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August 21, 2016

Hon. Sheila Birnbaum
Chair
New York State Commission on Legislative, Judicial and Executive Compensation
64 Beaver Street, Box 454
New York, NY 10004

By email to: nyscompensation@gmail.com

Dear Chair Birnbaum:

In May 2015, Attorney General Eric T. Schneiderman introduced the “End Corruption Now Act,” a comprehensive package of reforms aimed at restoring the public trust in New York State government. As Chief of Staff to the Attorney General at the time, I was involved in drafting that legislation, including provisions related to legislative pay that inform this submission to the Commission, which I make as a private citizen (and candidate for State Senate).

The aforementioned legislation proposed that legislative salaries be raised to a level no less than the salaries of New York City Councilmembers (\$112,500 at the time); it also would have prohibited legislators from earning income from outside employment.

Both of these are proposals aimed at better government. It is reasonable to assume that higher salaries will lead a greater number of qualified individuals to seek office, resulting in more competitive elections, a greater sense of accountability on the part of legislators, and, ultimately, a higher-caliber legislature. (I should note that these goals would also be served by meaningful campaign finance reform, including public matching funds for elections, also proposed in the Attorney General’s bill.)

At the same time, the potential for corruption created by outside income was laid bare in the prosecutions of Sheldon Silver and Dean Skelos; subsequent reforms in this area have done nothing more than tinker at the margins. An outright ban is what is needed to end the monetization of public office and the perception—and, in some cases, reality—that legislators are serving clients, first, and their constituents, second.

I believe that the Attorney General’s legislation took the right approach: a meaningful salary increase along with a ban on outside income. I also recognize that the latter change is outside the powers of the Commission. The Commission should

nonetheless do what it can: recommend an increase in the base salaries of legislators and executive branch officers, which have gone unchanged for seventeen years, consistent with cost-of-living increases over that time period. This would lead you to arrive at roughly the same \$112,500 proposed as a minimum legislative salary in the End Corruption Now Act.

I would also encourage the Commission to explore whether it would be permissible under Chapter 60 of the Laws of 2015 to provide for an additional legislative salary increase to take effect only at such time as legislators are prohibited from earning outside income.

Additionally, the Commission should use its powers to end “lulus,” the stipends that many legislators receive. Some of these stipends are not connected to any real responsibility but rather titles of little meaning; others are tied to service, such as committee chairmanship, that is part of what it means to be a legislator, and which Assemblymembers and Senators should embrace. “Lulus” have the effect of enhancing the power of legislative leaders over individual members, constraining their sense of autonomy. This is corrosive and should end. Were the Commission to do so, it would take a major step in the direction of democratizing the Legislature.

Finally, the Commission should conclude its work and issue its report well in advance of Election Day. Before casting their ballots, voters should know where their representatives stand on the Commission’s recommendations.

Sincerely,

A handwritten signature in black ink that reads "Micah Lasher". The signature is written in a cursive, flowing style.

Micah C. Lasher