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## Senate ethics effort falters

Absence of 1 Democrat leaves party unable to muster winning margin for sweeping reform bill

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ALBANY -- The state Senate failed to pass legislation that would have overhauled ethics enforcement during a special session characterized by more of the partisanship that has beset the chamber in recent months.

Senate Democrats, who control the chamber by a slim two-seat margin, called Thursday's session with the primary purpose of enacting sweeping ethics reform. Instead, the session started late and limped on into the night with scant success. The Democrats' plight was due largely to the absence of Sen. Brian Foley of Long Island, which deprived the majority of the crucial 32nd vote it needs to pass legislation without GOP support. Foley's father died earlier this week, and he was attending the wake.

Democrats intended to pass two pieces of ethics legislation: a bill that had already passed the state Assembly and a set of amendments introduced by Senate Democratic Conference Leader John Sampson.

The original bill, which has bipartisan sponsorship in the Senate, would eliminate the current Commission on Public Integrity and the Legislative Ethics Commission, replacing those entities with three separate commissions to oversee ethics for the executive and legislative branches, as well as lobbying activity. The bill was sponsored in the Assembly by Speaker Sheldon Silver and Minority Leader Brian Kolb, and passed in the chamber by a unanimous 140-0 vote.

The legislation would also create a new office of investigation for legislative ethics made up of eight members who would appoint an independent executive director to investigate complaints from lawmakers and the public.

The amendments, Senate Democrats argued, would have strengthened the Assembly's ethics bill by expanding the definition of lobbying, allowing for random reviews of ethics filings, and toughening penalties for campaign finance law violations.

They would have also required campaign contributors to report their employers and occupations -- similar to federal requirements. In addition, the amendments would have required disclosure of business relationships between public officials and lobbyists.

During the debate, Senate Republicans said they support stronger enforcement of campaign finance laws but took issue with the proposed composition of the campaign finance enforcement unit. Under Sampson's bill, the governor would appoint three members, and the attorney general, state comptroller and legislative leaders would each have one appointment.

Under that structure, Democrats would control seven of the nine members of the board.

Calling the proposed enforcement unit an all-powerful "partisan star chamber," Republican Sen. Frank Padavan of Queens asked, "Do we need another Troopergate, another group of individuals who want to make a name for themselves to go after people on a partisan basis?"

Downstate Republican Sen. Thomas Morahan said he did not want to vote against an ethics reform bill but shared his GOP colleagues' concern over the makeup of the enforcement unit.

"There's time to get this in place," Morahan said.

Democratic Sen. Eric Schneiderman said that the Assembly bill without the Senate Democrats' amendments would not be good enough.

"If we don't do both, we haven't done our job," he said.

The amendments were defeated, with 29 Republicans voting against the bill and all 31 Democrats voting for passage -- one vote shy of the required 32 votes to pass.

After the amendment was defeated, Senate Democrats decided not to bring the original Assembly bill to the floor for a vote. Both sides issued statements in response to their collective failure to pass the bills.

"It is unfortunate that the Senate Democrats chose not to bring the ethics reform bill to the floor for a vote," said Senate Minority Leader Dean Skelos in a statement. "The Senate Republican Conference did not support this amendment, which appears to have been a poison pill to prevent passage of much-needed ethics reform."

Democratic Sen. Daniel Squadron of New York City, who sponsored both the original bill and the Senate amendment, said both bills would return to the floor.

"While it is frustrating to wait, I strongly believe it is better to be able to pass our whole reform package."

A "green jobs" bill sponsored by North Country Democrat Sen. Darrel Aubertine passed 52-8. It would use \$122 million collected through the sale of carbon emission credits to fund training for thousands of home retrofitting jobs. It would also create demand for those services by creating a loan fund for people and businesses to make their homes and buildings more energy-efficient. The legislation's aim is to retrofit one million buildings homes, businesses and non-profits.

The bill passed the Assembly with a bipartisan 147-0 vote, with Silver and Kolb as co-sponsors. The legislation initially enjoyed strong Senate Republican support, which waned as Thursday's session approached.