State Legislature plans to push progressive agenda for 2019
Lawmakers may try to reassert their power in relation to Gov. Cuomo and the executive branch.

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Updated December 31, 2018 6:00 AM

ALBANY — The State Legislature's public agenda for 2019 is a progressive plan that will include strengthening abortion rights, legalizing marijuana and enacting reforms such as mail-in voting to boost turnout.

But the most potentially transformative change of the year would be if the legislature reasserts its power, legislators and experts said.

Gov. Andrew M. Cuomo, during his eight years in office, has expanded his control of the state budget and plied a strategy of pitting Assembly Democrats against Senate Republicans to increase executive power at the expense of the legislature.

Now that Democrats have won a solid majority in the Senate, long-frustrated legislators see a chance for the legislature to step up again as the equal branch of government called for in the state constitution. The drive is fueled by widespread anger at the governor over a pay raise deal that had reform strings attached in what legislators see as a bait-and-switch.

But first, the new Senate Democrat majority needs to post some quick wins to show that — unlike their
predecessors in a brief and chaotic 2009 Democratic majority — the new majority can run the Senate and pass bills with the Assembly Democrats. Members say the early bills will include:

- Legalization of recreational use of marijuana.
- State abortion laws to match the current federal statute in the event the 1973 *Roe v. Wade* decision by the U.S. Supreme Court is overturned.
- Mail-in voting, early voting and automatic registration of voters.
- A “red flag” gun control law that could allow a judge to take weapons out of a home if someone who lives there is deemed a threat; a ban on "bump stocks" that can allow a firearm to be shot faster; and extending the maximum waiting period to buy guns to 10 days, from three.
- A Dream Act to fund college and other resources for children brought to the country without proper documentation.

But the real test of the new Senate majority and the legislature as a whole will be how well the Democrats work together on a half-dozen major, more contentious issues. They include:

- A massive funding increase for the New York City subway system that Cuomo wants. But Cuomo is pushing for Mayor Bill de Blasio, who is closely allied with the legislature, to pay for much of it.
- A congestion pricing scheme that Cuomo wants to pay for renovations to the city subways and Long Island Rail Road, which has angered some outer-borough Democrats and Long Islanders.
- Ending cash bail in most cases, which is among several issues that could face opposition by moderate, suburban Democrats who were critical to flipping the Senate.
- Renewal of New York City rent control, which is one of the most contentious issues among Democrats and the powerful real estate lobby that is a big campaign
A child victims act to allow victims of sexual abuse more time to bring cases from even decades ago, for which Assembly Democrats expect quick approval. But Cuomo is taking a second look at details of the decade-old proposal out of concern about bankrupting schools and religious and youth groups through big lawsuits.

A single-payer health care system. Legislative Democrats have campaigned on its passage, but the cost concerns Cuomo. “The democratic socialists have a lot expensive proposals, such as single-payer health care, that will be almost impossible to fund,” said Susan del Percio, a national political commentator who has worked for Republicans and Democrats in New York, including Cuomo.

Many legislators have wanted to push back against Cuomo for years. But that talk was mostly in private because of the immense power of a New York governor to craft and amend the state budget under the constitution and the 2004 Silver v. Pataki high court decision. The state budget decides how to spend state funding on programs and projects back in legislative districts. In part, that’s why Cuomo hasn’t seen one of his thousands of vetoes overridden in eight years in office even for bills with overwhelming, bipartisan support in the legislature, legislators said.

“He’s run roughshod over us,” said one veteran Democratic legislator. “Maybe now we can speak as one voice, now that the illusion of a divided legislature is over.”

Cuomo has crammed more policy into the state budget each year where he can wield this power, diminishing the post-budget session to a whimper this year compared to robust, give-and-take sessions of most past decades.

Relations that were already rubbed raw grew worse this month when a compensation committee Cuomo created in the 2018 budget deal finally gave legislators and other state officials the raises...
they've sought after 19 years without an increase. But the result enraged legislators when it included a limit on outside income and a slashing of most lucrative leadership stipends, which are measures Cuomo has sought and which the legislature had previously rejected. The commission also said the legislature could lose their annual raise if they fail to pass the budget on time, although the governor controls the most of the budget process.

Assembly Speaker Carl Heastie said the committee exceeded the intent that Cuomo and legislative leaders agreed to in March when they established the committee in closed-door negotiations by mandating reforms and setting conditions on the legislature, while putting none on Cuomo or commissioners, who also get raises in the deal.

Heastie also made it clear that hard feelings are lingering.

“So now the governor can load up anything he wants and if the legislature wants to take a stand, they'll be threatened now not to get a pay raise. People should be very concerned,” Heastie said told public radio’s “Capitol Pressroom.” Heastie argued for reviving efforts to force procurement reforms on Cuomo, which the governor has blocked. “It is curious to me why the only branch of government that was told they had to reform was the legislature ... God knows the governor has had issues in his office.”

Cuomo, to the contrary, called the pay raise deal a “good outcome.”

“Hope the governor applauds just as loudly when proposals to reform executive agencies are being considered in light of what happened over the last two years,” tweeted Michael Whyland, the Assembly majority’s chief spokesman.

Supporters said the reforms were needed in response to two corruption trials this year involving two longtime associates and former aides of Cuomo, some of Cuomo's biggest economic development projects and some of his biggest campaign donors. Cuomo wasn't accused of wrongdoing.

Cuomo has opposed past efforts to put additional oversight by the state comptroller and the legislature on his administration's spending, and he includes none in his goals for the 2019 legislative session.

“You are going find that they are going to get easy stuff out of the way early and there is going to be a feeling-out process,” said Richard Brodsky, a former Democratic assemblyman, about the start of the legislative session.

“But if I had a prediction, it would be that the governor would use his dictatorial powers under Silver v.
"Pataki in this budget more than in any previous budget," said Brodsky, who now teaches at New York University's Robert F. Wagner Graduate School of Public Service.

“What the pay-raise fiasco shows is the only way out of the depths to which they have plunged is stand up on their hind feet and do what is right, even when it’s unpopular,” Brodksy said. "And that’s the issue for 2019."

The new Senate Democratic majority is already pushing back on Cuomo’s biggest, most recent achievement: Luring Amazon to Queens in a national competition, thanks to offering $2.8 billion in incentives.

Sen. Michael Gianaris (D-Queens), who will become deputy majority leader on Jan. 1, said Cuomo allowed one of the wealthiest companies in the world to pick New York’s pockets.

“Our system, originally designed to be legislature centered, has evolved into one that is executive centered,” said Gerald Benjamin, distinguished professor of political science at the SUNY New Paltz. He said 2019 will likely be a case of high expectations colliding with a power struggle, which ultimately may poorly serve the public.

Cuomo has already caught legislators flat-footed. He pre-empted Albany protocol by presenting what was in essence his State of the State address three weeks early, before the Senate and Assembly majorities had determined or announced their priorities. Cuomo noted his record-setting vote total in November and cloaked himself in the strong-executive model of Franklin Delano Roosevelt, who has been criticized by some historians of trying to centralize too much power. Cuomo also assigned the legislature a deadline of 100 days to accomplish his agenda, adding: "There are no more excuses, my friends."

Heastie was underwhelmed, saying Cuomo’s plan is packed with bills first proposed in the Assembly. "So I say to the governor, welcome to the party," Heastie said.

Gianaris said he didn’t see the legislature as challenging the governor’s power, but as reasserting what all legislative branches should. He said that will include a more open process with more public hearings on issues that had previously been dispatched in closed-door meetings between the Senate Republican majority leader and Assembly speaker.

“I think we can expect a more active legislature," Gianarissaid in an interview. “I am excited the people have made clear their desire for a progressive legislature and a more active legislature.”
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