

OPINION/EDITORIAL

## No ethics reforms, no raises for New York State legislators

By The Editorial Board

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Next week, the New York State Compensation Committee is due to conduct public hearings on whether to grant raises to the state's lawmakers — but without members of the legislature officially casting a vote to hike their own paychecks.

That's never been done in our state, and for good reason. Legislators should have to vote on their pay and justify that decision to constituents. But for 20 years, members of the Assembly and Senate have been unwilling to do so. So earlier this year, they made an under-the-radar decision to create a smokescreen for their cowardice. This scheme is so iffy that Janet DiFiore, chief judge of the state of New York, recused herself from the panel because she might have to hear legal challenges to its actions. The commission also can set new salaries for the attorney general and comptroller, as well as top executive branch officials.



The New York State Capitol in Albany. Photo Credit: Getty Images/iStockphoto

Are legislators underpaid? Not for the job they do. But they ought to do more, legislating year-round, rather than being in session for only five months and doing only district work the rest of the time.

The editorial board has supported a pay raise in the past, but with conditions that might stop some of the unethical behavior that has snared too many lawmakers. New York legislators make \$79,500 a year in base salary, and three-quarters of them get additional stipends, called "lulus," for "leadership" positions.

And those lulus really are lulus. When 75 percent of the state's 213 legislators get stipends for leading the other 25 percent, it's a mockery of the system. The biggest lulus — \$41,500 a year — go to the Assembly speaker and the Senate majority leader, raising their pay to \$121,000. The smallest lulus are \$9,000. Include this money, and legislators make an average of about \$92,000 a year. Then they get another \$174 per diem for each night they stay in Albany.

New York's base pay ranks lawmakers third behind California (\$107,240), where lawmakers are in session for nine months and only four members get lulus, and Pennsylvania (\$87,180), where they're expected in the capital for six months, and only 15 members get lulus.

So New York's legislators are, in some sense, already the highest paid in the nation. They do earn far less than members of Congress, at \$174,000, and New York City Council members, who earn \$148,500, but those bodies have strict limits on outside income.

Why won't New York's lawmakers just vote themselves raises? As scandals have taken down 30 lawmakers and state officials over the past two decades, including Dean Skelos, a Republican who led the State Senate, and Sheldon Silver, a Democrat who was the Assembly speaker, Gov. Andrew M. Cuomo has rightly demanded ethics reforms such as strict limits on outside income.

Let's face it, the system is hard-wired this year to produce raises, but taxpayers will need to get something in return. Here's a way to do it:

- **PAY:** It ought to be enough to attract talented public servants. The amount most often bandied about, \$122,000, is fair. And reasonable lulus for a few legislative leaders truly burdened with additional responsibility make sense. Salaries in the executive branch, for officials running major departments, are tied to raises for legislators; current pay levels, Cuomo says, are too low to attract top talent, another reason for the increase.
- **GOVERNING:** Legislators need to work year-round to meet the state's needs. The Senate and Assembly should do their business in a transparent and timely manner and not jam all actions into a few frantic months. Legislators must pass an on-time budget, as the law creating the commission requires.
- **ETHICS:** About two-thirds of lawmakers in both chambers have no significant outside income. That number should be 100 percent: Getting a paycheck from anyone or anything other than the state is how corruption often seeps in. There should be strict limits, with exceptions perhaps for writing or teaching, as is the case with the New York City Council. Legislators should have one term to unwind their private sector jobs.
- **CAMPAIGN-FINANCE REFORM:** Lower the current individual contribution limits of \$44,000 in statewide general elections, \$11,000 in Senate races and \$4,400 in Assembly contests and end the loopholes that allow contributors to evade such limits.

Unfortunately, the outrageous law that gave the compensation committee the power to grant raises in pay and lulus can't require ethics reforms in return. Only the legislature can commit to that. The commission must refuse to support the pay increases unless Assembly Speaker Carl Heastie and soon-to-be Senate Majority Leader Andrea Stewart-Cousins publicly commit to enacting these reforms early in the new session. And Long Island's representatives — nearly all of whom have told Newsday that they support these reforms in exchange for raises and the switch to a full-time legislature — must live up to their word. It would be a fatal error for Democrats, who will take control of the State Senate in January, to give themselves fat raises and give up nothing.

New York's leaders deserve fair compensation. New York's people deserve honest representation. The deal worth doing must guarantee both.

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