



NEW YORK STATE SENATOR

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City & State Op-Ed: State Legislators Should Be Wary Of Special Session Charade

LIZ KRUEGER December 18, 2016

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New York - Today, in an op-ed published in [City & State](#), Senator Krueger argued against the reliance on closed-door negotiations between the so-called "three men in a room" comprised of the Governor and the leaders of both legislative chambers, as well as the practice of calling end-of-year special sessions to vote on legislation with little or no deliberation. Full text of the op-ed can be read below.

STATE LEGISLATORS SHOULD BE WARY OF SPECIAL SESSION CHARADE

Over the past few weeks, New Yorkers have been treated to an all-too-familiar sight on the evening news – the backs of our elected leaders as they walk away from reporters without offering any details of closed-door negotiations. These images will likely soon be followed by yet another familiar ritual: a rushed “emergency” session where legislators are asked to vote on bills we’ve never seen, affecting the lives of millions of New Yorkers. This pantomime is, in a word, ridiculous, and the people of this state, not to mention their representatives, should reject the notion that it is just “business as usual.”

The coy, “wouldn’t you like to know” attitude of the so-called “three men in a room,” which are the governor, state Assembly speaker and state Senate majority leader, is far from charming. In fact, it is offensive to the people who elected them and detrimental to the creation of good public policy. The lack of transparency and accountability inherent in this method of legislative dealmaking is more emblematic of a banana republic than 21st century New York. A cynical person might suspect that the three men are simply taking advantage of this opportunity to rush through last-minute bills that deliver goodies to the special interests that bend their ears. I suspect a cynical person might be right – and since the doors are closed, we won’t find out until long after the ink has dried.

Consider some of the important and complex issues that have been floated for this one-day session. There is the possibility of reviving the 421-a tax giveaway, a fundamentally flawed proposal negotiated by two private interested parties – the building trades unions and Real Estate Board of New York – and we still haven't seen the legislative language. The 421-a program was a bad deal for taxpayers to begin with, and now there are rumors that it may include provisions for building condos, which are simply not part of the solution to the affordable housing crisis.

There is also talk of a grand bargain regarding transportation companies like Uber and Lyft. Although there are pros and cons to various proposals, such a multifaceted issue requires open debate and consideration. What will be the provisions for worker and consumer protection? What about insurance requirements? These are not details on which we can make serious decisions with only a few hours’ notice.

Questions abound about other issues that might come up. We do not know whether vital ethics reforms – like closing the LLC loophole or limiting outside income – are being considered. The memorandum of understanding to release \$2 billion for affordable and supportive housing has been offered as a justification for a special session, despite the fact

that it's completely unnecessary to release the funds. It has even been suggested that a "message of necessity" might be used to try to pass amendments to our constitution, an exceptionally disturbing idea.

If we are called back to Albany this week, legislators should be very wary of supporting any bill that they have not even had time to read, let alone hold hearings or consult with stakeholders and constituents. Based on my long experience in Albany, I can almost guarantee that a bill delivered in the last hours of session contains something bad for New Yorkers; and the bigger the bill, the worse the consequences. There is simply no reason that any of the issues that appear to be under consideration for a special session cannot wait a few more days for the start of a new regular session. In addition, the possibility that legislators might be seen as voting for unvetted legislation in exchange for a pay raise is at best an insult, and at worst an illegal selling of our votes.

The people of New York have time and time again made it clear that they are tired of the backroom deals and shadowy quid pro quo of Albany. They want honesty and transparency from their government; they deserve serious deliberation of their laws. What they are getting now is just the opposite.

Liz Krueger is a New York state senator for the 28th District.