



# The Voter

September  
2016

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**“On Deck with Barbara Bartoletti”:** Members meet at the end of summer.

Some lucky League of Rensselaer County members spent a lovely summer evening on her deck with Barbara Bartoletti, NYS League Legislative Director, sharing her adventures in Russia and Armenia - engaging in their cultures in the process of teaching them about our governmental processes. In 1999, Barbara traveled to Russia with a group of women sponsored by the LWVUS to teach women from the former Soviet bloc countries how to participate in their government. She traveled to Tver on the Volga River, St. Petersburg and Yekaterinburg (where the Romanov family was killed) during a 6 week period. Following that trip, she was invited by USAID to do similar training of NGOs in Armenia several times. Lorrie Smith, Jill Nagy, Pat Beetle, Mary Abbott, Caroline Leising pictured.

## President's Message

Fall is always a busy season in the League and even more so as we approach a Presidential Election. Voters Service, with Margaret Story in the lead, has been getting out information about voter registration, registering voters, conducting elections for East Greenbush and Troy Public Libraries, and will again be reporting from the polls as they close on Election eve.

An overlooked election is also going on for a new Secretary General of the United Nations. That will be completed in October and New York State League members who attend LWV U.N. Day on November 17 will have a first hand opportunity to see if they can sense a difference.

Also this fall local Leagues are being asked by the State League to consider updating our position on **Legislative Procedures** adopted in 1977. At first glance this appears like pretty dry stuff but has to do with our concern regarding widespread corruption among government officials. Our current position calls for legislators to serve only part time and that position is thought to be incompatible with requiring legislators to limit or exclude outside income. We will consider this and related items in a membership meeting the evening of November 10th. Please save the date and watch for further details.

Judy

## LOCAL NEWS

### Voter Services

#### Our League has been very active in this Election Season:

Distribution of 1000 copies of Voter Guide part 1. Watch for Voter Guide part 2 in early October at your town or city hall or library or on line at [lwnys.org](http://lwnys.org).

Vote411 will be active on or about October 2. Find information about candidates at [vote411.org](http://vote411.org).

Voter Registration at the

Troy Waterfront Farmers Market

Rock the Vote at a baseball game at the Joe

Rensselaer Polytechnic Institute

Russell Sage College September 29

Library Votes

East Greenbush Community Library

Troy Public Library September 27, noon- 8:00 PM Main library and Lansingburgh branch.

Candidate Forums

Troy Public Library trustee candidates

20<sup>th</sup> Congressional District Paul Tonko and Joe Vitollo October 18 at 7:00 PM at Clifton Park-Halfmoon Community Library

43<sup>rd</sup> State Senate tentative October 26 in Stillwater. All of these activities would not happen without the help of our members who are so willing to help!

## Environmental Committee To Meet

The Environmental Committee will next meet on Monday September 26th at 6PM at the Psychedelicatessen at 275 River St. Troy. All are welcome. We were happy to gain some additional members at our last meeting on August 29th. Members will follow various issues such as the Kinder Morgan pipeline, household hazardous waste collections, paint recycling, and prescription med disposal and keep each other updated. Two members planned to attend the public hearing re water quality in Hoosick Falls August 30. They later recommended the Hoosick Falls Village website water quality issue "timeline" for the basic elements of this story. Our County Legislature has most recently weighed in with several resolutions - <http://www.troyrecord.com/general-news/20160915/county-legislators-look-for-help-for-those-affected-by-pfoa-crisis?>

Judy Meyer

## Welcome

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## Calendar September 2016

<b>September 22</b>	First day of Autumn
<b>September 24</b>	<b>Register Voters at Troy Farmers Market</b>
<b>September 27</b>	Troy Public Library Vote National Voter Registration Day

## October 2016

<b>October 3</b>	First day of Rosh Hashanah
<b>October 10</b>	Columbus Day
<b>October 12</b>	Yom Kippur
<b>October 13</b>	<b>Board Meeting, Krause Center, 7 p.m. (Note change)</b>
<b>October 14</b>	Last day to register for November General Election (Mail registration must be postmarked by 10/14 and received by 10/19.)
<b>October 31</b>	Halloween

## November 2016

<b>November 6</b>	Daylight Savings Time ends
<b>November 8</b>	<b>Election Day</b>
<b>November 10</b>	<b>Consensus Meeting : Legislative Procedures 7p.m. East Greenbush Library</b>
<b>November 11</b>	Veterans Day
<b>November 17</b>	<b>Board Meeting, Krause Center, 7 p.m.</b>
<b>November 17</b>	<b>League Day at United Nations</b>
<b>November 24</b>	Thanksgiving Day

## STATE NEWS

**Come to a meeting November 10 to discuss proposed changes to the League's position on certain Legislative Procedures.**

### LWV Update on Certain Legislative Procedures

The LWV of New York State has held the following position regarding Legislative Procedures since April 1977. It reads:

Members of the state legislature should have a greater impact on legislative proceedings, with the aid of better and more equitable staffing, and a stronger role for committee.

**The legislature should continue to serve as a part-time body. Terms for legislators should be longer, and possibly staggered.**

Legislative staff should be full-time professionals, independent of partisan control, and more equitably distributed among freshmen and more senior members, majority and minority, Senate and Assembly.

Information about staff salaries and assignments should be more readily available. A variety of approaches is needed to reduce the number of bills submitted each year:

- reducing the number of “home rule” bills on which the legislature must act
- consolidating or eliminating individual sponsorship of bills, and requiring active support by sponsors for their own bills.

Lobbying regulation should require reporting by all groups and agents who expend significant funds for lobbying.

With regard to ethics, there is need for:

- a commission or board of ethics with citizen participation,
- disclosure by legislators of sources of income and financial holdings,
- a more specific code of ethics or formal guidelines for ethical behavior.

This year we are revisiting the two sentences bolded and underlined above. We will be holding a meeting on **November 10 from 7-9 PM at the East Greenbush Library** to discuss the issues and answer the LWVNY's consensus questions on these issues. If you wish to read more background than provided below before the meeting, please go to the League's website - [www.lwvny.org](http://www.lwvny.org) and click on Programs & Studies, then Legislative Procedures Update.

The update study will address the ambiguities in the current position and re-focus the position on the policies most significant to ethics reform and performance of the Legislature.

- Outside Income
- Length of terms
- Staggered terms
- Tenure for Legislative Leadership

#### **Outside Income**

**Should outside income be banned/limited?** The two recent corruption convictions of New York lawmakers have left state good government groups and citizens concerned over the ethical issues inherent in outside income for legislators. In 2015, the Center for Public Integrity ranked New York State government as the most corrupt of the 50 states, with the most legislators forced out of office for ethical or criminal offenses.

**Impact of Outside Income** The base salary of a New York State legislator is \$79,500. As of 2012, the average legislative income for currently sitting legislators, including stipends for leadership positions was approximately \$89,500 for members of the Assembly, and approximately \$95,500 for members of the Senate. In addition, legislators are reimbursed for the costs associated with being a legislator. Per-diem funding is paid for each night the legislator spends in Albany, at the rate of \$172 for legislators who live more than 50 miles from Albany. Legislators are also reimbursed for the cost of their travels based on miles traveled and toll costs for one round trip per week.

Studies of the legislature show that many lawmakers consider their legislative position their full-time job and forego other work. Governor Cuomo noted in a 2015 speech that only 29 senators and 55 Assembly members reported outside earnings from employment. According to a Common Cause/NY analysis, the average lawmaker with outside income in 2014 made between \$47k and \$80k, with about 8% of elected legislators in both houses making between \$100k and 515K.vii These figures do not include investment income.

The majority of lawmakers with outside employment hold jobs as lawyers, with either the title "partner" or "of counsel" at a law firm for an average of \$73,592. The 4 legislators in the insurance industry make the highest amount of outside income with an average of \$140,750.

**Limits on Outside Income** If there were to be limits on outside income, what form should it take? The Federal model offers one example. U.S. Representatives and Senators are limited to earning 15% in excess of their yearly Congressional salary. In addition, some specific sources of income are prohibited. Members can still earn more than 15% through investments which are considered "unearned income." In addition, certain other sources of income are excluded from the 15% rule such as service with the National Guard, pensions, annuities and deferred compensation. There are additional restrictions on income from financial interest groups and lobbyists.

There are no states with limits on outside income; although some are also considering it. Most states have reporting requirements and California bans speaking fees and has a limit on gifts from lobbyists.

**Regional Cost of Living Adjustment** If there limits on outside income, should there be a regional cost of living adjustment? The estimated cost of living for a family of four in New York City is \$93,500. The cost of living upstate is far smaller with a family of four only needing \$71,627 to get by in the city of Albany. The recently enacted increase in the minimum wage recognized the disparity by having separate schedules for New York City; Westchester, Nassau and Suffolk counties; and the rest of the state.

**Term Lengths and Staggered Terms** Across the United States, there are wide varieties in term lengths, term limits and use of staggered elections. Only five states have representatives in the lower house serving four years instead of two; the reverse is true in state senates. There are only 12 states that have senators serving 2 years, while the rest serve 4 year terms or more.

Staggered terms have not been used in the New York State legislature but have been used in some New York counties. The most familiar example of staggered terms is for the United States Senate; one third of the Senate seats are up for election at every general election for six (6) year terms, each 1/3 cycling through during a Presidential election year every 12 years. Staggered terms are generally thought of as a way to maintain institutional continuity and support the 'more deliberative' role of the upper house.

States have employed staggered elections in a variety of ways with a variety of different term lengths. The use of 2-4-4 term lengths has become more popular of late responding to the need to acknowledge reapportionment every 10 years and allow voters in changed districts the opportunity to vote in their new district.

*Note:* New York State does not have term limits for legislators, and the LWVNYS opposes term limits for state legislators or statewide elected officials. (The LWVNYS opposition is based on a 1996 concurrence; a state study rejected Term Limits in 2015). Comments collated from that study demonstrated that while there was no consensus on Term Limits for Legislators, more than 50% of the responding local Leagues expressed interest in the length of legislative terms.

**Tenure for Legislative Leadership** The New York State Constitution gives each house of the legislature the power to make its own rules. How they choose to do so is left up to them - there is no restriction in either

the Constitution or the Laws of the State. The rules in each house lay out how they can be changed. In the Assembly, anyone making such a rule change proposal must give three days' notice.

The Senate Rules do not designate a time frame for making a change, but such change must be introduced as a resolution into the Senate Rules Committee and that committee must vote to bring it to the floor. You can find the current rules of each house of the legislature on its websites.

Assembly: [www.assembly.state.ny.us/Rules/](http://www.assembly.state.ny.us/Rules/)

Senate: [www.nysenate.gov/rules](http://www.nysenate.gov/rules)

In the current rules, the Senate has limited some of the Leadership titles to a maximum of 8 years: Temporary President of the Senate (by current rules, the Majority Leader serves as the Temporary President of the Senate), and the Minority Leader of the Senate and committee chairs. NOTE: The President of the Senate is the Lieutenant Governor.

This is a relatively recent change to the rules for Senate committee chairs and no one has reached that limit since it was included in the Senate rules.

The Assembly Rules do not place any limitations on leadership positions or committee chairs.

There is a bill before the Legislature that would put the Senate rules in law in both houses. The bill was first proposed in 2007 in the Senate and has had sponsors in both houses since 2010. The Senate has passed it in some years, but the Assembly has never passed it.

The current rules do not address the issue of a break in service for a title or chair of a committee. There is nothing in the Senate rules that specifies whether a Senator who reaches the 8-year maximum can "take a term off" and then resume such position for another 8 years. Nor does it prevent a Senator from being appointed to a different title when the one he/she is holding reaches that 8-year limit. Finally, the majority of the Senate can change the rules if they choose to keep one or more Senators in the position they are holding when that 8-year time comes around.

Legislative leaders are limited in 15 states that have term limits for legislators. Five states have a tradition of limits on terms of the top four legislative leadership posts: Speaker of the House (Assembly), House Minority leader, President of the Senate and Senate Minority leader (two years for Florida, South Dakota, North Dakota and Wyoming, and six years for Connecticut). Maine has a statutory, not Constitutional limit. Illinois has legislation currently making its way through the legislative process to limit leadership to 8 years.

Lulus Article 2, Section 5-a of the Legislative Law lists "Senate officers" and "Assembly officers." Each of these officers receives an "allowance," often referred to as a lulu. The leadership positions listed in the consensus questions all receive such an allowance. While there are 24 "Senate officers" and 34 "Assembly officers" under the Legislative Law, section 5a, we are only considering limits for chairs and certain officers.

In addition, the same section of law spells out members of each house "Serving in Special Capacity" ; committee Chairs and Ranking Minority members of each committee.

Payment for these "jobs" has been an issue that the press highlights whenever salary is discussed. Each title is assigned an allowance, which is listed in the law. They range from \$41,500 for the top post in each house (Assembly Speaker and Temporary President of the Senate) to as little as \$9,000 for the Ranking Member of some of the less active committees in each house. Some members (especially in the Senate) have more than one title. The law specifies that they may receive only the higher paying of the allowances to which they might be entitled.

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## NATIONAL NEWS

**League Day at the United Nations on  
Thursday, November 17th!**

This year's event provides briefings by UN experts on two topics: Sexual Violence in Conflict Areas and Anti-Terrorism. The briefings will present information on the issues and the action being taken to assist in these global issues. A delicious lunch in the Delegates' Dining Room and tours of the United Nations facility are also available.

**Schedule of Events**

10:00 am - Tour of United Nations

11:30 am Lunch in the Delegates' Dining Room

1:30 – 3:45 pm Briefings Program

Make your reservation by November 1 by going to

<http://www.lwvny.org/programs-studies/un/2016/UN-Reg-Form-2016.pdf>

This event is organized by our NY State League through the Educational Fund. Please contact the State office with any questions.

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