

How the state Senate became unblocked

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Lt. Gov. Kathy Hochul speaks to supporters of Planned Parenthood. | Frank Franklin II/AP/REX/Shutterstock

Why the two parties are likely to get legislation moving again.

New York's most dramatic television show last week was the state Senate session livestream, treating reporters and state government aficionados to loud arguments over procedure and insight into how a deadlocked legislative body behaves.

Despite the tension at the beginning of the week, the Senate managed to pass a few crowd-pleasing bills, including one to update the Verrazano-Narrows Bridge [to be spelled correctly](#) (with two Zs). It's likely that this week will be less dramatic, as Republicans and Democrats may have incentive to work together and pass non-controversial bills before the end of the session.

Gerald Benjamin, associate vice president for regional engagement and director of the Benjamin Center at SUNY New Paltz, said that the Senate minority may believe that it is more important to pass local bills than to press on more controversial issues, while still being able to run against Republicans and their intransigence on certain progressive issues in the fall.

“The Democrats have the calculation: Is it better for us to go to the election with a

deadlock and claim that Republican control has to be ended, or determine that that's not critical for ending Republican control and agree to make some tradeoffs to get some things to be passed?" Benjamin said.

The Republicans, one short of a numerical majority and not used to needing to reach across the aisle to pass any legislation, may also have realized that cooperation on points of agreement is more practical than continued deadlock.

"Historically, majorities haven't had to go to the minorities to get the major bills passed at the end of session," said Bruce Gyory, adjunct professor of political science at SUNY Albany. "When you feel you have to do it, or that's the price of closure, then the question is working out the currency value." Democrats and Republicans could agree to passing an approved list of bills, or make tradeoffs day by day until the end of the session.

Since GOP state Sen. Thomas Croci was recalled to active duty in the Navy, the slim Republican majority has narrowed to 30 plus rogue Democrat Simcha Felder, who caucuses with the GOP. The Democratic conference, technically in the minority, has 31 members. But the Democrats also have Lt. Gov. Kathy Hochul, who as president of the state Senate has the power to preside over sessions and cast tie-breaking votes on procedural matters where necessary.

At first, Democrats were eager to exploit that potential advantage. On May 30, Hochul waited in the wings as Democrats brought forth hostile amendments to protect abortion rights. Although she was ready to take on her role as tie-breaker, the Republicans set aside the calendar of bills for the day, stymieing a Democratic attempt to vote on the controversial issue. A [stalemate ensued](#) and escalated last week, when Hochul [presided over a state Senate session](#) on Tuesday, to Republican chagrin. Majority Leader John Flanagan offered a motion to override a veto by Gov. Andrew Cuomo, forcing Hochul to preside over a reproach of her boss. Democrats then again tried to attach an abortion rights amendment to an unrelated bill. Although Republicans initially allowed the amendment, arguments over Hochul's interpretation of Senate rules – guided by a lawyer on hand – led the Republicans to eventually decline the amendment.

Hochul [did not make an appearance](#) at the state Senate on Wednesday, when Republicans shot down a vote to attach the same amendment. Hochul's spokesperson cited a deal between Republicans and Democrats to not have the lieutenant governor attend the session, although Democrats denied any deal was in place.

In coming days, Democrats are expected to tackle a property tax bill related to education, traffic camera enforcement legislation and gun control. The state Senate could also address legislation related to sports betting, which was recently legalized by the U.S. Supreme Court, and has bipartisan support.

It's unclear if Hochul will make a repeat appearance at the state Senate, however. When asked if she would be returning to preside over a session, her spokesperson responded that "as has been the custom, the lieutenant governor's schedule is advanced daily."

John McArdle, a former spokesman for the Senate Republicans, said that the relatively smooth operation of the state Senate at the end of the past week showed that legislating is easier without the lieutenant governor's presence.

“What happened when she wasn't there is an indication of how things could go,” McArdle said. He also noted that Hochul has the ability to cast a deciding vote on procedural matters, but not on substantive matters, so her presence does not give the Democrats much more power than they previously had for most legislation. This is why Hochul has only attempted to cast a tie-breaking vote on issues of whether to attach an amendment to a bill.

The state Senate also has an incentive to pass bills that have already gotten through the Assembly. The Senate has passed some bills that the Assembly has not acted upon, and vice versa. If the Senate doesn't act on bills that the Assembly deems critical, that body could potentially hold up Senate-passed legislation in protest. Cuomo also has a stake in seeing the remainder of the legislative session go by smoothly.

“It's a test within the Senate, given the 31-31, and then it's a question of the leverage points the Assembly majority – through Speaker Heastie and then the governor – have,” Gyory said.

Of course, it's possible that plans for cooperation may go awry as soon as the session is gavelled in on Monday. But if state senators want to be out of Albany the day after June 20, the final scheduled day of the legislative session, it could be in their interest to work together.