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How the state Senate broke down this week, explained

A missing GOP senator lead to a chaotic power struggle.

By GRACE SEGERS (/author/grace-segers) | MAY 31, 2018

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As the end of the legislative session inches closer, Albany is in a more dysfunctional state than usual. In a microcosm of the ugly partisan politics plaguing the nation's capital, the state Senate was locked in a bitter stalemate this week over an amendment related to women's reproductive health. Meanwhile, action is bogged down by parliamentary procedure and finger-pointing on both sides.

On Wednesday, Senate Democrats were thwarted (<https://www.nytimes.com/2018/05/30/nyregion/albany-dysfunction-legislature-stalemate.html>) in their attempt to force a vote on an amendment that would enact provisions of the Women's Reproductive Health Act and the Comprehensive Contraception Coverage Act, which, among other things, would codify abortion rights into state law. The amendment was attached to a bill sponsored by state Sen. Michael Ranzenhofer related to concussion prevention in private schools.

Despite Republicans not having the requisite 32-member majority to defeat the hostile amendment, they were able to set aside all bills for the day and adjourn. This is not the first time that Democrats have proposed hostile amendments, but they usually die quickly because the minority party does not have the votes. This time could have been different: Republicans cannot block hostile amendments that attain majority support, even if they are unrelated to a bill's text. But then the ruling party could set aside the bill being amended, which is how it played out.

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This political gridlock, which continued on Thursday, demonstrates the growing tension within the state Senate with only weeks left in the legislative session, and months before an election in which Senate Republicans may lose their already-tenuous majority.

Democrats thought they could force the amendment because, since their reunification with the Independent Democratic Conference, there are just one vote shy of the majority – and one Republican is missing. The 63-member state Senate is divided between 31 Democrats, 31 Republicans and one Democrat, state Sen. Simcha Felder, who caucuses with the Republicans, giving them a narrow majority. However, one of the Republicans, state Sen. Thomas Croci, was recently recalled to active duty in the Navy, leaving the body divided 31 to 31, with no clear majority. Senate Republicans were hoping to end the legislative session early (<http://www.nystateofpolitics.com/2018/05/the-session-wont-be-ending-early/>), but Assembly Democrats have indicated that they intend to stick it out through the June 20 deadline.

With 31 members of each faction, Lt. Gov. Kathy Hochul has the power to cast tie-breaking votes.

On Wednesday, Hochul waited in anticipation of casting a tie-breaking vote on the hostile amendment, but the Democrats' master plan was stymied by a parliamentary move by state Senate Republicans. State Sen. Joseph Griffo, who was presiding over the Senate, set aside the calendar of bills to be voted on. According to Senate rules (<https://www.nysenate.gov/legislation/resolutions/2017/r4>), the temporary president or the person who is

presiding over the Senate can lay aside “any bill upon which no final action may be taken, provided however, that no bill shall be so laid aside for a period exceeding five calendar legislative days.” Although a temporary measure, it was a perplexing, procedural ending to what Democrats had hoped would be a moment of triumph.

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BY ANDREA MILLER (/AUTHOR/ANDREA-MILLER-0)

Gerald Benjamin, associate vice president for regional engagement and director of the Benjamin Center at SUNY New Paltz, said that the Republicans were likely acting confrontationally in anticipation that they would lose the majority in the state Senate. “It adds to the

bitterness in the change in partisan control and the persistence of a poisoned atmosphere in the body,” Benjamin said. “In the long term it’s damaging to governance and to the tone and character of legislative process.”

On Thursday, the Senate was again in session with Griffo presiding. Republicans brought forward the non-controversial bill on concussion prevention. Democrats could have again attempted to force a hostile amendment on this bill and Hochul was reportedly waiting in the wings (<https://twitter.com/YanceyRoy/status/1002215521650167808>) again to cast a tie-breaking vote in case of this scenario. But one Democrat, Sen. Velmanette Montgomery, was absent (<https://twitter.com/JimmyVielkind/status/1002218291958632455>), leaving the Democrats one vote shy of the majority needed to force through a hostile amendment. So Democratic senators chose en masse to vote against the Republican bill, possibly to introduce the amendment to it again when they have all their senators present. The bill failed (<https://twitter.com/NYSenate/status/1002217836742311943>) with 31 ayes and 30 nays – just short of the outright majority of total elected members it needed to pass. In a sign of the tight control held by the state Senate Republican leadership, it was the first time a bill had failed to pass (<https://www.politico.com/states/new-york/albany/story/2014/03/senate-republicans-united-defeat-dream-act-011659>) on the Senate floor since 2014.

The Senate adjourned, and is set to reconvene on

Monday, June 4. “When one half of this house’s bills are not given the same respect and opportunity as the other half, that’s politics and that’s wrong,” said Democratic state Sen. Liz Krueger, explaining her “no” vote.

Meanwhile, Senate Republicans accused Democrats of playing politics by blocking an unrelated bill in order to force their abortion measure through. “For the second day in a row, the Senate Democrats attempted to prevent us from doing the people’s business,” state Senate Majority Leader John Flanagan said in a statement. “Frustrated and angry that we refuse to pass their radical agenda of billions in higher taxes, free college tuition for individuals who are here illegally, and abortion right up to the moment of birth, they have decided to obstruct any and all bills that are reported out of committee and brought to the floor for a vote.”

Gary Ginsburg, a spokesman for the Senate Democrats, did not specify whether the Democrats would continue to bring forward hostile amendments through the end of the legislative session. “We are prepared to take action on women’s health protections and it is outrageous that the Republicans are so terrified to allow a vote they are shutting down government,” Ginsburg said.







The failed hostile amendment and protest vote by the Democrats are not likely to be the final showdown in the battle over the Reproductive Health Act. The Senate health committee voted the measure down (<https://twitter.com/JimmyVielkind/status/1002225042804133889>), preventing it from receiving a floor vote as a stand-alone measure.

When they have all of their members, Senate Democrats may attempt a hostile amendment again, with Hochul casting the deciding vote. The Republicans, who protest that Croci is still active in the Senate and a tie-breaking vote is not necessary, could object to this action. The gridlock in Albany might not be solved through communication, but with a decision in the state courts.



Grace Segers is City & State's digital reporter. She writes daily content on New York City and New York state politics.

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