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Albany Lawmakers Raise Their Allowance

RICHARD PÉREZ-PEÑA NOV. 11, 2001

When legislators returned here last month to amend the state budget, the talk was of austerity, shrinking resources and painful program cuts. But when it came to the lawmakers themselves, state spending was headed up, not down.

In October, senators and Assembly members received a 19 percent increase in their per diems, the daily allowances for food and lodging that the state pays them when they are traveling, including when they meet in Albany. It was the third increase in a little over two years, and the second big one.

A lawmaker's per diem for stays in Albany now stands at \$138, up from \$89 in mid-1999, a 55 percent increase. When legislators from other parts of the state travel to Manhattan on official business, they receive \$244 a day, up from \$130 in mid-1999, an 88 percent rise. The most recent increase means that for the average state lawmaker, per diems total about \$10,000 a year, though both the Legislature and the state comptroller's office say they do not have precise figures.

Per diems are a fairly common form of compensation in business and government, and by definition, the entire amount is paid, regardless of whether the person receiving it spends less or more. Several legislators interviewed this week -- all of whom asked that their names not be used -- said that even at the new, higher rate, the allowances barely covered their costs. But legislators often receive free meals while in Albany, from lobbyists or at political events, and it is an open secret that at least some of them make money on their per diems.

"When they're asking everybody else to tighten their belts, they should start with their own waistlines first," said Tom Carroll, president of Change-NY, a conservative group that monitors state government. "If we're truly in a time of austerity, they should lead by example."

Lawmakers' compensation has been a politically charged issue, and the recent increases in per diems can actually be traced to their efforts to avoid criticism over it.

For more than a decade, legislative salaries were frozen because the Legislature feared the political repercussions of raising them. Finally, in January 1999, the Assembly and Senate increased their members' pay to a base salary of \$79,500, along with stipends for leadership positions and committee chairmanships, which raised the average close to \$90,000. Since then, they have been the second-highest-paid state legislators in the country, after California's.

Seeking to avoid the same problems with per diems, lawmakers voted in August 1999 to tie their daily allowances to those paid to federal employees on the road. That gave them an immediate steep increase, because federal per diems were higher than the state's.

Each October, the federal General Services Administration resets the federal allowance for each part of the country. Linking themselves to the federal system allowed Albany lawmakers to collect regular increases without taking political heat for voting for the raises.

Last month's revisions produced a \$22-a-day increase for legislators' travel in Albany, the bulk of the travel for which they bill. There was no increase this year for Manhattan travel. Charles Carrier, a spokesman for the Assembly, stressed that the 1999 law gave the Legislature no control over the size of annual increases. "Our goal was to provide a method that would ensure fairness," he said, "and the federal system was chosen because it was an objective standard."

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