

The Journal News

Pataki blasted for vetoes of cigarette, prisoner bills

By JAY GALLAGHER ALBANY BUREAU August 18, 2006

ALBANY - Gov. George Pataki vetoed bills yesterday that would have ended the tax-free sale of cigarettes by American Indians, banned keeping mentally ill prison inmates in solitary confinement and overhauled the state's budget process.

The three were among 71 bills passed by the Legislature that Pataki vetoed. Spokesmen for the Legislature said it's too early to say whether lawmakers will try to override any of the vetoes - a process that takes a two-thirds vote.

The Legislature, pressured by retailers who are losing business to American Indian enterprises, has for the past several years passed bills to force the state to collect the taxes. But Pataki has either vetoed or not implemented them.

This year's bill would have banned cigarette manufacturers from selling smokes to wholesalers who sell to tax-free merchants. That would have forced wholesalers to impose New York's taxes before selling them to American Indian retail stores, or risk losing their supply.

Senate sponsor Michael Nozzolio, R-Seneca County, said in June that his bill would "level the playing field" between American Indian and non-American Indian merchants. A spokesman said yesterday that he was disappointed with the veto and would continue to push for the tax.

In his veto message, Pataki said the measure "fails to respect tribal sovereignty." He said the state should continue to negotiate with the tribes "to reach mutually beneficial agreements."

"We're dismayed, but given Gov. Pataki's abysmal record on this issue, we're not surprised" by the veto, said James Calvin, president of the state Association of Convenience Stores. "Through his inexplicable stonewalling, he long ago abdicated any leadership role he should have played in resolving it."

Calvin said he hopes lawmakers override the veto "at the earliest opportunity."

The bill regarding mentally ill prison inmates would have prevented the state from using solitary confinement to discipline them.

Pataki said "correctional systems, which house the most violent and dangerous members of society, cannot function without strong internal controls to regulate inmate behavior." He also said that prison officials were wary that healthy inmates would pretend to be mentally ill to stay out of solitary confinement.

Advocates, who estimate 8,000 inmates in state prison - 12 percent of the total - are mentally ill, assailed Pataki's decision.

"Besides being inhumane, placing a mentally ill inmate in solitary confinement makes a bad situation worse," said Sen. Velmanette Montgomery, D-Brooklyn. "It creates prisoners who are more disruptive, more disturbed and more likely to hurt themselves or others."

The budget bill would have overhauled the process by which the state decides how to spend money. It would have changed the start of the state's fiscal year from April 1 to May 1, required appropriation of school aid for two years rather than one, established an independent budget office to check figures and left it up to the state comptroller to decide how much money the state had to spend if the governor and lawmakers couldn't agree, among other steps.

But Pataki said the bill "lacks the real reforms we know are necessary to improve the state budget process," like a requirement that lawmakers debate budget issues in public.

Pataki and lawmakers have been criticized for years for not passing a budget on time. A string of 21 late budgets was broken last year. A spending plan was also passed by March 31 this year, but squabbling over spending continued well into April.

Pataki, who is leaving office at the end of the year, also vetoed a bill that would have mandated the state set up a waiting list for mentally ill adults who need housing.

"Gov. Pataki had the opportunity to demonstrate compassion and employ common sense by supporting this solid piece of legislation," said Steve Coe, chairman of the state Campaign for Mental Health Housing. "Instead, he chose to veto a bill that would have created a valuable planning tool for the state, counties and local housing providers."

Pataki said he vetoed it for technical reasons, and urged the advocates to work with the state Office of Mental Health to come up with another one.