



*League of Women Voters of New York State*  
*62 Grand Street, Albany, New York 12207-2721*  
*Phone: (518) 465-4162 / Fax: (518) 465-0812*  
*Email: [lwvny@lwvny.org](mailto:lwvny@lwvny.org) / Web site: [www.lwvny.org](http://www.lwvny.org)*

---

# LEGISLATIVE PACKET

## 2007

---

TAKE ACTION IN 2007

## TABLE OF CONTENTS

Legislative Lobbying: Purpose and Timetable .....	3
2007 Legislative Agenda .....	4
Tips for Lobby Visits .....	5
Tips for Successful Lobbying.....	6
Speaking With One Voice: Action Guidelines for Local Leagues .....	7
Background Information for Reforming NYS Government .....	9
<i>Lobby Report Form – Reforming NYS Government (YELLOW)</i> .....	20
Background Information for Equity in School Funding.....	23
<i>Lobby Report Form – Equity in School Funding (YELLOW)</i> .....	42
Background Information for Cost Effect and Assessable Health Care .....	44
<i>Lobby Report Form - Cost-Effective and Accessible Health Care (YELLOW)</i> .....	47
Background Information for Court Restructuring/Judicial Selection.....	48
<i>Lobby Report Form - Court Restructuring/Judicial Selection (YELLOW)</i> .....	52
2005-2007 LWNYS Board List .....	54

### SEPARATELY ATTACHED ITEMS

2007 Legislative Agenda Brochure  
2007 Legislative Agenda Brochure Order Form  
Citizen Lobbyist

## **2007 LEGISLATIVE PACKET**

TO: Local League Presidents/Action Chairs  
FROM: Joan Johnson, 1<sup>st</sup> Vice-President, Advocacy & Issues  
3939 Derby Drive, Syracuse, New York 13215  
Phone: 315-488-4339 E-mail: [jaj62@twcny.rr.com](mailto:jaj62@twcny.rr.com)

### **LEGISLATIVE LOBBYING: PURPOSE AND TIMETABLE**

Each year League members lobby their state legislators early in the legislative session, giving local League members and legislators an opportunity to exchange ideas and discuss the League's legislative agenda for the session ahead. The interview gives legislators an opportunity to learn about League positions and share their ideas and agenda. *This exchange of information is of tremendous importance to the state League in its efforts to develop strategies that promote our legislative agenda. Our influence in Albany depends on your contact with your state senator and assemblyperson(s). They know you elect them!*

Legislative lobbying can be scheduled for March and early April, before that time, the budget issues predominate. This is a good time to acquaint (or re-visit) your legislator with the League and our 2007 Legislative Agenda. (See Tips for Lobby Visits). We have included extensive background information and Lobby Report Forms (yellow sheets) for **Reforming New York State Government, Equity in School Financing, Cost-Effective and Accessible Health Care, and Court Restructuring/Judicial Selection.**

**PLEASE RETURN THE YELLOW LOBBY REFORM FORMS TO THE STATE  
LEAGUE OFFICE BY APRIL 20, 2007.**

## **2007 LEGISLATIVE AGENDA**

*PLEASE NOTE: As this Legislative Packet goes to press, many of our issues do not yet have new legislative bill numbers. Before your lobby visit, please visit the Assembly ([www.assembly.state.ny.us](http://www.assembly.state.ny.us)) or Senate ([www.senate.state.ny.us](http://www.senate.state.ny.us)) website to see if new numbers have been issued on these issues or call the League office.*

Thank you to the many local Leagues who responded to the request for recommendations for the LWVNYS 2007 Legislative Agenda. These four items will be the focus of our lobbying efforts in 2007.

- 1. REFORMING NEW YORK STATE GOVERNMENT**
- 2. EQUITY IN SCHOOL FINANCING**
- 3. COST-EFFECTIVE AND ACCESSIBLE HEALTH CARE**
- 4. COURT RESTRUCTURING/JUDICIAL REVIEW**

In this packet, we are providing you with a brief description, extensive background information, and a Lobby Report Form for each of the above priority items. As always, we will continue to work on all League issues as appropriate. Local Leagues can always act on these items and all other state issues in accordance with the Action Guidelines for Local Leagues.

Enclosed with this Legislative Packet are several copies of our 2007 Legislative Agenda brochure. Please use these in your advocacy efforts and leave a copy (or several) with your legislator(s). The 2007 Legislative Agenda also contain a membership application. Keep several handy at all times – they are a great PR and membership tool.

Additionally, *Impact on Issues 2003-2005* is available on-line at [www.lwnvy.org](http://www.lwnvy.org). Simply click on “Advocacy” then “Impact on Issues.” You may also order a copy by calling Stephanie Lopez at the League office (518) 465-4162. Be sure to always check our website for up-to-date letters, press releases and other information on these issues.

## **TIPS FOR LOBBY VISITS**

### **PREPARATION**

1. **Making the appointment:** Contact the legislator's district office. Ask for an hour's time, but accept less if necessary, and do not overstay your welcome. Notify the legislator of the number in your group as well as their names, if possible. Send a letter or e-mail confirming the appointment, mentioning the issues you will discuss. Note: if you cannot meet with the legislator, ask to meet with senior staff.

Try to arrange for three to five League members to attend. If your League meets with several assemblymembers or senators, be sure to have a League member who is a constituent present. At least one person should be experienced in League. League members well versed on the issues to be lobbied should be included when possible. A new member can be included in this exciting action if accompanied by experienced League members. When more than one local League is involved, try to have representatives from as many of the constituent Leagues as possible.

2. **Assigning roles:** Each member of the lobby team should be assigned a specific role. The following are possible assignments:
  - ◆ Researching the legislator. Someone should be prepared to brief the other members of the lobby team on the legislator's relationship with the League and his/her voting record (if the legislator is a re-elected incumbent). What are his/her committee assignments and/or leadership positions in the legislature? Is this legislator a member of the League? If this legislator sponsored bills that League supported, you may want to take a moment to express League's appreciation.
  - ◆ Moderator/leader. This person should be certain that each League member introduces himself/herself. The leader must also watch the clock. Knowing ahead how much time the legislator has agreed to spend with you, the leader must allot an appropriate amount of time for each issue. It is the leader's responsibility to "pace" the visit and tactfully keep everyone (including the legislator) on the subject. **Remember, opinions expressed should be those of the League, not of individuals.**
  - ◆ Involve the entire team. Choose someone familiar with or willing to review the general subject area of the question. This SBR and LWVNYS *Impact on Issues 2003-2005* have very useful background material on the history of LWVNYS action on an issue.
  - ◆ Recording and reporting the legislator's response. The leader should not be the recorder.

***NOTE: If you anticipate printing any part of the interview in a League bulletin or newspaper the recorder is obligated to get the legislator's permission and specific conditions under which you may print.***

Complete and return the lobby report forms to the state League immediately following the visit. This information is critical to the development of effective League action plans.

Writing a follow-up thank you after the visit. This is not only a gesture of politeness, but it also allows you to underscore some points made during the visit, answer any questions you were not sure about, or send a League publication to which you may have referred during the course of the visit.

### **TIPS FOR SUCCESSFUL LOBBYING**

- ◆ Keep the meeting friendly and focused. If there is disagreement on a particular issue, make clear the League position but avoid argument. How the legislator arrived at a particular position is sometimes revealing; it provides an opportunity for explanation (for better or worse!) but it also can give the League a clue for future approaches on the subject.
- ◆ Keep the lines of communication open. There will be other issues, and other days, for finding agreement and support.
- ◆ If you do not have an answer, say you will provide the information later (and do so promptly). Do not make it up.
- ◆ Give the legislator a copy of our brochure, *2007 Legislative Agenda*.

***If you have any questions about the visit, contact Joan Johnson at (315) 488-4339.***

## **SPEAKING WITH ONE VOICE: ACTION GUIDELINES** **FOR LOCAL LEAGUES**

### **ACTION NOT REQUIRING CONSULTATION**

1. Any action taken in response to an action request from state or national League does not require any consultation. As they say “just do it” and thanks. These requests can be the form of Calls to Action or Action Alerts from state or national, or in the *Voter* articles, our state Grassroots Lobby Corps, and *State Board Reports*.
2. Legislation on which the state League has already taken action. You do not need to consult with anybody to contact your state legislator on any of the bills on which the state League has already taken action.

The national League is a bit stricter in keeping to its current Issues for Emphasis. State and local Leagues wishing to take action on a national issue on which they have not received recent information from LWVUS should consult with the national office.

### **ACTION REQUIRING CONSULTATION**

1. Action by a local League at the local level - the decision to take action, which will affect only your community, rests with your local board.
2. Action that would affect more than one league requires consultation with the boards of the other leagues in the area involved.
3. Action that would involve contact with state government officials (senators, assembly, the governor, etc.) Where no action has been requested and no state action has been taken requires consultation with the state board. This can be as simple as a phone call to the legislative director, off-board issue specialist, or issues vice-president.
4. Action that would involve contact with government officials at the national level where no action has been requested by LWVUS requires consultation with the national office.

***No League may take action in opposition to a League position. If your League disagrees with a position statement, you should remain silent.***

League of Women Voters of New York State  
62 Grand Street, Albany, New York 12207-2721  
Phone: 518-465-4162 / Fax: 518-465-0812  
E-mail: [lwny@lwny.org](mailto:lwny@lwny.org) / Web Site: [www.lwny.org](http://www.lwny.org)

Legislative Packet  
February 2007

**Other Caveats:**

League members may contact their own representatives at the state and national levels.

Generally, the president or his or her designee speaks for the League. The rest of us speak as constituents supporting this particular League position on this particular legislation.

Local Leagues should send copies of all communication with state legislators to the state League; copies of communications with federal representatives should be sent to the national office.

***ALWAYS NOTIFY THE STATE LEAGUE AND THE NATIONAL LEAGUE  
CONCERNING CONTACTS WITH THE RESPECTIVE REPRESENTATIVES.***

**Background Briefing Materials for  
2007 Legislative Agenda Item:  
REFORMING NEW YORK STATE GOVERNMENT**

With a new Governor in office who supports reform, there is an opportunity to realize priorities the League has supported and worked toward for several years. In the first month of this Governor's administration, two reforms have already been addressed. A budget reform measure was signed into law on Wednesday, January 24, 2007, after a three-way agreement with the legislature. Ethics reform legislation has been proposed by Governor Spitzer and agreed to by legislative leaders. The ethics bill will likely be passed by the legislature the week of January 29, 2007, and signed into law shortly thereafter. Although this new ethics legislation does not contain all the League had advocated for, it does represent a great step forward in many areas governing ethics reform. We will continue to lobby for further improvement in areas not addressed by this legislation. **\*\*NOTE: *The Ethics bullet below has been updated since the printing of the 2007 Legislative Agenda.*\*\***

- ◆ **Ethics:** create an Independent Ethics Commission ◆ implement pay to play restrictions which would curb large sums of money by businesses and unions infused into campaigns coffers of legislators;
- ◆ **Campaign Finance Reform:** support measures to reform New York State's lax campaign finance laws and move toward full public financing of campaigns;
- ◆ **Redistricting:** support a Constitutional Amendment to create an Independent Redistricting Commission;
- ◆ **Lobbying:** broaden the definition of lobbying. Improve disclosure by requiring reporting of Lobbyists' business relationships with lawmakers;
- ◆ **Budget:** support for reforms including: an Independent Budget Office ◆ joint legislative budget conference committees ◆ full disclosure of discretionary funds and a three-year financial plan;
- ◆ **Public Authorities:** Support legislation that would hold public authorities to the same standards as state agencies with regard to transparency, lobbying and contracting;
- ◆ **Legislative Procedure Reform:** Support the strengthening of standing committees so that rank-and-file legislators can move bills to the floor without leadership approval ◆ use of conference committees to resolve differences in similar bills ◆ support of measures to allow legislators greater independence over their staff and resources.

**ETHICS:**

Contained within the new ethics legislation are the following measures that the League has long supported. These measures will help reduce the influence that money and special interests play in the political process and takes an important step toward restoring the public's faith in the integrity of the decisions being made by our elected officials.

Specifically, we supported the following measures which are included this new ethics legislation:

- ◆ Banning all gifts to public officials except those of a nominal amount.
- ◆ Prohibiting lobbyists from paying for travel, lodging and other expenses for any state official.
- ◆ Banning elected officials from appearing in taxpayer-financed public-service announcements.
- ◆ Restricting public officials' ability to receive paid honoraria for speeches given while in office.
- ◆ Prohibiting former legislative employees from lobbying until two years after they leave the public payroll. However, this provision does not go into effect until 2009.
- ◆ Expanding the lobbying law to include grants, loans, or agreement involving the disbursement of public monies.
- ◆ Increasing maximum penalties for lobbying violations available under law.
- ◆ Expanding reporting requirements of ethics commission's activities and investigations.

***Recommendation #1: End "Pay to Play."***

Not addressed in the current new ethics legislation is the pay-to-play issue. We urge you to implement pay-to-play restrictions in any clean-up legislation introduced in the 2007 session. **\*\*NOTE: Several of these items may be addressed in campaign reform legislation yet to be introduced.\*\***

The infusion of large sums of money by businesses and unions with public contracts and lobbyists into the campaign coffers of elected representatives has generated a widespread public belief that contributors are "paying" those officials for the opportunity to "play" with the government. The common Albany practice of holding political fundraisers that are attended by professional lobbyists exacerbates the public perception that lobbyists are "buying" access to elected officials. In a typical session, lawmakers are scheduled to be in Albany for 60 days, including 40 nights. During that time, as many as 200 Albany-based fundraisers can occur.<sup>1</sup> Albany's top lobbying firm, Wilson, Elser, spent

---

<sup>1</sup> Arbetman, L. & Horner B., et al., PAC-ING IT IN: POLITICAL ACTION COMMITTEE CONTRIBUTIONS IN NEW YORK STATE 2004 (2005), <http://www.nypirg.org/goodgov/pacing%20it%20in%20final.pdf>.

\$253,525 on contributions to candidates in the 2004 election.<sup>2</sup> Unlike many states, moreover, New York does not limit state or local contractors from making campaign large contributions to the very officials who must determine to whom a contract should be awarded. The tales of “pay to play” abuses have become commonplace.

Without rules prohibiting “pay to play” arrangements, the risk of actual or apparent corruption in the process of choosing contractors are obvious. Similarly, lobbyists in Albany curry favor with public officials with large campaign contributions to their campaign committees and to the legislative leadership committees known as “housekeeping” accounts. Through such contributions, lobbyists create an uneven playing field that allows them or their clients to have greater access to officials than members of the public.

New York should join a growing number of states and localities with “pay to play” restrictions on lobbyists and public contractors, including Connecticut, South Carolina, New Jersey, Ohio, Kentucky, and West Virginia. Reform in this area should:

- ◆ Set reasonable limits on contributions to candidates and party house-keeping accounts from lobbyists and public contractors, owners and senior managers of such lobbyists and contractors and their immediate family members, and political committees controlled by any of these entities or persons;<sup>3</sup>
- ◆ Require lobbyists and public contractors, owners and senior managers of such lobbyists and contractors and their immediate family members, and political committees controlled by any of these entities or persons, to report contributions to candidates and party housekeeping accounts made close to an election no later than 48 hours after the contribution is made;
- ◆ Prohibit lobbyists and public contractors, and owners and senior managers of such lobbyists and contractors and their immediate family members, from serving as officers of political committees that work with candidates; and
- ◆ Prohibit the government from entering into contracts with entities that have made political contributions that exceed the limits discussed above.

---

<sup>2</sup> *Id.*

<sup>3</sup> Such limits on contributions should apply during the two years prior to a contractor’s bid or proposal to the relevant agency or contracting authority and either two years after completion of the applicable contract, or upon completion of the applicable candidate’s term in office, whichever is longer.

***Recommendation #2: Require ethics training for lobbyists and for the governor, legislators, legislative employees, state agency officers, and state agency employees.***

Once good laws are on the books, the good way to prevent ethics violations is through education. As of January 2006, nine states had continuing education requirements for ethics and conflict of interest laws for various categories of state officials.<sup>4</sup> A reform package should expressly require ethics training for all state officials, including the governor, and legislators, as well as continuing education in these areas provided by the state ethics commission.

While it is essential for lobbyists to understand the ethics laws that regulate their practice, and especially the new “pay-to-play” restrictions that this bill would enact, currently New York does not require any training of lobbyists. Instead, New York provides training for lobbyists only upon request. Instead, the New York Temporary State Commission on Lobbying should be responsible for online ethics training of lobbyists at least semiannually, and all registered lobbyists should be required to complete such training.

**CAMPAIGN FINANCE**

Independent researchers and the public at large have long criticized New York State’s disgraceful system. Indefensibly high contribution “limits,” coupled with disgracefully inadequate disclosure requirements and nonexistent enforcement, create a system that cries out for change.

The State Assembly has regularly passed legislation that the League supports. This legislation would address the numerous shortcomings of New York’s campaign finance system as well as creating a voluntary system of public financing that would reduce the influences of the rich and powerful, while strengthening the possibility that challengers have resources to take on incumbents. It is the model that we support.

Governor Spitzer may shortly propose legislation which addresses many of the issues below. He also has proposed in his first State of the State speech, the ultimate goal of full public financing of campaigns.

**Biggest problems with New York’s campaign finance law**

- ◆ **Soft money.** Unlike at the national level, New York State allows donations of unlimited size to “housekeeping” accounts.
- ◆ **Sky-high campaign contribution limits.** Political parties are allowed to receive annual contributions of \$84,400; statewide candidates can receive

---

<sup>4</sup>THE STATE OF STATE LEGISLATIVE ETHICS at 27. These states are California, Florida, Hawaii, Kentucky, Massachusetts, Minnesota, New Hampshire, North Carolina, and North Dakota.

contributions of nearly \$50,000 (including up to \$14,700 for a primary) for an election cycle; state senate candidates can receive \$8,500 for the general election (an additional \$5,400 for a primary); and assembly candidates can receive \$3,400 for the general (an additional \$3,400 for a primary).

- ◆ **Transfers from one political committee to another.** On top of the sky-high contribution “limits,” political parties (state parties, county parties, senate republicans and democrats, and assembly democrats and republicans create these committees) are allowed to transfer donations of unlimited size from their accounts to the candidates of their choice.
- ◆ **Campaign fundraising during the legislative session.** Unlike 27 states, New York imposes no additional limits on campaign fundraising during the legislative session, nor does it impose any unique limitations on lobbyists’ involvement in campaign activities.
- ◆ **Limited disclosure.** Unlike federal law, contributors do not have to disclose the names of their employers or even the names of those who actually delivered the contributions (a.k.a. “bundlers”). Moreover, New York State does not computerize campaign finance data at the local government level and thus cannot enforce corporate contribution limits properly.
- ◆ **Poor enforcement.** New York State’s Board of Elections is under funded and limited by law in its ability to punish election law scofflaws.
- ◆ **Use campaign contributions for “personal” uses.** Incumbents often use these donations for junkets, country club memberships, flowers, leased cars, and other purchases.
- ◆ **Heavy reliance on special interests for elections funds and the extreme difficulties for challengers to raise money.** New York’s combination of huge contribution limits and the commonplace practice of incumbents holding fundraisers near the Capitol during session, promotes a heavy reliance on those with the financial resources to fund elections – typically special interests with business before government.

**Recommendation:**

**Enact comprehensive campaign finance reform**

***Solution #1: Create a voluntary system of public financing modeled on New York City.***

***Solution #2: Overhaul existing campaign finance law.***

There appears to be a consensus that New York’s campaign finance law needs to be reformed. Assembly Speaker, Sheldon Silver, has proposed legislation that overhauls campaign finance law.

***Solutions #3: Limit the use of campaign contributions to those activities directly involved in campaigning.***

New York State law not only allows the use of campaign contributions for purposes relating to a candidacy, but also to spending relating to an official's role as a public or party official.

### **REDISTRICTING**

Support the creation of an independent redistricting commission based on the state of Iowa's successful model.

At the heart of the public's discontent is a feeling that state lawmakers rig the system for their own political gain. Nowhere is this more apparent than in the way legislative district lines are drawn.

Currently, the State Senate Republicans and the State Assembly Democrats are allowed to draw the lines for their respective houses. The only check on this system is whether the Governor chooses to allow this practice to continue or use his veto powers to force changes.

We believe that creation of an independent redistricting commission must be a top priority for those interested in reform. Lawmakers should support a Constitutional Amendment to create a nonpartisan Redistricting Commission.

### **New York State Lacks Competitive Elections**

New York State elections are incredibly one-sided. Incumbent state legislative candidates are re-elected at a staggering rate. Over the past 22 years, only 30 incumbents have been beaten in the general elections.

- ◆ ***Redistricting Decisions Limit Competitiveness.***  
How district lines are drawn has a dramatic effect on the lack of competitive elections. Only 25 of the 212 legislative districts (11 percent) have close enough enrollments that could allow frequent competitive elections.
- ◆ ***Redistricting decisions play a critical role in having maintained Albany's legislative status quo for decades.***  
In the last 20 years, America has changed. Twenty years ago, the Internet and "hip-hop" music were nowhere to be found. Yet, when it comes to majority party dominance, not much has changed. Since the Democrats took control of the Assembly in the 1970s – and redrew the maps in 1980 – the majority party margins have been incredibly consistent over time.

### **Recommendation:**

**Support a Constitutional Amendment to create a nonpartisan redistricting commission to draft the state legislative and Congressional political boundaries for the 2012 elections.**

Such a Constitutional Amendment takes passage by two separately elected legislatures before it goes to the voters on the ballot. Our advocacy must start now to accomplish a Constitutional Amendment in time for the 2010 census.

Some states have a non-partisan redistricting system. The state of Iowa, for example, has a non-partisan system of redistricting that could be followed in New York in time for the 2012 changes. Civil service like technicians make the first draft of the district lines. They are not allowed to consider incumbents' home addresses or to use the party affiliation of voters in considering district lines. The proposed district lines are sent to state lawmakers for approval or disapproval – the legislature is not permitted to amend the proposal. The courts are empowered to step in if there is no agreement.

### LOBBYING

Lobbying is a lucrative business. Lobbyists get contracts worth hundreds of thousands of dollars to represent powerful special interests. Their goals are simple: influence governmental decisions. New York State lobbyists and their clients reported spending well over \$149 million in 2005 persuading and cajoling state officials to grant favors or block policies that may affect them.

The quality of services offered to New Yorkers is often determined by which business or not-for-profit receives a government contract and whether that entity has the capacity to deliver the contracted service. When those decisions are impacted by the campaign contributions of those vying for government contracts, taxpayers can end up paying more for poorer quality services. The infusion of large sums of money from businesses and unions with public contracts and lobbyists into the campaign coffers of elected representatives has generated a widespread public belief that contributions are “paying” those officials for the opportunity to “ply” with the government. The common Albany practice of holding political fundraisers that are attended by professional lobbyists exacerbates the public perception that lobbyists are “buying” access to elected official. In a typical session, lawmakers are schedule to be in Albany for 60 days, including 40 nights. During that time, as many as 200 Albany-based fundraisers can occur. To restore the public's confidence in the integrity of their elected representative the following two legislative initiatives should be passed in the 2007 session:

- ◆ **A complete ban on gifts from lobbyists to lawmakers and other top policymakers.** Allowing lobbyists to offer gifts to lawmakers is inappropriate. Some states have a “zero tolerance” standard for gift giving. Massachusetts, South Carolina, and Wisconsin are such states. New York State should adopt a similar standard.
- ◆ **End Albany's “pay to play” culture.** Lobbyists in Albany curry favor with public officials with large campaign contributions to their campaign committees and to the legislative leadership committees known as “housekeeping” accounts. Through such contribution

lobbyists create an uneven playing field that allows them or their clients to have greater access to officials than members of the public.

The reform legislation should:

- ◆ **Set reasonable limits** on contributions to candidate and party housekeeping accounts from lobbyists and public contractors, owners and senior managers of such lobbyists and contractors and their immediate family members, and political committees controlled by any of these entities or persons.
- ◆ **Restrict** the extent of personal business activities lobbyists and public contractors, owners and senior managers of such lobbyists, and contractors and their immediate family members can undertake with public officials.
- ◆ **Prohibit** lobbyists and public contractors, and owners and senior managers of such lobbyists, and contractors and their immediate family members from serving as officers of political committees that work with candidates.
- ◆ **Prohibit** the state, its counties, and municipalities from entering into contracts with entities that have made political contributions that exceed the limits discussed above.

The expiration of lobbying law in 2007 gives Governor Spitzer and the legislature a real opportunity to achieve significant reform.

### **BUDGET:**

This is the first legislative reform enacted during the new 2007 session. Governor Spitzer signed the legislation on January 24, 2006. This was a three-way agreement with legislative leaders to reform the way New York's budget process works. This package encompasses many of the reforms that the League has been pushing for. With the passage of this legislative package, the budget process will be more open, transparent, and accountable. These reforms include:

- ◆ "Quick start" budget discussions will be required each November and quarterly meetings will be held thereafter between executive and legislature;
- ◆ The consensus revenue process will be expedited;
- ◆ The State Comptroller will be authorized to resolve disputes over revenue;
- ◆ Plain language impact statements will be prepared on a range of program areas, including local governments;
- ◆ The legislature will resolve budget bill disagreements by prompt referral to joint conference committee.
- ◆ The legislature will be statutorily required to enact a balanced budget;

- ◆ The legislature will be required to explain fiscal impacts of changes it makes to the governor's budget bills;
- ◆ There will be a new "rainy day" fund, setting aside three percent of the General Fund in reserve, which will be added on top of the current two percent "rainy day" fund for a total of five percent. The new fund can be used in the event of economic downturn or disaster;
- ◆ Discretionary funds often called "member items," will be itemized and must be specific. There must be an individual vote taken on every item.
- ◆ Messages of Necessity: According to the Governor the word necessity will mirror Webster's Dictionary definition of necessity. In other words, a budget bill will sit on the desk of a legislator for the three-day aging process unless there is a "real" necessity, such as a state emergency that such a bill must be passed.

This legislation passed unanimously in the legislature. Please be sure to thank your legislator for their vote and don't forget to CELEBRATE OUR FIRST REFORM VICTORY.

#### **LEGISLATIVE RULES REFORM:**

Rules for how the houses function is done every two years, at the beginning of a new legislative session. Rules differ between the Senate and Assembly and are voted on independently by each house. For the session beginning January 3, 2007, both the Senate and the Assembly have already voted on the rules governing the operation of their house. The Senate Minority Democrats initiated a lengthy 2½-hour debate over rules reforms they have long advocated be adopted. The Republican dominated Senate defeated the proposed reforms by straight party vote of 32-23.

- ◆ When you lobby your **STATE SENATE**, please let them know that the League supports the following reforms:
  - ◆ **Equal appropriation of resources for all Senators:** Each lawmaker will be provided with the same number of staff and resources. Senate committee membership—and the staff and resources that come along with it – will be allocated proportionally according to Majority/Minority representation.
  - ◆ **Elimination of the "canvass of agreement" provision:** Negative votes on future motions to petition a bill or resolution out of committee, as well as hostile amendments, will be recorded.
  - ◆ **Limits on discharge motions should be removed.**
  - ◆ **Conference Committee:** Creation of a new standing conference committee and a process to conference similar—but not "same as"—bills.

- ◆ **Rules Changes:** Eliminates the requirement that such changes be referred to the Rules Committee for consideration and creates a new Rules and Administration Committee, complete with administrative oversight.
  - ◆ **Committee Reforms:** Allows Ranking Minority Members or 1/3 of committee members to place a bill on the committee agenda or hold public hearings unless a majority of committee members object.
  - ◆ **Do away with proxy voting in committee:** Committee members will be required to attend all future meetings. Detailed committee reports will be made available to the public on the Internet.
  - ◆ **Off the Floor Changes:** Prohibit off the floor Committee meetings, unless agreed upon by a Ranking Member or 2/3 of all members.
- ◆ When you lobby your **STATE ASSEMBLY MEMBERS**, please let them know that the League supports the following reforms:
- ◆ **Equal appropriation of resources for all Assembly Members:** Each lawmaker will be provided with the same number of staff and resources. Assembly committee membership—and the staff and resources that come along with it – will be allocated proportionally according to Majority/Minority representation.
  - ◆ **Off the Floor Changes:** Prohibit off the floor Committee meetings, unless agreed upon by a Ranking Member or 2/3 of all members.
  - ◆ **Conference Committee:** Creation of a new standing conference committee and a process to conference similar—but not "same as"—bills.

Because both houses have now adopted the Rules, we do not anticipate that they will change for the next two years. Please remind your legislators that the League continues to advocate for Rules Reform to make the legislature more responsive and representative of all New York State constituents.

### **PUBLIC AUTHORITIES:**

- ◆ **Action on Public Authorities Reform in 2006**  
The former comptroller, joined by then Attorney General Eliot Spitzer and Assemblymembers Brodsky and Silver proposed a broad package of reforms that would have overhauled the ways Authorities operate. The plan called for the creation of a commission to examine each of the state's Authorities to determine whether they should be reorganized or shut down altogether. Former Governor Pataki used his executive powers to create an internal panel to review authorities' corporate practices. This internal panel called the Millstein Commission was charged with examining authorities' practices and proposing legislative remedies. The Senate and the Assembly then took the first step toward improving oversight and

governance of New York's public authorities by passing the Public Authorities Reform Legislation. This legislation essentially codified recommendations made by the Millstein commission and created an Authorities Budget Office and inspector general, appointed by the governor.

- ◆ **ACTION NEEDED IN 2007**  
Continue the Millstein Commission reforms including:
  - ◆ Creation of a truly independent Authority Budget Office.
  - ◆ Measures to enhance Authority disclosure.
  - ◆ Measures to strengthen the governance of Authority boards.
  - ◆ Reorganization of Authorities.
  - ◆ Debt Reform—most debt issued by Public Authorities is done without legislative or voter approval, therefore there needs to be greater accountability and transparency before adding new authority debt.

The legislature is in the process of interviewing and selecting, and voting on a new comptroller to replace Alan Hevasi who resigned early in December 2006. The above Authorities' reforms may come from the new Governor's office. We will be contacting our legislators this session to let them know that the above reforms need to be enacted to make Public Authorities more open, transparent, and accountable.

**2007 LWNYS LOBBY REPORT FORM**  
**REFORMING NEW YORK STATE GOVERNMENT**

Please complete and return to the LWNYS office in Albany by **APRIL 20, 2007**. If possible, please submit electronically by downloading this form from the state web site ([www.lwnvy.org](http://www.lwnvy.org)) or calling Stephanie at the state office (518-465-4162) to have a form e-mailed to you. A copy should also be kept in your League files.

Name of Legislator: \_\_\_\_\_

(Please circle one) Senator                      Assemblyperson

District # \_\_\_\_\_ Date of visit \_\_\_\_\_

Name of person reporting: \_\_\_\_\_

Representing the LWV of \_\_\_\_\_

If you met with staff, please list name(s) \_\_\_\_\_

*Please record information that will provide an accurate picture of the legislator's position on any of the following discussed during your visit. Please indicate the legislator's general agreement or disagreement with League position. Also, please indicate if the legislator felt strongly about any other issue covering League positions.*

**REDISTRICTING REFORM:**

**Would you support a constitutional amendment creating non-partisan commission to draw legislative and congressional districts?**

**CAMPAIGN FINANCE REFORM:**

**Would you support a ban on the use of soft money going into party accounts called “housekeeping accounts”?**

**Would you support full public financing of campaigns as the new Governor has outlined in his State of the State address?**

---

---

---

---

**PUBLIC AUTHORITIES REFORM:**

**Would you support measures to enhance transparency in Authority decision-making?**

---

---

---

---

**Would you support measures to ensure a truly independent Public Authorities budget office?**

---

---

---

---

**ETHICS:**

**Would you support “pay-to-play” legislation which would curb large sums of money by business and unions infused into campaign coffers of legislators?**

---

---

---

---

**LOBBYING:**

**Do you support a ban on gifts from lobbyists to legislators?**

---

---

---

---

**Do you support ending Albany's "pay to play" culture?**

---

---

---

---

**Background Briefing Materials for**  
***2007 Legislative Agenda Item:***  
**EQUITY IN SCHOOL FINANCING AND CHARTER SCHOOLS**

Equity in School Financing and providing all New York's children with a sound basic education continue as top Legislative Agenda items for 2007. We anticipate that this will be the year that the legislature attempts to implement the Campaign for Fiscal Equity (CFE) order on a statewide basis and that there will be an attempt to increase the cap on charter schools.

The revision of our Financing Education Position K-12 and adoption of a Charter School Position assure our ability to take an active role in the legislative debate. Both positions are attached at the end of these briefing materials.

**EQUITY IN SCHOOL FINANCING:**

On November 20, 2006, the New York State Court of Appeals reaffirmed the state's responsibility to increase funding for New York City schools. Although its decision established as reasonable an additional funding figure of \$1.9 billion in operating expenses, or \$2.5 billion statewide, adjusted for inflation from 2004, the court noted that the governor and legislature were best able to arrive at the appropriate figure to provide all New York City students with the opportunity for a meaningful high school education. To that end the Campaign for Fiscal Equity, which the League supported in this litigation, has called for additional annual funding of between \$4 and \$6 billion for NYC, a figure previously supported by both Governor Spitzer and former Governor Pataki.

The League's position supports the higher level of funding in two respects. First, it provides that money must be sufficient to enable children to meet all Regents standards in addition to enabling districts to provide a sound basic education, the constitutional minimum. The first Court of Appeals decision in CFE noted that funding need not be at a level sufficient to enable children to meet all Regents standards. While this distinction was relatively unimportant in light of the Appellate Division decision supporting CFE funding in the \$4 to \$6 billion range, it becomes paramount in light of the intervening Court of Appeals decision in support of the lower minimum remedy. Secondly, the LWVUS has a position in support of early childhood education, including preschool, as part of its social policy position advocating early intervention for children at-risk. Studies have shown that at-risk children enter school without the requisite readiness skills, and they are unable to overcome the initial gap. Quality pre-school education can help to alleviate this gap. In keeping with these positions, the League has joined a number of advocacy groups in calling for implementation of the CFE order statewide at a level higher than the minimum amount.

We attach a lobbying piece *Legislate for the Future: Fund Education Now*, and the companion, *Justification of Position*, at the end of these materials. This piece should be

used both to educate yourself about the issues surrounding education finance and as a handout for the legislators you lobby.

We suggest the following talking points in visits to legislators:

### **1. WHY IS EDUCATION FINANCE REFORM NECESSARY?**

- ◆ Over the past 20 years, with decreases in the rate of its personal income tax, NYS has decreased the proportion of education funds provided by the state. School districts must raise an ever-greater portion of funds locally, leading to increased real property taxes. Because property tax, unlike income tax, is unrelated to ability to pay, the increased reliance on property taxes as a means of funding education has created a substantial and ever-increasing hardship for many NY citizens. The STAR program, designed to ameliorate this hardship, has in fact increased it by accelerating increases in local taxes and providing relief to all regardless of need. The imbalance between state and local funding is seen in the respective national ranking of the state in terms of state and local taxes, where it is slightly below average nationally in terms of its state taxes and the among the highest in the nation in terms of local taxes (primarily real property taxes).
- ◆ New York is under a court order to provide additional funds to NYC schools in order to provide children with the opportunity to receive a sound basic education. The means of calculating educational need employed by the court requires that the formula for distribution of education funds be revised on a statewide basis.

### **2. HOW SHOULD THE STATE FINANCE EDUCATION?**

- ◆ Take education out of the political arena by adoption of a foundation approach to education finance. Reduce current local property taxes so all school districts tax at the same rate, with any shortfall in education expenses provided by the State. Enact a meaningful circuit breaker tax relief program, replacing the current non-income based program with one tied to need, adjusted by means of an annual COLA. After providing real property tax relief, raise additional funds required for education by means of the personal income tax, which is a better measure of ability to pay than the real property tax. Adjust the foundation amount annually by means of a COLA.
- ◆ Assure stability of education finance by creation of a dedicated education reserve to make up shortfalls in times of economic downturn.

### **3. WHAT ARE THE BENEFITS OF A STABLE FOUNDATION APPROACH TO FUNDING EDUCATION?**

- ◆ School districts will be able to operate and plan more efficiently because they will be freed from the boom or bust cycle that has long plagued education funding.
- ◆ Decreased reliance on real property taxes as a means of funding education will make NYS more attractive to business.
- ◆ By reducing the reliance on local funding to finance education, NYS will improve educational outcomes for students in poorer districts and enlarge its pool of qualified workers.

**4. HOW SHOULD MONEY BE RAISED?**

- ◆ Savings recognized by abolition of the STAR program and provision of relief to individuals with a meaningful, circuit breaker program with annual cost of living adjustments.
- ◆ Continue efforts to improve outmoded property tax assessment and collection systems in some parts of the state, e.g., Westchester, Suffolk, Rockland.
- ◆ Savings recognized by closing of tax loopholes and implementation of efficiencies of scale.
- ◆ Additional funds should be raised by means of a personal income tax.

**5. WILL IMPLEMENTATION OF THE CFE ORDER ON A STATEWIDE BASIS MEAN THAT UPSTATE NEW YORKERS WILL SUBSIDIZE NEW YORK CITY?**

- ◆ Although New York City will receive the most funds because it has the most children, high needs districts throughout the state would benefit. See CFE runs of how each district would benefit for districts in your area that would receive additional funds under the proposed Schools for New York's Future Act.
- ◆ By raising additional funds by means of the personal income tax, those most able to pay would bear responsibility for the majority of funding.

**6. NYS ALREADY SPENDS MORE THAN MOST OTHER STATES TO EDUCATE ITS CHILDREN. WON'T POURING MORE MONEY INTO EDUCATION JUST BE A WASTE OF MONEY?**

- ◆ Although NYS is among the high spenders nationally in the per capita amount spent to educate its children, it is also the state with the greatest disparity between high and low spending districts in the per capita amount spent on education. Thus, wealthy districts rather than poor districts drive the high cost of education in the state.

**7. HOW CAN NYS ASSURE THAT ADDITIONAL MONEYS ARE SPENT WISELY?**

- ◆ Create a capacity-building initiative to assist those districts without the current capacity to provide all children with a sound basic education.

Such an initiative should include technical assistance with respect to validated best practices and professional development and facilitation of research to determine best practices in unstudied areas.

**CHARTER SCHOOLS:**

Governor Spitzer has indicated support for increasing the number of charters, so that this issue will probably emerge when the legislature returns in 2007. We attach a lobbying piece at the end of these materials. This piece should be used both to educate yourself about the issues surrounding education finance and as a handout for the legislators you lobby.

The League opposes raising the cap on the number of charters without inclusion of the following measures in the Charter School Act:

- ◆ The Charter School Act should support quality over quantity. Do not increase the number of charter schools without having conducted research into characteristics that are likely to lead to success or failure. Alternatively, retain the current number of charters at 100, while amending the Charter School Act to provide that a charter may be reissued to another chartering entity upon closure of a charter school.
- ◆ Adopt measures to ameliorate the financial burden charters place on traditional public schools.
- ◆ Assure charter schools more fully realize their educational goals by requiring proof for charter renewal of positive educational outcomes for all children (disaggregated by special needs) exceeding those in traditional public schools. To this end, charters should be required to measure educational growth in individual students as they progress from grade to grade in charter schools (value added approach);
- ◆ Develop public/private partnerships for research into characteristics that lead to charter success and failure, so that overall quality of charters and traditional public schools may be improved.
- ◆ To increase efficiency of operations, authority to grant, oversee, renew and revoke charters, other than those granted in public school conversions, should be vested in a single entity.

If your legislator is a member of the Senate Finance, Senate Education, Assembly Ways and Means, or Assembly Education Committees, or part of senior leadership of their respective legislative body you may want to be prepared with additional details from the background materials. In addition, if you are calling on legislators representing the HIGH NEEDS SCHOOL DISTRICTS or SCHOOL DISTRICTS THAT WOULD BENEFIT FROM IMPLEMENTATION OF THE CFE ORDER ON A STATEWIDE BASIS, they should be alerted to our particular interest in their needs.

## **Questions/Answers about Equity in School Financing** **Updated December 2006**

### **GOVERNANCE ISSUES AT STATE LEVEL**

**Who is responsible for our State education system?** The Commissioner of Education, Richard P. Mills, the Chancellor, Robert M. Bennett, together with 15 additional Regents of the State University of New York, as well as the Governor and the Legislature. The State Education Department, based in Albany, functions as the central administrative<sup>5</sup> body.

**How does the annual budget process work?** The Regents present recommendations for expenditures and policy to the Governor and Legislature, typically for an increased overall level of spending.<sup>6</sup> Each January, the Governor releases his proposed budget, typically recommending less in the way of education expenditures than the Regents. In the ensuing months, the Legislature is responsible for passing a budget to provide spending for the state's schools, and both the Assembly and the Senate present their own budget proposals in the early winter. **In 2006, legislative hearings were held on February 6<sup>th</sup> to allow for public testimony, asking for comments on the Governor's budget.** The League of Women Voters of New York State's testimony is online at [www.lwvny.org](http://www.lwvny.org). Because the Education and Health budgets are the largest of the State's expenditures, timing of overall budget agreement largely depends upon how far apart the parties are on the bottom line number as well as key line items. School years begin July 1. State fiscal years begin April 1.

**What Committees of the legislature are important in the process?** The Senate Finance and Assembly Ways and Means Committees and the Senate and Assembly Education Committees (Higher Education is handled separately) debate bills and hold hearings. The 2006 Committee Chair for Assembly Ways and Means is Herman D. Farrell, Jr. (D-NYC). The Assembly Education Committee chair is Catherine T. Nolan (D-NY). Committee lists are attached hereto. Committee assignments will change in 2007, and new committee chairs and members may be obtained by going to the Assembly and Senate websites.

### **GOVERNANCE AND EMPLOYMENT ISSUES AT LOCAL LEVEL:**

**How many persons are involved in New York State public schools (other than the students)?** There are approximately 224,000 teachers and an additional 43,000 other

---

<sup>5</sup> The New York State Education Department website, <http://www.nysed.gov> and its Office of Elementary, Middle, Secondary and Continuing Education (EMSC) ([www.emsc.nysed.gov/](http://www.emsc.nysed.gov/)) should be consulted for system and school district information.

<sup>6</sup> The Regents' *Proposal on State Aid to School Districts for 2007-08*, November, 2006, [emsc.nysed.gov/stateaidworkgroup/2007-08rsap/rsap0708.pdf](http://emsc.nysed.gov/stateaidworkgroup/2007-08rsap/rsap0708.pdf), called for an increase for the school year 2007-08 of \$1.7 billion, from \$17.7 billion in 2006-07 to \$19.4 billion.

professionals.<sup>7</sup> Therefore, the New York State Union of Teachers (NYSUT), the Council of Supervisors and Administrators (CSA), the New York State School Boards Association (NYSSBA) and numerous other organizations are influential in the budget process.

**How does local governance work?** The State grants governance power to each of the State's approximately 680 school districts, which have legal authority to tax property locally (but not the power to levy other types of taxes).<sup>8</sup> These are called INDEPENDENT school districts. However, in New York State five large school districts (Buffalo, New York City, Rochester, Syracuse and Yonkers) are DEPENDENT. They cannot levy tax, but rely on general sources of revenue from the cities on which they are dependent. Attempts to change dependent districts' status to independent have failed repeatedly, but State laws requiring them to maintain fiscal effort directed toward schools have existed since the Stavisky-Goodman law was passed in the 1970's.

**STATEWIDE BUDGET SUMMARY INFORMATION:**

**How much do the State's school districts spend from their three public sources of revenue (local, state and federal)?**<sup>9</sup> Of the \$37.3 billion spent in 2002-03, the State provided \$17.2 billion or 46% including the money districts received through the STAR program<sup>10</sup>, which provided \$2.5 billion. Federal sources provided 5.7%, and school districts provided the balance or 48.3%. For 2004-05, the state provided 44% of education funding, with localities contributing 50%.<sup>11</sup> This does not include contributions by parents, teachers, or community organizations.

<sup>7</sup> Table 3.8, *State of Learning* 2005, p. 49.

<sup>8</sup> According to the New York State Education Department's *State Aid to School Districts: A Primer* (December 2006), page 3: "Small city school districts can impose a utility tax; about one quarter of the 57 small city districts do so. In addition, recent legislation requires that payments in lieu of taxes (PILOTS) be distributed proportionally among the taxing jurisdictions (including school districts) affected by tax exemptions granted by Industrial Development Agencies (IDAs). New York City imposes a modified local income tax on residents, a business and financial tax, and a tax on commercial rent, revenues from which are raised to support the City's budget including schools. The City of Yonkers also imposes an income tax on non-resident commuters." Primer 2006 at [www.oms.nysed.gov/faru/Primer/Primer06\\_07/Primer06-07A.pdf](http://www.oms.nysed.gov/faru/Primer/Primer06_07/Primer06-07A.pdf).

<sup>9</sup> Unless otherwise noted, data is from fall of 2003, excerpted from the State of Learning report of the State Education Department, submitted July 2005. Hereinafter cited as *State of Learning* 2005 and available at <http://www.emsc.nysed.gov/irts/655report/>.

Table 3.6, *State of Learning* 2005, p. 47.

<sup>10</sup> School tax relief legislation, known as STAR, was enacted in 1997-98, providing tax reductions to individual taxpayers, both seniors and non-seniors. Since its inception, STAR has distributed approximately \$18 billion. The Governor's 2006-07 Executive Budget projects an additional distribution of \$3.4 billion, 2006-07 Executive Budget Overview, p. 84. The 2006-07 Executive Budget publications are available at <http://publications.budget.state.ny.us/executive.html>. Wealthier districts receive a substantial percentage of STAR aid because their aggregate property value is higher and the program has no income limitations.

<sup>11</sup> *State Aid to School Districts: A Primer* (December 2006)

**What is spent per pupil?**<sup>12</sup> In 2003-04, the latest year for which figures are available, district expenditure ranged from under \$6,554 per student (AOE per TAPU) to \$50,939. The average of all major districts excluding NYC was \$8,781 (AOE per TAPU for Exp.), the NYC average was \$8,025, or 91% of what the rest of the state pays, and the statewide average for all major districts including NYC was \$8,500. In fact, these average figures represented the spending of districts in the seventh decile of spending, with districts in the fifth (middle) decile spending \$7,748 (AOE per TAPU for Exp.), putting New York more in line with national averages.

Since about half of school revenues come from local property taxes, it follows that differences in spending are closely associated with disparities in property wealth. Higher expenditures per pupil are associated with higher actual property value per pupil. In 2003-04, the average actual value of property per pupil among the lowest spending ten percent of districts was \$161,196, while the average actual value per pupil among the<sup>13</sup> highest spending ten percent of districts was \$1,264,543, a difference of 684 percent. Because the highest spending districts are also those with the highest property values, they exert the least tax effort. The average tax rate per \$1,000 of actual value for the highest spending, wealthiest districts was only \$10.60, yet the average tax revenue per pupil for those districts was \$13,423. The average tax rate in the lowest spending, property-poorest districts was higher at \$13.99, but the tax revenue per pupil was only \$2,239 per pupil. Communities that desire a high level of educational services, but do not have a large tax base, must bear a disproportionately heavy tax burden in order to provide those services. In addition, school districts serving concentrations of children from poverty backgrounds have a greater *educational* burden to bear, resulting in a greater need to fund programs that provide extra time and help to educate students, thus increasing educational costs.

The wealthiest group of districts received an average of only \$1,685 per pupil in State revenue other than STAR, while the poorest districts received \$5,305. However, the STAR program that was intended to reduce the property tax burden on local taxpayers, particularly the elderly, has provided significantly more revenue per pupil to wealthier districts. The poorest decile received on average \$634 per pupil, while those in the tenth decile received tax relief equivalent to \$1,218 per pupil. Further, the heavy reliance on property taxes to support education has created a situation in which, even with State revenue (other than STAR) per pupil exceeding that of the wealthiest group of districts by 215 percent, the poorest group of districts does not begin to approach the overall spending level of the wealthiest districts.

**What is a High Needs District?** In order to provide comparative information, the New York State Education Department provides annually a list of the approximately 200

---

<sup>12</sup> *Analysis of School Finance in New York State School Districts 2003-04*, New York State Education Department, Albany, New York, January 2006, p. 16. This report is available at [www.oms.nysed.gov/faru](http://www.oms.nysed.gov/faru).

<sup>13</sup> *Analysis of School Finances in New York State School Districts: 2003-04*, New York State Education Department, Albany, New York, January 2006, p. 6.

school districts which are viewed as having “high needs” relative to their available resources. High Need is measured by the percentage of K-6 students eligible for free or reduced price lunch (poverty indicator). Resources are a measure of district wealth that combines property and income wealth into a combined wealth ratio. All five dependent school districts (New York City, Buffalo, Rochester, Syracuse and Yonkers), plus a group of urban-suburban and rural districts at or above the 70<sup>th</sup> percentile (1.188) in the index, comprise the High Needs School Districts. The list of High Needs School Districts by county is included herein.

**2005-06 STATE EDUCATION DEPARTMENT LIST OF**  
**HIGH NEEDS SCHOOL DISTRICTS BY COUNTY**<sup>14</sup>

<b>Albany:</b>	Albany, Cohoes, Watervliet
<b>Allegany:</b>	Andover, Genesee Valley, Belfast, Canaseraga, Friendship, Fillmore, Whitesville, Cuba-Rushford, Scio, Wellsville, Bolivar-Richburg
<b>Broome:</b>	Binghamton, Harpursville, Deposit, Whitney Point, Johnson City
<b>Cattaraugus:</b>	Franklinville, Hinsdale, Cattaraugus-Little Valley, Olean, Gowanda, Randolph, Salamanca, Yorkshire-Pioneer
<b>Chautauqua:</b>	Cassadaga Valley, Pine Valley, Clymer, Dunkirk, Silver Creek, Forestville, Jamestown, Brocton, Ripley, Sherman, Westfield
<b>Chemung:</b>	Elmira
<b>Chenango:</b>	Afton, Greene, Unadilla, Norwich, Georgetown-South-Otselic, Oxford, Sherburne-Earlville
<b>Clinton:</b>	Ausable Valley, Beekmantown, Northern Adirondack, Plattsburgh
<b>Columbia:</b>	Hudson
<b>Cortland:</b>	Cincinnatus, Cortland, McGraw, Marathon
<b>Delaware:</b>	Charlotte Valley, Franklin, Hancock, Margaretville, Sidney, Stamford, South Kortright, Walton
<b>Dutchess:</b>	Beacon, Poughkeepsie
<b>Erie:</b>	Buffalo, Lackawanna
<b>Essex:</b>	Crown Point, Moriah, Ticonderoga
<b>Franklin:</b>	Chateaugay, Salmon River, Malone, Brushton Moira, St. Regis Falls
<b>Fulton:</b>	Gloversville, Johnstown, Oppenheim Ephratah
<b>Genesee:</b>	Batavia
<b>Greene:</b>	Catskill
<b>Herkimer:</b>	West Canada Valley, Ilion, Mohawk, Herkimer, Little Falls, Dolgeville, Poland, Van Hornsville, Bridgewater-West Winfield
<b>Jefferson:</b>	Indian River, Belleville-Henderson, Lyme, La Fargeville, Watertown, Carthage
<b>Lewis:</b>	Copenhagen, Lowville, South Lewis
<b>Livingston:</b>	Mount Morris, Dalton-Nunda

---

<sup>14</sup> *Proposal on State Aid to School Districts for 2007-08*, New York State Education Department, November, 2006, p. 29-35.

**Madison:** Brookfield, De Ruyter, Morrisville Eaton, Stockbridge Valley  
**Monroe:** Rochester  
**Montgomery:** Amsterdam, Canajoharie, Fort Plain, St. Johnsville  
**Nassau:** Hempstead, Roosevelt, Freeport, Westbury  
**New York City**  
**Niagara:** Niagara Falls  
**Oneida:** Adirondack, Camden, Rome, Utica  
**Onondaga:** Syracuse  
**Ontario:** Geneva  
**Orange:** Middletown, Kiryas Joel, Newburgh, Port Jervis  
  
**Orleans:** Albion, Medina  
**Oswego:** Altmar Parish, Fulton, Hannibal, Pulaski, Sandy Creek  
**Otsego:** Gilbertsville-Mt. Upton, Edmeston, Laurens, Schenevus, Milford, Morris, Otego-Unadilla, Richfield Springs, Cherry Valley-Springfield, Worcester  
**Rensselaer:** Lansingburgh, Rensselaer, Troy  
**Rockland:** East Ramapo  
**St. Lawrence:** Brasher Falls, Clifton Fine, Gouverneur, Hammond, Hermon Dekalb, Lisbon, Madrid Wadding, Massena, Morristown, Norwood Norfolk, Ogdensburg, Heuvelton, Parishville, Edwards-Knox  
**Schenectady:** Schenectady  
**Schoharie:** Jefferson, Middleburgh, Sharon Springs  
**Schuyler:** Odessa Montour  
**Seneca:** South Seneca, Waterloo Center  
**Steuben:** Addison, Avoca, Bath, Bradford, Campbell-Savona, Canisteo-Greenwood, Hornell, Prattsburg, Jasper-Troupsburg  
**Suffolk:** Copiague, Amityville, Wyandanch, William Floyd, Brentwood, Central Islip  
**Sullivan:** Fallsburgh, Liberty, Livingston Manor, Monticello  
**Tioga:** Waverly, Tioga  
**Tompkins:** Newfield  
**Ulster:** Kingston, Ellenville  
**Warren:** Glens Falls Common, Warrensburg  
**Washington:** Fort Edward, Granville, Hudson Falls  
**Wayne:** Newark, Clyde-Savannah, Lyons, Sodus, North Rose-Wolcott, Red Creek  
**Westchester:** Mount Vernon, Peekskill, Port Chester, Yonkers  
**Yates:** Dundee

**FINANCING EDUCATION K-12  
STATEMENT OF POSITION  
AS ANNOUNCED  
BY THE STATE BOARD, JULY 2006**

**THE STATE'S OBLIGATION:**

New York State bears a constitutional responsibility for the education of its children.

This duty has been defined by litigation of more than a decade's duration, during which the Court of Appeals has held the State must provide all children with a sound basic education, defined as the opportunity for a meaningful high school education, consisting of the basic literacy, calculating, and verbal skills necessary to enable them to eventually function productively as civic participants capable of voting and serving on a jury. Included in the goods and services that constitute a sound basic education are minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn, minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks, and minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, by sufficient personnel adequately trained to teach those subject areas.

This duty extends to all the State's children, and to the extent that children with special needs (students with disabilities, with limited English proficiency, and in poverty) require a greater input of funds to obtain their constitutional due, the State must support that input.

While ultimate responsibility for adequate funding of education rests with the State, it may fulfill its obligation by requiring a local contribution to education that is reasonably correlated to a district's ability to pay.

**MEANS OF RAISING MONEY:**

The State's system of financing education should be progressive, with a higher portion of the cost paid by those having greater ability to pay. The means of raising money should incorporate the principles of simplicity and transparency, stability, insofar as progressivity is not sacrificed, and exportability, either in terms of payment by out-of-state residents or by partially offsetting any increase in State taxes with a decrease in federal taxes. In general, the means of raising money should incorporate principles of horizontal equity, with similar groups of taxpayers being treated equally and similar goods and services being taxed equally, provided that such treatment neither violates other League positions nor renders a tax more regressive.

Additional funds necessary to provide the State's children with a sound basic education should be raised through increases in the State personal income tax, implemented in a progressive fashion. Stability of income tax should be increased by creating a substantial reserve dedicated to education, sufficient to maintain uniform stream of State revenues for funding of education in times of economic downturn.

**DISTRIBUTION AND USE OF MONIES FOR K-12 EDUCATION:**

The goal for distribution of additional state aid should be to narrow the expenditures gap between wealthy and poor districts.

Although additional aid does not preclude a decrease in local real estate tax, the school district is expected to maintain its local tax effort to sustain or improve its performance in meeting educational standards.

Additional state aid should be used not only for basic operating expenses, but also for funding the construction and rehabilitation of school buildings, the acquisition of technology and the fulfillment of state mandates.

Aid for operating costs should enable school districts to provide all their children with a sound basic education and to fulfill educational standards established by the State Education Department. Aid should incorporate a district's ability to pay, regional cost differences, population sparsity, and transitional adjustments to bridge large reductions in aid caused by sudden changes. Extra costs incurred for students with special [learning] needs (i.e., learning disabilities, limited English proficiency and poverty) should be factored into basic operating costs as well, in order to keep categorical grants to a minimum.

The League supports implementation of educational efficiencies in the provision of a sound basic education, provided that the proposed efficiencies do not affect adequacy of education. State aid policies should promote cost-effective measures such as consolidation of services, shared services, shared resources and other management efficiencies.

**PROPERTY TAX RELIEF AND ITS IMPACT ON K-12 EDUCATION:**

Local financial support for the schools will continue to depend, in part, upon real estate taxation but several measures are essential to eliminate the inequities that unfairly burden taxpayers.

The League supports reform of the real property assessment system on which school district taxes are based, alleviation of the tax burden for low-income individuals through such measures as an increase in the circuit breaker tax relief benefit, along with automatic annual cost of living adjustments to the maximum income provision and the maximum property value provision of the circuit breaker tax relief benefit. The League supports an equitable redistribution of non-residential real estate taxes to the schools within a region or county.

Major efficiencies should be recognized by replacement of programs that provide residential real property tax relief irrespective of ability to pay with programs that target local residential real property tax relief to those most in need, with lower income individuals receiving the greatest relief.

Reform of the present system and administration real property assessment requires that it be:

- A. Equitable in its distribution of the tax burden,
- B. Based on uniform standards,
- C. State assisted, monitored and enforced,
- D. Easily understandable and accessible to taxpayers; and
- E. Kept current by periodic reassessments.

**USE OF PUBLIC FUNDS FOR NON-PUBLIC SCHOOLS:**

The League is opposed in principle to the use of public funds to support non-public schools. The League would not deny public funding for existing services to students who attend private schools. However, we believe public funds should be used to support public schools.

**SCHOOLS AS COMMUNITY CENTERS:**

The League supports efforts to utilize schools as community centers to integrate the delivery of social services so long as these services are funded separately from the education budget.

**DEPENDENT (BIG FIVE) SCHOOL DISTRICTS:**

The League believes that the integrity of state education funding applies as well to the Big Five school districts where education and municipal funds are co-mingled in a single budget. State aid should not be used to divert local education dollars to cover other municipal expenses.

**REAL PROPERTY TAXATION  
STATEMENT OF POSITION  
AS ANNOUNCED BY THE STATE BOARD, JANUARY 1980  
REVISED TO REFLECT STATE CONVENTION ACTION, 1983  
AND FURTHER REVISED TO REFLECT LWNYS FINANCING EDUCATION  
STUDY 2005-2006**

The League of Women Voters of New York State believes that the assessment of

- A. Real property must be:
- B. Equitable in its distribution of the tax burden;
- C. Based on uniform standards;
- D. State assisted, monitored, and enforced;
- E. Easily understandable and accessible to taxpayers.

The League has determined that the assessment system that best meets these criteria is one that is based upon an initial determination of full value and then applies to those full value assessments differential assessment ratios or tax rates according to class of property. The state legislature should define a limited number of such classes of property and establish a permissible range of assessment ratios for each class. Within that range local legislative bodies would then be able to adopt local assessment ratios, which best meet their land use, economic development and social policies.

Property tax bills should contain all relevant information including: the classification, the assessment ratio, the tax rate, the full value assessment and the classified assessment, as well as the procedure for appealing. Taxpayers should have access to all existing appeals procedures as well as an intermediate non-judicial appeal body in order to protest both their assessments and their classification at low cost.

Administration of the property tax should be improved. The state should provide financial and technical assistance to localities, establish qualifications for assessors, provide training and otherwise monitor and enforce local implementation of more uniform assessment practices. Adequate state funding should be provided to carry out these services.

Tax exemptions extended to charitable, religious and educational institutions should be re-examined to insure continuing eligibility. Annually, each taxing jurisdiction should make public a list of all exempt properties, their true value, and the amount of tax revenue lost to the locality because of each exemption. Owners of tax-exempt properties should pay appropriate fees for services rendered to the exempt property by local government.

Statutes governing exemptions should be reviewed with the intention of severely limiting new classes of exemption and preventing abuse of existing exemptions.

Provisions of law must be clarified and made more stringent so that properties held by nongovernmental tax exempt bodies which are used for profit or for any purpose not directly related to the tax exempt purpose of the organization do not escape taxation.

**The State should replace local residential property tax relief programs that grant taxpayers relief regardless of ability to pay with programs in which tax relief is limited to those individuals with a limited ability to pay and made available** on a sliding scale according to need. The “circuit breaker” type of relief, in which state funded reimbursement is given to homeowners and renters whose property taxes exceed a certain percentage of income, should be expanded **and should be automatically adjusted on an annual basis to reflect cost of living adjustments to the maximum income limit and maximum property value for eligibility.** The option of tax deferral should be made available to senior citizens with the taxes owed constituting a lien against the sale of the property or the liquidation of the owner’s estate.

The League of Women Voters would like to see voluntary adoption of tax base sharing by counties or regions of the state.

**LEGISLATE FOR THE FUTURE---FUND EDUCATION NOW**

- ◆ Guarantee New York’s future by improving education now.
- ◆ Implement the Campaign for Fiscal Equity order on a statewide basis, with district accountability for educational outcomes. The Governor and Legislature should exercise their prerogative to fund New York City schools in the \$4 to \$6 billion range.
- ◆ Reduce current local property taxes so all school districts tax at the same rate, with any shortfall in education expenses provided by the State. Enact a meaningful circuit breaker tax relief program, replacing the current non-income based program with one tied to need, adjusted by means of an annual COLA.
- ◆ Take education out of the political arena by adoption of a foundation approach to education finance. After providing real property tax relief, raise additional funds required for education by means of the personal income tax, which is a better measure of ability to pay than the real property tax. Adjust the foundation amount annually by means of a COLA.
- ◆ Assure stability of education finance by creation of a dedicated education reserve to make up shortfalls in times of economic downturn.
- ◆ Create a capacity-building initiative to assist those districts without the current capacity to provide all children with a sound basic education. Such an initiative should include technical assistance with respect to validated best practices and professional development and facilitation of research to determine best practices in unstudied areas.

**JUSTIFICATION OF POSITION:**

We can no longer afford to operate as a throw away society, in which we fail to plan adequately for the education of all our children. Up to fifty percent of high school students in some urban districts do not graduate with their class. It is anticipated that the United States will have a shortfall 7 million college educated workers by 2012. Performance of United States students on international exams of educational achievement indicates that we are mediocre at best. As Tom Friedman documented in *The World is Flat*, the United States has been able to maintain its technological advantage by attracting the best and the brightest math and science graduate students from around the world and persuading them to stay in the United States, where they comprise a large portion of our math and science elite. Last year China graduated 600,000 engineers, India graduated 350,000, and the United States graduated 75,000. With the flattening of the world, educated scientists, who previously immigrated to the United States for employment, can now find equally attractive employment opportunities at home. China is currently establishing research centers at its universities so that it soon no longer will be necessary to send scientists abroad for the best educational opportunities.

The Court of Appeals recognized in the Campaign for Fiscal Equity litigation that the state has a constitutional obligation to provide all its children with a sound basic education. If it costs more to provide this opportunity to children with special needs, the State has the ultimate responsibility to fund this opportunity. At the same time, schools must be held accountable to assure that additional funds are spent in ways that lead to demonstrably better outcomes.

The CFE order is both a challenge and an opportunity. We must rise to the challenge by re-envisioning our education system, drawing upon New York's considerable expertise in both education and developmental neuroscience to refine our knowledge how children learn and to restructure our system of education in light of that knowledge.

The first step of re-envisioning the system is to adequately fund it.

The current crisis within the real property tax system, which is the largest single source of education funding within the State, arises from the confluence of a series of trends. First, over the past thirty-five years there have been multiple reductions of New York State personal income tax that have shifted funding of services from the more progressive income tax to the more regressive sales and real property taxes. Second, although real property value traditionally had been a good surrogate for income, with cases of individual hardship alleviated by means of circuit breaker tax relief for targeted populations such as the elderly and disabled, with the inflationary real estate market in portions of the state, this is no longer the case. Many working families find real estate taxes consuming an ever-larger portion of their family budget, often as the result of massive increases in the values of their homes. While this increase in value may make them asset rich, it increasingly makes working families cash poor, as taxes see double and triple digit increases as the result of property revaluation. Thus, real property taxation no longer

constitutes a reasonable surrogate for income, and the State's reliance on it to fund education should be rethought.

The wildly popular STAR program is ill conceived from a policy standpoint, for it divorces property tax relief from need. John Yinger and colleagues at Syracuse University's Maxwell School concluded that implementation of the STAR program resulted in average inflation of school district budgets by eight percent, which in turn was funded by average increases in school taxes of 21%. In other words, Yinger *et al.* attribute almost half of recent school tax increases to the STAR program. See Tae Hoe Eom, William Duncombe, and John Yinger, Center for Policy Research Working Paper Number 17, *Unintended Consequences of Property Tax Relief: New York's STAR Program* (2005) at [www-cpr.syr.edu/cprwps/pdf/wp71.pdf](http://www-cpr.syr.edu/cprwps/pdf/wp71.pdf).

Tax relief should be tied to need or could, alternatively, be restructured as a tax deferral device, with a lien given to the State for the amount of deferred taxes. This approach is similar to that employed by the Medicaid program, in which a lien is taken against a recipient's property for the value of services.

For the 2002 – 03 school year, districts in lowest spending decile had a tax rate on average of \$13.49 per \$1,000 full value assessment and raised \$2,114 per student in real property taxes, while those in the tenth (wealthiest) decile taxed themselves at a rate of \$10.70 and raised \$12,932 per student. Those in the second decile taxed themselves at a rate of \$15.15 and raised \$2,783 per student, while those in the eighth decile taxed themselves at a rate of \$14.08 and raised \$8,412 per student. Thus, wealthier districts were able to raise more money to educate their students by taxing themselves at lower rates.

A foundation approach to financing education, in which the state arrived at a reasonable local contribution based on the ability of the locality to pay, would equal the playing field with State funds, releasing the State's children from dependence on property wealth for quality of education.

The advantage of real property tax over personal income tax as a means of funding education is that it remains stable in times of economic downturn. If the State becomes more reliant on funding education with income tax, it should guarantee stability by means of a dedicated reserve fund for education.

The second step in re-envisioning education is to facilitate capacity building in districts without the current capacity to provide all children with a sound basic education. Richard Elmore of the Harvard University Graduate School of Education wrote about building the capacity for improvement and the type of institutional transformation required of both teachers and administrators in *Bridging the Gap Between Standards and Achievement*, available at [www.ashankerinst.org/downloads/Bridging\\_Gap.pdf](http://www.ashankerinst.org/downloads/Bridging_Gap.pdf). He noted that many low achieving districts do not have the internal capacity to make reforms necessary for all

children to succeed. If the state is to take seriously the charge of educating all students, it must not only fund education at a reasonable level, but also create mechanisms to build capacity within low achieving districts.

**CHARTER SCHOOL  
STATEMENT OF POSITION  
AS ANNOUNCED  
BY THE STATE BOARD, NOVEMBER 2006**

The League recognizes that charter schools represent an educational experiment whose efficacy has never received appropriate validation. Moreover, a review of the performance of charters in New York State indicates that, while some do an excellent job of educating children, others are less successful than the most substandard traditional public schools. Therefore, The League supports public funding of academic research into the characteristics of charters that lead to student academic success.

Authority to grant, oversee, renew, and revoke charters, other than those granted in public school conversions, should be vested in a single entity. Charters should be subject to more stringent oversight of charter compliance in the renewal/revocation of process, with greater emphasis on positive educational outcomes.

The League supports measures to limit the negative financial impact of charter schools on their home districts, including: transition assistance; home district payment to charters based on the same standard used to pay operating aid to school districts (While the League supports enrollment as the appropriate measure, it believes the measure should be identical for both charters and traditional public schools.); separate levels of reimbursement for elementary and secondary education to charter schools based on what the home districts spend for the level of schooling provided; limitation of the percentage of a school district's budget that could be paid to charter schools. The League is opposed to State provision of capital construction and renovation services and reimbursement of capital expenditures for charter schools.

The League supports limitation of the number of charters issued in New York State. As a general matter, it believes that the number of charter schools should not be increased without prior successful implementation of the improvements outlined in this position. In lieu of amendment of the Charter School Act to increase the total number of charters that could be granted, it supports retention of the current total (100) with amendment of the Charter School Act so that a charter could be reissued if a charter school ceased to function for any reason. Any increase in the cap on charter schools should be tied to amendment of the Charter School Act so that charters are required to prove positive educational outcomes for all children (disaggregated by special needs) exceeding those in traditional public schools as a precondition for charter renewal. To more accurately measure student outcomes in charters and to compare them to those in traditional public schools, the League supports public funding to measure educational growth

in individual students as they progress from grade to grade in charter schools (a value added approach).

### CHARTER SCHOOL TALKING POINTS

- ◆ Charter schools represent an educational experiment whose efficacy has never received appropriate validation. A review of the performance of charters in New York State indicates that, while some do an excellent job of educating children, others are less successful than the most substandard traditional public schools. Moreover, eleven of the forty-four charters that would have come up for renewal by June 2007 are no longer in existence, representing a failure rate of 25%. Current oversight does not require that charters outperform traditional public schools to receive renewal of their charters, and there is no indication of institutional capacity to judge whether charters are in fact doing a better job of educating all children. Therefore, the League of Women Voters of New York State opposes increase of the cap on charter schools at this time.
- ◆ The Charter School Act should support quality over quantity. Do not increase the number of charter schools without having conducted research into characteristics that are likely to lead to success or failure. Alternatively, retain the current number of charters at 100, while amending the Charter School Act to provide that a charter may be reissued to another chartering entity upon closure of a charter school.
- ◆ Adopt measures to ameliorate the financial burden charters place on traditional public schools.<sup>15</sup>
- ◆ Assure charter schools more fully realize their educational goals by requiring proof for charter renewal of positive educational outcomes for all children (disaggregated by special needs) exceeding those in traditional public schools. To this end, charters should be required to measure educational growth in individual students as they progress from grade to grade in charter schools (value added approach);
- ◆ Develop public/private partnerships for research into characteristics that lead to charter success and failure, so that overall quality of charters and traditional public schools may be improved.
- ◆ To increase efficiency of operations, authority to grant, oversee, renew and revoke charters, other than those granted in public school conversions, should be vested in a single entity.

---

<sup>15</sup> Such measures should include the following: transition assistance; home district payment to charters based on the same standard used to pay operating aid to school districts (While the League supports enrollment as the appropriate measure, it believes the measure should be identical for both charters and traditional public schools.); separate levels of reimbursement for elementary and secondary education to charter schools based on what the home districts spend for the level of schooling provided; limitation of the percentage of a school district's budget that could be paid to charter schools.

**League of Women Voters of New York State**  
**62 Grand Street, Albany, New York 12207-2721**  
**Phone: 518-465-4162 / Fax: 518-465-0812**  
**E-mail: [lwnvy@lwnvy.org](mailto:lwnvy@lwnvy.org) / Web Site: [www.lwnvy.org](http://www.lwnvy.org)**

**Legislative Packet**  
**February 2007**

**WEBSITES**

League of Women Voters of New York State <http://www.lwnvy.org>

New York State Education Department <http://www.nysed.gov>

New York State Governor's Office <http://www.state.ny.us/governor/>

Alliance for Quality Education <http://www.allianceforqualityeducation.org>

Business Council of New York State, Inc. <http://www.bcnys.org>

Campaign for Fiscal Equity <http://www.cfequity.org>

Educational Priorities Panel <http://www.edpriorities.org>

Fiscal Policy Institute <http://www.fiscalpolicy.org>

NYS School Boards Association <http://www.nyssba.org>

NYS Council of School Superintendents <http://www.nyscoss.org>

The Midstate School Finance Consortium <http://www.midstateonline.org>

**2007 LWNYS LOBBY REPORT FROM  
EQUITY IN SCHOOL FINANCING AND CHARTER SCHOOLS**

Please complete and return to the LWNYS office in Albany by APRIL 20, 2007. If possible, please submit electronically by downloading this form from the state web site ([www.lwnvy.org](http://www.lwnvy.org)) or calling Stephanie at the state League office (518-465-4162) to have a form e-mailed to you. A copy should also be kept in your League files.

Name of Legislator: \_\_\_\_\_

(Please circle one) Senator Assemblyperson

District # \_\_\_\_\_ Date of visit \_\_\_\_\_

Name of person reporting: \_\_\_\_\_

Representing the LWV of \_\_\_\_\_

If you met with staff, please list name(s) \_\_\_\_\_

*Please record information that will provide an accurate picture of the legislator's position on any of the following discussed during your visit. Please indicate the legislator's general agreement or disagreement with League position. Also, please indicate if the legislator felt strongly about any other issue covering League positions.*

**WE WOULD ESPECIALLY APPRECIATE KNOWING THE  
LEGISLATOR'S POSITION WITH RESPECT TO THE FOLLOWING  
QUESTIONS:**

**DO YOU SUPPORT IMPLEMENTATION OF THE CFE REMEDY ON A  
STATEWIDE BASIS?**

---

---

---

---

**DO YOU SUPPORT IMPLEMENTATION OF THE CFE REMEDY  
ABOVE THE MINIMUM MANDATED BY THE COURT OF APPEALS?**

---

---

---

---

**DO YOU SUPPORT A FOUNDATION APPROACH TO EDUCATION  
FUNDING?**

---

---

---

---

**DO YOU SUPPORT TRANSITION ASSISTANCE FOR PUBLIC  
SCHOOLS IMPACTED BY CHARTERS?**

---

---

---

---

**DO YOU SUPPORT AN INCREASE IN THE NUMBER OF CHARTER  
SCHOOLS?**

---

---

---

---

**Background Briefing Materials for  
2007 Legislative Agenda Item:  
COST- EFFECTIVE AND ACCESSIBLE HEALTH CARE**

***\*\*NOTE: Although many Leagues have an interest in single payer legislation, after discussions with both legislators and health care advocates, a single payer system remains a long-term goal. Local leagues should be encouraged to continue a public education dialogue within their communities on this issue.\*\****

This year local Leagues emphasized their desire to make health care in New York State a priority issue. The League of Women Voters of New York State supports health care legislation which meets the following criteria:

- ◆ Assures a basic level of quality physical and mental health care for all state residents.
- ◆ Provides planning, and regulations to assure New Yorkers, including the medically indigent, access to a basic level of quality care
- ◆ Provides a single-payer system as an acceptable way to contain cost and provide equitable access.
- ◆ Contains costs without compromising accessibility or quality care
- ◆ Devotes more resources to help promotion and disease prevention.

The League believes that New York State has a proper role in the regulation of health care and must assure high quality care that is affordable and accessible to all. Historically, since 1965, New York State through Medicaid began its most formal role in providing public health care for individuals and families with low income and resources. In 2000, with the passage of the Health Care Reform Act (HCRA), New York State substantially increased its role in public health care by subsidizing programs for the underinsured through such programs as Family Health Plus, Child Health Plus, and Medicaid. Since 2000, HCRA has been renewed in 2003 and 2005 and will be up for renewal in June 2007.

Legislative action in 2007 will start with budget priorities by the new Governor, Eliot Spitzer. The Governor has signaled that he will use his budget to ensure that New York's five hundred thousand uninsured children are guaranteed access to health insurance. He has also pledged to use a new streamlined enrollment process that guards against fraud, and will enroll nine hundred thousand uninsured Medicaid-eligible adults. We applaud the Governor and will support those efforts.

For the 2007 Legislative Session, the LWNYS has identified two pieces of legislation that the League believes will continue to move New York State along the continuum toward assuring a basic level of quality physical and mental health care for all state residents while also meeting

League criteria for effective health care legislation. The League will support and lobby the following healthcare legislation:

**EMPLOYER/PUBLIC PARTNERSHIP BILL:**

“An act to amend the public health law, the social services law and the state finance law, in relation to employer partnerships for child health plus, Medicaid and family health plus; and to repeal certain provisions of the social services law relating thereto.”

This bill provides the opportunity for low-income workers who work for employers who offer health coverage, but who cannot afford to pay the worker’s share of the premium to participate in employment-based health coverage through premium assistance and employer buy-in programs.

Through the premium assistance program, the State would only have to pay the low-income workers’ share of the premium of the employer’s private health insurance and not the full cost of public health insurance making good use of public dollars. Wrap-around coverage will be provided through Child Health Plus, Family Health Plus, and Medicaid for services not covered by the employer’s insurance plan.

Through the employer buy-in program, employers pay the State for public health insurance coverage for qualified low-income employees and dependents; with the employer’s cost equal to the amount the employer would have paid for the cost of the company’s health benefit plan. State dollars are being well spent in this program as well because the State only pays part of the cost of the public health insurance coverage while the employer pays the remainder.

This legislation will also amend the Social Services Law, thereby eliminating much of the red tape for individuals receiving Medicaid under premium assistance or employer buy-in because the local social services district would be able to verify with the employer that the employee actually exists and earns a certain salary. The coverage received through the employer/public partnerships would be the same scope as an individual who receives public health coverage the traditional way. The Employer/Public Partnership Bill meets the League’s criteria toward supporting legislation that provides more New Yorkers access to a basic level of quality care.

**BILL S.00316 GOLDEN**

**ASSEMBLY SPONSOR GOTTFRIED—AWAITING NEW ASSEMBLY #  
PRESCRIPTION DRUG ASSISTANCE PROGRAM:**

This legislation provides increased access and affordability to prescription drugs by organizing the collective market power of New York’s prescription drug consumers to negotiate rebates with suppliers. This program could help create downward pressure on prescription drug prices generally, saving money in the state health plans and the Medicaid program.

The program derives state revenue from rebates and applies that revenue to reducing costs for participants. The bill also sets up a prescription drug assistance board that negotiates agreements

**League of Women Voters of New York State**  
**62 Grand Street, Albany, New York 12207-2721**  
**Phone: 518-465-4162 / Fax: 518-465-0812**  
**E-mail: [lwny@lwny.org](mailto:lwny@lwny.org) / Web Site: [www.lwny.org](http://www.lwny.org)**

**Legislative Packet**  
**February 2007**

with suppliers in which the suppliers pay rebates to the fiscal administrator of a program for prescription drugs purchased by participants in the program. An advisory committee, appointed to five-year terms by the governor, provides advice and consultation to the board on the development and management of the program. As such, Prescription Drug

Assistance Program meets the League's criteria of containing costs without compromising accessibility or quality care.

**2007 LWVNYS LOBBY REPORT FORM**  
**COST-EFFECTIVE AND ACCESSIBLE HEALTH CARE**

Please complete and return to the LWVNYS office in Albany by **APRIL 20, 2006**. If possible, please submit electronically by downloading this form from the state web site ([www.lwvny.org](http://www.lwvny.org)) or calling Stephanie at the state office (518-465-4162) to have a form e-mailed to you. A copy should also be kept in your League files.

Name of Legislator: \_\_\_\_\_

(Please circle one) Senator                      Assemblyperson

District # \_\_\_\_\_ Date of visit \_\_\_\_\_

Name of person reporting: \_\_\_\_\_

Representing the LWV of \_\_\_\_\_

If you met with staff, please list name(s) \_\_\_\_\_

*Please record information that will provide an accurate picture of the legislator's position on any of the following discussed during your visit. Please indicate the legislator's general agreement or disagreement with League position. Also, please indicate if the legislator felt strongly about any other issue covering League positions.*

**TO YOUR SENATOR:**

**WOULD YOU SUPPORT A PRESCRIPTION DRUG ASSISTANCE PROGRAM ALSO KNOWN AS A PRESCRIPTION DRUG BULK BUYING?**

---

---

---

---

**Background Briefing Materials for  
2007 Legislative Agenda Item:  
COURT RESTRUCTURING/JUDICIAL SELECTION**

**COURT RESTRUCTURING:**

New York State's "Unified Court System" is anything but unified. The League of Women Voters of New York State has long supported court re-structuring. The plan would streamline and simplify the state's byzantine system of 9 separate trial courts by creating a two-tier system instead. A streamlined system would be much easier to understand, more efficient and cost-effective and would also enhance the diversity of the bench by elevating Family and County Court judges to the Supreme Court, thus making them eligible for the Appellate Division of the court system.

Action on this issue is long overdue and has been consistently supported by Chief Judge Judith Kaye, who recently appointed a Commission on the Future of the Courts. The commission's recommendations for redesigning New York's convoluted court system will soon be made public. In his first State of the State address, Governor Eliot Spitzer also expressed his support of the Chief Judge's efforts to streamline the court structure, calling the current system "balkanized."

Under the current system, litigants frequently find themselves in the position of having to deal with more than one court for the same case. This dilemma becomes particularly obvious in domestic violence cases, where litigants may find themselves in Family Court, Supreme Court and even Criminal Court to resolve all of the aspects of the case, in front of a different judge, often with conflicting results and at great additional emotional and financial cost. Similar bifurcation of jurisdiction can also occur in cases that have to be heard in State Supreme Court for claims against private parties and the Court of Claims for claims against the state.

Simplifying the state's court structure requires a constitutional amendment to be voted on by two separately elected state legislatures and ratified by the voters in the general election. This reform is long overdue and would greatly benefit the litigants and the taxpayers of the state. With the strong leadership of Chief Judge Kaye and the new governor, who has made reform a central theme of his administration, now is the opportune time to get the process started. We urge the legislature to take the first step towards adopting a constitutional amendment to restructure New York State's court system. It is an important part of the overall need for reform!

### **JUDICIAL SELECTION:**

After many years of lobbying for judicial reform, the League has again named merit selection of judges as a legislative priority.

In 1957 the League adopted a position in support of a unified court system. In 1966 the League adopted a position on judicial selection supporting merit selection with nomination of state judges by a broad-based, nonpartisan nominating commission composed of lawyers and lay people. As the result of its positions and activity in support of them, the NYS Bar Association awarded the League its first public service award in 1975 in recognition of its work in improving the judicial system. It received the Samuel J. Duboff Award from the Fund for Modern Courts in 1990, further recognizing its efforts in support of court reform.

The League successfully advocated for merit selection and appointment of judges to the state's highest court, the Court of Appeals. In 1977, a constitutional amendment was ratified that, with its implementing legislation, called for merit selection and appointment by the governor with approval by the Senate. Appointment was made from a limited (up to 7 names) list assembled by the Commission on Judicial Nomination, a nonpartisan committee of lawyers and laypeople appointed by the Governor, the Chief Judge of the Court of Appeals, and the majority and minority leaders of the Assembly and the Senate. The governor currently appoints judges to the Appellate Division and the Court of Claims and fills vacancies on the Supreme Court, with approval of the Senate. Although judicial screening committees have been established by Executive Order, the committees fail to meet League standards since they are allowed to send an unlimited number of recommendations to the Governor, hence failing to meet the test of nonpartisanship, they also do not contain lay members.

The League has continued to advocate, along with the New York State Bar Association, The Fund for Modern Courts, and numerous other groups, for further amendment of the state Constitution to extend merit selection of judges to all courts.

As the result of its ongoing advocacy in this area, the League was asked to sit on the Feerick Commission, a blue-ribbon commission established by Chief Judge Judith Kaye to address the issue of judicial selection. In 2003, the Commission issued its first report, in which it expressed support of a well-qualified, independent judiciary by endorsing independent screening of judicial candidates by a statewide nonpartisan commission. In its final report, it concluded that direct primary elections were not preferable to nomination by judicial convention unless public financing was provided.

In 2005, U.S. District Court Judge John Gleeson issued an order in *Lopez Torres v. New York State Board of Elections*, in which he held that the state's system of nominating

major party judicial candidates at judicial district party conventions violated the First and Fourteenth Amendment rights of both voters and potential Supreme Court candidates who were unable to obtain party nomination. Unlike candidates for other elective offices within the state, Supreme Court judicial candidates who are unsuccessful in obtaining a party's nomination have no right to participate in a primary election. The court reasoned that a state may not choose to have judicial elections and then stifle the process by creating electoral practices that effectively exclude aspiring candidates in the name of protecting the judicial office from politics. At a minimum, the process must afford the reasonably diligent candidate who lacks the support of the apparatus controlled by party leadership an opportunity to fulfill the requirements for party nomination. After recent affirmation of the order by the Second Circuit Court of Appeals, the state is faced with the need to amend its system of judicial selection to meet the criteria articulated by the Lopez Torres case. If it does not do so in time for the November, 2007 elections, Supreme Court candidates must run in direct primaries.

In recognition of the fact that the political reality during Governor Pataki's administration mitigated against movement to a system of elected judges and that amendment of the state constitution is a multi-year process, the League has adopted the interim goal of bringing merit selection to the election process. This goal could be met in either of two ways. First, if the nominating convention remains the sole means of gaining ballot access, the League would support establishment of a broad and diverse screening committee that rates potential nominees and reports to those parties' Judicial Nominating Conventions. If unsuccessful nominees were given the right to a direct primary, the Commission could send lists of a limited number of highly qualified candidates to the conventions. Nominations would be made from these lists.

The League's long-term goal continues to be amendment of the state Constitution to provide for judicial appointment after merit screening and recommendation by a broad-based, diverse, nonpartisan commission.

**Anticipated Action:**

The League anticipates a legislative solution to the Lopez Torres decision. To that end it supports the following:

- ◆ Implementation of reforms to the Judicial Nominating Convention and petitioning process for primary ballot access. This could include measures to disassociate convention delegates from the control of party bosses, including delegate selection months prior to the convention, three year terms for convention delegates, lowering petition requirements for election of delegates, decreasing the size of judicial election districts, enabling candidates to address the convention, education of delegates about their authority, rights and responsibilities, and providing delegates with the opportunity to consider the reports of an independent judicial qualification commission.

- ◆ Establishment of a Judicial Qualification Commission, reflecting the diversity of the community, that would rate a candidate as highly-qualified, qualified, or decline to issue a rating. Evaluation by individuals seeking judicial office should be mandatory and results should be made available to the conventions and voters.
- ◆ Judicial elections should be publicly financed.

**Constitutional Amendment:**

**The League continues to support a constitutional amendment for merit selection of judges. The amendment, together with its implementing legislation, should contain the following:**

- ◆ Merit selection with review of applicants by a broad-based, nonpartisan nominating commission composed of lawyers and lay people.
- ◆ Appointment from a limited list of highly qualified applicants recommended by the commission.

**2007 LWNYS LOBBY REPORT FROM  
COURT RESTRUCTURING/JUDICIAL SELECTION**

Please complete and return to the LWNYS office in Albany by **APRIL 20, 2006**. If possible, please submit electronically by downloading this form from the state web site ([www.lwny.org](http://www.lwny.org)) or calling Stephanie at the state League office (518-465-4162) to have a form e-mailed to you. A copy should also be kept in your League files.

Name of Legislator: \_\_\_\_\_

(Please circle one) Senator                      Assemblyperson

District # \_\_\_\_\_ Date of visit \_\_\_\_\_

Name of person reporting: \_\_\_\_\_

Representing the LWV of \_\_\_\_\_

If you met with staff, please list name(s) \_\_\_\_\_

*Please record information that will provide an accurate picture of the legislator's position on any of the following discussed during your visit. Please indicate the legislator's general agreement or disagreement with League position. Also, please indicate if the legislator felt strongly about any other issue covering League positions.*

**COURT RESTRUCTURING:**

**DO YOU SUPPORT A CONSTITUTIONAL AMENDMENT TO STREAMLINE THE NYS COURT SYSTEM, AND HOW ACTIVE A ROLE WOULD YOU BE WILLING TO PLAY IN ITS PROMOTION AND PASSAGE?**

---

---

---

---

**JUDICIAL SELECTION**

**WOULD YOU SUPPORT A CONSTITUTIONAL AMENDMENT FOR  
MERIT SELECTION OF JUDGES TO INCLUDE:**

- ◆ MERIT SELECTION WITH REVIEW OF APPLICANTS BY A BROAD-BASED, NONPARTISAN NOMINATING COMMISSION COMPOSED OF LAWYERS AND LAY PEOPLE.
- ◆ APPOINTMENT FROM A LIMITED LIST OF HIGHLY QUALIFIED APPLICANTS RECOMMENDED BY THE COMMISSION.

---

---

---

---

League of Women Voters of New York State  
62 Grand Street, Albany, New York 12207-2721  
Phone: 518-465-4162 / Fax: 518-465-0812  
E-mail: [lwvny@lwvny.org](mailto:lwvny@lwvny.org) / Web Site: [www.lwvny.org](http://www.lwvny.org)

Legislative Packet  
February 2007

THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE  
BOARD OF DIRECTORS -- May 2005/May 2007

OFFICERS

PRESIDENT

Marcia Merrins, 42 Rosalyn Court, Fredonia 14063

716-672-4275  
716-665-1221 Cell  
716-672-5472 Fax  
Email: [mmerrins@netsync.net](mailto:mmerrins@netsync.net)

1<sup>st</sup> VICE PRESIDENT/ ADVOCACY & ISSUES

Joan Johnson, 3939 Derby Drive, Syracuse 13215

315-488-4339  
Email: [jaj62@twcny.rr.com](mailto:jaj62@twcny.rr.com)

2<sup>nd</sup> VICE PRESIDENT/MEMBERSHIP

Martha Kennedy, 214 Winne Road, Delmar 12054

518-439-4559  
Email: [dkennedy2@nycap.rr.com](mailto:dkennedy2@nycap.rr.com)

3<sup>rd</sup> VICE PRESIDENT/VOTER SERVICE

Paula Blum, 1385 Lyon Place, Wantagh 11793

516-785-3213  
516-785-3263 Fax  
Email: [paulawblum@aol.com](mailto:paulawblum@aol.com)

4<sup>th</sup> VICE PRESIDENT/DEVELOPMENT

Lyle Toohey, One Smokes Creek Road, Orchard Park 14127

716-662-7711 (Fax also, call first)  
716-445-6575 Cell  
Email: [lqtoohy@adelphia.net](mailto:lqtoohy@adelphia.net)

SECRETARY/TREASURER

Carol Hurford, 49 Marcourt Drive, Chappaqua, 10514

914-238-1459  
914-238-1469 Fax  
Email: [binkee1@verizon.net](mailto:binkee1@verizon.net)

DIRECTORS

LEGISLATIVE

Barbara Bartoletti, 9 Patroon Pointe, Rensselaer 12144

518-286-1536  
518-469-8905 Cell  
Email: [abartole@nycap.rr.com](mailto:abartole@nycap.rr.com)

CITIZEN EDUCATION

Joan Elliott, 1159 Waverly Place, Schenectady, 12308

518- 346-4414 (Fax also)  
Email: [isladecalma@msn.com](mailto:isladecalma@msn.com)

GRASSROOTS LOBBY

Edna Vincenti, 99 Elderfields Road, Manhasset 11030

516-627-1987  
Email: [edna.vincenti@vincenti.com](mailto:edna.vincenti@vincenti.com)

MEMBERSHIP OUTREACH

Barbara Thomas, 220 West Milton Road, Ballston Spa 12020

518-885-9769  
Email: [barbandbob220@verizon.net](mailto:barbandbob220@verizon.net)

**League of Women Voters of New York State**  
**62 Grand Street, Albany, New York 12207-2721**  
**Phone: 518-465-4162 / Fax: 518-465-0812**  
**E-mail: [lwvny@lwvny.org](mailto:lwvny@lwvny.org) / Web Site: [www.lwvny.org](http://www.lwvny.org)**

**Legislative Packet**  
**February 2007**

OFF-BOARD SPECIALIST

ALTERNATIVES TO INCARCERATION

Debra Merryweather, 327 Wilmore Place, Syracuse NY 13208

(315) 455-5210  
Email: [dapearlie@earthlink.net](mailto:dapearlie@earthlink.net)

CHILDREN'S ISSUES

Ellen Kotlow, 205 Forest Haven Drive, Slingerlands 12159

518-765-3275  
518-765-3279 Fax  
Email: [ekotlow@aol.com](mailto:ekotlow@aol.com)

COURT RESTRUCTURING

Helga Schroeter, 1436 Lowell Road, Schenectady, 12308

518-370-5042  
Email: [helgasasquith@verizon.net](mailto:helgasasquith@verizon.net)

DEATH PENALTY (CHAIR, DEATH PENALTY STUDY COMMITTEE)

Ann Brandon, 64 Salisbury Rd, Delmar, 12054

518-439-4332 P/FAX  
Email: [ambrandon2@verizon.net](mailto:ambrandon2@verizon.net)

DOMESTIC VIOLENCE

Georgia T. DeGregorio, 337 Reef Point Circle, Webster, 14580

585-787-9692  
Email: [georgiatd@frontiernet.net](mailto:georgiatd@frontiernet.net)

EDUCATION FINANCE & LEGISLATIVE ANALYST

Betsy Swan, 10 Norwood Drive, Menands 12204

518-426-3711  
Email: [faircamp@nycap.rr.com](mailto:faircamp@nycap.rr.com)

GOVERNMENT/CAMPAIGN FINANCE REFORM/GUN CONTROL

Aimee Allaud, 85 Melrose Avenue, Albany 12203 (HAVA)

518-482-2617  
Email: [85Aimee@nycap.rr.com](mailto:85Aimee@nycap.rr.com)

HEALTH CARE

Donna Packard-Mahoney, 107 Pine Street, Rensselaer, 12144

518-283-6423  
518-221-1904 Cell  
Email: [dmahoney@nycap.rr.com](mailto:dmahoney@nycap.rr.com)

HISTORIAN

Sydelle Herzberg, 46 Longue Vue Avenue, New Rochelle 10804

914-632-7745 (Fax same, call first)  
Email: [sherzb@aol.com](mailto:sherzb@aol.com)

JUDICIAL

Lenore Banks, 151 Alberta Drive, Amherst 14226

716-836-5240 Phone/Fax  
Email: [bankslenore@aol.com](mailto:bankslenore@aol.com)

LEAD POISONING

Jane Chase, PO Box 404, Penfield 14526

585-288-2645  
Email: [jchase@frontiernet.net](mailto:jchase@frontiernet.net)

**League of Women Voters of New York State**  
**62 Grand Street, Albany, New York 12207-2721**  
**Phone: 518-465-4162 / Fax: 518-465-0812**  
**E-mail: [lwnvy@lwnvy.org](mailto:lwnvy@lwnvy.org) / Web Site: [www.lwnvy.org](http://www.lwnvy.org)**

**Legislative Packet**  
**February 2007**

Off-Board Specialist -2-

NATURAL RESOURCES

Roberta Wiernik, 43 Longview Lane, Chappaqua, 10514

914-241-7242

Email: [RFWiernik@aol.com](mailto:RFWiernik@aol.com)

PAY EQUITY

Lois Haignere, 28 Bentwood Court, Guilderland, NY 12203-4810

518 608 4196 home

518 464-0991 office

Email: [haigner@nycap.rr.com](mailto:haigner@nycap.rr.com)

REPRODUCTIVE CHOICES

Barbara Bartoletti, 9 Patroon Pointe, Rensselaer 12144

518-286-1536

518-469-8905 cell

Email: [abartole@nycap.rr.com](mailto:abartole@nycap.rr.com)

TRANSPORTATION

Gladys Gifford, 174 Capen Boulevard, Amherst 14226

716-836-2825

Email: [schuford@earthlink.net](mailto:schuford@earthlink.net)

URBAN SPRAWL

Ruth Bonn, 47 Spruce Drive, Alplaus 12008

518-384-0804

Email: [rooty@nycap.rr.com](mailto:rooty@nycap.rr.com)

Anne Huberman, 303 Highland Avenue, Buffalo 14222

716-882-3083

Email: [anne.huberman@gmail.com](mailto:anne.huberman@gmail.com)

WATER QUALITY

Heather Baker-Sullivan, 530 Millwood Road, Mount Kisco 10549

914-666-3047

914-242-9541 FAX

Email: [Riverliffey4@aol.com](mailto:Riverliffey4@aol.com)

EDITOR, VOTER

Joyce Hickling, 330 Hickling Road, Edmeston, NY 13335

607-965-8119

Email: [jhh330@earthlink.net](mailto:jhh330@earthlink.net)

**LWVNYS STAFF**

Phone 518-465-4162

Fax 518-465-0812

Kristen Hansen, *Executive Director LWVNYS & Education Foundation*

[kris@lwnvy.org](mailto:kris@lwnvy.org)

Stephanie Lopez, *Administrative Assistant*

[stephanie@lwnvy.org](mailto:stephanie@lwnvy.org)

Michael Durocher, *Staff Accountant*

[lwnvy@lwnvy.org](mailto:lwnvy@lwnvy.org)