

Senate Democrats hope to use stopped paychecks as leverage

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ALBANY — To get their way during disputes, the Senate and Assembly members have many tools: intra-party pressure, taking their case to the media, and siccing powerful special interests or lobbyists on each other.

But never before has one legislative house so blatantly employed such a potentially influential weapon — the withholding of legislators' paychecks — as the Capitol is witnessing in the latest game of brinkmanship between the two Democratic-led chambers.

It remains to be seen whether the Democrats in control of the Senate the past 18 months, relative newbies to this game of who-blinks-first, can pull off this strategy and get some key policy issues through a reluctant Assembly.

For now, the strategy is causing a stir, especially in the Assembly, where fewer of its members hold outside jobs. Their state pay has not flowed since the fiscal year began April 1 without a budget in place.

Seven payroll periods have come and gone since then, and \$4.9 million in legislative paychecks are being held by the state comptroller's office. While they are getting their \$170 per diem payments for time spent in Albany and other travel — \$1.2 million to the 212-member Legislature since April 1 — the deferral of paychecks is being felt.

"It's definitely getting a little tighter, especially when you have car payments, mortgage payments, home equity payments and normal household expenses. It's starting to put a squeeze on things," said Assemblyman Dennis Gabryszak, a Cheektowaga Democrat who has cut back on expenses and dipped into savings.

For Assemblyman Sam Hoyt, a Buffalo Democrat who, like Gabryszak, does not have a second job, it means fielding calls from companies looking for bill payments, bringing lunch to work, tapping retirement accounts in a move that will slap him at tax time next year, and asking family members for loans.

"It's been a little bit humiliating," Hoyt said.

"I got a call yesterday from a company saying we owe \$299, and we're X days late and the minimum payment is \$48. Typically, I'd send in the whole \$299. Today, I sent in the \$48," he said Friday.

Negotiating strategy

The Senate left Albany a week ago without taking up the final bill to complete the 2010 budget. Without that bill, legislative paychecks do not flow. Senate Democratic leaders said at the time that they hoped to use the stopped paychecks as part of their negotiating leverage with the Assembly Democrats to get them to consider several issues.

Those issues include a push to deliver anything that they can possibly dub as property tax relief — as that is an issue Republicans plan on raising this fall in their attempt to retake the Senate.

Democrats also now want to join with Gov. David A. Paterson to create some sort of contingency fund if up to \$1 billion in expected federal Medicaid money does not flow to Albany, thereby blowing a new hole in the budget.

But one of the biggest items on the table is the plan to provide the state university system more autonomy in setting tuition rates and entering into partnerships and lease arrangements with private companies. This is the issue that Sen. William Stachowski, a Lake View Democrat, cited in his refusal to go along with the last budget bill. He wants to at least let the University at Buffalo start the financing initiative in a pilot program. And without his vote, the 32 Democrats would need GOP help to pass the bill. Republicans have so far balked at that idea.

Fighting for UB plan

Stachowski and other Democrats at the time they left Albany noted that they hoped the lack of legislative paychecks might help convince some Assembly members to more seriously negotiate the SUNY issue.

Assembly Speaker Sheldon Silver brushed aside such a linkage, insisting lawmakers do not decide policy debates based on the flow of their salaries.

Only hours later on the Assembly floor a week ago, Assemblyman Jose Rivera, a Bronx Democrat, rose to complain.

"I want to get paid. I want to get paid," he screamed to the applause of the chamber.

Assemblyman Mark Schroeder said the past three and a half months of deferred pay has hit his personal finances, but insists he is not complaining.

"I'm glad Senator Stachowski did this, and I'm willing to let this go as long as possible to get UB 2020," the Buffalo Democrat said of the UB expansion plan pegged to an ability to raise tuition on an annual basis.

But whether Stachowski and the Senate Democrats will be holding out much longer is a question.

There has been talk in recent days of the Senate returning to Albany this week to complete the final component of the budget. That would mean either deals on the outstanding issues, or Senate Democrats throwing up their hands in hopes of convincing the Assembly to move on the issues.

Stachowski, in a statement Thursday, said he would "unreservedly continue my fight" for the UB plan to be a part of the final budget negotiations.

Readjusting expenses

Privately, lawmakers have been complaining for weeks about their payless service, especially legislators from New York City, where a halt to the base legislative salary of \$79,500 is harder to cope with because of the higher cost of living. They have an extra rub, because their base pay is \$33,000 less than what members of the New York City Council take home.

While some lawmakers readjust expenses or borrow to cover the gaps, the dozens of legislators who have jobs with law firms have not felt the financial pinch. That has not been lost on some lawmakers.

"I can assure you members are calling the Speaker on a daily basis saying, "This is killing me because I'm not getting paid and we're not a trial lawyer like you are," Schroeder said of Silver, who is of counsel with a Manhattan law firm.

Legislators agreed in 1998, when they last saw a pay raise, to link their bi-weekly salaries to timely passage of the state budget.

Despite the personal pinch, Gabryszak said he hopes Stachowski's push for the UB plan works to put pressure on the Assembly.

"I'm not going to disagree with his stand because there's not a lot in that budget for Western New York," Gabryszak said.

An issue of control

Some Democrats say there is more at play than just deferred paychecks. Several said they believe Andrew Cuomo, the Democrat's gubernatorial candidate, might have other people in mind to run the Assembly than Silver, who has been the powerful leader of the 150-member house since 1994. Having Assembly members grumbling about their personal finances is not something Silver needs if Cuomo wins and does have some other leadership ideas for the Assembly.

"The Senate calculation is absolutely right," one lobbyist said about trying to hold out on issues by using the stopped paychecks as leverage.

But Hoyt said Assembly members are holding together.

"Nobody's said, 'Enough is enough, let's cave on this so we can get paid,' he said.

"But, as each week passes, it becomes increasingly difficult," Hoyt added of the impact on lawmakers' personal finances.