

THE BUFFALO NEWS

 PRINT THIS

## Albany's unfinished business (June 2009)

Updated: November 20, 2009, 9:33 AM /

*Last week, the New York State Senate went into circus mode with a surprise Republican coup that took the majority and Senate leadership posts away from the Democrats and triggered days of political chaos. This week the new coalition weakened as one of two Democratic defectors returned to his party; the legality of the coup was to be decided in court.*

*While all this was going on, the State Legislature session neared its end. The Senate is not doing the people's business while it's convulsing over power — and that should outrage New Yorkers.*

Newspapers across upstate weighed in on the issue, individually and as part of an ongoing Upstate Focus series intended to highlight matters of mutual concern. Here are some of the editorials:

### **The Adirondack Daily Enterprise June 15**

We can't help but sigh as we see the state Senate dissolve into circus antics: Republicans and billionaire Tom Golisano engineer a coup in which they are joined by two rogue Democrats — including the highly questionable Hiram Monserrate, who is facing charges of cutting his girlfriend in the face with glass — and then claim to reclaim the majority. Democrats dispute this and turn the lights off on them. Dems also lock them out of the Senate chambers, but they somehow get back in amid a sea of protestors and reporters. (By the way, the news offices in the Capitol are all right outside the Senate chambers — pretty convenient.) Then the Dems get a judge to bar them from having a session ... and on it goes from there.

It all goes to show that if you play partisan power politics, there will always be a backlash. He who lives by the sword dies by the sword. It's so much better for elected officials to focus on doing their jobs and serving the people. We see U.S. Rep. John McHugh as a good example of that. He engaged in debates on issues but not much in the party power game, and we liked him for it. He focused on doing his job, and as a result, people respected him — including President Barack Obama, who appointed him secretary of the Army.

Good can come of this state Senate mess, though, if legislators get rid of some of the winner-takes-all rules that allow so much subjugation of the minority party by the majority. We need rules that allow fair representation.

**Binghamton Press & Sun-Bulletin, Elmira Star-Gazette and Ithaca Journal**

*Call a cease-fire: Too little time, too much to do for Senate to sustain strife*

Halfway through the final week of the regular session, the New York Legislature has hardly any time to atone for its shameful performance over the past 10 days.

Both sides in the dispute over Senate control spent a third day in court on Tuesday hoping that state Supreme Court Justice Thomas McNamara would decide who is in charge. McNamara wanted no part of it, ruling that the state Constitution gives the court no jurisdiction in the matter and telling the Senate to heal itself.

Good advice. Enough time has been wasted over this 11th-hour showdown, caused when the Senate's 30 Republicans joined by two dissident Democrats on June 8 voted themselves into power and the other 30 Democrats out. Or so the coalition thought, which is why the Senate squabble has put the whole Legislature in lockdown for seven days in the session's critical homestretch.

Now the question is whether any productivity can be salvaged out of this session with just three working days left before scheduled adjournment. And what about extending the session or having Gov. David Paterson call a special session later this summer? Those too would be a waste of time and taxpayer money if this Senate-control controversy continues.

New York taxpayers have been jilted in the past by their Legislature, as noted in the infamous 2004 Brennan Center for Justice report calling the body the most dysfunctional in the nation. Now they're witnessing an encore that has held up important legislation normally approved during the session's jam-packed, closing days.

Instead, lawmakers have continued to collect their salaries and run up \$160 per diem expenses on the taxpayers' tab for going to Albany to wait and watch this stare-down between two warring Senate factions.

We raised the point last week that this stalemate couldn't have come at a worse time. Even though Republicans and some Democrats believe that the new Senate majority leader this session, Malcolm Smith, was a bust, dethroning him now disrupts important business.

The Senate still held out hope on Tuesday afternoon that it could go back in session with a bare majority to vote on several pending issues, including many local bills such as one that would allow Tompkins County to levy an additional sales tax up to 1 percent until 2011.

Other bills on the Senate list involved credit-card billing and reverse-mortgage protections — both consumer bills that are gasping for air this session.

This battle has dragged on long enough. Senators from both sides should salvage some integrity by coming back into session and finishing the week by passing bills. They have all summer to fight over who will run the Senate.

## **The Buffalo News**

*Get back to work: Senate's current power circus leaves too much business undone*

Recent evidence notwithstanding, New York still has a State Legislature whose members and staffers are taking home paychecks funded by taxpayers. Regardless of the chaos that has overtaken the Senate, work remains in the final two weeks of the legislative session. In a time of profound financial stress, members need to show that they are earning their salaries, not just collecting them. Here are some of the ways they can do that:

-- Ethics reform. Gov. David A. Paterson has proposed creation of a single, independent ethics agency to oversee ethics matters for all of state government. In a state government where high-level officials have trouble distinguishing between actions that are ethical and those that are felonious, this is an urgent matter. The state -- meaning the residents of New York -- needs a single, nonpartisan, non-aligned entity to oversee, investigate and enforce tough, sensible ethics regulations, and it needs one now.

-- Campaign finance reform. Two Democratic legislators, one from each chamber, have introduced needed legislation to lower the preposterously high limits on donations to officials elected statewide and in each of the legislative chambers. With both legislative leaders and Paterson supporting the change, along with good government groups like Common Cause and the New York Public Interest Research Group supporting the reform, it seemed sure to pass. But with control of the Senate up in the air, the outcome is less certain.

-- Rehabilitation tax credits. The Senate already has passed this measure, which would provide tax credits to spur the improvement of older housing and commercial buildings, and the Assembly should follow. The law would be a boon to the construction industry and to building owners -- including homeowners -- who could rehabilitate properties more affordably, and to cities such as Buffalo, which would see strengthened neighborhoods.

-- UB 2020. The Senate also has passed this bill, which would provide greater autonomy to the University at Buffalo and spur growth that also would benefit the regional economy. The bill would free UB from many state regulations, giving it more flexibility on spending, contracting, leasing and selling university land and developing private partnerships. It would also allow the university to raise its own tuition in capped annual amounts. Assembly leaders are skeptical, but they need to get out of the state's way, and ours, by approving the measure. Then they should monitor progress and, if it is working, offer similar flexibility to other campuses.

-- Buffalo schools reconstruction. This critical, quarter-billion-dollar project is threatened because of the chaos in the Senate. So is \$30 million in state aid for charter schools. School officials have received informal approval from the State Education Department to reconstruct seven schools, but legislative approval, already uncertain, became more so as the Senate fell into gridlock.

Without legislative approval, the seven city schools will remain distressed and the Charter School for Applied Technologies in the Town of Tonawanda will lose \$1.2 million in restored funding. That likely will lead to layoffs and delaying or abandoning construction of four high school classrooms and refurbishing of two science laboratories. -- Green jobs/green homes initiative. The proposed program would leverage federal stimulus funds and private investment into an energy audit and retrofit of up to 1 million New York homes to make them more energy efficient and less polluting, while training an estimated 60,000 workers. The bill is nowhere at this point, but because it is tied to the federal economic stimulus, it needs to pass soon to be of any use.

-- Rockefeller drug laws. Reforms were passed this year but were lumped in with the state budget with limited scrutiny. As a result, it is possible, although unlikely, that dangerous drug sellers could have their records sealed. Thus, potential employers in sensitive fields such as schools, day care centers and nursing homes could inadvertently hire them. The law needs to be tweaked to avoid that possibility. -- Wrongful conviction. Finally, though hardly least important, the state needs to pass a package of laws that would make wrongful convictions -- such as those of Anthony Capozzi and Lynn DeJac -- less likely.

Little of this can happen while the Senate convulses over power and politics, and ignores the people's business. End the circus atmosphere. Get back to work.

## **Glens Falls Post-Star**

*Prove us wrong, Albany*

Can state government truly reform?

We hope so, but we doubt it.

We have a message and a challenge for the New York state Legislature:

Prove us wrong.

Following Monday's overthrow of the Democratic majority in the Senate by Republicans and two rogue

Democrats, the new "bipartisan" coalition quickly promised us that the New York government we've come to loathe and doubt was no more. They promised us real reforms in the way government does business, not just the usual lip service. They promised us more transparency in how the Senate operates and how state budgets are put together. They promised to be more fair to rank-and-file legislators, regardless of which part of the state they represent or which political party they're from.

They promised an end to the wasteful spending that has driven New York to near insolvency.

We'd like to believe them.

Seriously, we would. But frankly, we don't. Honestly, we'd all have to be stupid to believe that a change in leadership in one house of the Legislature is suddenly going to make a single bit of difference in the way the state is governed.

We were promised change when George Pataki became governor. Then again when Eliot "Steamroller" Spitzer blasted into office. The docile David Paterson was going to be more open and cooperative. When Dean Skelos took over the Senate from Joe Bruno last year, we were promised reforms. When the Democrats gained the majority in the upper house six months ago, we were promised an end to "business as usual." They were right. It was the end of business as usual. It actually got worse.

So forgive us if we're skeptical that the Republicans of 2009 are any different than the Republicans who lost their 40-year grip on the Senate majority barely six months ago. Once they're settled back into the majority, special interests and parochial loyalties will most likely take over and we'll be back to the same old status quo.

To be honest, how can anyone take any governing body seriously when it behaves the way the New York state Senate has behaved the last three days? This coup fiasco features two Democrats of questionable character turning Benedict Arnold on their political party and constituents in exchange for favors from the Republicans. The pettiness included the Democrats trying to shout down a vote on the leadership change, turning off the lights and microphones in the Senate chamber while Republicans were trying to conduct business, and allegedly threatening to lock Republicans out of the chamber yesterday if they tried to convene as the majority. The only thing they didn't do was throw sand in each others' hair and call each other "poopie-head."

Perhaps chastened after his half-year in the minority party doghouse, Senate Majority Leader Skelos on Monday offered up a new list of government reforms, including limiting the terms of Senate leadership positions to six years and committee chairmanships to eight, publishing Senate agendas and voting records online, allowing/requiring senators to actually vote on bills instead of offering proxies and group votes, distributing office staff and offices more fairly and logically, and allowing more autonomy for individual members to propose legislation.

Skelos actually had a voting majority after he took over from Bruno last June. But state spending still went up, taxes and fees still increased, the business climate continued to sour and state residents continued to struggle. What makes anyone think he'll be any more effective in building consensus now -- with the same Assembly leadership and governor in place -- than he was a year ago when he first got the job? Frankly, the Senate can pass all the in-house reforms it wants. It takes the cooperation of two houses and a governor to pull the state's ox cart through the muck. And with the way the Republicans wrested control of the Senate from Democrats, you can bet the Democratic dynasty in the Assembly will not be in the mood to cooperate.

So will the Senate shake-up be the kind of earth-shattering event that was needed to awaken New York's government from its funk and provide meaningful progress on issues such as health care, farming, equal rights, state spending and taxes, as Gov. Paterson suggested in a speech yesterday? Or will it end up being just another embarrassing chapter in the annals of New York state government?

We've come to expect broken promises. We've come to expect failure. We've come to expect less than the best effort. We know deep down there's a 99.9 percent chance that this is all just political fun-and-games, and that in the end, nothing will really change.

So prove us all wrong.

Please.

### **The Plattsburgh Press-Republican**

For a while, there, it looked as if California was going to overtake New York as the site of the most desperate government in America. New York senators would not hear of it, however, and have responded by staging the grandest circus ever.

Unbelievably, two imaginative Democratic senators orchestrated a coup to overthrow their own party's majority to hand control back to the Republicans, who had lost it in last fall's election. Then, just when it seemed as if somebody was finally in charge, one of them changed his mind and scurried back to the Republicans, guaranteeing what had been only a promised stalemate. The Senate is now split down the middle, 31-31, with no sitting lieutenant governor to break ties. What a system we've allowed. Only in New York.

Who knows what's going to happen, as courts are beckoned, secret rendez-vous are held and "negotiations" try to sort things out?

What we do know is what's not going to happen, and that is anything to benefit the state's residents. (All of this is subject to change, however, as shocking developments, positive or -- more likely -- negative, may be only moments away. We'll find out when the circus masters want us to.

Only a few days remain in the legislature's half-year session, and that is one of the few pieces of good news in this entire idiotic, counter-productive, self-serving play. Heaven forbid that these people were running things for us year round.

A few of the issues that could have had positive outcomes for us this year but won't are property-tax reform, health-care reform and various home-rule questions.

Legislators instead are deciding who's in control. What do we care who's in control? Republicans, Democrats ... it doesn't matter. Nothing ever changes for the better. We foolishly took it for granted that nothing would change for the worse, either, but we sure missed that one by a mile.

Will people continue to elect senators who are so disoriented as to think the most important business of the day is deciding who's in control in the legislature? We'll find out the next time they run. It seems a flimsy platform from which to cast a campaign, but maybe downstate voters put great store in such things.

We were hoping that in this year of financial crisis unseen in 75 years, our leaders would see finding a solution to our problems would be at the core of their efforts. Apparently, we missed that one by a mile, too.

Don't blame our own senator, Republican Betty Little, for what's not going on down there. She's as frustrated as we are, and there's not much she can do about it. She knows her colleagues have done nothing this term but confirm their house as the object of the greatest derision in American politics.

We deserve much better, but, after viewing more than 30 years of Albany politics, we know it's folly to expect it.

### **The Poughkeepsie Journal June 12**

*Albany sets new low in power turmoil*

The cesspool politics in Albany smell even worse these days -- and that is saying something.

How low can they go? We thought the state bottomed out after Gov. Eliot Spitzer resigned in disgrace amid a sex scandal. Not quite. There have been countless ethical violations, indictments and allegations since then -- and now, a political coup!

What state government lacks in responsible representative democracy it apparently tries to make up for in provocative, reckless behavior. But New Yorkers have had enough.

In the latest dust-up, two dissident Democrats -- Sens. Pedro Espada of the Bronx and Hiram Monserrate of Queens -- opted to vote with state Senate Republicans, overthrowing Malcom Smith as majority leader. Or so it seems. At one point, Democrats actually locked the doors of the Senate chamber, preventing Republicans from gathering there and refusing to turn over the keys. The matter is now in court, as Smith maintains -- lo and behold, there's nothing to see here -- he's still in control. But the Republicans, with help of the two Democrats, voted to install Espada as Senate president and returned Dean Skelos, R-Nassau County, as majority leader, a position he held last year until the Democrats took control this year.

It's all clear as mud. What is abundantly apparent, however, is Smith and the Democrats blew their opportunity at one-party rule in Albany. They, along with Gov. David Paterson, approved an abysmal budget, increasing annual spending by about 9 percent, from \$121 billion to \$131 billion, in an economic time when restraint should have been the watchword. They also stuck it to local businesses by approving a dreadful "mobile tax" -- 34-cents for every \$100 of payroll -- to prop up the beleaguered Metropolitan Transportation Authority, which, in part, operates Metro-North. And they have talked a good game about ethics reform and many other matters -- including how the legislative process is supposed to work -- but have done little about it.

The back story to this coup is even more pathetic. Rochester billionaire Thomas Golisano, apparently fed up that all the money he has tossed around to get several Senate candidates elected to bring about reforms hasn't worked, reportedly met with some Republican Senate leaders about a possible leadership overthrow. The meeting took place at the Albany bar Red Square, where you are more likely to find college students listening to jamband music than hear powerful men planning a political coup.

Nevertheless, the new leadership -- if it stays in power, that is -- is promising a more open, bipartisan, transparent and member-driven body. New Yorkers have heard that one before as well. What's more, Republicans have little to gloat about. Their new Democratic partners come with plenty of baggage -- Montserrate is facing a felony assault indictment and Espada is accused of campaign finance violations. Democrats are also asserting that Espada became a political traitor after they rejected his bid for about \$2 million in earmarks this year. Now that's a shocker.

No judge in his or her right mind would want anything to do with trying to sort out this legislative mess. But it will probably take a series of legal rulings to bring an end to the mayhem. So far, the senators have shown they are incapable of resolving the turmoil themselves.

## **Rochester Democrat & Chronicle**

### *Resolve the Fiasco*

Now that a state Supreme Court judge in Albany has refused to rule on the legality of the Republican-led takeover of the state Senate, the chamber's 62 members should act like adults and find a way to start dealing with the peoples' pressing business.

Yes, that's a tall order given the power-mongering and juvenile behavior Senate lawmakers have been exhibiting for the past week. Yet it's imperative that Senate leaders — Republicans and Democrats alike — put New Yorkers first, for a change.

More than five months after the start of the 2009 Albany session, few major pieces of legislation have been adopted. The fear is that lawmakers will declare an official impasse and adjourn as scheduled next week.

Taxpayers must insist that that doesn't happen. It borders on criminal to leave unresolved so many issues critical to New York's future.

For the immediate future, at least 47 counties, including Monroe, need legislative action on proposals that would extend sales taxes worth \$178 million over the next two years.

Equally immediate is the need for laws that this page has pushed hard for in recent weeks as part of its "Fed up with Albany" campaign.

To help stem the exodus of residents and businesses from this state, lawmakers must adopt caps on property taxes and place reasonable limits on spending.

It's also critical that the Legislature stop mandating programs that often require local governments to raise taxes to pay for them.

These three measures are among the top recommendations made by panels of experts who have closely examined New York's plight in recent years. Unsurprisingly, many of these findings were starting to gather dust even before the political power plays and posturing of the past week.

Demand that your state representatives stay in Albany until the work they were sent there to do is done.

### **Syracuse Post-Standard**

*The Job Ahead: Bickering state senators owe it to constituents to do their duty*

All right, Senators. It's time to get to work.

Of course it's possible for the New York state Senate to do its duty even though it's just been through a bruising leadership confrontation. These are grown men and women, elected and paid well for their part-time jobs. Their shared obligation to their constituents should be greater than their partisan differences. Indeed, the recent power shift from the Democrats to the Republicans, then back to the middle, offers an unprecedented opportunity for senators to choose another strategy than reflexive partisanship.

The final days of the session normally are the busiest time in the Senate, as bills flood the chamber. While lawmakers already have disposed of the state budget, important legislation still needs attention. If all the time and expense that brought those bills this far is wasted, those well-paid senators will have difficulty explaining to constituents why they failed.

Actually, the two parties don't have much choice but to work together. It's either that, or do nothing.

The GOP-led majority — while it lasted — enacted dramatic and welcome changes in Senate rules, evening out staff and district office allocations, committee memberships, even promising to divide the notorious "member item" grants evenly. The Democrats have offered to share power, with leadership rotating on a daily basis, which is routine in other states with evenly balanced legislatures. While the sniping continues, the outlines of a working model already may be taking shape.

Meanwhile, high-profile issues like gay marriage and a new approach to monitoring ethical behavior in Albany are awaiting Senate action. So are important statewide measures like mandate relief, caps on state spending and property taxes. The state historic rehabilitation tax credit may need final tweaking.

Campaign finance reform should be on the agenda, along with establishing an independent panel to take partisan politics out of redistricting after next year's census.

Timothy's Law, which provides health insurance parity for mental health services, needs to be renewed or, better

yet, made permanent.

Power for Jobs, which subsidizes electricity to companies employing thousands of Upstate New Yorkers, is due to expire this month unless the Senate acts.

Important environmental legislation would curb greenhouse emissions. A measure to expand the state's Bottle Law to cover water containers has stalled. Other measures would benefit SUNY, non-profit agencies and struggling homeowners.

In addition to bills with statewide implications, legislation of local significance awaits Senate action. Among other things, Onondaga, Oswego and Cayuga counties need state permission to maintain their 1 percent sales tax add-on. Onondaga Creek and the North Country's Chaumont River could be added to the state's waterfront revitalization program. A long list of local groups awaits state grants, which are currently in limbo.

By the time you read this, state senators may have found a way to break their impasse. If not, they will have squandered another day when they should have been doing the people's business. There's no good reason why another day should pass like this.

### **Utica Observer-Dispatch** *June 14*

Just when you thought the New York State of Dysfunction couldn't get any more, well, dysfunctional, along comes a coup in the state Senate.

Talk about a mess.

Last Monday, with all the top-secret planning of the Normandy invasion, Republicans wrested power from the Democrats and set in motion a chain of events that simply boggle the mind. If nothing else, state lawmakers sure are creative when it comes to finding new ways to fail the people.

They owe taxpayers for time wasted. Once order is restored -- if that's ever possible in Albany -- legislators need to extend the session scheduled to end June 22 to make up the lost time.

The unexpected transfer of power came when two dissident downstate Democrats -- Pedro Espada Jr. of the Bronx and Hiram Monserrate of Queens -- voted with minority Republicans to remove the Democrats from the leadership they've held for the past six months. The Democratic conference claimed the coup was illegal, and took its case to court. Arguments resume Monday.

The Republican coalition seized control, they say, because the Democrats weren't getting the job done. This year's state budget was one of the most secretive deals ever concocted in Albany, put together by three downstate Democrats working behind closed doors. Republicans were left clueless, and whatever progress had been made on budget reform in recent years was tossed out the window.

A Republican majority at the helm would fare much better, they claim.

Oh, really? They weren't exactly what you'd call transparent when it came to doing the public's business, either, and during their 40-year Senate run the only thing New Yorkers could truly count on year after year was some sort of gridlock.

The real question we should be asking is whether this state is better off with Democrats or Republicans in control.

The answer: It really doesn't matter.

New York state legislators have abdicated their responsibility to the taxpayers of this state. This isn't the first time they've wasted our time and money with their political shenanigans, and it certainly won't be the last.



The problem is that we stand for it. Lawmakers spend an inordinate amount of time in political duels, handing out our money and raising more in a never-ending effort to get re-elected -- and amazingly, most do. In between, they pass a few bills and send out some news releases heralding their great accomplishments.

Frankly, Albany lawmakers, we're sick of it. Many people have simply given up on this pathetically irresponsible leadership and have fled the state. Others would, but they're stuck here. The fact is, taxpayers don't really give a darn who's running the projector out there in the state Capitol. They do, however, care about what's playing on the screen. And right now, the story line stinks.

So, Dear Whoever's In Charge, prove that you're the best and get something done. Here's a short list:

-- Fix campaign finance laws. A report earlier this year said most of the \$94 million donated to candidates and parties during the 2008 state legislative elections came from special interests. That means average taxpayers have little clout when it comes to getting real action from legislators. Ideally, campaigns should be financed with public dollars. At the very least, donation limits should be greatly reduced.

-- Enact ethics reform. Several plans are on the table. Pick one. In general, we need independent oversight of the executive and legislative branches.

-- Do something about member items. The annual giveaway is little more than nest-feathering and cheats some state taxpayers simply due to partisan politics.

And don't come home until you do.

## Reader comments

Rate This  
Article

There on this article.

Reader comments are posted immediately and are not edited. Users can help promote good discourse by using the "Inappropriate" links to vote down comments that fall outside of our guidelines. Comments that exceed our moderation threshold are automatically hidden and reviewed by an editor. Comments should be on topic; respectful of other writers; not be libelous, obscene, threatening, abusive, or otherwise offensive; and generally be in good taste. Users who repeatedly violate these guidelines will be banned. Comments containing objectionable words are automatically blocked. Some comments may be re-published in The Buffalo News print edition.



Log into MyBuffalo to post a comment

MyBuffalo user:

Password:

Log In

[Forgot your password?](#)

### What is MyBuffalo?

MyBuffalo is the new social network from Buffalo.com. Your MyBuffalo account lets you comment on and rate stories at [buffalonews.com](http://buffalonews.com). You can also head over to [mybuffalo.com](http://mybuffalo.com) to share your blog posts, stories, photos, and videos with the community. [Join now](#) or [learn more](#).

### sort comments:

Showing comments to of ( pages total).

### Find this article at:

<http://www.buffalonews.com/313/story/705071.html>

☐ Check the box to include the list of links referenced in the article.

© 2008 The Buffalo News.