero — no — communication with the governor of this state,” she said.

The decision seems likely to set up a prolonged political battle — with pay as the prize — between the governor and the Legislature. Mr. Cuomo, a Democrat, was already facing a potentially emboldened Senate, where Republicans had a surprisingly strong election last week despite Democrats’ high expectations, and despite Mr. Cuomo’s more active stumping for his party’s candidates.

In a rare display, the two legislative leaders issued a joint news release shortly after the commission’s decision, calling the action of the governor’s appointees “completely unacceptable” and one that “far exceeds the mandate of the commission, which was to evaluate the need for an increase in compensation based primarily on economic factors.”

But the statement from Speaker Heastie, a Bronx Democrat, and John J. Flanagan, a Long Island Republican who serves as the Senate majority leader, gave no indication that legislators would return to Albany this year to take up the measures the governor seeks. The statement said instead that “the Legislature will continue to focus on issues that truly matter to New Yorkers.”

The commission was established last year to independently evaluate compensation for all three branches of state government. But as with many things Albany, the influence — and interests — of the governor has been the source of much speculation, in large part because the makeup of the commission is weighted toward the executive branch. Mr. Cuomo nominates three members, with the chief judge of the Court of Appeals nominating two. The leaders of the Assembly and the Senate were each allowed to nominate one member.

As the commission weighed its options, Mr. Cuomo signaled that he would not support a raise without extracting something from the two legislative chambers, repeatedly calling on legislators to make their case for a raise by testifying to the commission.

After the vote on Tuesday, Mr. Cuomo said that the public was “99 to 1” against raising lawmakers’ wages. (An online petition opposing the raise garnered 12,000 signatures. “Have YOU ever gotten a 47 percent raise?” the petition asked.)

“If they are really confident in their position, the Legislature can just vote themselves a raise,” the governor told reporters after an event in Rochester. “Let them stand up and say, ‘We deserve a raise.’”

Yet several prominent ethics-in-government activists have stepped forward to argue for better pay. The logic: Higher legitimate pay would mean fewer temptations for outside income, whether technically legal or definitively not.

Dick Dadey, the executive director of Citizens Union, said he believed that lawmakers should enact a limit on outside earned income but also that they deserved a modest raise. He was also troubled by the manner in which the decision was made.

“This is intended to be an apolitical commission that appears to have acted politically by seeking an inappropriate quid pro quo,” Mr. Dadey said.

Raises in Albany have been the subject of political jockeying before. In 1998, the last time the Legislature won a raise, Gov. George E. Pataki, a Republican, managed to tie it to authorizing charter schools in the state. The raise took effect in 1999.

Richard Azzopardi, a spokesman for Mr. Cuomo, seemed to offer some room for conciliation. “The governor believes the members should keep working at it because they have until the end of the year,” he said.

Regardless of the political machinations, some legislators were openly eager for raises. “I think whatever they are going to give us is not enough,” State Senator Simcha Felder, a Brooklyn Democrat who caucuses with the majority Republicans, said on Monday.

Asked how much he felt the legislators deserved, Mr. Felder joked, “You’d have to ask my mother that.”

Jesse McKinley reported from Albany, and Vivian Yee from New York.

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