

## NEWS / REGION/STATE

# Cuomo faces aggressive new legislature in hard-times budget

How the state budget debate plays out over the next two weeks will be a big test of whether this is a new era of legislative power.



Senate Deputy Majority Leader Michael Gianaris (D-Astoria), left, introduces newly-elected Senate Majority Leader Andrea Stewart-Cousins (D-Yonkers) before she speaks to members of the State Senate during opening day of the 2019 legislative session at the Capitol in Albany on Jan. 9. Photo Credit: AP/Hans Pennink

**By Michael Gormley**

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ALBANY — After eight years of outmaneuvering, outfighting, and outlasting legislators and their leaders, Gov. Andrew M. Cuomo now faces a young, aggressive State Legislature that cares little about the way things have always been done.

“I’m not afraid of anybody,” said Sen. Alessandra Biaggi (D-Bronx). In February she presided over a rare public grilling over the lack of sexual harassment enforcement by the state ethics board that Cuomo created. “My job is to be courageous. That’s why we’re here.”

The biggest test, however, of whether this is a new era of legislative power or a confrontation that will peter out into the status quo will be played out over the next two weeks. That’s when a difficult \$175.2 billion budget will be negotiated against an April 1 deadline. Cuomo is trying to rein in spending as the state faces declining revenues and an all-Democratic Legislature that proposes to spend more.

“It’s a very tight box this year,” Cuomo said. “They said they want to spend more money ... but it’s not there.”

This is his first budget session without a Republican-controlled Senate, which had been his ally on fiscal restraint. And, every newly elected legislature has pledged to assert itself against the governor. Past legislatures usually caved during budget negotiations or lost ground by the end of the session each June.

This year, however, the conflicts have been bigger. Senate opposition led to the withdrawal of Cuomo's economic development capstone, the location of Amazon's headquarters in Queens with 25,000 jobs. Some conflicts have been more subtle, such as passing landmark progressive measures in January before Cuomo could include them in his proposed budget, and seize a larger share of credit as a result.

Last week, the Senate and Assembly released their responses to Cuomo's Jan. 15 budget proposal. After Cuomo said he wouldn't agree to a budget without making the 2 percent property cap permanent without any changes, the Assembly didn't even include it in its one-house budget. In another rare move, the Senate and Assembly also failed to agree with Cuomo's revenue forecast — with legislative leaders predicting \$900 million more — which forced state Comptroller Thomas DiNapoli to set the revenue figure. He allowed \$190 million more than Cuomo's projection.

"We need to be able to assert our positions," said Senate Majority Leader Andrea Stewart-Cousins (D-Yonkers). Asked if she will change her conference's style, she said: "Why would we? It's constitutional. It's what we are."

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"It sounds like a paradigm shift, that the legislature has really flexed muscles it hasn't used in a while," said Doug Muzzio, a political scientist at Baruch College. "We are on the knife edge right now. It could go a few different ways."

Veteran Assemb. Charles Barron (D-Brooklyn) has long pushed for a more assertive legislature against Cuomo, whom

Barron accuses of leaving only a fraction of budgets every year for legislative priorities such as anti-poverty programs.

"I'm skeptical until I see a real test, and that would be the budget," Barron said. "When you make comparisons to what was so bad, anything looks good. You have to make comparisons to what needs to be."

There are factors converging this year that might increase the odds for this Legislature.

A big freshman class — 15 in the Senate's 39-member majority alone — isn't content to play the role of backbenchers. The leaders have responded by providing some committee chairmanships to newcomers, including Biaggi, and encouraging far more input from rank-and-file members.

"There is a feeling you can do more," said Sen. James Gaughran (D-Huntington), a freshman. "We recognize there is strength in numbers ... and I think the leaders here really encourage that."

Cuomo is also in his third term, which is complicated by two terms of conflicts and making enemies.

Senate Democrats also blamed Cuomo for what they said was his failure to help overturn the GOP majority during his first two terms. Today, many of the freshman legislators won without direct help from Cuomo and many beat members of the now-defunct Independent Democratic Conference. That was a group of breakaway Democrats who worked closely with the Republican majority and Cuomo.

"They bucked the tide to get here," one Democratic legislator said. "And they did it without the governor's help."

"I say to the old-timers," said Sen. Neil Breslin (D-Delmar), now in his 19th year, "it's the new normal."

However, standing in the way of parlaying some early and relatively easy legislative victories are laws that have long strengthened governors' hands in shaping budgets.

Two Court of Appeals decisions in 2004 known collectively as *Silver v. Pataki* ruled that if a budget isn't passed by the April 1 deadline, a governor can force his budget into law, leaving the legislature ultimately with the option to approve it or risk a government shutdown. The last time the legislature pushed the budget envelope was 2010. Gov. David Paterson vetoed 6,681 items over two days that he said the state couldn't afford.

In addition, if Cuomo doesn't agree with the legislature by the April 1 deadline, legislators could lose a \$10,000 raise scheduled for 2020.

Cuomo is in no rush to pass a budget. "Being right is more important than anything else this year," he said.

"The core role of the governor gives him different interests than the legislature," said Gerald Benjamin, distinguished professor of political science at SUNY New Paltz. "He must think of the budget overall,

and is inclined to some fiscal constraint. Members think of particulars, bringing home the bacon, and are distributive — less constrained.”

Through this struggle so far, both sides filled the airwaves and Twitter-verse with snark and sniping.

Cuomo has accused the legislature, and especially the new Senate majority, of failing to grasp the difference between politics and governing. He also accused the Assembly of “carrying the agenda” for teachers unions, which oppose the property tax cap.

On Wednesday, Cuomo dispatched his top aides to refer to the legislative budget proposals as irresponsible, bloated and something from “fantasy land.”

On Thursday, Assembly Speaker Carl Heastie (D-Bronx) compared Cuomo’s ultimatums in the budget to the full-of-bluster cartoon character Yosemite Sam, who kept drawing new lines in the sand and warning Bugs Bunny against crossing them.

Stewart-Cousins responded to a Cuomo barb with an uncharacteristically flippant retort: “I’m thinking it’s SDDS — ‘Senate Democratic Derangement Syndrome’ — at this point.”

“I’m surprised at the public and intense level of criticism,” said one veteran Democratic Assembly member. “Maybe it’s third-term-itis ... but I don’t think you have to make it personal.”


Cuomo senior adviser Rich Azzopardi dismissed the friction with the legislature as “petty palace intrigue.” “We’re here to pass a fiscally responsible budget,” he said.

Stewart-Cousins said these exchanges prompted her to talk with Cuomo in recent days in an effort to tone down the sniping.

“I had a concern of what I considered to be the constant sort of disparagement of the conference,” Stewart-Cousins said Wednesday. “The governor and I have spoken and we are planning to move forward positively.”

“The finger-pointing following the collapse of the Amazon deal has ratcheted up the political pressure on a lot of electeds to show they’re tough and can still deliver for their constituents,” said Lawrence Levy, executive dean of Hofstra University’s National Center for Suburban Studies. “There’s nothing wrong with the tension of competing interests, but the danger here is that it leads to stubbornness and inflexibility and important issues don’t get addressed.”

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