

## The Most Dysfunctional by Dan Jacoby

In recent columns, I have set forth some recommendations for the federal and city governments for action over the next couple of years. That covers the very large and the much smaller. In this essay, I'll tackle the "middle ground" of the New York State legislature, and set forth an agenda for the next session.

The first thing that each house must tackle is the reforms proposed by the Brennan Center for Justice ([www.brennancenter.org/](http://www.brennancenter.org/)). Two years ago, the Brennan Center issued a comprehensive report that made numerous recommendations; the follow-up report, "Unfinished Business", is available on their website, and it bears reading.

In the original report, the Brennan Center began by stating, "New York State's legislative process is broken." In the current report, their understated evaluation is that, "some has changed, but not enough." In fact, very little has changed, and some things have gotten worse. Our state government has become known as the most dysfunctional government in the country; it is a shameful fact.

Rather than restate the Brennan Center's specific recommendations, I'll just list some of the recommendations' effects:

- Standing committees will be able – and required – to do their jobs, and members will become, if not expert, at least far more knowledgeable about the subjects they're supposed to be working on. Committee hearings will be mandatory, and the statements made during those hearings will become public record for anyone to see.
- When a piece of legislation has wide support, its supporters will be able to force a vote, both in committee and on the floor.
- Bills to be voted on will have sufficient debate, and amendments will be allowed.
- Empty seat voting, still prevalent in the state Senate, will disappear.
- When the two houses pass different versions of a bill, it will not be allowed to die for lack of a conference committee.
- Members will be limited to only a few "silly season" bills, designed not for real action but only to give the members "coverage" on an issue when they run for re-election.
- Funding and staff for both committees' and individual members' office space and supplies, and money for "member items" will be equally available for all members, regardless of party affiliation.

The end result of the Brennan Center's recommendations will be a transparent, honest and legitimate state government – something we do not have now.

There are two other government reform areas not specifically addressed by this report: campaign finance reform and districting reform.

Unlike the local and national governments, our state government has no system of campaign finance, and very few limitations on fundraising and spending. As a result, anyone wishing to run for state office must raise a huge sum, and those who have access to the hundreds of thousands of dollars they need can spend the money on a variety of shady, if not completely illegitimate, items. In my essay on city government (#L26: "The Reformer"), I advocated a new paradigm called "Clean Money, Clean Elections", in which a candidate who shows sufficient community support gets full public funding for his or her campaign. The same plan should be implemented in Albany.

Districting has long been the province of the majority party in a state. In New York, that means the Democrats draw Assembly districts and the Republicans draw the Senate districts. As a result, nothing has changed in decades. By implementing an independent method for districting, New Yorkers can get representation that more closely mirrors their own cities and neighborhoods, and the state legislature will more accurately reflect the will of the people.

In addition to internal reform measures, the state legislature should also take up several other topics.

We need to end the battle to fund our schools adequately. The enormous disparity between school systems in the state, made more obvious when one adjusts for the cost of living in the various areas, is hurting our entire state. Once government reforms are instituted, it will be much easier to find the roughly eight billion dollars needed for our schoolchildren. Education is not just spending, it is investment – and not just long-term investment; benefits can be realized immediately.

The city of Kalamazoo, MI, was deteriorating rapidly. Jobs, and people, were leaving in droves. In what was clearly a desperation move, the city council passed a bill to fund college educations for all children graduating from the city's high schools. The positive economic effects began almost overnight. People started looking at Kalamazoo as a good place to live, because they knew the schools would improve. Businesses looking for a place to locate started choosing Kalamazoo because they knew they would have a valuable workforce at their fingertips. The city is now undergoing a renaissance, all because they chose to invest in education.

New York should invest in our immediate and long-term future as well.

In addition to proper funding, our entire education system needs an overhaul. The state's curriculum handcuffs schools and school systems. Teachers can't teach and students can't learn. Additionally, the increased use of high-stakes, standardized tests is a disaster. Teachers are spending far too much class time giving practice tests rather than teaching students. We must not only give teachers and schools the resources they need, but also the power to use those resources for the benefit of their schoolchildren.

Moving on, we must replace the current so-called "Public Authority" system. This won't happen overnight, but we must begin now. Under the current system, the Authorities are anything but public; they don't need to show where their money is coming from or going to, they can issue bonds that they can't afford to pay off, and we are getting stuck.

It's even worse – nobody knows just exactly how many Authorities there are, or what many of them do. The state's Comptroller issued a report nearly three years ago, calling for significant and specific reforms; this report has only gathered dust. It is time for our state government to tame this monster.

We also need to create a comprehensive “Smart Energy” plan. This plan would have three major parts: energy efficiency, alternate sources, and mass transit. By implementing energy efficiency measures, such as requiring office buildings to have decentralized air conditioning systems, we can cut down on our energy use – and save money – without sacrificing safety, comfort or convenience. It’s the classic “win-win” situation. We can also benefit substantially from tapping into alternate energy sources, such as wind and water. While these alternate sources will not replace what we are using now, they can add to our capacity for growth and save money.

Expanding mass transit, both intra- and inter-city, has benefits far beyond lowering energy use. Every person who gets out of a car and onto a train lowers the amount of pollution in our air, pollution that causes asthma, lung disease, and cancer. Expanded mass transit also makes it easier for people to get to and from work, friends, and recreational activities, expanding our economy, creating jobs, and raising our standard of living. Second to education, mass transit can be our most important investment.

Expanded mass transit should not be limited to “people moving,” but should include cargo transport as well. Proposals such as the cross-harbor tunnel should be dusted off, modified to mitigate the problems the current draft proposal will cause (and there are many possibilities there), and expanded to create a far larger rail-based cargo transit system. This will take tens of thousands of trucks off our roads, highways and bridges, lowering traffic delays, noise and pollution.

In addition to the “big-ticket” items like education, energy and government reform, there are a number of social issues that need to be addressed.

We must pass a law to recognize same-sex marriage. Most New Yorkers have come to understand that same-sex couples are currently denied not only many legal rights (and responsibilities) married couples have, but are also denied full participation in our society. This is the last bastion of open bigotry in our society, and we need to end it. Our next governor will probably be Eliot Spitzer; he is on record as favoring same-sex marriage. He needs to follow through on this stand.

We must finish the reform of the Rockefeller drug laws. Our prisons and jails are holding far too many nonviolent people, at far too high a cost. These people can be productive members of society, if only we let them. By imprisoning them, we are hurting ourselves.

Just as I urged the New York City Council to pass a “charge or release” bill, which would codify into law a 15-year-old Court of Appeals ruling, the state should do the same. Far too many New Yorkers are spending far too much time in jails for violations that, even if they were convicted (and many are never even formally charged, much less convicted), would not result in jail time.

Once these two legal changes are made, we can concentrate far more of our efforts on real law enforcement, going after people who are a true threat to our society.

These are just some of the many areas the dysfunctional New York state legislature has ignored for too long; putting together a complete list would require a publishing house, distribution contracts, and a book tour. But the steps listed above are achievable in the next two-year session, if only our elected representatives have the will to do their job.