

A photograph of a porch with three wooden chairs and an American flag. The porch has a white railing and a white pillar. The chairs are a dark blue, a weathered teal, and a white rocking chair. The American flag is on the left side of the porch.

Fighting for New York's Middle Class:

2001–2005 NY State
Legislative Scorecard

Part 1:
The American Dream in the Empire State

DRUM
MAJOR
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POLICY

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EXECUTIVE SUMMARY

Most New Yorkers aim to achieve and hold onto the staples of a middle-class standard of living: the opportunity to work hard at a job that pays enough to support a family, the chance to own a home, access to affordable health care, the ability to send your children to good schools and help them go to college, and finally the security to look forward to a dignified retirement.

A strong middle class is critical to New York State, contributing to economic growth and social stability. The middle class works, pays taxes and spends money that keeps the economy humming. The growth of the state’s middle class is an indication that wealth and opportunities are broadly available to the majority of New Yorkers. But when even those who work hard are unable to attain a middle-class standard of living, the state’s overall prosperity is jeopardized.

The New York State legislature has been called the most dysfunctional in the nation, but it is far from powerless. Although the work of reforming the legislative process remains unfinished, the state Senate and Assembly continue to make substantive decisions that deeply impact New Yorkers’ abilities to work their way into the middle class and stay there. For this reason, we believe it’s important to hold legislators accountable now for their votes to support and expand—or undermine and obstruct—the state’s middle class and aspiring middle class.

In the 2001—2005 New York State Legislative Scorecard, we grade individual legislators—as well as the Senate and Assembly as a whole and each of the major parties—on their votes over the past five years on bills with the potential to impact the state’s middle class.

WHO MADE THE GRADE?	FAILED	RECEIVED A "C" OR BETTER	RECEIVED AN "A"
Assembly	0%	84%	4%
Assembly Democrats	0%	99%	6%
Assembly Republicans	0%	50%	0%
Senate	23%	39%	9%
Senate Republicans	39%	0%	0%
Senate Democrats	0%	96%	22%

We find that between 2001 and 2005, the New York State Senate and Assembly acted in fits and starts, helping the poorest of working New Yorkers begin to move toward the middle class with an increase in the minimum wage, while at the same time weakening the laws that keep housing affordable in New York City and the suburbs. On some issues of intense concern for middle-class New Yorkers, like the outsourcing of jobs beyond the state, the extraordinary cost of health insurance and the state’s compliance with the court mandate in the Campaign for Fiscal Equity lawsuit, very little was accomplished at all. In many cases, the New York State Legislature harmed the middle class more by its inaction than by the legislation it passed.

EXECUTIVE SUMMARY *continued*

MAIN FINDINGS

- Assembly Democrats did the best overall, earning an A- grade for their support of the middle class. 99 percent of Assembly Democrats passed, but only six percent earned perfect scores.
- Assembly Republicans got a C grade overall. Half of Assembly Republicans got a C or better and half earned less than a C.
- Senate Republicans did the worst, collectively earning a D- for their votes against the interests of middle-class New Yorkers. 39 percent of Senate Republicans failed completely and none earned a grade of C or better.
- Senate Democrats earned a B grade overall and had the highest proportion of perfect scores, with 22 percent of Senate Democrats earning a score of 100 percent.
- In total, ten legislators earned a perfect score: Senators Tom Duane, Liz Krueger, John Sampson, Eric Schneiderman, and Toby Ann Stavisky; and Assemblymembers Darrel Aubertine, Vivian Cook, Anthony Seminerio, Scott Stringer and Mark Weprin.
- Assemblyman Tom Alfano stood out as the highest-scoring Republican, earning an A- for his support of New York's middle class.

LOOKING TO 2006:

The state legislature faces a host of choices critical to the middle class in the year to come. Bills that would support the state's middle class, like the State Financial Incentive Protection Act and the Families in the Workplace Act, have been reintroduced this year and deserve passage by both houses. The legislature must also respond to Governor Pataki's budget proposals, from illogical tax incentives to punishing tuition increases at the state's public universities. A range of education, housing, taxation, health care, consumer and workplace issues of importance to the middle class will also be up for consideration.

IN CONCLUSION:

We hope that the 2001—2005 New York State Legislative Scorecard will be a tool to evaluate New York's Senate and Assembly and to point those concerned about the future of the middle class in the Empire State in the right direction on key pieces of legislation. While by no means naïve about Albany's severely dysfunctional legislative process, we believe that the examination of substantive issues will help to remind New Yorkers why it matters that we have an effective legislative process in the first place. By the same token, we believe that better policy can be generated when New Yorkers know how their representatives voted on the issues most important to them and when state legislators know that their constituents are watching.

INTRODUCTION

What is the American Dream? It is the opportunity to work hard at a job that pays enough to support a family. It's the opportunity to own a home, access affordable health care, send your children to good schools and help them go to college. It's being able to look forward to a dignified retirement.

New Yorkers may dream of striking it rich, but more than that they want to attain these staples of the middle-class standard of living and hold onto them.

A strong middle class is critical to New York State, contributing to economic growth and social stability. The middle class works, pays taxes and spends money that keeps the economy humming. The growth of the state's middle class is an indication that wealth and opportunities are broadly available to the majority of New Yorkers. But when even those who work hard are unable to attain a middle-class standard of living, the state's overall prosperity is jeopardized.

The size and strength of the middle class, and the opportunities to work one's way into it, is not random or the result of a cosmic accident. It is dependent upon many factors, including how those we entrust to represent our interests choose to do so. But for far too long, our legislative bodies—especially at the state level—have gone without accountability for their role in keeping the American Dream alive for their constituents. The connection between legislation and the quality of people's lives has become severed, in great part because regular people do not know how to access the information that will enable them to hold their policymakers accountable.

With the 2001—2005 New York State Legislative Scorecard, the Drum Major Institute for Public Policy (DMI) attempts to reverse this trend. Instead of focusing on the complexities of a single issue in a vacuum, we offer a way of examining legislators' overall performance in supporting the efforts of New Yorkers to enter or remain in the middle class.

We find that between 2001 and 2005, the New York State Senate and Assembly acted in fits and starts, helping the poorest of working New Yorkers begin to move toward the middle class with an increase in the minimum wage, while at the same time weakening the laws that keep housing affordable in New York City and the suburbs. On some issues of intense concern for middle-class New Yorkers, like the outsourcing of jobs beyond the state, the extraordinary cost of health insurance and the state's compliance with the court mandate in the Campaign for Fiscal Equity lawsuit, very little was accomplished at all. In many cases, the New York State Legislature harmed the middle class more by its inaction than by the legislation it passed.

The 2001—2005 New York State Legislative Scorecard issues each state legislator, as well as the majority and minority parties in each chamber, a letter grade based on their votes between 2001 and 2005 on select pieces of legislation. We chose legislation that, if passed, would have an impact on New York's squeezed middle class, as well as on the aspirations of those trying to work their way into the middle class. The following legislation was evaluated:

SUPPORTIVE OF THE MIDDLE CLASS:

- **Card-check Recognition of Unions** (A 9202, 2001), passed in both the Senate and Assembly and signed into law, creates a streamlined process for employees covered by state labor law to choose whether they want union representation.
- **Educational Opportunity Program Budget** (Override of veto #54, A 2103-B, 2003), passed over Governor George Pataki's veto in both the Senate and Assembly, restores funding for a program giving disadvantaged students access to the State University of New York.
- **The Empire State Wage Act** (A 11760-A, 2004), passed over Governor George Pataki's veto in both the Senate and Assembly raised the state's minimum wage, ultimately to \$.15 an hour in 2007.
- **Families in the Workplace Act** (A 1301, 2005), passed the Assembly, pending in the Senate, would allow employees taking leave from work due to personal or family illness or the birth of a child to receive state disability benefits.
- **Gun Industry Civil Liability** (Amendment to S 3508A, 2004), failed in the Senate, would hold the gun industry liable for deaths or injuries caused if manufacturers failed to adhere to a safe-sales code of conduct.
- **Health Insurance Reform** (A 2518, 2005), passed the Assembly, pending in the Senate, would require public hearings and mandate that all health insurers get state approval before raising rates more than five percent.
- **Hospital Language Assistance** (A 4111, 2005), passed the Assembly, pending in the Senate, would require hospitals to provide translation and interpretation to patients who cannot communicate in English.
- **In-state Tuition for Non-citizen Residents** (S 7784, 2002), passed in both the Senate and Assembly and signed into law, enables insufficiently documented immigrants who graduated from high school in New York to qualify for in-state tuition rates at the City and State University of New York.
- **Long Island Workforce Housing Incentive Program Act** (A 2050, 2005), passed the Assembly, pending in the Senate, would require Long Island developers who need government approval to build housing to make at least ten percent of their units affordable.
- **New York State Extended Unemployment Benefits Act** (A 11624, 2002), passed the Assembly, died in the Senate, would have extended state unemployment benefits during New York's darkest economic days in 2002.
- **Predatory Mortgage Lending** (A 11856, 2002), passed in both the Senate and Assembly and signed into law, regulates the market for high-cost home loans, protecting homebuyers with poor credit from exploitative contracts and homeowners from scams.
- **Public Authorities Accountability Act** (S 5927, 2005), passed in both the Senate and Assembly and signed into law, implements new standards of accountability for New York's 700 semi-autonomous public authorities.
- **State Financial Incentive Protection Act** (A 11682, 2004), passed the Assembly, died in the Senate, would prohibit the state from giving financial incentives to companies that are moving jobs out of New York.
- **Subsidized Day Care** (Amendment to A 9553B, 2004), failed in the Senate, would fund an additional 20,000 subsidized day care slots statewide.
- **Superfund Financing and Brownfield Clean-up Program Act** (A 9120, 2003), passed in both the Senate and Assembly and signed into law, provides financial and technical assistance to business and communities to clean up contaminated sites and return them to productive use.
- **Workers' Compensation and Disability Increase** (S 1967, 2005), failed a procedural vote in the Senate, would set maximum compensation for New Yorkers unable to work due to injuries on or off the job to the state's average weekly wage.

HARMFUL TO THE MIDDLE CLASS:

- **Auto Insurance Fraud** (S 2390, 2005), passed the Senate, pending in the Assembly, would give car insurance companies a pretext to delay payment of claims indefinitely.
- **Estate Tax Exemption** (S 4995, 2005), passed the Senate, pending in the Assembly, would exempt an additional \$500,000 in inherited wealth from state estate taxes.
- **Freedom Health Insurance Plans** (S 1405, 2005), passed the Senate, pending in the Assembly, would authorize the creation of high-deductible health insurance plans that would be exempt from state requirements about what kind of care to cover.
- **Local Emergency Housing Rent Control Act** (S 5693, 2003), passed in both the Senate and Assembly and signed into law, renews rent regulations that apply to New York City and its suburbs, preserving loopholes that permit deregulation and dramatic rent increases for hundreds of thousands of apartments.

Any discussion of the performance of lawmakers in Albany must begin by acknowledging “The New York State Legislative Process: An Evaluation and Blueprint for Reform,” the groundbreaking 2004 report by the Brennan Center for Justice at the New York University School of Law that comprehensively documented how New York’s legislative process falls miserably short of prevailing democratic norms, constraining the roles of individual legislators and obstructing accountability, deliberation and the faithful representation of constituents.

Among the report’s most powerful findings, already understood by Albany insiders but seldom revealed so starkly to the public, was the recognition of the tremendous power exercised by the legislature’s leadership: the Senate Majority Leader and Assembly Speaker. Only legislation supported by each chamber’s leader ever reaches a floor vote in the Assembly or Senate. Most legislation is then passed without debate, and many votes are either unanimous or split absolutely along party lines. Through control of legislators’ staff and office budgets, leaders even exert power over how individual members vote. No bill has ever been defeated or amended on the floor of either

chamber. Until the Brennan Center’s report stirred movements toward reform, elected representatives in Albany weren’t even required to be present in the legislative chamber to be recorded as voting in favor of a bill.

All of this makes it extremely challenging to create a scorecard that accurately evaluates the record of individual legislators. Consider the bill to raise the state’s minimum wage. As this scorecard indicates, it passed by huge majorities in both the Assembly and Senate in 2004. But that same measure had been repeatedly introduced—and passed by the state Assembly—since at least 1999. For years it was never permitted to come to a vote in the Senate. In fact, in April 2004, just three months before the Senate finally passed minimum wage legislation, a procedural motion by members of the Senate minority to bring the bill to the floor was roundly rejected. Many of the same senators, who ultimately cast their votes in favor of raising the minimum wage once the bill came to the floor with the Majority Leader’s approval, voted against the effort to bring the bill up for consideration earlier. These legislators’ actual level of commitment to increasing the minimum wage is highly questionable.

Similarly, when members of the Assembly majority, representing very different districts, voted with perfect unanimity on eight out of the fourteen bills they are evaluated on in this scorecard, it raises serious doubts about the amount of individual decision-making and commitment to rigorous representation of their constituents occurring among these legislators.

Given these formidable barriers to individual legislative accountability, why make the attempt to grade legislators on their votes at all? Why not focus exclusively on reform efforts until a more transparent and accountable system is in place?

The answer is that we care about reform—from lobbying and campaign finance to redistricting and improving the internal rules governing the Assembly and Senate—in large part because we care about the substantive issues that determine the health of New York’s middle class.

A higher-functioning, more accountable, deliberative, accessible and representative democracy is valuable in its own right, but it’s also vital for the consistent passage of good legislation that is effective and benefits the majority of New Yorkers.

Perhaps more New Yorkers would support reform if they understood the impact that their legislators have on the factors that determine the quality of their everyday lives.

As voters begin to hold their legislators individually accountable for votes cast for or against their own interests and aspirations, the culture of Albany will change quickly. We hope this scorecard provides a tool for accomplishing that aim.

Ultimately, it’s worth focusing on substance because elections won’t wait. Albany’s lack of accountability persists, and reform efforts move more slowly, in part because voters are not aware of what goes on in the legislature, including how their elected representatives are voting on their everyday concerns.

In conclusion, we hope that “2001—2005 New York State Legislative Scorecard” will be a tool to evaluate New York’s Senate and Assembly and point those concerned about the future of the middle class in the Empire State in the right direction on key pieces of legislation. While by no means naïve about Albany’s severely dysfunctional legislative process, we believe that the examination of substantive issues will help to remind New Yorkers why it matters that we have an effective legislative process in the first place. By the same token, we believe that better policy can be generated when New Yorkers know how they’re represented on the issues most important to them and when state legislators know that their constituents are watching.

AUTO INSURANCE FRAUD

INTRODUCED: 02.14.05 **SPONSOR:** Senator James L. Seward
PASSED BY THE SENATE: 06.08.05 [Aye-55, Nay-5];
 session ended without an Assembly vote

THE LEGISLATION:

The Auto Insurance Fraud bill would use a number of measures to rein in false or inflated car insurance claims in an effort to reduce expenses for insurance companies: it would increase penalties for auto insurance fraud and suspend the small number of doctors who help to fabricate most false car insurance claims from participation in the system. In order to provide more time for insurance companies to investigate possible fraud, the bill would allow insurers to delay paying a claim past the current 30-day deadline if they pay claimants two percent interest per month on the delayed claims and cover their legal fees. The bill would also establish a temporary panel to study the medical care provided under New York's "no-fault" auto insurance system, which covers medical expenses and lost wages for injured drivers regardless of who caused the accident. Finally, the bill would direct the Insurance Superintendent to consider the extent to which fraud reduction efforts have lowered insurance companies' costs when deciding how much auto insurance companies may raise their rates in the future.

THE MIDDLE-CLASS POSITION:

X The Middle Class Opposes: This legislation would put New York drivers between a rock and a hard place when it comes to their auto insurance. On the one hand, the state's car insurance premiums are the second highest in the country, and fraud is part of the reason. When scam artists file false or inflated claims to defraud insurance companies, the companies pass on the costs to policyholders, resulting in higher premiums for everyone. On the other hand, after paying hundreds of dollars a month for insurance, New Yorkers need to know that when they're actually in an accident, insurance companies will promptly pay their legitimate claims. While this bill provides insurance companies with new tools to fight fraud, it also gives them a pretext to delay paying the claims that policyholders urgently need to reimburse their medical bills and make up for lost wages. Insurance companies have a powerful financial incentive to delay paying every claim for as long as possible, regardless of whether fraud is actually suspected, because they earn interest on the premiums they use to pay claims. Every month that companies delay paying claims can result in thousands of dollars of investment income towards their bottom line, even as their customers struggle to pay bills that should be covered by their insurance payout. Anti-fraud legislation should not include this loophole enabling insurance companies to cheat their customers.

FROM THE EXPERTS:

"The problem is the 30-day period. When no-fault insurance was put into effect, there was a quid pro quo. The concept was you don't have a right to sue anymore, but you have a right to prompt payment. And that prompt payment includes wages, and it also includes medical care... Middle-class individuals would have to rely on these payments to pay their doctors and also to live on while this process is going on... What we're doing, basically, by that provision is hurting the honest person who has insurance that is following the rules... And I just think that's wrong."

—NYS Senator John A. DeFrancisco, speaking on an earlier version of this bill (March 4, 2003)

"There is the conflict between the insurance companies' principal mission —making money—and their responsibility to offer policies to those who must buy insurance and to pay legitimate claims... [This] provides incentives for insurance companies to avoid paying claims, or at least delay claims as much as possible, creating an inherently adversarial relationship with consumers. Add the record profits achieved by the auto insurance industry in recent years, and the result is an incendiary pocketbook issue fraught with billions of dollars in consequences for both the nation's consumers and its insurance industry."

—Center for Taxpayer and Consumer Rights (2004)

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Amount insurance companies say they could save if fraud was reined in:	Average decrease in the amount New York's auto insurers had to spend to pay out claims between 2002 and 2004, largely as a result of existing efforts to fight fraud:	Average amount policyholders saw their premiums reduced as a result:	Amount this bill requires insurance companies to lower their rates if fraud is successfully reduced:	Length of time an auto insurance company could delay paying a legitimate claim under this bill:	Monthly car insurance premiums paid by some Buffalo drivers in 2004:	Monthly rate paid by some Yonkers drivers:
\$1 billion	31%	5%	\$0	indefinitely	\$218.50	\$306.50


CARD-CHECK RECOGNITION OF UNIONS

INTRODUCED: 06.15.01 SPONSOR: Assemblywoman Catherine Nolan
 SIGNED INTO LAW: 11.28.01 [Senate: Aye-58, Nay-0; Assembly: Yes-145, No-0]

THE LEGISLATION:

Under federal labor law, when employees want to join a union they must generally go through a lengthy election procedure administered by the National Labor Relations Board. This law created a streamlined process for certain categories of employees, allowing them to join a union when a majority of the employees in their workplace sign cards stating that they want to be represented by that union. The law applies only to employees not covered by federal labor law, including workers at Native American casinos and teachers at religious schools.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** By allowing workers to join together to bargain for better wages and benefits, labor unions help to ensure that jobs provide a middle-class standard of living. Union members consistently earn higher wages than do their non-union counterparts and have better health, retirement and vacation benefits. Nationally, 57 million non-union employees say they would like to have a union at work, but a series of anti-labor decisions by the National Labor Relations Board leave such workers increasingly vulnerable to employers' routine intimidation of anyone who tries to unionize. Employers habitually threaten to close down the business if a union is voted in, threaten to fire employees who support the union and retaliate against employees who are known to be union supporters, despite the fact that these actions are illegal. As the protection that federal labor law offers to employees declines, state laws like this one are regarded as a model for new federal legislation. By replacing a slow and easily-delayed election process that gives employers ample opportunity to intimidate their employees with a quicker and more streamlined way for employees to decide whether they want to be represented by a union, card-check allows working people to more fully exercise their rights and access or hold onto a middle-class standard of living through union membership.

FROM THE EXPERTS:

“While the New York State Constitution guarantees the right for workers to organize, the process of unionization is not always easily accomplished and can be thwarted by bureaucracy or unscrupulous employers. Too often, workers are fired for expressing their support for a union—for trying to exercise their rights... The card-check bill is an important step toward eliminating unnecessary hurdles while also ensuring fairness.”

—Governor George Pataki (December 4, 2001)

“This year 500,000 Americans exercised their right to form unions, but another 42 million wanted to and didn't get the chance. Because of efforts to deny them the right to unionize, many workers are being fired, demoted, and intimidated.”

—John Sweeney, President AFL-CIO (December 3, 2003)

“A simple card check provision for recognition... makes a world of difference. Workers are not forced to run the gauntlet of the employer's captive audience meetings and pre-election intimidation sessions. A simple signature on a card by 50% -plus-1 of the workforce triggers recognition.”

—Peter Olney, Associate Director of the Institute for Labor and Employment, University of California (February 2003)

Median weekly earnings for full-time non-union workers in the United States:	Median weekly earnings for full-time union members in the United States:	Percentage of non-union workers whose jobs provide health insurance benefits:	Percentage of union workers whose jobs provide health insurance benefits:	Percentage of organizing campaigns in which employers illegally fire workers for exercising their right to form a union:	Percentage of employers that hire outside consultants to run anti-union campaigns against their employees when they try to form a union:	Percentage of employers that require employees who are trying to organize a union to attend one-on-one, anti-union meetings with their supervisors:	Percentage of companies that threaten to shut down the workplace if the union wins the National Labor Relations Board election:	Percentage of companies that actually shut down the workplace after a successful union election:
\$622	\$801	68%	92%	25%	75%	78%	51%	1%

EDUCATIONAL OPPORTUNITY PROGRAM BUDGET


INTRODUCED: 01.29.03

VETOED BY THE GOVERNOR: 5.14.03 VETO OVERRIDDEN, ENACTED INTO LAW: 05.15.03 [Senate: Aye-62, Nay-0; Assembly: Yes-111, No-38]

THE LEGISLATION:

As part of an attempt to reduce expenses during a budget crunch, Governor Pataki vetoed \$170 million worth of higher education spending proposed by the state legislature for the 2003-2004 school year. Among the cuts was a 50 percent reduction in the budget of the state's Educational Opportunity Program (EOP) from the \$16.4 million it had been in the previous year to \$8.2 million. This program targets New York high school graduates and GED-holders from low-income families who do not meet the general admission criteria of the State University of New York (SUNY) but have the academic potential to earn a college degree. Through EOP, the students are admitted to SUNY and provided with financial aid and academic support, such as tutoring and counseling, intended to enable them to overcome their disadvantaged backgrounds and achieve academic success. This vote was the state legislature's override of the governor's veto, restoring full funding to the program for 2003-2004, when it served 10,359 students.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** The Educational Opportunity Program, along with similar programs for students attending the City University of New York and private colleges in the state, is critical for fostering economic and social mobility in New York. For talented and motivated students from disadvantaged backgrounds, a college education, especially with the academic and financial support EOP offers, breaks the cycle of poverty and provides a path to the middle class. Most EOP students are the first in their families to attend college and would never have had the chance to pursue higher education without EOP. By waiving SUNY's regular admissions criteria, EOP enables students who never had the opportunity to attend good-quality high schools that offered a college preparatory curriculum to pursue higher education anyway, mitigating the effects of the inequities in primary and secondary education that plague New York's schools. Overriding the governor's vote to halve funding for the program was a vote in favor of expanding New York's middle class.

FROM THE EXPERTS:

"We look for New York State students who are able to succeed in college, but who have been subjected to a history of educational and financial disadvantages that have prevented them from manifesting their full talent and ability. Our goal is to provide every possible avenue and opportunity that will support the academic success and ultimate life chances of each student admitted through the Educational Opportunity Program... The proposed cut of the EOP direct aid in this year's state budget... would be devastating to the average EOP student. This is a deserving program for deserving New York State students."

—Henry Durand, Director, Center for Academic Development Services, Educational Opportunity Program, SUNY Buffalo (March 20, 2003)

"...to provide to the people of New York educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population..."

—Mission Statement of the State University of New York

"Like so many of us, I grew up in the ghetto, poor, raised by a single mom, the whole nine yards. I didn't learn much in high school and needed to work hard to reach college academic standards when I got here. Without EOP, I wouldn't have been able to become a lawyer."

—Tricia Callender, attorney, EOP graduate from University at Albany, SUNY (May 7, 2005)

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Percentage of EOP students with a family income of less than \$25,000 a year:

93%

Number of EOP students at SUNY colleges in 2003-2004:

10,539

Minimum number of EOP graduates in the program's history:

30,000

Minimum percentage of EOP graduates who remain in New York State to work and pay taxes:

80%

Number of EOP students at SUNY Binghamton in 2004:

600

Approximate graduation rate of SUNY Binghamton's EOP students:

70%

Year in which Governor Pataki first proposed eliminating EOP completely:

1995


EMPIRE STATE WAGE ACT

**INTRODUCED: 07.20.04 SPONSOR: Assemblywoman Susan John
 PASSED BOTH HOUSES: 07.21.04 [Senate: Aye-51, Nay-7; Assembly: Yes-116, No-19];
 VETOED BY THE GOVERNOR; VETO OVERRIDDEN, ENACTED INTO LAW: 12.06.04**

THE LEGISLATION:

The Empire State Wage Act raised the state minimum wage from the current federal minimum of \$5.15 per hour to \$6.00 per hour on January 1, 2005, and to \$6.75 per hour in 2006. It will rise further to \$7.15 per hour in 2007. The legislation also raised the minimum wage for food-service workers receiving tips from the previous rate of \$3.30 per hour to \$3.85 on January 1, 2005, and to \$4.35 in 2006. It will rise further to \$4.60 in 2007. The state minimum wage automatically increases to comply with any federal law that raises the minimum further.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** At less than \$11,000 a year for a full-time worker, the federal minimum wage is a poverty wage. It is a rate at which it is impossible for working New Yorkers to independently pay their rent, feed their families or get needed medical care—much less save for the types of investments that make it possible to work one’s way into the middle class, like an education, a first home or the chance to start a business.

Contrary to the stereotype of the minimum wage worker as a teenager with nothing to purchase but junk food and movie tickets, the typical minimum wage worker in New York City provides 65 percent of her or his family’s total earnings. According to the Economic Policy Institute, half of families nationally with a minimum wage worker rely on his or her pay as the family’s only source of earnings.

Nor was raising the state’s minimum wage above the federal rate a radical or untested idea: fourteen other states, including New York neighbors Connecticut and Massachusetts, already offered a minimum wage that exceeded the federal rate. By boosting the buying power of a million New Yorkers, this legislation stimulates the state economy and improves the livelihoods of working New Yorkers struggling to make ends meet.

FROM THE EXPERTS:

“Ensuring that working men and women can provide for themselves the basic necessities of life, such as food, clothing and housing, is required ethically and religiously in order to protect the fundamental dignity of every human being...the present minimum wage fails in this regard.”

—Edward Cardinal Egan, Archbishop of New York and president of the Catholic Conference (July 21, 2004)

“The common knee-jerk reaction that a minimum-wage hike hurts small entrepreneurs is not a calculated economic response.”

—Kathryn Wyld, President and CEO, Partnership for New York City (July 27, 2004)

“It is very tough to earn a living [and] feed a family at [minimum wage]... And that’s why I have always been in favor of raising the rate.”

—Mayor Michael Bloomberg, New York City (April 2, 2004)

“[Recent] variation between states [in terms of their minimum wages] gives researchers a chance to isolate the impact of the wage change and test its impact on employment and other relevant outcomes... These studies... solidly reject the conventional hypothesis that any increase in the minimum wage leads to job losses among affected workers.”

—Jared Bernstein, Economist, Economic Policy Institute (April 29, 2004)

2004 federal poverty line for a family of three:	Annual earnings for a full-time minimum wage earner in New York before this legislation was approved:	Number of New Yorkers who will see their pay rise as a direct result of the increased minimum wage:	Total estimated number of New Yorkers who will benefit from the increased minimum wage:	Amount per hour of the current federal minimum wage:	Amount per hour the federal minimum wage would be today if it had kept pace with inflation:	Number of states with minimum wages exceeding the federal level requirement:	Growth in the number of small businesses between 1998 and 2001 in states with a minimum wage identical to the federal level:	Growth in the number of small businesses between 1998 and 2001 in states with a minimum wage higher than the federal level:
\$15,670	\$10,712	691,000	1.2 million	\$5.15	\$8.88	17	1.6%	3.1%

ESTATE TAX EXEMPTION

INTRODUCED: 04.18.05 SPONSOR: Senator James S. Alesi
PASSED BY THE SENATE: 06.20.05 [Aye-51, Nay-9];
session ended without an Assembly vote

THE LEGISLATION:

Under current law, the first \$1 million bestowed on heirs is exempted from New York's estate tax. This bill would exempt an additional \$500,000 from state taxation. The bill aimed to keep pace with changes in the federal estate tax, which raised its exemption to \$1.5 million for 2004-2005.

THE MIDDLE-CLASS POSITION:

X The Middle Class Opposes: The estate tax is New York's most progressive tax, falling only on the small number of individuals lucky enough to inherit a windfall. New York's estate tax has already been substantially reduced in the past few years, contributing to the state's fiscal crisis. By further increasing the amount of money heirs can acquire without paying the state a dime, this bill would shift more of the cost of public services onto middle-class and aspiring middle-class families.

This legislation is an effort to keep New York in line with federal efforts to phase out the estate tax entirely, allowing accumulated wealth to be passed on for generations while obliging those who work for their money to pick up a bigger share of the tax bill. New York should not adopt this regressive national agenda.

FROM THE EXPERTS:

"We had fought a revolution to reject hereditary political and economic power—and the dizzying inequalities of the Gilded Age violated a fundamental American ideal of equality of opportunity. We are now in a second Gilded Age... We're heading backward to the wealth inequalities of a century ago. We need to preserve the estate tax in states and at the federal level for exactly the reason it is under assault. In a democracy, we should be offended when the power of concentrated wealth brazenly attempts to shape the terms of policy debate and dictate the rules of our society."

—William H. Gates, Sr. and Chuck Collins, authors,
Wealth and Our Commonwealth: Why America Should Tax Accumulated Fortunes

"[Having no estate tax would be like] choosing the 2020 Olympic team by picking the eldest sons of gold medal winners in the 2000 Olympics. We would regard that as absolute folly in athletic competition... Without the estate tax, you in effect will have an aristocracy of wealth, which means you pass down the ability to command the resources of the nation based on heredity rather than merit."

—Warren Buffett (February 14, 2001)

"[The estate] tax that applies only to the children who receive the money, rather than the parent who built up the estate. [Estate tax reduction is] the Paris Hilton Benefit Act."

—Michael Graetz, Professor of Law, Yale University
 (March 24, 2005)

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Year New York State first began to tax inherited wealth:	Amount of money exempted from New York's estate tax prior to 1998:	Value of the smallest estates that pay any New York estate taxes today:	Estimated amount of revenue New York will retain from 2003-2007 by not following in lock-step with changes in the federal estate tax:	Maximum percentage of inherited wealth taxed by New York:	Approximate revenue New York received from the estate tax in 2004:	Number of states that have preserved their estate tax revenues after the passage of the 2001 federal tax legislation that will phase out the federal estate tax:
1885	\$115,000	\$1 million	\$2.53 billion	16%	\$723 million	18%


FAMILIES IN THE WORKPLACE ACT

INTRODUCED: 01.19.05 SPONSOR: Assemblywoman Catherine Nolan
 PASSED THE ASSEMBLY: 06.24.05 [Yes-97, No-30];
 session ended without a Senate vote

THE LEGISLATION:

The Families in the Workplace Act would allow employees who take unpaid leave under the federal Family and Medical Leave Act (FMLA), due to their own illness or that of a family member or the birth or adoption of a child, to make up for some of their lost income by receiving state disability benefits. It would also authorize benefit eligibility for non-FMLA leave, including up to ten days per year of bereavement leave and up to three days a year for leave to attend school visits and parent-teacher conferences. Disability benefits are currently set at a maximum rate of \$170 per week. The legislation would apply to employers with ten or more employees.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** This legislation would make New York one of the foremost states in offering paid family and medical leave. While the Family and Medical Leave Act of 1993 guarantees working people up to twelve weeks a year off work without penalty for a personal or family illness, there is no requirement that businesses pay employees on leave. As a result, many New Yorkers can't afford to take the time off. The Family and Medical Leave Act is useless to them: they are forced to work even when seriously ill or must quit their jobs when a sick family member needs their care. This bill makes it possible for middle-class and aspiring middle-class workers to afford to care for themselves and their families in times of need, strengthening middle-class families and making workers more productive.

FROM THE EXPERTS:

“Establishing a program of paid family leave would make it possible for workers, particularly women workers, to come back to work sooner; to continue to accrue seniority; to participate more continuously in the labor force; and therefore, to take less time searching for jobs and receiving unemployment compensation benefits. Paid family leave provides a greater level of economic security for any recipient than unpaid leave.”

—Carolyn Boldiston, Fiscal Policy Institute (January 2000)

“Paid sick leave is the next frontier in the effort to make our nation’s workplaces more worker- and family-friendly. It needs to be. Too many hard-working Americans must choose between a paycheck and recovery when they get the flu, break a bone, or need to care for an ailing child, spouse, or parent.”

—National Partnership for Women and Families (June 2004)

“...Expanding the FMLA [to include paid leave] is a win-win proposition. It will create an incentive for more workers, both women and men, to enter the labor market, and to keep the jobs they already have. This in turn will help increase productivity and spur economic growth, making New York State more competitive in the national and global economy. New York can lead the way for the rest of the nation in bringing American employment and family policy into the 21st century and beyond.”

—Francine Moccio and Kathleen Geier, The Institute for Women and Work, Cornell University (March 8, 2001)

Percentage of workers nationwide who have needed to take family or medical leave but did not because they could not afford to:
78%

Percentage of workers receiving less than full pay during their longest leave who end up on public assistance:
10%

Percentage of private sector employees who have no paid sick days:
42%

Percentage of private sector employees who have no paid funeral or bereavement leave:
32%

Percentage of private sector employees who have no paid family leave:
93%

Minimum amount of paid leave after the birth of a child required by the European Union charter:
14 weeks

Amount of paid parental leave required by Canadian law:
35 weeks

Percentage of low-income New Yorkers who favor using state disability insurance to fund paid parental and sick leave, according to the Community Service Society of New York:
83%

Percentage of moderate and high-income New Yorkers who favor it:
71%

FREEDOM HEALTH INSURANCE PLANS

INTRODUCED: 01.28.05 SPONSOR: Senator James L. Seward
 PASSED BY THE SENATE: 06.21.05 [Aye-37, Nay-21];
 session ended without an Assembly vote

THE LEGISLATION:

The Freedom Health Insurance Plans bill would authorize new, high-deductible, low-cost health care plans exempted from all state rules regulating the type and quality of care they would provide. These plans would cost businesses an estimated 40 percent less than existing policies and could be paired with tax-free Health Savings Accounts. The bill would provide businesses with fewer than 50 employees with a state tax credit worth up to half the cost of their health insurance premiums. It would also provide greater state funding for insurance stop-loss pools, which subsidize the risks and costs for insurance companies. Finally, the bill would expand income eligibility for the state's small business health insurance program, Healthy NY, to up to 250 percent of the federal poverty level.

THE MIDDLE-CLASS POSITION:

X **The Middle Class Opposes:** With one out of every six New Yorkers uninsured, the lack of affordable health care is nothing short of a statewide crisis. But this legislation is the wrong approach: its unintended effect would be to deprive middle-class and aspiring middle-class New Yorkers of the medical care they need. By allowing the creation of health care plans that are cheap for employers to purchase but have high-deductible costs for the people they cover, the bill increases the chance that even New Yorkers with insurance will be unable to fill prescriptions or get needed medical treatment because of the high costs. The exemption from state mandates is equally worrisome: despite laws passed over thirty years to ensure coverage of preventive care, diabetes treatment, emergency room services, women's health needs and other conditions, the "freedom" plans would be free not to include these treatments or any other life-saving benefit they chose not to offer. By creating an incentive for employers to switch from the more comprehensive, lower-deductible plans they already offer to plans that are more costly for employees but provide less care, the general effect would be to degrade the quality of medical care available to New Yorkers. The provision increasing income eligibility for Healthy NY is a positive step that should be passed independent of the bill's other measures.

FROM THE EXPERTS:

"High-deductible and consumer-driven plans may undermine the two basic purposes of health insurance: to reduce financial barriers to needed care and protect against high out-of-pocket cost burdens for patients."

—Karen Davis, President, the Commonwealth Fund (December, 2005)

"Expanding high-deductible health insurance... [is] a policy that favors the healthy and wealthy and leaves the working poor and chronically ill to carry a greater financial burden... These plans replace comprehensive benefits with more limited benefits and shift costs and responsibilities to employees."

—Gail Shearer and Susanna Montezemolo, Consumers Union (August 11, 2004)

"There are many questions raised about whether we would cover any new additional people in health insurance under this plan, as opposed to watch New Yorkers currently under health insurance losing their right to the health insurance they have through their current employers and being switched into these high-deductible, low-cost, limited-benefit health plans... in the absence of having mandated services under these insurance plans, that the kinds of health care benefits most of us expect would be covered by health insurance... would disappear... it might not cover almost anything we think of health insurance supposedly being there for."

—NYS Senator Liz Krueger (June 21, 2005)

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Proportion of New Yorkers without health insurance:	Annual health care deductible for an individual under the proposed "freedom health plans":	Maximum annual deductible that a freedom health plan could charge:	Percentage of the increased deductible cost employers are required by this bill to pay if they shift their employees to the new limited-benefit plans:	Approximate number of patients in a national sample with deductibles over \$1000 who decided to forego needed medical care because of the cost:	Approximate number with deductibles over \$1000 who reported difficulties paying medical bills or paying off medical debt:	Percentage of Upstate New Yorkers seeking bankruptcy counseling who struggled with medical debt they could not pay, according to the Empire Justice Center:
1 in 6	\$1,000	\$5,000	0%	2 in 5	1 in 2	58%

GUN INDUSTRY CIVIL LIABILITY


**INTRODUCED: 03.23.04 SPONSOR: Senator Eric T. Schneiderman
FAILED, NOT AMENDED TO S 3508-A: 03.23.04
[Agreeing-16, Present but not voting in agreement-43]**

THE LEGISLATION:

The Gun Industry Civil Liability amendment would make gun manufacturers liable in a civil lawsuit if a weapon they made was illegally acquired and used to injure or kill someone in New York State. The manufacturers could avoid liability if they abided by a safe-sales code of conduct, including selling only to dealers who: do mandatory background checks at gun shows, maintain a database of weapons in inventory and the names of purchasers, provide access of records to law enforcement, allow a person to purchase no more than one weapon in a month, have a plan for securing the guns in transit and have not recently sold more than twenty weapons used in crimes.

As a general rule, the New York State Senate does not record votes against amendments, only those cast in favor of the amendment. To evaluate Senators on this legislation, those who agreed to the amendment are counted as voting in support of the middle class, while those who were present for other votes that day but did not vote in favor of the amendment are penalized for failing to vote in the interest of the middle class.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** America’s civil justice system provides a mechanism for ordinary, middle-class people to hold giant corporations and government agencies accountable when they act wrongfully: lawsuits. The threat of lawsuits also serves as a powerful deterrent: companies spend more money to create safer products and adopt more responsible business practices because they know they can be sued if their business harms the public. Like any industry, weapons manufacturers should be held responsible if they profit from negligent business practices that harm people. Illegal guns take a terrible toll on the safety of middle-class and aspiring middle-class New Yorkers, with over one thousand state residents killed and thousands more injured every year. While a gun manufacturer can’t realistically control the way every gun is ultimately used, it should be expected to take reasonable steps to insure that its product doesn’t wind up in the hands of criminals. If manufacturers don’t take these steps, this bill clarifies the right of New Yorkers injured by their irresponsible sales practices to hold them liable.

FROM THE EXPERTS:

“[Gun makers] know that a significant portion of their guns become crime guns, but turn a blind eye so as to increase their profits, at a cost of many human lives. New York is flooded with a huge volume of illegal guns that are used in violent crime.”

—Attorney General Eliot Spitzer (June 13, 2005)

“Leaders in the [firearms] industry have long known that greater industry action to prevent illegal transactions is possible and would curb the supply of firearms to the illegal market. However, until faced with a serious threat of civil liability for past conduct, leaders in the industry have consistently resisted taking constructive voluntary action to prevent firearms from ending up in the illegal gun market.”

—Robert A. Ricker,
former Director of Government Affairs,
American Shooting Sports Council, and former
Assistant General Counsel for the National Rifle
Association (March 7, 2003)

“As I have argued, gun manufacturers should be held liable for their negligence, just like every other industry. It would [be] outrageous to grant them immunity when firearms kill 7,000 people in this country every year.”

—Mayor Michael Bloomberg, New York City

Approximate number of New Yorkers killed by gun violence since 1999:	Number of firearms purchased by one gunrunner in just six months in Ohio, where no license is required, and illegally resold on the streets of Buffalo, according to the Buffalo News:	Age of the Buffalo high school student mistaken for a gang member and shot while playing basketball by a gun that dealer had sold:	Percentage of gun dealers who sell 57 percent of the guns used in crimes:	Proportion of dealers who had five or more crime guns traced back to them who sold guns out of their house, car or other non-typical place of business:	Percentage of guns sold legally in 1995 that were used in a violent crime by 2000:	Percentage of guns in 2000 used in crimes in New York City that were illegally trafficked from other states:	Percentage increase in the number of shooting victims in New York City in 2005:	Percentage increase in the number of murders in Rochester over the first six months of 2005:
7,000	250	16	1.2%	1 in 3	15%	84%	3%	40%


HEALTH INSURANCE REFORM

INTRODUCED: 01.26.05 SPONSOR: Assemblyman Pete Grannis
PASSED THE ASSEMBLY: 03.02.05 [Yes-138, No-1];
session ended without a Senate vote

THE LEGISLATION:

Before 2000, New York's State Insurance Department (SID) had the power to deny rate increase requests of ten percent or more by health insurers and conducted public hearings on requests. The state law has since expired, and while health insurers still have to file their rates with SID today, they no longer need prior approval to raise rates. This legislation would reinstate the requirement that insurers get SID approval if they intend to raise rates for individual and small group health insurance by more than five percent and would mandate public hearings for rate increases of more than five percent. The bill would apply to Health Maintenance Organizations (HMOs), non-profit and commercial insurers alike.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** High premiums make health insurance increasingly difficult for middle-class New Yorkers to afford. The problem is particularly acute in the market for individual and small group health insurance, where rates have skyrocketed in recent years. This legislation would restore the state's ability to rein in excessive rate increases for these types of insurance, requiring health plans to justify the higher premiums both to regulators and directly to the public. Many other types of insurance policies, including workers' compensation and life insurance, and the state-run health plans like Child Health Plus and Medicaid already require prior approval by SID before rates can be increased. By controlling premiums for small groups, this legislation would be particularly helpful to small businesses, which often struggle to offer insurance to their employees due to the cost.

FROM THE EXPERTS:

"I would suspect if we had the ability to look into [health insurance premiums] and make opinions on rates, we would be able to find that in many cases these premium increases are not justified in light of the surpluses [insurance companies] are carrying... If we had prior approval reinstated,... it would give us the ability to do with health insurance premiums what we've done with auto premiums: hold the line or bring them down in many instances"

—Howard Mills, New York State Insurance Superintendent (October 19, 2005)

"Newly uninsured Americans will be a different category of citizenry: solidly and continuously employed people who suddenly find themselves totally without a health care safety net because of soaring health care premium costs."

—George Halvorson, CEO, Kaiser Permanente, and George Isham, medical director, HealthPartners (March 16, 2004)

"Unfortunately, there are serious (and growing) problems with private insurance. Prices are spiraling upwards, leading employers to raise the share paid by workers, cut back on benefits, or drop coverage altogether... As people lose coverage at work and find they cannot afford to buy a policy on their own, more and more Americans become uninsured."

—Families USA (2005)

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Estimated number of New Yorkers without health insurance:	Average percentage increase in the amount paid for health coverage by working New Yorkers from 2000 to 2004:	Average percentage increase in earnings for New York workers over the same period:	Estimated number of New Yorkers who can no longer afford health insurance with each one percent increase in the price of premiums:	Average monthly premium for a family coverage plan in New York:	Percentage of employees nationwide in 2001 who worked for firms that provide health coverage immediately upon employment:	Percentage of employees nationwide in 2003 who worked for firms that provide health coverage immediately upon employment:
3.3million	39.7%	13.1%	10,000	\$801	33%	19%


HOSPITAL LANGUAGE ASSISTANCE

INTRODUCED: 02.09.05 SPONSOR: Assemblyman Adriano Espaillat
PASSED THE ASSEMBLY: 05.17.05 [Yes-108, No-33];
session ended without a Senate vote

THE LEGISLATION:

The Hospital Language Assistance bill would require every hospital in the state to provide language assistance services, including interpreters and translated materials, to patients who cannot effectively communicate in English. The bill would require language assistance services to be available in any language used by individuals with a limited ability to understand English who make up more than five percent of the population in the hospital's service area, including sign language and Braille. Hospitals must provide language assistance at all locations, during all times when patient care is available, such that patients have effective access to services including, but not limited to, health care, billing and making appointments. Hospitals would also be required to post signs conspicuously in the relevant languages that notify patients that language assistance is available.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** Access to adequate medical care is a mainstay of the middle class. For New Yorkers who are still in the process of learning English, being unable to communicate with doctors and hospital staff is as much a barrier to proper care as a lack of health insurance. New Yorkers who do not yet have full command of English pay taxes that support public and private hospitals alike and have a right to hospital services. In addition, the legislation addresses a broader public health issue: effective communication between doctors and patients reduces the likelihood that communicable diseases will go untreated and spread throughout the population at large. By allowing volunteers or any member of the hospital staff who has been trained in medical interpretation to qualify as language interpreters under the law, the bill would put less of a cost burden on hospitals.

FROM THE EXPERTS:

“By ensuring adequate translation you are minimizing the risk of medical error, which is the objective here. If the quality of care is improved, the risk of liability down the road is diminished. So there also is a fiscal benefit of doing this the right way, right now.”

—Attorney General Eliot Spitzer (September 22, 2003)

“People are at their most vulnerable when seeking medical help for themselves and their children... Any time a group of people is shut out of accessing basic medical care, it becomes a public health crisis for all of us.”

—Janet Murguia, President, National Council of La Raza (January 31, 2005)

“Learning English takes time, as well as resources. However, as New Yorkers work to gain proficiency, it is crucial that they have access to the full array of... services that their taxes support. Increased financing for translation services is needed to keep up with demographic changes. Language assistance services are essential to ensure that all New Yorkers can communicate with their doctors.”

—Andrew Friedman, Fellow, Drum Major Institute for Public Policy and Co-director of Make the Road by Walking (January 2005)

Approximate number of New York State residents who speak a language other than English at home:	Percentage of New York State residents who speak English less than “very well”:	Minimum proportion of Syracuse residents who speak a language other than English at home:	Minimum proportion of White Plains residents who speak a language other than English at home:	Minimum proportion of Utica residents who speak a language other than English at home:	Approximate number of New York City residents who need to improve their English:	Ratio of available spots in adult English classes to the number of New York City residents who need to learn English:	Number of New Yorkers who lined up to register for a class at Brooklyn College's English as a Second Language Program in May of 2004:	Minimum number who were turned away because of lack of space, according to the New York Immigration Coalition:
5million	13%	1 in 8	1 in 3	1 in 5	1.7million	1 in 33	250	150

IN-STATE TUITION FOR NON-CITIZEN RESIDENTS


INTRODUCED: 06.20.02 SPONSOR: Senator Pedro Espada

SIGNED INTO LAW: 08.06.02 [Senate: Aye-40, Nay-21; Assembly: Yes-77, No-70]

THE LEGISLATION:

The In-state Tuition for Non-citizen Residents bill enables immigrants who live in New York and graduated from a high school or GED program in the state to qualify for the tuition rates paid by state residents at the City University of New York (CUNY) and State University of New York (SUNY). Students whose immigration status is not properly documented are also eligible for in-state tuition but must apply to legalize their status or file an affidavit saying they will apply when they're eligible to do so. Previously, immigrant students were eligible for in-state tuition rates at CUNY, but a change in federal law would have forced them to pay tuition at the higher rate for out-of-state residents if this law had not been passed. The extension of in-state tuition to immigrant students at SUNY is a new measure.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** A college education has become virtually indispensable for anyone seeking to enter the middle class. On average, college graduates earn 73 percent more over the course of their working lives than those with only a high school diploma. With one out of every five residents of New York State born outside the United States and an estimated 16 percent of those immigrants living without complete documentation, immigrants' ability to afford a college education is important, not only for the immigrants themselves but for the state as a whole.

A skilled and educated workforce is crucial for economic growth and good jobs in New York. Increasing immigrants' access to college also has the potential to enhance state revenues: according to a study by the Urban Institute, immigrants contributed 15.2 percent of all New York State's income tax revenue in 1995, when the state's immigrant population was substantially lower than it is today. Nationally, the median college graduate contributes 44 percent more in annual tax revenues than the median high school graduate. Some New York residents with strong educational and community ties to New York are able to afford college—and entry to the middle class—only because of this legislation.

FROM THE EXPERTS:

“New York has been a beacon of freedom and opportunity for generations, and those who have come to our shores have made tremendous contributions to our state and nation. This legislation would reinforce New York’s proud legacy as a bastion of hope and opportunity by providing access to a high-quality, affordable higher education for hard-working immigrants.”

—Governor George Pataki (April 2002)

“The individuals most impacted by this... legislation currently are enrolled in higher education and have been residents of New York State for most of their lives; many have already filed immigration papers with the Immigration and Naturalization Service and are waiting for their documentation, a process that can take many years. In the meantime, this legislation will allow these hard working individuals to continue to better their lives and the lives of their families and communities.”

—Miriam Kramer, Director of Higher Education, New York Public Interest Research Group (May 14, 2002)

“A high quality higher education can open the door to a brighter, more prosperous future and we welcome this opportunity to continue enhancing access to our campuses across the State.”

—Robert L. King, former Chancellor, State University of New York (April 20, 2002)

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Percentage increase in the average weekly earnings of immigrants with a college degree over those who are high school graduates:

73%

Total number of students enrolled in SUNY and CUNY in 2004:

631,000

Estimated number of undocumented immigrants in New York State:

650,000

Estimated number of undocumented immigrants enrolled in CUNY and SUNY:

3,000

Annual tuition for SUNY Bachelor's Degree programs for New York State residents:

\$4,350

Annual tuition for SUNY Bachelor's Degree programs for non-residents:

\$10,300

Number of other states that allow undocumented immigrants to pay in-state tuition if they meet certain criteria:

8

LOCAL EMERGENCY HOUSING RENT CONTROL ACT

INTRODUCED: 06.19.03 SPONSOR: Senate Rules Committee

SIGNED INTO LAW: 06.20.03 [Senate: Aye-35, Nay-26; Assembly: Yes-106, No-38]

THE MIDDLE-CLASS POSITION:

X The Middle Class Opposes: The lack of affordable housing is among the most serious issues faced by the current and aspiring middle class in New York City and its suburbs. According to the U.S. Department of Housing and Urban Development, housing is affordable if the occupant pays 30 percent or less of his income in rent. Yet in 2002, more than one in five renters in New York City paid more than half of their income for housing. The state's system of rent control and rent stabilization keeps the problem from getting worse by effectively maintaining at least some affordable options, with average rents in regulated buildings 70 percent lower than costs in market-rate apartments. According to the Census Bureau, nearly two out of every five middle-income New Yorkers lives in a rent-regulated apartment. This bill, while ostensibly preserving rent regulation, actually sows the seeds of the system's destruction by retaining provisions like vacancy decontrol that remove apartments from rent regulation entirely, shrinking the overall supply of affordable units. It is relatively easy for a landlord to make improvements on a vacant apartment, which bring its regulated rent up to the \$2,000 level. Once that happens, the apartment is no longer regulated and the landlord can charge whatever she wants—and the next tenant loses the other protections of rent regulation, like the right to remain in the apartment. An estimated 300,000 apartments will be decontrolled in this way by the time the laws are up for consideration again in 2011. The law also failed to include any measures protecting tenants in buildings leaving the Mitchell-Lama program, which was designed to provide affordable housing to middle-income New Yorkers.

Some members of the Assembly have argued that, while they opposed many aspects of this bill and, in fact, passed better rent regulations that never made it through the Senate, they nevertheless felt compelled to vote in favor of this legislation because the Senate adjourned immediately after passing it. That situation meant that the rent regulations would have lapsed completely had the Assembly not approved this legislation. Nevertheless, Assemblymembers who wanted legislation more favorable to middle-class renters could have exerted their influence earlier in the year by insisting, for example, that better rent regulation be considered as part of any deal on the budget. In the absence of this effort, Assemblymembers must be held accountable for their votes on this measure.

THE LEGISLATION:

The Rent Control Act renewed expiring rent regulations on more than a million apartments in New York City, Nassau, Westchester and Rockland counties until 2011. One controversial provision that was renewed is the vacancy decontrol rule, which enables landlords to take any vacant apartment renting for \$2,000 or more out of rent regulation entirely. Another continuing provision allows landlords to raise rent on vacant units by 20 percent over what the last tenant paid. The law also introduced new stipulations that allow landlords to greatly increase rents for tenants with "preferential rents" and reduce the ability of New York City to govern the way the rent laws are administered inside the city.

FROM THE EXPERTS:

"There already exists an affordable housing crisis in New York City. A minimum wage earner would have to work 154 hours a week to afford a two-bedroom apartment at market rent. The situation will only be exacerbated by rent deregulation... Continued rent control... is one of the few tools tenants have to protect themselves."

—Public Advocate Betsy Gotbaum, New York City (February 25, 2003)

"The legislature's failure to repeal the deregulation of vacant apartments renting for \$2000 a month or more means a slow death for tenants' rights in New York City... The devoutly worshipped 'free market' in housing might be liberty for a few thousand politically-connected multimillionaires, but it's tyranny for the rest of us."

—Metropolitan Council on Housing (June 2003)

Number of housing units in New York City made affordable through rent regulation:	Number of housing units in Westchester County made affordable through rent regulation:	Number of housing units in Nassau County made affordable through rent regulation:	Median monthly rent for a regulated housing unit in New York City:	Median monthly rent for a comparable unregulated housing unit in New York City:	Estimated number of apartments that will be decontrolled by 2011 as a result of this legislation:	Number of housing units removed from rent regulation in 2004:	Percentage of renters in New York City who spend over half or more of their income on rent:	Increase in the number of New York City households paying half or more of their income in rent between 1999 and 2004, according to the U.S. Census:
1.1 million	40,000	12,000	\$640	\$1,090	300,000	13,024	26%	52,778


LONG ISLAND WORKFORCE HOUSING INCENTIVE PROGRAM ACT

INTRODUCED: 01.24.05 SPONSOR: Assemblyman Thomas DiNapoli
 PASSED THE ASSEMBLY: 06.06.05 [Yes-139, No-0];
 session ended without a Senate vote

THE LEGISLATION:

The Long Island Workforce Housing Incentive Program Act would require that when a developer building five or more units of housing on Long Island needs government approval for his/her project, the developer must make at least ten percent of his/her units affordable housing. The bill defines “affordable housing” as housing costing no more than one-third of the income of a Long Islander making 80 percent or less of the area’s median. In exchange for building the affordable units, which must be of consistent design with the rest of the development, the developer can build a project that is ten percent more dense than he or she would otherwise have been able to build. If the local government determines that building the affordable units on-site would have an adverse impact upon health, safety or the environment, the developer must either build the units elsewhere or pay an amount equivalent to the fair market value of his/her density bonus into an Affordable Housing Trust Fund that the local government must use to build affordable housing elsewhere.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** The lack of affordable housing on Long Island has reached crisis proportions: in the last four years, housing prices in Nassau and Suffolk counties have risen 81 percent while household incomes have risen only 14 percent. The crisis impacts both the middle class and the larger Long Island economy: even as middle-class families find Long Island increasingly unaffordable, the area continues to depend on them to work in its schools, police stations, hospitals and businesses and to pay property taxes to fund public services. For those aspiring to the middle class, affording a place to live is even more difficult. This bill would increase the supply of affordable housing while compensating developers with the opportunity to build more units in the same space.

FROM THE EXPERTS:

“The region-wide support for this bill is proof of the urgency of this issue to Long Island families and our economy. This is the broadest coalition of organizations ever assembled on Long Island. And that’s not surprising. Long Island needs housing that working people can afford. And we need it now. This bill represents our best chance to break the logjam and get that housing built.”

—Matthew T. Crosson, President, the Long Island Association (February 12, 2004)

“If we are to prosper, our businesses need young, educated, talented workers. Unfortunately they are in shorter supply as more and more of our best minds make the fateful decision to pack their bags and leave Long Island for more affordable pastures. This brain drain not only tears families apart; but it has the potential to tear our economy apart as well.”

—County Executive Steve Levy, Suffolk (January 24, 2006)

“Northrop Grumman in Bethpage has been hiring new graduates... However, within two or three years after we train and assimilate them, these young workers won’t be able to afford to enter the Long Island housing market. This is a serious problem for the Long Island economy. We need to act now, before these quality young people continue their careers in other states where they are able to buy homes. If we don’t, Long Island companies and, therefore, our economy, will lose.”

—Philip A. Teel, Sector Vice President, Northrop Grumman Integrated Systems (February 12, 2004)

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Median price of a house on Long Island:	Ratio of home price to median family income that is considered affordable by Fannie Mae:	Ratio of home price to median family income in Nassau County in 1998:	Ratio of home price to median family income in Nassau County in 2004:	Ratio of home price to median family income in Suffolk County in 1998:	Ratio of home price to median family income in Suffolk County in 2004:	Percentage of Long Islanders who report thinking about moving out of Long Island to a place with lower housing costs:
\$394,900	2:5	2:5	4:7	2:1	4:2	64%

NEW YORK STATE EXTENDED UNEMPLOYMENT BENEFITS ACT OF 2002

INTRODUCED: 06.10.02


SPONSOR: Assembly Rules Committee (Assemblywoman Catherine Nolan)

PASSED THE ASSEMBLY: 06.17.02 [Yes-146, No-0]; died in the Senate

THE LEGISLATION:

The New York State Extended Unemployment Benefits Act of 2002 would provide an additional 13 weeks of unemployment benefits to anyone eligible for unemployment as of March 11, 2002, including those who had already exhausted their benefits and the federal government's previous temporary extension of benefits.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** In the aftermath of the September 11th terrorist attacks, New York lost nearly 100,000 jobs, leaving people out of work from Suffolk to Rockland County and beyond. Regular unemployment benefits were extended, but economic recovery was elusive, leaving thousands of middle-class and aspiring middle-class New Yorkers still unable to find work as even their extended benefits expired. This legislation would have kept money in the pockets of New Yorkers searching for work after the catastrophe, allowing them to keep paying bills and spending money at hard-hit local businesses. Nor would the bill's effects have been limited to the downstate area: any New Yorker struggling with the effects of the prolonged recession who met eligibility requirements would have received assistance.

Governor Pataki strongly opposed the bill, urging the Senate not to bring it to a vote because the state's unemployment insurance trust fund lacked the money to pay extended benefits. At the same time, the governor refused to consider a tax increase to replenish the fund and keep New Yorkers from going under. The bill never reached a vote in the state Senate.

FROM THE EXPERTS:

"The real tragedy of this downturn has been the long-term unemployed—those who have been out of work for 6 months or more. There are more long-term unemployed workers than there have been in 20 years."

—Senator Hillary Clinton,
December 22, 2003

"In the short term, extending and expanding unemployment insurance benefits is the single most powerful economic stimulus for New York... Unemployment insurance benefits provide an enormous and immediate targeted jolt to neighborhood economies, rapidly pumping hundreds of millions of dollars into working and middle class communities to be spent on milk, diapers, rent, household products, sneakers and sandwiches. It is a demand-side solution to an ongoing recession."

—Jonathan Rosen, Founder,
New York Unemployment Project (December, 2002)

"I have a wife and two kids. I desperately want to work, but without this extension I don't know how my family and I will survive. Unemployed workers will not forget that when push came to shove, Governor Pataki chose to shove our families into poverty."

—Mohammed Fruitwala, worker unemployed after
September 11th (July 25, 2002)

Number of jobs lost in New York State between 2001 and 2002:	Estimated number of jobs lost in New York City in the aftermath of the September 11th attacks:	Estimated number of New Yorkers who exhausted all unemployment benefits by the end of 2002 without finding a new job:	Number of them that lived outside of New York City:	Rank of New York among states where the most workers exhausted their unemployment benefits in 2002:	Minimum number of states that extended state unemployment benefits to these workers in 2002:	Increase in economic growth for every dollar spend on unemployment insurance:	Number of New Yorkers who lost their unemployment benefits three days after Christmas 2002, even though they hadn't found work:	Percentage increase in the number of New York workers who exhausted their unemployment benefits in the first six months of 2002 compared to the first six months of 2000:
171,500	113,000	182,000	72,000	1	7	\$2.15	62,000	121%


PREDATORY MORTGAGE LENDING

INTRODUCED: 06.21.02 SPONSOR: Assemblywoman Aurelia Greene
 SIGNED INTO LAW: 10.03.02 [Senate: Aye-55, Nay-3; Assembly: Yes-140, No-7]

THE LEGISLATION:

The Predatory Mortgage Lending Act regulates the sub-prime mortgage lending market, which offers home loans at a higher cost to people who are considered poor credit risks. The law defines a sub-prime loan as one where the annual percentage rate is more than eight percent higher than the standard “prime” lending rate or where charges such as points and fees make up more than six percent of the loan cost. The law requires sub-prime lenders to alert customers in writing that their product is a high-cost loan so that borrowers will not be misled into accepting a high-cost loan. This notification also gives borrowers who might qualify for a loan at the prime rate a possible incentive to investigate lower-cost alternatives. The statute also penalizes sub-prime lenders if they force borrowers to repay the loan more quickly or increase the interest rate after borrowers default, and it allows borrowers to file a complaint in court against lenders who violate the Act. Finally, the law bans a number of unscrupulous lending practices, including “loan flipping” (refinancing an existing home loan in a way that saddles borrowers with additional fees but no tangible benefits), balloon payments and kickbacks to mortgage brokers.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** Homeownership is often seen as an indicator of arrival in the middle class, but taking on debt to finance a home can be a risky proposition. This is particularly true in the sub-prime market. While sub-prime lending provides financing for aspiring homeowners who might otherwise be unable to qualify for a loan, a lack of regulation in this sector had allowed unscrupulous lenders to take unfair advantage of borrowers. One particularly egregious practice preyed on elderly homeowners with few assets other than their home equity. Unprincipled housing contractors would offer to make (often unnecessary) home repairs, which the homeowners would be persuaded to pay for by refinancing their homes through a deceptively-worded sub-prime loan with huge new interest rates or fees. The excessive costs were sometimes enough to push the victims out of their homes. By banning this and other abusive lending practices and enabling victims of predatory lending to better defend themselves against foreclosure in court, this law made the mortgage marketplace more fair for all New Yorkers, especially those just working their way into the middle class with the purchase of their first homes.

FROM THE EXPERTS:

“The law not only will provide foreclosure protections to borrowers with predatory loans but could potentially save New Yorkers millions of dollars in unnecessary insurance premiums, and points and fees.”

—Lois Aronstein, New York State Director for AARP (March 31, 2003)

“For the first time, this state has strong protections for borrowers against some of the worst abusive practices. It puts New York among a handful of states that have addressed this problem through comprehensive legislation.”

—Sarah Ludwig, Executive Director, Neighborhood Economic Development Advocacy Project (November 10, 2002)

“Unscrupulous lenders have discovered how profitable it can be to prey on the elderly and low-income who are equity-rich, but whose credit forces them to look to sub-prime markets for their borrowing needs... These lenders routinely conceal both the terms and the actual closing costs charged to borrowers, require that they pay thousands in points, tell them they only qualify for outrageous interest rates and flip borrowers into loans with higher rates than they have been paying... However, New York State has a carefully crafted new consumer protection law... [that] would cut out the predatory aspects of the subprime market... while keeping subprime lending profitable.”

—Jane Gabriel and Barb van Kerkhove, Greater Upstate Law Project (October 2003)

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Number of sub-prime loans originated in New York State from 1994 to 2000:
250,000

Percentage of new loans in New York that are sub-prime:
14%

Percentage of loans in very low-income New York neighborhoods that are sub-prime:
26%

Percentage of refinance loans in New York that are sub-prime:
33%

Percentage of white borrowers in the Rochester area who received sub-prime loans in 2004, according to the Empire Justice Center:
11%

Percentage of African American borrowers Rochester who received sub-prime loans:
28%

Number of New Yorkers who declared personal bankruptcy in 2004:
75,908


PUBLIC AUTHORITIES ACCOUNTABILITY ACT OF 2005

INTRODUCED: 06.24.05 SPONSOR: Senator Vincent L. Leibell III
 SIGNED INTO LAW: 01.15.06 [Senate: Aye-57, Nay-0; Assembly: Yes-117, No-0]

THE LEGISLATION:

New York State's more than 700 public authorities are semi-autonomous entities created by the state to finance, build and operate facilities and resources for the public benefit. The Public Authorities Accountability Act created new standards of accountability and transparency for public authorities, requiring independent audits, enhanced disclosure of budgets, debts and operations, and new guidelines for board members and executives along the lines of the corporate governance reforms in the federal Sarbanes-Oxley Act. Significantly, the bill also regulates the bidding process when public authorities sell property, mandating public disclosure of all bids and the use of an independent appraiser and requiring that property be sold for at least fair market value. Finally, the bill established a new public authorities budget office and the new position of state inspector general, both appointed by the governor, to investigate possible cases of fraud and abuse by public authorities and executive branch agencies.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** Many public authorities provide vital services that middle-class New Yorkers rely on every day: they keep the lights on in Long Island, promote economic development in Schenectady, run New York City's subways, operate public housing in Buffalo and maintain bridges throughout the state. New Yorkers have a right to see that these services are provided effectively and to know that the billions of their tax dollars spent by public authorities are not being squandered. Unfortunately, the current lack of oversight of New York's public authorities has led to rampant inefficiency, corruption and mismanagement of the state's resources. Authorities have played a particularly egregious role in hiding debt the public must ultimately pay for. This bill is a positive step towards accountability, providing some badly needed transparency and improved governance, yet it could go much further. Alternative legislation proposed by the state's Comptroller and Attorney General and passed by the Assembly would incorporate stricter public disclosure, mandate oversight that is genuinely independent from the governor, more closely regulate authorities' procurement and set caps on the amount of debt authorities can incur without specific legislative approval.

FROM THE EXPERTS:

"Public authorities are an immense shadow government that have offered continuous and unambiguous proof of the truism that, when no one is watching, the increase in mismanagement and corruption is dramatic... It is absolutely absurd that these public authorities are still not answerable to any public body and that even after all the irregularities we have uncovered, there remains no central accounting for the billions of dollars that flow through these entities. The public deserves to know how all this money is being spent and whether decisions are proper and appropriate."

—Comptroller Alan Hevesi (November 16, 2005)

"There is little doubt that in providing important public services, the state's public authorities have grown into insular government bodies whose operations need greater oversight and accountability. Good government requires a high level of accountability and transparency in the operation of all state and local government entities, including public authorities."

—Dick Dadey, Executive Director, Citizens Union (April 12, 2004)

Number of individual public authorities in New York, according to Comptroller Alan Hevesi:	Percentage of public authority procurement audits by the State Comptroller that revealed "disregard for competitive bidding":	Percentage that revealed "poor quality procurements resulting in waste or inefficiency":	Value of contracts that 46 of the state's authorities entered into in 2004-05, according to the State Comptroller:	New York State debt as of September, 2005:	Percentage of this debt issued through State public authorities without approval by voters:	Total debt of the 18 largest State public authorities:	Amount New York State taxpayers will pay to service the public authorities' debt in 2009-2010:	Amount of surplus the Metropolitan Transit Authority hid in its 2002 budget to justify raising fares:
733	21%	59%	\$5.5billion	\$48.2billion	92%	\$120.4billion	\$5.2 billion	\$512million

STATE FINANCIAL INCENTIVE PROTECTION ACT

INTRODUCED: 06.18.04


SPONSOR: Assembly Rules Committee (Assemblyman Richard Brodsky)

PASSED THE ASSEMBLY: 06.22.04 [Yes-128, No-20]; died in the Senate

THE LEGISLATION:

The State Financial Incentive Protection Act would prohibit any business receiving financial incentives from the state, including loans, tax breaks or grants, from outsourcing jobs outside of New York. Any company that does outsource jobs within a year of receiving incentives would be required to return the subsidies it received or be denied any further state incentives for five years. The prohibition on outsourcing wouldn't apply if the company also created new jobs in New York within a year, so that there was no net loss of jobs to the state. The bill would also require the state Economic Development Corporation and the companies receiving subsidies to report annually to the Attorney General on the amounts of subsidies and the numbers of jobs lost or created by the company in New York.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** Over the past 15 years, upstate New York has lost tens of thousands of well-paid manufacturing jobs that once afforded New Yorkers a solidly middle-class standard of living. At the same time, the state provides millions of dollars each year in taxpayer-funded subsidies to companies in an effort to spur job creation. Yet little information is available to monitor whether the companies that receive incentives are, in fact, creating new jobs or actually moving jobs out of the state while they enjoy public largesse. By requiring companies to give back public money if they reduce their number of jobs in New York, this bill would hold companies, and the state's economic development corporation, accountable. While private businesses are free to make a business decision to lay off workers or shift employment overseas, the people of New York have no obligation to subsidize them for doing so.

FROM THE EXPERTS:

"With public money comes public responsibility... Why should hard-working taxpayers subsidize an employer who outsources jobs to maximize corporate profits, leaving New Yorkers caught in a jobless recovery? Denying subsidies to an outsourcing corporation isn't punishment; it's common sense. We should use our limited corporate subsidies to reward employers who actually create New York jobs."

—NYS Assemblyman Richard Brodsky
(March 26, 2004)

"In return for all our taxpayer dollars we are not getting higher wages, better benefits, a stronger tax base, or better public services... The only clear winners are large corporations. In return for building new facilities in many states, companies are actually getting negative income taxes... Guess who's getting stuck with the tab. When the big boys pay less, either the rest of us pay more or the quality of our public services declines—and usually it's some of both."

—Greg LeRoy, author, *The Great American Jobs Scam*

"The closed-door process of distributing corporate subsidies fuels a growing sense of disenfranchisement, further mutes civic engagement and ultimately erodes our democratic institutions. It's time to open the doors on corporate subsidies and offer better accountability to the New Yorkers who pay for them."

—Alice Meaker, former director, Good Jobs New York
(January 8, 2001)

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Number of manufacturing jobs lost in New York State during 2004:
15,600

Number of manufacturing jobs lost in the Hudson Valley between 2001 and 2004:
9,000

Total number of jobs lost in Rochester during 2004:
5,200

State job creation and retention subsidies offered to Kodak in 1995:
\$21.7million

Minimum number of Rochester workers Kodak has laid off since then:
6,000

Value of tax incentives General Electric received as it was moving hundreds of jobs out of state:
\$5.5million

Percentage of companies subsidized by the Empire State Development Corporation that failed to meet their job retention or creation goal, according to the State Comptroller:
47.8%


SUBSIDIZED DAY CARE

INTRODUCED: 08.10.04 SPONSOR: Senator John Sabini
FAILED, NOT AMENDED TO A 9553B: 08.10.04
[Agreeing-22, Present but not voting in agreement-37]

THE LEGISLATION:

The Amendment on Subsidized Day Care would amend the Education, Labor and Family Assistance Budget bill to allocate an additional \$100 million to the state's subsidized day care program, providing an additional 20,000 slots in the 2004–2005 fiscal year. Under this program, families with incomes of 200 percent of the federal poverty line (about \$38,000 for a family of four) or lower are eligible for subsidies, which can be used to pay any legal child care provider in the state. Without this amendment, the 2004–2005 budget paid for 186,900 child-care slots, which left two-thirds of eligible children without help. While the amendment would not have closed this gap completely, it would be a step toward fulfilling the promise of this program.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** For New York parents striving to work their way into the middle class, securing safe, responsible care for their children is essential. Quality, affordable day care enables parents to work and pay taxes and represents an investment in children whose brains are developing rapidly during their first years of life. Good quality child care and early childhood education increase the chances that children will grow up literate and be gainfully employed. For parents transitioning from public assistance to full-time work, child care is indispensable.

Yet with costs as high as \$255 per child per week in some parts of the state, quality child care is simply unaffordable for many families. What's more, while the federal government offers to help states subsidize child care for families making up to 275 percent of the poverty line (about \$52,000 for a family of four), New York State only offers subsidies for those making 200 percent of the poverty line (about \$38,000 for a family of four). And to make matters worse, New York refuses to fully fund even this inadequate program. Each year tens of thousands of New York families who qualify for state subsidies are shut out of the system because insufficient funding has been allocated. This amendment would begin to close the gap, enabling 20,000 additional New York families to afford care for their children.

FROM THE EXPERTS:

“Mothers on welfare and other low-income mothers are often eligible for Medicaid and child care subsidies, but as they move up the job ladder, they lose eligibility... Access to safe and affordable child care is critical for working mothers. Mothers who have stable child care are more likely to stay employed and are able to focus on their jobs, knowing that their children are well-cared for while they are at work.”

—Heather Boushey, Economist, Center for Economic and Policy Research (February 10, 2005)

“Numerous studies confirm both immediate and long term positive effects on children who receive quality child care. Studies also indicate that children who receive low quality care may suffer from severe and long lasting developmental problems. Until adequate funding for quality, affordable child care for all income eligible children becomes both a federal and state priority, New York State local social services districts will have to continue choosing between quality, availability or affordability.”

—Wendy Goodale Rolnick and Susan Antos, Greater Upstate Law Project (November, 2002)

Percentage of New York children with all custodial parents in the labor force:	Total number of New York children who qualify for state child care subsidies:	Annual cost of full-time day care for one four-year-old child in Albany, Dutchess, Orange or Ulster counties:	Number of children in need of day care whose families qualify for state subsidies but don't receive them due to lack of funding:	Minimum percentage of its annual budget a family of four in Monroe County must pay for two pre-schoolers to attend full-time day care if they qualify for a subsidy but don't receive one:	Percentage of New Yorkers who needed child care subsidies but did not receive them:	Average annual cost to the state of one child care subsidy:	Estimated return for every state dollar invested in quality early childhood care, according to the Childcare that Works Campaign:	Number of additional children who would get access to child care funding under this bill:
58.3%	595,147	\$8,250	110,675	41%	37%	\$4,586	\$7	20,000

SUPERFUND REFINANCING AND BROWNFIELD CLEANUP PROGRAM ACT

INTRODUCED: 06.19.03


SPONSOR: Assembly Rules Committee (Assemblyman Thomas DiNapoli)

SIGNED INTO LAW: 10.07.03 [Senate: Aye-51, Nay-9; Assembly: Yes-144, No-0]

THE LEGISLATION:

Brownfields are abandoned properties potentially contaminated by factories or other businesses formerly located there. Brownfield sites often go unused as businesses seek locations on never-before developed land that can be built on without costly and complicated environmental cleanup. This bill reauthorized funding for the State Superfund Program to investigate and cleanup inactive hazardous waste sites, providing \$120 million annually. The legislation also provides tax incentives to businesses to cleanup and redevelop brownfield sites, releases companies and lenders from liability if they successfully complete rehabilitation, reimburses municipalities for most of the cost of cleaning up their own brownfields and provides technical assistance to community groups to interpret environmental data about brownfields in their neighborhoods and educate the public. The law expanded the scope of the original superfund legislation to include hazardous substance sites and requires the state to address the long-term remediation of contaminated groundwater.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** By rehabilitating contaminated land and returning it to productive use, brownfield cleanup aims to spur the economic development and job creation necessary for sustaining a broad middle class throughout New York. Neighborhoods around what were formerly abandoned industrial sites can be revitalized after the land is restored, improving property values and quality of life. Brownfield cleanup also seeks to reduce environmentally-destructive sprawl, making previously used sites in settled areas more attractive to businesses and reducing the appeal of never-used sites in outlying areas. And cleaning up brownfields also protects New Yorkers from the potentially dangerous health effects of living or working on or near polluted sites.

For all the benefits to be gained from cleaning up contaminated land, brownfield legislation took nearly seven years to pass, as legislators struggled to balance business incentives with environmental and public health concerns, as well as the different needs of communities in different parts of the state. Even now that the bill has been signed into law, controversy persists as the state's Department of Environmental Conservation continues work on the administrative regulations that will set final technical standards for brownfield cleanups.

FROM THE EXPERTS:

"This bill will put brownfields back on the tax rolls and make them assets rather than letting them eat away at the heart of our cities, towns and villages like cancer. By creating a Brownfield Cleanup Program and refinancing the State Superfund we will promote the physical, economic and social revitalization of our communities."

—NYS Senator Carl Marcellino
(September 17, 2003)

"It's a no-brainer situation when you have land that isn't being used and you can make it into something with significant community benefits."

—Brian Renehan, Brownfields Coordinator,
Local Development Corporation of East New York
(April 6, 2005)

"The Greyston Bakery is committed to remaining in Southwest Yonkers, which has been our home for 20 years. This long-abandoned lot has been restored to productive use, allowing for many new, good jobs in a beautiful, new state-of-the-art building."

—Charles G. Lief,
Chairman of the Board of Directors,
Greyston Bakery, which expanded its
operations on a former brownfield site
(September 26, 2003)

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Estimated number of potential brownfield sites throughout New York State:	Estimated percentage of the city of Buffalo that is made up of brownfield sites:	Size of the new manufacturing facility CertainTeed Corp. built on a cleaned-up brownfield site at Buffalo's Lakeside Commerce Park:	Size of the facility Cobey Inc., a manufacturer of industrial pump systems, plans to build on an adjacent part of the same former brownfield site:	Number of jobs the Cobey facility will create or retain in Buffalo:	Minimum number of developer applications for incentives to clean up brownfields since Fall 2003:	Minimum number of applications approved:
10,000	40%	275,600 sq. ft.	90,000 sq. ft.	97	247	177

WORKERS' COMPENSATION INCREASE

INTRODUCED: 02.07.05 SPONSOR: Senator Eric Schneiderman

FAILED A MOTION TO BRING THE BILL TO THE FLOOR AND DIED: 03.30.05


[Agreeing-26, Present but not voting in agreement-35]

THE LEGISLATION:

Currently, employees who are injured on the job and are temporarily or permanently unable to work are eligible for a maximum state workers' compensation claim of \$400 per week. New Yorkers who become disabled when not at work are eligible for a maximum claim of \$170 per week. This bill would raise the maximum for both payments to an employee's weekly wage or state's average weekly wage, whichever is lower. The bill also sets a minimum weekly payment of \$100.

This was a procedural vote on whether the bill could come to the floor of the Senate. If legislators genuinely supported the substance of the bill, they should have acted to bring it to the floor since this is the only way it can be enacted. Any legislator who was present to vote on other legislation that day but did not vote to bring this bill to the floor is penalized for failing to vote in the interest of the middle class.

THE MIDDLE-CLASS POSITION:

 **The Middle Class Supports:** Workers' compensation rates have been stuck at their current level since 1992, while disability payments haven't been raised since 1989. Because the cost of living has increased substantially since then, middle-class New Yorkers who are injured and unable to work through no fault of their own find it ever more difficult to continue supporting their families and paying their bills while they recuperate. Under this bill, employees who earn less than the New York average wage would be eligible for as much money from the workers' compensation fund as they are paid at work, while New Yorkers who make more money would be eligible for the state's average wage. Because the rate would be permanently indexed to the average wage under this bill, it would no longer need to be adjusted by law. This is a fair way to keep middle-class New Yorkers from being thrown into poverty by an illness or accident while at the same time allowing employers to plan for regular and reasonable increases, rather than dramatic changes every time that the law is amended.

FROM THE EXPERTS:

"Workers' compensation is an issue that no one pays attention to because it's so complicated. It's only when you are injured that you start to really pay attention. We haven't had a benefit increase in New York since 1992. What this means is that every year, the benefit actually drops, due to inflation. It's a silent cut."

—Joel Shufro, Executive Director, New York Committee for Occupational Safety and Health (July 14, 2005)

"[Right now] if a worker gets injured on the job, they can't pay their bills. They can't feed their kids and pay their rent, and workers should not have to make that choice."

— Lee Clarke, Safety and Health Director, American Federation of State, County and Municipal Employees District Council 37

"Until we deal with the inadequate workers' compensation and disability payment system, we are leaving millions of New Yorkers in danger every day of being thrown into poverty. You cannot support a family on \$400 a week... Quite frankly, as both a matter of economic policy and a matter of morality, it's an obscenely low amount... Let's change the workers' compensation and disability laws this year and send a message that New York State is not attempting to grow businesses on the backs of disabled workers. That is a travesty."

—NYS Senator Eric Schneiderman (March 30, 2005)

Year in which New York State established its first workers compensation law:	Last time the maximum rate for workers' compensation increased:	Percentage increase in the cost of living since 1992:	Last time the maximum rate for disability benefits was increased:	Percentage increase in the cost of living since 1989:	Maximum percentage of New York's average weekly wage that can be replaced by workers' compensation:	Maximum percentage of Louisiana's average weekly wage that can be replaced by workers' compensation, according to the U.S. Department of Labor:	Maximum percentage of Alabama's average weekly wage that can be replaced by workers' compensation:	Maximum percentage of North Dakota's average weekly wage that can be replaced by workers' compensation:
1914	1992	40%	1989	58%	41%	75%	100%	110%

OVERVIEW OF RESULTS

STATE SENATE	Senate voting with the middle class		Senate Republicans voting with the middle class		Senate Democrats voting with the middle class	
	Percentage	Grade	Percentage	Grade	Percentage	Grade
Auto Insurance Fraud (S 2390)	8%	F	3%	F	16%	F
Card-check Recognition of Unions (A 9202)	100%	A	100%	A	100%	A
Educational Opportunity Program Budget (Override of veto #54)	100%	A	100%	A	100%	A
The Empire State Wage Act (A 11760-A)	89%	B+	81%	B-	100%	A
Estate Tax Exemption (S 4995)	15%	F	0%	F	35%	F
Freedom Health Insurance Plans (S 1405)	36%	F	3%	F	83%	B
Gun Industry Civil Liability (Amendment to S 3508A)	30%	F	0%	F	73%	C
In-state Tuition for Non-citizen Residents (S 7784)	58%	D+	34%	F	95%	A-
Local Emergency Housing Rent Control Act (S 5693)	44%	D-	6%	F	100%	A
Predatory Mortgage Lending (A 11856)	94%	A-	90%	A-	100%	A
Public Authorities Accountability Act (S 5927)	100%	A	100%	A	100%	A
Subsidized Day Care (Amendment to A 9553B)	39%	F	0%	F	91%	A-
Superfund Financing and Brownfield Cleanup Program Act (A 9120)	87%	B+	84%	B	91%	A-
Workers' Compensation and Disability Increase (S 1967)	43%	D-	0%	F	96%	A

STATE ASSEMBLY	Assembly voting with the middle class		Assembly Democrats voting with the middle class		Assembly Republicans voting with the middle class	
	Percentage	Grade	Percentage	Grade	Percentage	Grade
Card-check Recognition of Unions (A 9202)	100%	A	100%	A	100%	A
Educational Opportunity Program Budget (Override of veto #54)	77%	C+	100%	A	23%	F
The Empire State Wage Act (A 11760-A)	86%	B	98%	A	61%	C-
Families in the Workplace Act (A 1301)	76%	C+	98%	A	32%	F
Health Insurance Reform (A 2518)	99%	A	100%	A	98%	A
Hospital Language Assistance (A 4111)	77%	C+	97%	A	27%	F
In-state Tuition for Non-citizen Residents (S 7784)	58%	D+	81%	B-	57%	F
Local Emergency Housing Rent Control Act (S 5693)	26%	F	10%	F	62%	C-
Long Island Workforce Housing Incentive Program Act (A 2050)	100%	A	100%	A	100%	A
New York State Extended Unemployment Benefits Act (A 11624)	100%	A	100%	A	100%	A
Predatory Mortgage Lending (A 11856)	97%	A	100%	A	91%	A-
Public Authorities Accountability Act (S 5927)	100%	A	100%	A	100%	A
State Financial Incentive Protection Act (A 11682)	86%	B	100%	A	53%	D
Superfund Financing and Brownfield Cleanup Program Act (A 9120)	100%	A	100%	A	100%	A

WHO MADE THE GRADE?	FAILED	PASSED	RECEIVED A "C" OR BETTER	RECEIVED AN "A"
Assembly	0%	100%	84%	4%
Assembly Democrats	0%	100%	99%	6%
Assembly Republicans	0%	100%	50%	0%
Senate	23%	77%	39%	9%
Senate Republicans	39%	61%	0%	0%
Senate Democrats	0%	100%	96%	22%

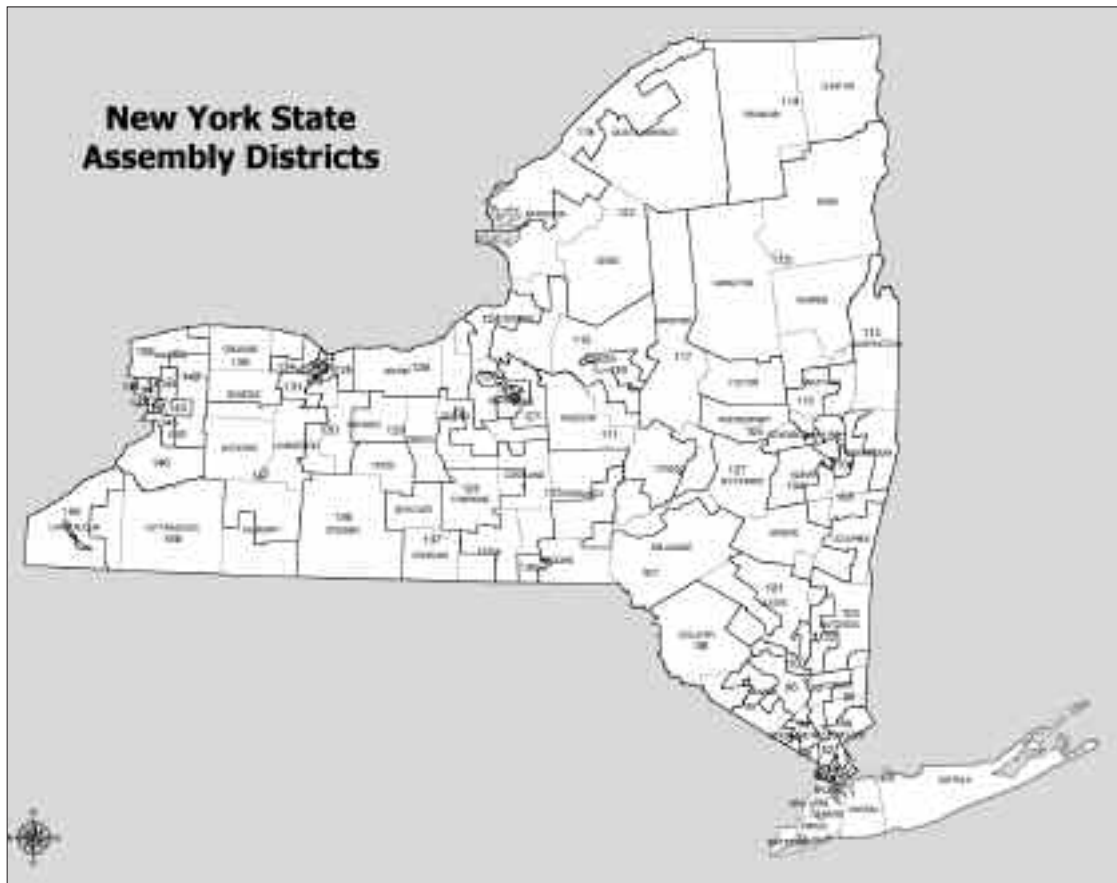
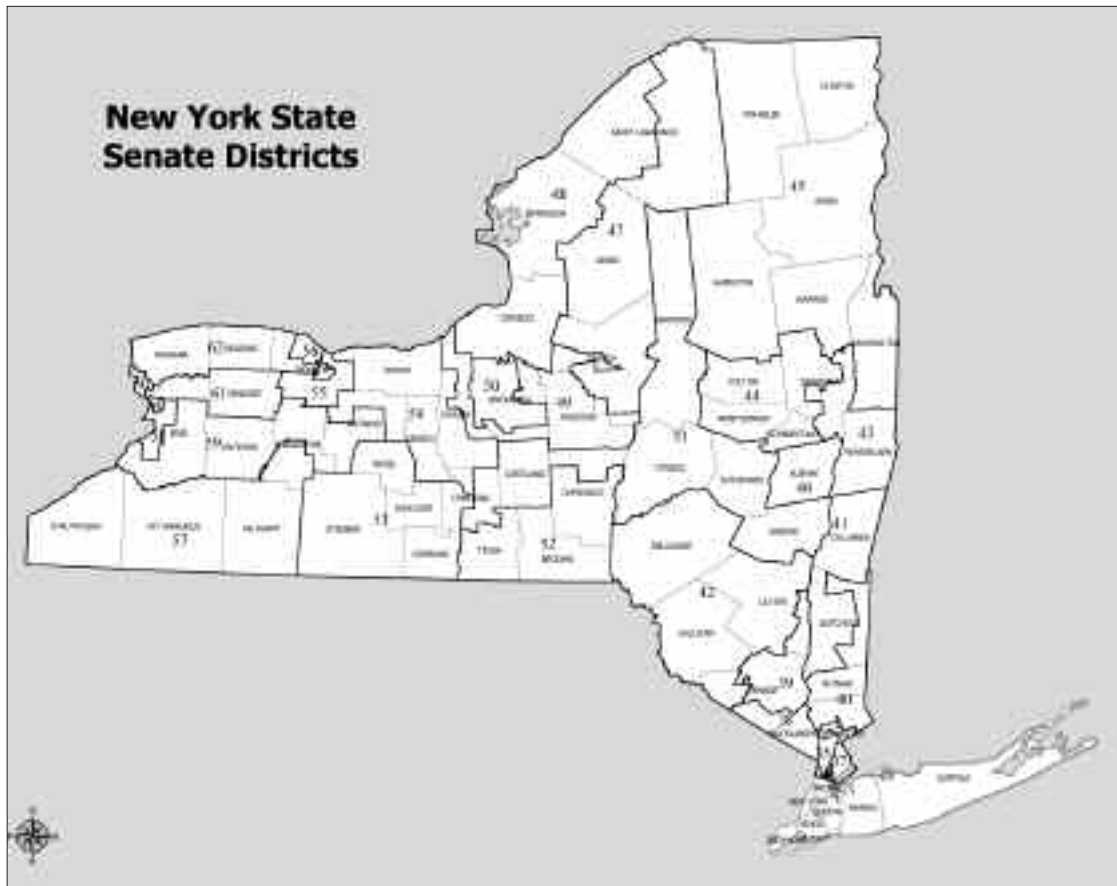
GRADE	SCORE
A	96+
A-	90-95
B+	87-89
B	83-86
B-	80-82
C+	75-79
C	65-74
C-	60-64
D+	55-59
D	45-54
D-	40-44
F	0-40

HOW THIS WORKS

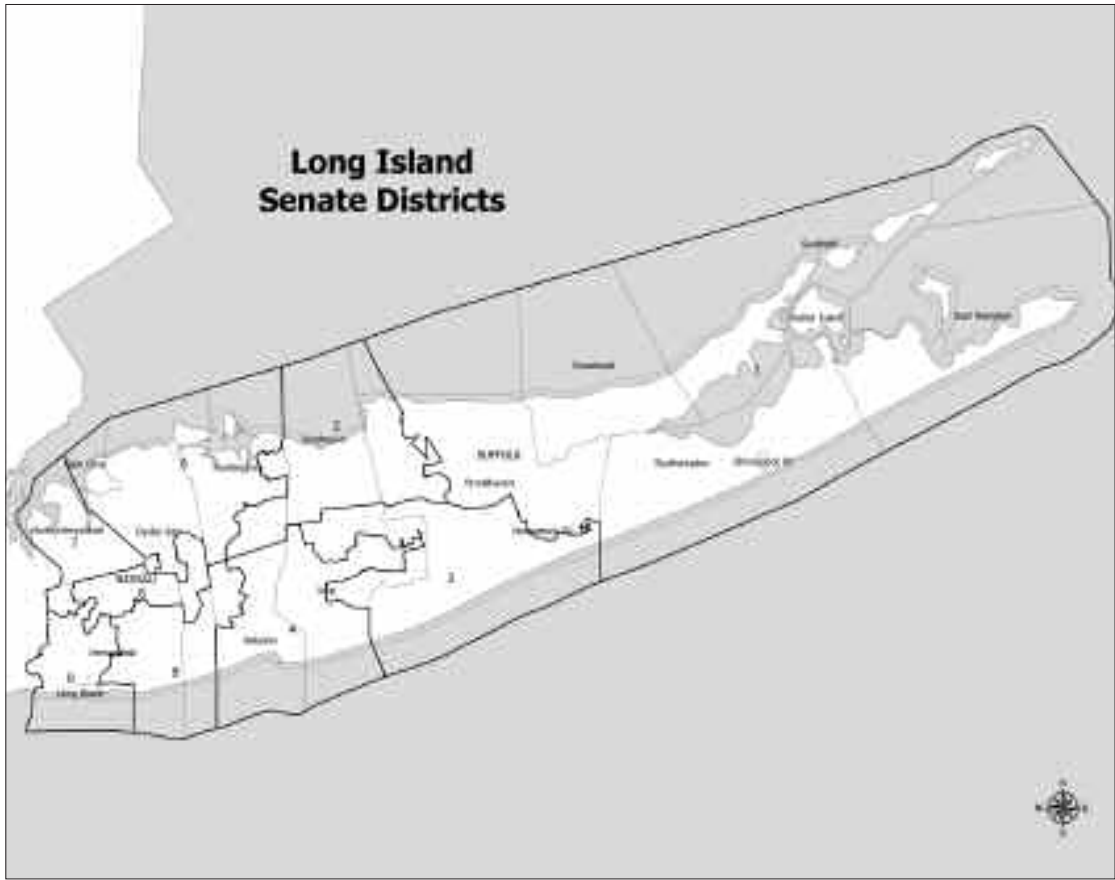
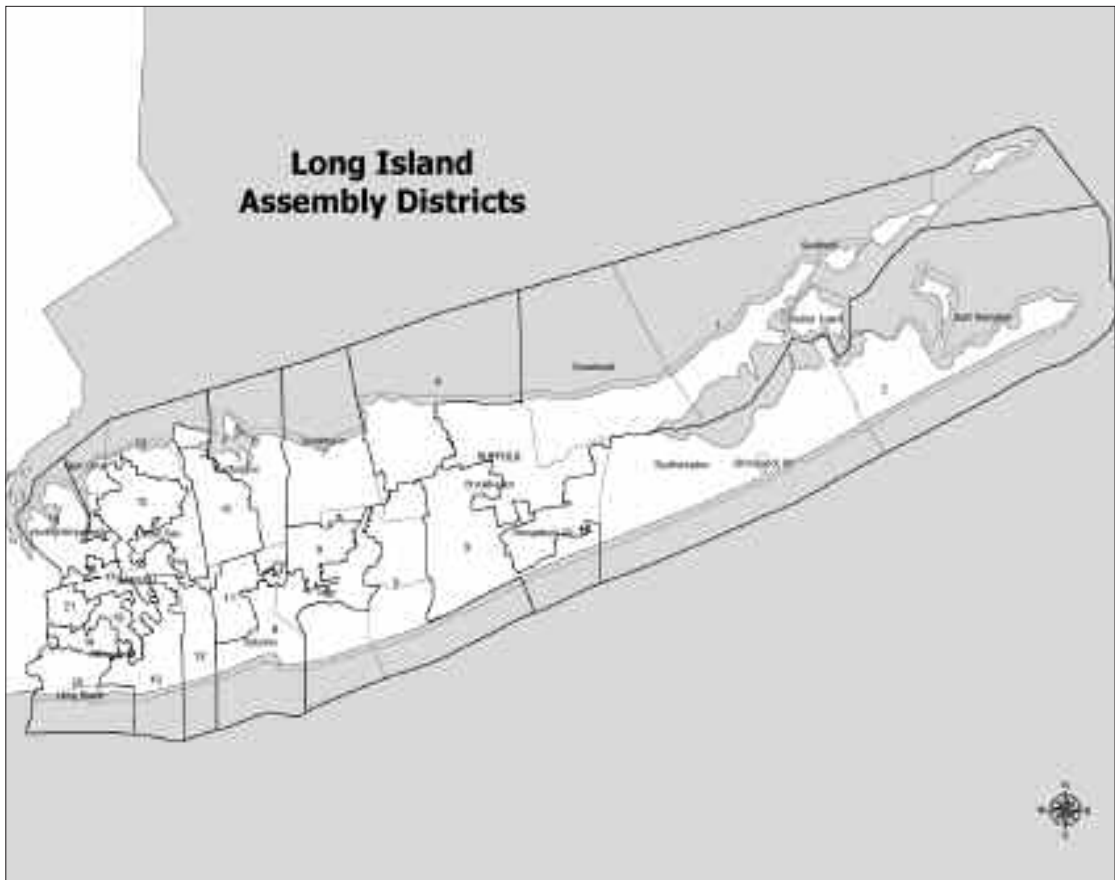
Letter grades were awarded according to the chart on the left. Since the scorecard covers votes cast over the course of five years (2001-2005) and three legislative sessions, not every legislator was in office when each vote was taken. To facilitate the holding of current elected officials accountable, this scorecard tracks the votes of the last legislator to vote in each district in 2005. This means that each Senate and Assembly district is represented by only one legislator, even if more than one person represented the district between 2001 and 2005. To find out which Senate and Assembly district you live in, refer to the maps on pages 27-29. Senators and Assemblymembers are listed in the scorecard in order of district.

Scores for individual representatives were determined by whether they voted with or against the middle class on each bill. Representatives who missed five or more votes (either because they were not in office, they were not present to vote or they abstained) were not awarded a letter grade and instead received a grade of Incomplete (INC.) A ✓ indicates that a representative voted WITH the middle-class position (not necessarily in favor of the legislation); an X indicates that the representative voted AGAINST the middle-class position. A - indicates that the representative was in office but did not cast a vote, and a NIO indicates that the representative included in the scorecard was not in office at the time the vote was taken.

Scores for the general body of both the Assembly and the Senate on a particular piece of legislation were determined by the average of the number of votes cast by the legislators included in the scorecard with or against the middle class. Scores for the general body of the Assembly and Senate and the parties in each chamber were determined as an average of the scores each legislator received, not including those legislators who received an incomplete score.







NEW YORK STATE SENATE

NEW YORK STATE SENATE	MAJOR PARTY AFFILIATION	DISTRICT	S 2390	A 9202	VETO #54	A 11760-A	S 4995	S 1405	AMENDMENT TO S 3508A
			Auto Insurance Fraud Reform	Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Estate Tax Exemption	Freedom Health Insurance Plans	Gun Industry Civil Liability
MIDDLE CLASS POSITION			NO	YES	YES	YES	NO	NO	YES
Kenneth P. LaValle	R	1	X	✓	✓	✓	X	X	X
John J. Flanagan	R	2	X	NIO	✓	✓	X	X	X
Caesar Trunzo	R	3	X	✓	✓	✓	X	X	X
Owen H. Johnson	R	4	X	✓	✓	✓	X	X	X
Carl L. Marcellino	R	5	X	✓	✓	✓	X	X	X
Kemp Hannon	R	6	X	✓	✓	✓	X	X	X
Michael A. Balboni	R	7	X	✓	✓	✓	X	X	X
Charles J. Fuschillo, Jr.	R	8	X	✓	✓	✓	X	X	X
Dean G. Skelos	R	9	X	✓	✓	✓	X	X	X
Ada L. Smith	D	10	X	—	✓	✓	X	✓	✓
Frank Padavan	R	11	X	✓	✓	✓	X	X	X
George Onorato	D	12	X	✓	✓	✓	—	—	✓
John D. Sabini	D	13	X	NIO	✓	✓	✓	✓	✓
Malcolm A. Smith	D	14	X	✓	✓	✓	X	✓	✓
Serphin R. Maltese	R	15	X	✓	✓	X	X	X	X
Toby Ann Stavisky	D	16	✓	✓	✓	✓	✓	✓	✓
Martin Malave Dilan	D	17	X	NIO	✓	✓	X	✓	X
Velmanette Montgomery	D	18	X	✓	✓	✓	X	✓	✓
John L. Sampson	D	19	—	✓	✓	✓	✓	✓	✓
Carl Andrews	D	20	X	NIO	✓	✓	✓	—	✓
Kevin S. Parker	D	21	X	NIO	✓	✓	X	✓	✓
Martin J. Golden	R	22	X	NIO	✓	✓	X	X	X
Diane J. Savino	D	23	X	NIO	NIO	NIO	X	✓	NIO
John J. Marchi	R	24	X	✓	✓	✓	X	X	X
Martin Connor	D	25	X	✓	✓	✓	✓	✓	X
Liz Krueger	D	26	✓	NIO	✓	✓	✓	✓	✓
Carl Kruger	D	27	X	✓	✓	✓	X	✓	X
José M. Serrano	D	28	X	NIO	NIO	NIO	✓	✓	NIO
Thomas K. Duane	D	29	✓	✓	✓	✓	✓	✓	✓
David A. Paterson	D	30	X	✓	✓	✓	X	✓	✓
Eric T. Schneiderman	D	31	✓	✓	✓	✓	✓	✓	✓

S 7784	S 5693	A 11856	S 5927	AMENDMENT TO A 9553-B	A 9120	S 1967	SCORE	GRADE
In-state Tuition for Non-citizen Residents	Local Emergency Housing Rent Control Act	Predatory Mortgage Lending	Public Authorities Accountability Act	Subsidized Day Care	Superfund Refinancing and Brownfield Cleanup Program Act	Workers' Compensation Increase		
YES	NO	YES	YES	YES	YES	YES		
X	X	✓	✓	X	✓	X	43%	D-
NIO	X	NIO	✓	X	✓	X	36%	F
✓	X	✓	✓	X	✓	X	50%	D
✓	X	✓	✓	—	✓	X	54%	D
X	X	✓	✓	X	✓	X	43%	D-
✓	X	✓	✓	X	✓	X	50%	D
✓	X	✓	✓	X	✓	X	50%	D
X	X	✓	—	X	✓	X	38%	F
✓	X	✓	✓	X	✓	X	50%	D
✓	—	✓	✓	✓	✓	✓	83%	B
X	✓	✓	✓	X	✓	X	50%	D
✓	✓	✓	—	✓	✓	✓	91%	A-
NIO	✓	NIO	✓	✓	✓	✓	91%	A-
✓	✓	✓	✓	✓	✓	✓	86%	B
X	X	✓	✓	X	✓	X	36%	F
✓	✓	—	✓	✓	✓	✓	100%	A
NIO	✓	NIO	✓	✓	✓	✓	73%	C
✓	✓	✓	✓	✓	✓	✓	86%	B
✓	✓	✓	✓	✓	✓	✓	100%	A
✓	✓	✓	✓	✓	✓	✓	92%	A-
NIO	✓	NIO	✓	✓	✓	✓	82%	B-
NIO	✓	NIO	✓	X	✓	X	45%	D
NIO	NIO	NIO	✓	NIO	NIO	✓	INC.	INC.
✓	X	✓	✓	—	—	X	50%	D
✓	✓	✓	✓	X	✓	X	71%	C
✓	✓	✓	✓	✓	✓	✓	100%	A
✓	✓	✓	—	X	✓	✓	69%	C
NIO	NIO	NIO	✓	NIO	NIO	✓	INC.	INC.
✓	✓	✓	✓	✓	✓	✓	100%	A
✓	✓	✓	✓	✓	✓	✓	86%	B
✓	✓	✓	✓	✓	✓	✓	100%	A

NEW YORK STATE SENATE

NEW YORK STATE SENATE	MAJOR PARTY AFFILIATION	DISTRICT	S 2390	A 9202	VETO #54	A 11760-A	S 4995	S 1405	AMENDMENT TO S. 3508-A
			Auto Insurance Fraud Reform	Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Estate Tax Exemption	Freedom Health Insurance Plans	Gun Industry Civil Liability
MIDDLE CLASS POSITION			NO	YES	YES	YES	NO	NO	YES
Ruben Diaz, Sr.	D	32	X	NIO	✓	✓	X	✓	X
Efrain Gonzalez, Jr.	D	33	X	✓	✓	✓	X	—	—
Jeffrey D. Klein	D	34	X	NIO	NIO	NIO	X	X	NIO
Nicholas A. Spano	R	35	X	✓	✓	✓	X	X	X
Ruth Hassell-Thompson	D	36	—	✓	✓	✓	X	✓	✓
Suzi Oppenheimer	D	37	X	✓	✓	—	X	✓	X
Thomas P. Morahan	R	38	X	✓	✓	✓	X	✓	X
William J. Larkin, Jr.	R	39	X	✓	✓	✓	X	X	X
Vincent A. Leibell, III	R	40	X	✓	✓	✓	X	X	X
Stephen M. Saland	R	41	X	✓	✓	X	X	X	X
John J. Bonacic	R	42	X	✓	✓	✓	—	—	X
Joseph L. Bruno	R	43	X	✓	✓	✓	X	X	X
Hugh T. Farley	R	44	X	✓	✓	✓	X	X	—
Elizabeth Little	R	45	X	NIO	✓	X	X	X	X
Neil D. Breslin	D	46	X	✓	✓	✓	X	X	✓
Raymond A. Meier	R	47	X	✓	✓	X	X	X	X
James W. Wright	R	48	X	✓	✓	✓	X	X	X
David J. Valesky	D	49	X	NIO	NIO	NIO	X	X	NIO
John A. DeFrancisco	R	50	✓	✓	✓	—	X	X	X
James L. Seward	R	51	X	✓	✓	X	X	X	X
Thomas W. Libous	R	52	X	✓	✓	✓	X	X	X
George H. Winner, Jr.	R	53	X	NIO	NIO	NIO	X	X	NIO
Michael F. Nozzolio	R	54	X	✓	✓	X	X	X	X
James S. Alesi	R	55	X	✓	✓	✓	X	X	X
Joseph E. Robach	R	56	X	NIO	✓	✓	X	X	X
Catharine M. Young	R	57	X	NIO	NIO	NIO	X	X	NIO
William T. Stachowski	D	58	X	✓	✓	✓	X	X	X
Dale M. Volker	R	59	X	✓	✓	✓	X	X	X
Byron W. Brown	D	60	X	✓	✓	✓	X	✓	✓
Mary Lou Rath	R	61	X	✓	✓	✓	X	X	X
George D. Maziarz	R	62	X	✓	✓	✓	X	X	X

S 7784	S 5693	A 11856	S 5927	AMENDMENT TO A 9553-B	A 9120	S 1967	SCORE	GRADE
In-state Tuition for Non-citizen Residents	Local Emergency Housing Rent Control Act	Predatory Mortgage Lending	Public Authorities Accountability Act	Subsidized Daycare	Superfund Refinancing and Brownfield Cleanup Program Act	Workers' Compensation Increase		
YES	NO	YES	YES	YES	YES	YES		
NIO	✓	NIO	—	✓	✓	✓	70%	C
✓	✓	✓	—	✓	✓	✓	82%	B-
NIO	NIO	NIO	✓	NIO	NIO	✓	INC.	INC.
✓	X	✓	✓	X	✓	X	50%	D
✓	✓	✓	✓	✓	✓	✓	92%	A-
✓	✓	✓	✓	✓	—	✓	75%	C+
X	X	✓	✓	X	✓	X	50%	D
X	X	✓	✓	X	✓	X	43%	D-
X	X	✓	✓	X	✓	X	43%	D-
X	X	✓	✓	X	✓	X	36%	F
X	X	✓	✓	X	✓	X	50%	D
✓	X	✓	✓	X	✓	X	50%	D
X	X	✓	✓	X	✓	X	46%	D
NIO	X	NIO	✓	X	✓	X	27%	F
✓	✓	✓	✓	✓	✓	✓	79%	C+
✓	X	X	✓	X	✓	X	36%	F
X	X	✓	✓	X	✓	X	43%	D-
NIO	NIO	NIO	✓	NIO	NIO	✓	INC.	INC.
X	X	X	✓	X	✓	X	38%	F
X	X	X	✓	X	✓	X	29%	F
X	X	✓	✓	X	✓	X	43%	D-
NIO	NIO	NIO	✓	NIO	NIO	X	INC.	INC.
X	X	✓	✓	X	✓	X	36%	F
✓	X	✓	✓	X	X	X	43%	D-
NIO	X	NIO	✓	X	X	X	27%	F
NIO	NIO	NIO	✓	NIO	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	X	✓	57%	D+
X	X	✓	✓	X	X	X	36%	F
✓	✓	✓	✓	✓	X	✓	79%	C+
X	X	✓	✓	X	X	X	36%	F
X	X	✓	✓	X	X	X	36%	F

NEW YORK STATE ASSEMBLY

NEW YORK STATE ASSEMBLY	MAJOR PARTY AFFILIATION	DISTRICT	A 9202	VETO #54	A-11760-A	A 1301	A 2518	A 4111	S 7784
			Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Families in the Workplace Act	Health Insurance Reform	Hospital Language Assistance	In-state Tuition for Non-citizen Residents
MIDDLE CLASS POSITION			YES	YES	YES	YES	YES	YES	YES
Patricia L. Acampora	R	1	✓	X	✓	NIO	✓	X	X
Fred W. Thiele, Jr.	R	2	✓	X	✓	✓	✓	✓	X
Patricia A. Eddington	D	3	✓	✓	✓	✓	✓	✓	X
Steve Englebright	D	4	✓	✓	✓	✓	✓	✓	X
Ginny Fields	D	5	NIO	NIO	✓	✓	✓	✓	NIO
Phil Ramos	D	6	NIO	✓	—	✓	✓	✓	NIO
Michael J. Fitzpatrick	R	7	NIO	X	X	X	✓	✓	NIO
Thomas F. Barraga	R	8	✓	X	✓	X	—	—	X
Andrew P. Raia	R	9	NIO	X	✓	X	✓	X	NIO
James D. Conte	R	10	✓	X	✓	X	✓	X	X
Robert K. Sweeney	D	11	✓	✓	—	✓	✓	✓	✓
Joseph S. Saladino	R	12	NIO	NIO	✓	X	✓	✓	NIO
Charles D. Lavine	D	13	NIO	NIO	NIO	✓	✓	✓	NIO
Bob Barra	R	14	✓	✓	✓	X	✓	✓	X
Rob Walker	R	15	NIO	NIO	NIO	✓	NIO	NIO	NIO
Thomas P. DiNapoli	D	16	✓	✓	✓	✓	✓	✓	✓
Maureen C. O'Connell	R	17	✓	✓	—	—	✓	✓	X
Earlene Hooper	D	18	✓	✓	✓	✓	✓	✓	✓
David G. McDonough	R	19	NIO	✓	✓	✓	✓	✓	X
Harvey Weisenberg	D	20	✓	✓	—	—	✓	—	✓
Tom Alfano	R	21	✓	✓	✓	✓	✓	✓	X
Jimmy Meng	D	22	NIO	NIO	NIO	—	✓	✓	NIO
Audrey I. Pheffer	D	23	✓	✓	✓	✓	✓	✓	✓
Mark Weprin	D	24	✓	✓	✓	✓	✓	✓	✓
Brian M. McLaughlin	D	25	✓	✓	✓	✓	✓	✓	✓
Ann Margaret Carrozza	D	26	✓	✓	—	—	✓	✓	X
Nettie Mayersohn	D	27	✓	✓	✓	—	—	✓	—
Andrew Hevesi	D	28	NIO	NIO	NIO	✓	NIO	✓	NIO
William Scarborough	D	29	✓	✓	✓	—	✓	✓	✓
Margaret M. Markey	D	30	✓	✓	✓	✓	✓	✓	✓
Michele R. Titus	D	31	NIO	✓	✓	—	✓	✓	✓

S 5693	A 2050	A 11624	A 11856	S 5927	A 11682	A 9120	SCORE	GRADE
Local Emergency Housing Rent Control Act	Long Island Workforce Housing Incentive Program Act	New York State Extended Unemployment Benefits Act	Predatory Mortgage Lending	Public Authorities Accountability Act	State Financial Incentive Protection Act	Superfund Refinancing and Brownfield Cleanup Program Act		
NO	YES	YES	YES	YES	YES	YES		
X	✓	✓	✓	NIO	✓	✓	67%	C
X	✓	✓	✓	✓	✓	✓	79%	C+
X	✓	✓	✓	✓	✓	✓	86%	B
✓	✓	✓	✓	✓	✓	✓	93%	A-
NIO	✓	NIO	NIO	✓	✓	NIO	INC.	INC.
X	✓	NIO	NIO	✓	✓	✓	89%	B+
✓	✓	NIO	NIO	✓	X	✓	60%	C-
X	✓	✓	✓	✓	X	✓	58%	D+
✓	✓	NIO	NIO	✓	✓	✓	70%	C
✓	✓	✓	✓	✓	X	✓	64%	C-
X	✓	✓	✓	✓	✓	✓	92%	A-
NIO	✓	NIO	NIO	✓	✓	NIO	INC.	INC.
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	79%	C+
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	—	✓	✓	82%	B-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	85%	B
X	✓	✓	✓	—	✓	✓	90%	A-
—	✓	—	✓	✓	✓	—	91%	A-
NIO	✓	NIO	NIO	—	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
✓	✓	✓	✓	✓	✓	✓	100%	A
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	—	✓	✓	82%	B-
X	✓	✓	—	—	✓	✓	INC.	INC.
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	—	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	—	✓	✓	91%	A-

NEW YORK STATE ASSEMBLY

NEW YORK STATE ASSEMBLY	MAJOR PARTY AFFILIATION	DISTRICT	A 9202	VETO #54	A-11760-A	A 1301	A 2518	A 4111	S 7784
			Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Families in the Workplace Act	Health Insurance Reform	Hospital Language Assistance	In-state Tuition for Non-citizen Residents
MIDDLE CLASS POSITION			YES	YES	YES	YES	YES	YES	YES
Vivian E. Cook	D	32	✓	✓	✓	✓	✓	✓	✓
Barbara M. Clark	D	33	—	✓	✓	✓	✓	✓	✓
Ivan C. Lafayette	D	34	✓	✓	✓	✓	✓	✓	✓
Jeffrion L. Aubry	D	35	✓	✓	✓	✓	✓	—	✓
Michael N. Gianaris	D	36	✓	✓	✓	✓	✓	✓	✓
Catherine Nolan	D	37	✓	✓	✓	✓	✓	✓	✓
Anthony S. Seminerio	D	38	✓	✓	✓	✓	✓	✓	✓
José R. Peralta	D	39	NIO	✓	✓	✓	—	✓	NIO
Diane Gordon	D	40	✓	✓	✓	✓	—	✓	✓
Helene E. Weinstein	D	41	✓	✓	✓	✓	✓	✓	✓
Rhoda Jacobs	D	42	✓	✓	✓	✓	—	✓	✓
Clarence Norman, Jr.	D	43	✓	✓	—	✓	✓	✓	✓
James F. Brennan	D	44	✓	✓	✓	✓	✓	✓	✓
Steven Cymbrowitz	D	45	✓	✓	✓	✓	✓	✓	✓
Adele Cohen	D	46	✓	✓	✓	✓	✓	✓	✓
William Colton	D	47	✓	✓	✓	✓	✓	✓	✓
Dov Hikind	D	48	✓	✓	✓	—	✓	✓	✓
Peter J. Abbate, Jr.	D	49	✓	✓	✓	✓	✓	✓	✓
Joseph R. Lentol	D	50	✓	✓	✓	✓	✓	✓	✓
Felix Ortiz	D	51	✓	✓	—	—	✓	✓	✓
Joan L. Millman	D	52	✓	✓	✓	✓	✓	✓	✓
Vito J. Lopez	D	53	✓	—	—	—	✓	✓	✓
Darryl C. Towns	D	54	✓	✓	—	✓	—	—	✓
William F. Boyland, Jr.	D	55	NIO	NIO	—	✓	—	✓	NIO
Annette Robinson	D	56	NIO	✓	✓	✓	✓	✓	✓
Roger L. Green	D	57	✓	✓	NIO	✓	✓	✓	✓
N. Nick Perry	D	58	✓	✓	✓	—	✓	✓	✓
Frank R. Seddio	D	59	✓	✓	✓	✓	✓	✓	✓
Matthew Mirones	R	60	NIO	X	✓	X	✓	✓	X
John W. Lavelle	D	61	✓	✓	✓	✓	✓	✓	✓
Vincent Ignizio	R	62	NIO	NIO	NIO	X	X	X	NIO

S 5693	A 2050	A 11624	A 11856	S 5927	A 11682	A 9120	SCORE	GRADE
Local Emergency Housing Rent Control Act	Long Island Workforce Housing Incentive Program Act	New York State Extended Unemployment Benefits Act	Predatory Mortgage Lending	Public Authorities Accountability Act	State Financial Incentive Protection Act	Superfund Refinancing and Brownfield Cleanup Program Act		
NO	YES	YES	YES	YES	YES	YES		
—	✓	✓	✓	✓	✓	—	100%	A
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
—	✓	✓	✓	✓	✓	—	100%	A
X	✓	NIO	NIO	—	✓	✓	INC.	INC.
X	—	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	—	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	—	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	—	✓	✓	93%	A-
X	—	✓	✓	✓	✓	✓	91%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	—	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	91%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	91%	A-
X	—	✓	✓	✓	✓	✓	90%	A-
X	✓	NIO	NIO	—	✓	✓	INC.	INC.
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	—	NIO	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	69%	C
X	✓	✓	✓	✓	✓	✓	93%	A-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.

NEW YORK STATE ASSEMBLY

NEW YORK STATE ASSEMBLY	MAJOR PARTY AFFILIATION	DISTRICT	A 9202	VETO #54	A-11760-A	A 1301	A 2518	A 4111	S 7784
			Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Families in the Workplace Act	Health Insurance Reform	Hospital Language Assistance	In-state Tuition for Non-citizen Residents
MIDDLE CLASS POSITION			YES	YES	YES	YES	YES	YES	YES
Michael Cusick	D	63	NIO	✓	✓	✓	✓	✓	NIO
Sheldon Silver	D	64	✓	✓	✓	✓	✓	✓	✓
Alexander B. Pete Grannis	D	65	✓	✓	✓	✓	✓	✓	✓
Deborah J. Glick	D	66	✓	✓	✓	✓	✓	✓	✓
Scott Stringer	D	67	✓	✓	✓	✓	✓	✓	✓
Adam Clayton Powell, IV	D	68	✓	✓	✓	—	✓	✓	✓
Daniel J. O'Donnell	D	69	NIO	✓	✓	—	✓	✓	NIO
Keith L.T. Wright	D	70	✓	✓	✓	✓	✓	✓	✓
Herman D. Farrell, Jr.	D	71	✓	✓	✓	✓	✓	✓	✓
Adriano Espaillat	D	72	✓	✓	✓	—	✓	✓	✓
Jonathan L. Bing	D	73	NIO	✓	✓	✓	✓	✓	NIO
Steven Sanders	D	74	✓	✓	✓	✓	✓	—	✓
Richard N. Gottfried	D	75	✓	✓	✓	✓	✓	✓	✓
Peter M. Rivera	D	76	✓	✓	✓	—	✓	✓	✓
Aurelia Greene	D	77	✓	✓	✓	—	✓	✓	✓
Jose Rivera	D	78	—	✓	✓	✓	✓	✓	✓
Michael Benjamin	D	79	NIO	NIO	✓	✓	✓	✓	NIO
Naomi Rivera	D	80	NIO	NIO	NIO	✓	✓	✓	NIO
Jeffrey Dinowitz	D	81	✓	✓	✓	✓	✓	✓	✓
Michael Benedetto	D	82	NIO	NIO	NIO	✓	✓	✓	NIO
Carl E. Heastie	D	83	✓	✓	✓	—	✓	✓	✓
Carmen E. Arroyo	D	84	✓	✓	—	✓	✓	✓	✓
Ruben Diaz, Jr.	D	85	✓	✓	✓	✓	✓	✓	✓
Luis M. Diaz	D	86	NIO	✓	✓	—	✓	✓	NIO
J. Gary Pretlow	D	87	✓	✓	✓	✓	✓	✓	✓
Amy Paulin	D	88	✓	✓	✓	✓	✓	✓	X
Adam Bradley	D	89	NIO	✓	✓	✓	✓	✓	NIO
Sandy Galef	D	90	✓	✓	✓	✓	✓	✓	X
George S. Latimer	D	91	NIO	NIO	NIO	✓	✓	✓	NIO
Richard L. Brodsky	D	92	✓	✓	✓	✓	✓	✓	✓
Louis A. Mosiello	R	93	NIO	NIO	NIO	X	✓	X	NIO

S 5693	A 2050	A 11624	A 11856	S 5927	A 11682	A 9120	SCORE	GRADE
Local Emergency Housing Rent Control Act	Long Island Workforce Housing Incentive Program Act	New York State Extended Unemployment Benefits Act	Predatory Mortgage Lending	Public Authorities Accountability Act	State Financial Incentive Protection Act	Superfund Refinancing and Brownfield Cleanup Program Act		
NO	YES	YES	YES	YES	YES	YES		
X	✓	NIO	NIO	✓	✓	✓	90%	A-
X	✓	✓	✓	—	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
✓	✓	✓	✓	✓	✓	✓	100%	A
X	✓	✓	✓	—	✓	✓	92%	A-
✓	✓	NIO	NIO	✓	✓	✓	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	NIO	NIO	✓	✓	✓	90%	A-
X	—	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	—	NIO	NIO	✓	✓	✓	INC.	INC.
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	—	✓	✓	92%	A-
X	✓	NIO	NIO	—	✓	✓	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	86%	B
X	✓	NIO	NIO	✓	✓	✓	90%	A-
X	✓	✓	✓	✓	✓	✓	86%	B
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	93%	A-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.

NEW YORK STATE ASSEMBLY

NEW YORK STATE ASSEMBLY	MAJOR PARTY AFFILIATION	DISTRICT	A 9202	VETO #54	A-11760-A	A 1301	A 2518	A 4111	S 7784
			Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Families in the Workplace Act	Health Insurance Reform	Hospital Language Assistance	In-state Tuition for Non-citizen Residents
MIDDLE CLASS POSITION			YES	YES	YES	YES	YES	YES	YES
Kenneth P. Zebrowski	D	94	NIO	NIO	NIO	✓	✓	✓	NIO
Ryan Scott Karben	D	95	NIO	✓	—	✓	✓	✓	NIO
Nancy Calhoun	R	96	✓	X	✓	X	✓	X	X
Annie Rabbitt	R	97	NIO	NIO	NIO	✓	✓	X	NIO
Aileen M. Gunther	D	98	✓	✓	✓	✓	✓	✓	X
Will Stephens	R	99	✓	X	✓	✓	✓	X	X
Tom Kirwan	R	100	✓	✓	✓	X	✓	X	X
Kevin A. Cahill	D	101	✓	✓	✓	✓	✓	✓	✓
Joel M. Miller	R	102	✓	✓	✓	X	✓	✓	X
Pat Manning	R	103	✓	✓	✓	X	✓	X	X
John J. McEneny	D	104	✓	✓	✓	✓	✓	✓	✓
Paul D. Tonko	D	105	✓	✓	✓	✓	✓	✓	✓
Ron Canestrari	D	106	✓	✓	✓	✓	✓	✓	X
Clifford W. Crouch	R	107	✓	X	X	X	✓	X	X
Pat M. Casale	R	108	✓	✓	✓	✓	✓	✓	X
Robert Reilly	D	109	NIO	NIO	NIO	✓	✓	✓	NIO
James Tedisco	R	110	✓	X	✓	X	✓	X	X
William Magee	D	111	✓	✓	X	X	✓	X	X
Roy McDonald	R	112	NIO	X	✓	✓	✓	X	X
Teresa R. Sayward	R	113	NIO	✓	X	X	✓	X	NIO
Chris Ortloff	R	114	✓	X	✓	✓	✓	X	X
David R. Townsend, Jr.	R	115	✓	X	✓	✓	✓	X	X
RoAnn M. Destito	D	116	✓	✓	✓	—	✓	✓	X
Marc W. Butler	R	117	✓	X	X	X	✓	X	X
Darrel J. Aubertine	D	118	NIO	✓	✓	✓	✓	✓	NIO
Joan K. Christensen	D	119	✓	✓	✓	✓	✓	✓	X
William B. Magnarelli	D	120	✓	✓	✓	✓	✓	✓	X
Jeff Brown	R	121	✓	X	—	✓	✓	X	X
Dede Scozzafava	R	122	✓	X	✓	✓	✓	✓	X
Gary D. Finch	R	123	✓	X	X	X	✓	X	X
William A. Barclay	R	124	NIO	X	X	X	✓	X	NIO

S 5693	A 2050	A 11624	A 11856	S 5927	A 11682	A 9120	SCORE	GRADE
Local Emergency Housing Rent Control Act	Long Island Workforce Housing Incentive Program Act	New York State Extended Unemployment Benefits Act	Predatory Mortgage Lending	Public Authorities Accountability Act	State Financial Incentive Protection Act	Superfund Refinancing and Brownfield Cleanup Program Act		
NO	YES	YES	YES	YES	YES	YES		
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
—	—	NIO	NIO	—	✓	—	INC.	INC.
✓	✓	✓	✓	✓	X	✓	64%	C-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	86%	B
X	✓	✓	✓	✓	✓	✓	71%	C
✓	✓	✓	✓	✓	✓	✓	79%	C+
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	79%	C+
X	✓	✓	✓	—	✓	✓	69%	C
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	86%	B
✓	✓	✓	✓	✓	✓	✓	64%	C-
X	✓	✓	✓	✓	✓	✓	86%	B
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
✓	✓	✓	✓	✓	✓	✓	71%	C
✓	✓	✓	✓	✓	✓	✓	71%	C
—	✓	✓	✓	✓	✓	—	73%	C
✓	✓	NIO	NIO	✓	X	✓	60%	C-
✓	✓	✓	✓	—	✓	✓	77%	C+
✓	✓	✓	✓	✓	✓	✓	79%	C+
✓	✓	✓	✓	—	✓	✓	92%	A-
X	✓	✓	✓	✓	X	✓	50%	D
✓	✓	NIO	NIO	✓	✓	✓	100%	A
—	✓	✓	✓	✓	✓	—	92%	A-
✓	✓	✓	✓	✓	✓	✓	93%	A-
✓	✓	✓	✓	✓	X	✓	69%	C
✓	✓	✓	✓	✓	✓	✓	86%	B
✓	✓	✓	✓	✓	X	✓	57%	D+
✓	✓	NIO	NIO	✓	X	✓	50%	D

NEW YORK STATE ASSEMBLY

NEW YORK STATE ASSEMBLY	MAJOR PARTY AFFILIATION	DISTRICT	A 9202	VETO #54	A-11760-A	A 1301	A 2518	A 4111	S 7784
			Card-check Recognition of Unions	Educational Opportunity Program Budget	Empire State Wage Act	Families in the Workplace Act	Health Insurance Reform	Hospital Language Assistance	In-state Tuition for Non-citizen Residents
MIDDLE CLASS POSITION			YES	YES	YES	YES	YES	YES	YES
Barbara Lifton	D	125	NIO	✓	✓	✓	✓	✓	NIO
Donna Lupardo	D	126	NIO	NIO	NIO	✓	✓	✓	NIO
Daniel L. Hooker	R	127	NIO	X	X	—	—	—	NIO
Robert C. Oaks	R	128	✓	X	X	X	✓	X	X
Brian M. Kolb	R	129	✓	X	X	X	✓	X	X
Joseph A. Errigo	R	130	✓	X	X	X	✓	—	X
Susan V. John	D	131	✓	✓	✓	✓	✓	✓	X
Joseph D. Morelle	D	132	✓	✓	✓	✓	—	✓	✓
David F. Gantt	D	133	✓	✓	✓	✓	✓	✓	✓
Bill Reilich	R	134	NIO	X	X	X	✓	X	NIO
David Koon	D	135	✓	✓	✓	✓	✓	✓	X
Jim Bacalles	R	136	✓	X	✓	X	✓	X	X
Thomas F. O'Mara	R	137	NIO	NIO	NIO	X	✓	X	NIO
Francine DelMonte	D	138	—	✓	✓	✓	✓	✓	X
Charlie Nesbitt	R	139	✓	X	X	X	✓	X	X
Robin Schimminger	D	140	✓	✓	X	X	✓	X	X
Crystal D. Peoples	D	141	NIO	✓	✓	✓	✓	✓	NIO
Sandra Lee Wirth	R	142	✓	X	X	—	—	X	X
Paul A. Tokasz	D	143	✓	✓	✓	✓	✓	✓	✓
Sam Hoyt	D	144	✓	✓	✓	✓	✓	✓	✓
Mark J. Schroeder	D	145	NIO	NIO	NIO	✓	✓	✓	NIO
Jack Quinn	R	146	NIO	NIO	NIO	✓	✓	X	NIO
Daniel J. Burling	R	147	✓	X	X	X	✓	X	X
Jim Hayes	R	148	✓	X	✓	X	✓	X	X
Catharine M. Young	R	149	✓	X	X	NIO	✓	NIO	X
William L. Parment	D	150	✓	✓	✓	✓	✓	X	✓

S 5693	A 2050	A 11624	A 11856	S 5927	A 11682	A 9120	SCORE	GRADE
Local Emergency Housing Rent Control Act	Long Island Workforce Housing Incentive Program Act	New York State Extended Unemployment Benefits Act	Predatory Mortgage Lending	Public Authorities Accountability Act	State Financial Incentive Protection Act	Superfund Refinancing and Brownfield Cleanup Program Act		
NO	YES	YES	YES	YES	YES	YES		
X	✓	NIO	NIO	✓	✓	✓	90%	A-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
✓	—	NIO	NIO	—	X	✓	INC.	INC.
✓	✓	✓	X	—	X	✓	46%	D
✓	✓	✓	✓	✓	X	✓	57%	D+
✓	✓	✓	✓	✓	X	✓	62%	C-
X	✓	✓	✓	✓	✓	✓	86%	B
X	✓	✓	✓	✓	✓	✓	92%	A-
X	✓	✓	✓	—	✓	✓	92%	A-
✓	✓	NIO	NIO	✓	X	✓	50%	D
✓	✓	✓	✓	✓	✓	✓	93%	A-
✓	✓	✓	X	✓	X	✓	57%	D+
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
X	✓	✓	✓	✓	✓	✓	85%	B
✓	✓	✓	X	✓	X	✓	50%	D
X	✓	✓	✓	✓	✓	✓	64%	C-
X	—	NIO	NIO	✓	✓	✓	89%	B+
X	✓	✓	✓	—	X	✓	45%	D
X	✓	✓	✓	✓	✓	✓	93%	A-
X	✓	✓	✓	✓	✓	✓	93%	A-
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
NIO	✓	NIO	NIO	✓	NIO	NIO	INC.	INC.
✓	✓	✓	✓	✓	✓	✓	64%	C-
X	✓	✓	✓	✓	X	✓	57%	D+
✓	NIO	✓	✓	NIO	X	✓	60%	C-
X	✓	✓	✓	✓	✓	✓	86%	B

LOOKING TO 2006: PENDING ISSUES

EDUCATION

When it comes to education, the Campaign for Fiscal Equity lawsuit is New York's proverbial elephant in the room. Middle-class and aspiring middle-class families in the state's under-resourced school districts will benefit when the state meets its obligation under the 2003 Court of Appeals decision to provide school funding sufficient for a "sound basic education," including a "meaningful high school education" to all New York's children. The state legislature can end the delay in complying with the court order by passing the Schools for New York's Future Act (A 8700) sponsored in 2005 by former Assemblyman Steve Sanders, or similar legislation that would bring state funding into line with student needs throughout the state.

New York's system of early childhood education also faces a severe shortage of resources. In 1997, New York aimed to create a voluntary, universal pre-kindergarten system, giving every four-year-old in the state an opportunity to attend preschool. With recent studies suggesting that each public dollar invested in preschool education saves taxpayers up to \$13.00 in the future—a return higher than many of the state's economic development programs—this project is more relevant than ever. Yet budget constraints have limited access to only one in four of the state's preschool-aged children. Making good on the vision of universal preschool for all children should be a priority for legislators concerned with strengthening and expanding New York's middle class.

HIGHER EDUCATION

Governor Pataki's proposed SUNY and CUNY tuition increases for 2006-2007 would make college education less accessible to New York students and their families. The governor's plan to make future annual tuition increases automatic would compound the problem, while his proposals to reduce Tuition Assistance Program grants to students taking fewer

than 15 credits per semester would set new hurdles in the path of students struggling to balance work, family obligations and study. The legislature should reject these measures, which seek short-term savings at the cost of a less educated citizenry and workforce. On the other hand, Governor Pataki's proposal to provide free tuition at public universities for students who agree to teach math and science in the state's public schools is a practical response to the shortage of teachers in these subjects.

HEALTH CARE

A number of proposals to make health care more affordable and accessible to poor and middle-class New Yorkers are on the agenda in 2006.

Assemblyman Pete Grannis' bill to enable the Insurance Superintendent to more closely regulate health insurance rates for individuals and small businesses, discussed in detail on page 14, would rein in costs for the New Yorkers who currently pay the most exorbitant premiums. It should be passed by the Senate. Senators should also approve A 6199, sponsored by Assemblyman Richard Gottfried, which would make state health care dollars go further in a sophisticated plan to expand coverage for low-income workers who cannot afford to participate in the health care plans their employers offer. A third bill, complementary to the first two, was recently introduced by Senator Diane Savino. The Health Care Responsibility Act (S 6472) would require large retail employers to pay a minimum amount to provide their employees with health coverage. In the absence of this legislation, employees are uninsured or use public health programs like Medicaid and Healthy NY, leaving taxpayers to subsidize irresponsible corporate practices. A more expansive version of this legislation is being promoted by the Working Families Party, although it has not yet been introduced in the legislature. While all of these piecemeal bills would be positive, legislators should also seek out more comprehensive approaches to making sure all New Yorkers get the medical care they need.

Finally, state efforts to crack down on doctors, pharmacies and clinics that defraud the state out of billions of dollars in Medicaid funds are a clear health care priority for 2006. While Governor Pataki's proposal to put more resources into identifying fraud is significant, the Attorney General's office also needs enhanced investigative powers to prosecute Medicaid fraud. In addition, the state's attempts to uncover fraud would be greatly reinforced by a False Claims Act. Modeled on the federal False Claims Act and successful examples in 14 states, such legislation would provide financial incentives for whistleblowers to come forward with cases of fraud and would impose civil penalties and damages on wrongdoers to deter fraud in the first place. Worthwhile False Claims Act legislation has been proposed by Senators Hugh Farley and John DeFrancisco and by Assemblyman Richard Brodsky.

AFFORDABLE HOUSING

Long Island Workforce Housing Incentive Program Act (A 2050, see page 18) sponsored by Assemblyman Thomas DiNapoli passed the Assembly but died in the Senate in 2005. In 2006, both chambers will again have an opportunity to pass the bill, spurring the construction of housing affordable to middle-class workers and their families in one of the state's most exorbitant housing markets. For New York City, another area of the state that is becoming dangerously unaffordable, the year's biggest state housing issue may be enabling the city to enact rent regulations on its own that are more protective than those available under state law. The failure of the state legislature to strengthen tenant protections in 2003 (see page 17) suggests that this type of local control would better serve the city's middle-class and aspiring middle-class renters.

TAX FAIRNESS

Tax cuts for those who need it least are the hallmark of Governor Pataki's 2006 budget proposal, with the majority of benefits heaped on those earning more than \$100,000 a year. Eliminating or reducing New York's estate tax (see page 10), for example, would mean those lucky enough to inherit a windfall have less responsibility to contribute to state revenues than New Yorkers who work for a living. By the same token, phasing out the state's alternative minimum tax for businesses would enable the state's most profitable corporations to avoid paying their share of taxes.

In Governor Pataki's budget proposal even the more modest tax breaks that could benefit the middle class are laden with perverse incentives: one proposed tax cut would reward homeowners with a \$400 rebate if they live in a school district that has decided not to increase its investment in children's education. In other words, Governor Pataki proposes that New York pay more to educate the state's children less. Legislators should reject such upside-down priorities, instead of eliminating regressive levies like the tax on clothing worth less than \$110. Meanwhile, in 2006, the state's decision last year to take over a share of local Medicaid costs should help municipalities to provide a much-needed break in property taxes for middle-class homeowners.

JOB CREATION AND WORKPLACE ISSUES

Many of the same workplace issues considered, but not resolved, over the past five years will once again be on the table in 2006. Workers compensation and disability insurance benefits continue to be too low to enable injured workers to recover without substantial economic hardship to their families. Senator Eric Schneiderman's bill to increase these benefits (S 1967, discussed on page 25) provides an important remedy and deserves to become law. The Families in the

LOOKING TO 2006: PENDING ISSUES

Workplace Act (A 1301, discussed on page 11), Assemblywoman Catherine Nolan's plan to use the disability benefits system to offer paid family leave, would substantially improve the lives of middle-class New Yorkers and their families who currently cannot afford to take time off when they or their children become ill. To minimize employers' insurance costs as a result of this program, the legislature should also direct the State Insurance Department to conduct an in-depth inquiry, including public hearings, on whether current rates for workers' compensation and disability insurance are warranted.

Legislators should also resist calls to erode significant workplace protections. Assemblyman Joseph Morelle's bill (A 2946A) to weaken the scaffolding law, reducing employers' legal liability for construction accidents that occur on their worksites, would be particularly detrimental to workplace safety and should be opposed.

The dismal record of New York's many job creation and business incentive programs must be improved to stem the continuing tide of jobs flowing out of state. Assemblyman Richard Brodsky's State Financial Incentive Protection Act (see page 22) which passed the Assembly in 2004 but died in the Senate, has been reintroduced this session as A 1213. The bill, which would help to ensure that the state's existing job creation incentives actually produce the intended results, is more sensible than proposals like Senator James Alesi's bill (S 3052) to create entirely new incentive programs without improving accountability for the multitude that already exist.

CONSUMER PROTECTION

The high cost of insurance in New York State is among the most important but least discussed issues affecting the middle class. One bill that would address the problem is A 4029/S 6710. Sponsored by Eric Schneiderman in the Senate and Pete Grannis in the Assembly, the legislation provides policyholders with a remedy when their insurance companies deny or underestimate payment on a legitimate claim in bad faith. While policyholders can currently sue the companies to get their claims paid in full, this bill would also impose punitive damages on the companies to deter intentional denials of payment.

Another deserving consumer bill is Senator Liz Krueger's Refund Anticipation Loan Act (S 3618A) which would rein in the abusive practices of tax preparers who offer "advances" on a customer's expected IRS tax refund that are really loans with high fees and exorbitant interest rates. In addition to disclosure requirements, the bill would ban loans against New York State tax refunds, limit fees for all refund loans and allow customers to sue their lenders for damages and attorneys' fees if the lender violates the Act.

WHAT IS THE DRUM MAJOR INSTITUTE FOR PUBLIC POLICY?

The Drum Major Institute for Public Policy is a non-partisan, non-profit organization dedicated to challenging the tired orthodoxies of both the right and the left. The goal: progressive public policy for social and economic fairness. DMI's approach is unwavering: We do not issue reports to see our name in print or hold forums for the sake of mere talk. We seek to change policy by conducting research into overlooked but important social and economic issues, by leveraging our strategic relationships to engage policymakers and opinion-leaders in our work and by offering platforms to amplify the ideas of those who are working for social and economic fairness.

Originally called the Drum Major Foundation, DMI was founded by Harry Wachtel, lawyer and advisor to Rev. Dr. Martin Luther King, Jr. during the turbulent years of the civil rights movement. DMI was relaunched in 1999 by New York attorney William Wachtel, Harry's son, and by Martin Luther King III and Ambassador Andrew Young.

From releasing nationally recognized studies of our increasingly fragile middle class, the relationship between schools and communities and the impact of changing demographics on politics to launching an exciting and frequently-visited Web site that serves as a source of ideas and argument, DMI has demonstrated the strength of its mission and strategy.

Please visit www.drummajorinstitute.org for more information.

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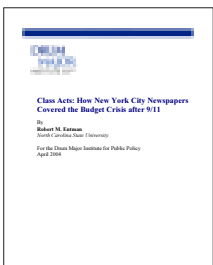
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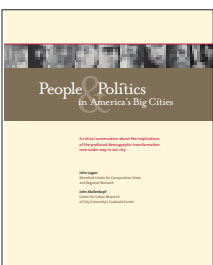
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