

Late-Session Measures Stir Scrutiny and Skepticism

By [NICHOLAS CONFESSORE](#)

ALBANY, June 20 — A torrent of bills and amendments are swirling through the halls of the Capitol as the legislative session here comes to a close. Some are big bills, like campaign finance or same-sex marriage legislation, loudly debated and widely pondered. Some are small bills, often championed by a lone and lonely lawmaker, like a proposal to name the Concord the official state grape.

And then there are the small bills with big consequences, bills that are debated quietly or not at all, often slipped into other legislation when many people are not paying attention. In Albany, such bills are sometimes termed “contracts,” because they are written to narrowly benefit a single business or interest group.

“Every time you read a bill at the end of the session, you wonder if it’s a Trojan horse bearing gifts for lobbyists or campaign contributors,” said Richard Kirsch, the executive director of Citizen Action of New York, a government watchdog group.

Microsoft, for example, is lobbying legislators to change the laws that govern the electronic voting machines that will soon be in use around the state, thanks to a 2005 law that ballot-integrity experts have hailed as one of the toughest in the nation.

The software company wants to change a rule known as “third-party escrowing,” under which the underlying software codes used by voting machines can be inspected by a third party in the event of tampering or hacking. The voting-machine vendors vying for the state’s business all use Microsoft’s operating software. But Microsoft wants to keep that software’s underlying codes secret.

“This change would remove the ability of citizens to independently review source code in the event of election problems,” said Bo Lipari, the executive director of New Yorkers for Verified Voting, which opposes the amendment.

At the moment, the Microsoft bill is flying stealth. The proposed language is circulating through the Legislature on a single page with no identifying information. Mr. Lipari and other critics said the language was almost slipped into legislation making technical changes to the state’s presidential primary calendar, though the current version does not include any such amendment.

“It’s the madness time in Albany,” noted Russell Sciandra, a lobbyist for the [American Cancer Society](#). Mr. Sciandra and others have been following the debate — nearly all of it behind closed doors — over legislation to raise the minimum prices that wholesalers and retailers of cigarettes can charge under state law. Assemblyman Robert K. Sweeney, Democrat of Suffolk County, and Senator Martin J. Golden, Republican of Brooklyn, are sponsoring a bill that would raise those minimums for the first time in years, resulting in a price increase of about 25 cents to consumers.

“This is about increasing the money made at different points along the chain,” said Mr. Sciandra, who supports the bill. But some lawmakers and watchdog groups wonder why none of the price increase is going into state coffers.

Environmental groups, meanwhile, are up in arms about legislation sponsored by Senator John J. Flanagan, Republican of Long Island, and Assemblyman Adam T. Bradley, Democrat of White Plains. The bill would exempt property owners from new municipal ordinances, like zoning restrictions or environmental protections, for six years after they apply for new development.

Mr. Flanagan said the bill was about fairness to property owners. “When people go in and make an application, they should have some sense that the rules won’t change in the middle of the game,” he said. But opponents charge that it would cripple the ability of cities and towns to dictate the pace and scale of local developments, and would give developers a way to get around the moratorium on new projects many municipalities have enacted while creating master plans for their communities.

Then there are the racetrack owners. For the third time since the state approved video lottery terminals at eight racetracks several years ago in an effort to revive the racing industry, the owners are lobbying to have the tax rate on casino revenue reduced, saying they need the money to pay for marketing. The Senate has passed a bill, sponsored by Senator William J. Larkin Jr., Republican of the Hudson Valley, to do that. But the Assembly has been more skeptical, noting that some owners bought the tracks at a premium in the expectation that the lottery terminals would yield windfall profits.

“Usually, businesses pay for their own marketing,” noted Assemblyman J. Gary Pretlow, a Westchester Democrat who is chairman of the Committee on Racing and Wagering. Mr. Pretlow said the measure would cost the state \$61 million in revenue that now finances education programs. “I don’t think that’s a price worth paying to save someone who made a bad business deal,” he said.

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