



The New York Times | <http://nyti.ms/1Hv3P2N>

N.Y. / REGION

Governor Cuomo's Legislative Agenda Faces New and Familiar Obstacles

By **JESSE MCKINLEY** MAY 26, 2015

ALBANY — When Gov. Andrew M. Cuomo unveiled his vision for his second term on New Year's Day in an inaugural speech from the heights of 1 World Trade Center, his ambitions were as lofty as the view, an expansive agenda touching on poverty, income inequality, ethics and criminal justice reform.

But with less than a month remaining on the legislative calendar and Mr. Cuomo faced with two untested newcomers at the negotiating table, the focus in Albany is on a range of more prosaic, time-sensitive issues which nonetheless could affect millions of New Yorkers.

Some long-sought initiatives already appear to be doomed, including tuition assistance for immigrants and even broader ethics changes, despite pleas from reformers and public outrage at a series of corruption scandals, including criminal charges against Sheldon Silver, the former Assembly speaker, a Democrat from the Lower East Side of Manhattan, and his Senate counterpart, Dean G. Skelos, the former majority leader, a Republican from Long Island.

Their successors — Speaker Carl E. Heastie, a Bronx Democrat, and the majority leader John J. Flanagan, a Long Island Republican — are entering into their final weeks of negotiations with Mr. Cuomo on a raft of knotty and sometimes intertwined issues, including rent control, property taxes, charter schools and mayoral control of New York City schools.

For his part, Mr. Cuomo — a savvy political tactician whose longtime companion, Sandra Lee, recently had breast cancer surgery — is also seeking new policies on sexual assaults on college campuses, killings involving police officers, and

the minimum wage, which he has already shown a willingness to act on unilaterally.

But veterans of Albany's legislative alchemy are not optimistic that many of the tougher issues will be addressed, particularly with two new leaders still earning the confidence of their colleagues.

"If they are not considered 'must-dos,'" said Blair Horner, the legislative director for the New York Public Interest Research Group, "then they probably will become 'won't dos.'"

Indeed, with lawmakers still adapting to the new leaders, there is a sense that bills may need near unanimous support inside party conferences to pass this session.

June 17 is the lawmakers' last scheduled day in Albany, and two major areas of contention are housing and education, including extensions to rent laws — restricting rent increases for about one million New York City apartments — and the program known as 421-a, which offers tax breaks to developers to encourage construction in the city. Both expire on June 15, and negotiations could run right up until that deadline.

Mayor Bill de Blasio is expected to travel to Albany on Wednesday. Mr. de Blasio, a Democrat, said he is looking forward "to speaking with each and every one of the leaders," including Mr. Flanagan. Issues the mayor will push include rent regulations and mayoral control of the city's schools, which lapses next month.

The issue has caused friction between Mr. Cuomo — who believes a three-year extension is appropriate — and Mr. de Blasio, who has lobbied for permanent control. But last week Mr. de Blasio said he was satisfied with a bill passed by the Assembly that granted a three-year extension without alteration.

But Mr. Flanagan, who led the Senate's education committee before taking over as majority leader, has suggested he wanted changes in mayoral control, and would like the city to pay a bigger share of costs to improve underperforming schools.

Mr. de Blasio is also deeply invested in the negotiations over 421-a, which he would like to see revamped to require developers to set aside more of their buildings for working-class residents in exchange for city tax breaks. But Mr. Flanagan has been guarded in his comments on the issue. And some Albany observers believe that some simple extensions — rather than modifications of current laws — are more likely.

Mr. Cuomo has shown a willingness to work closely with Republicans and in recent weeks has signaled a pressing interest in providing tax credits to families

whose children attend private and religious schools. Mr. Flanagan supports a similar proposal which has already been approved by the Senate. Both Mr. Cuomo and Republicans would also like to increase the number of charter schools, but the Assembly — whose Democrats are strongly backed by public school teachers' unions — have been cool to such proposals.

Last week, both Democrats and Republicans used so-called “one house” bills, with little to no chance of passing a Legislature divided by party to stake out their priorities. The Assembly, controlled by Democrats, passed a four-year extension of rent regulations. Hours later, the Republicans, who hold a slim majority in the Senate, announced the passage of legislation to make permanent the state cap on local property taxes.

The cap, enacted in 2011, Mr. Cuomo's first year in office, does not technically expire until next year, but — in an only-in-Albany twist — is linked to the extension of the rent laws.

As is often the case in the closing weeks of the session, hundreds of bills on scores of issues are likely to be considered, a dizzying array including mixed martial arts and dining rights for dogs.

Mr. Horner said the onslaught of legislation, and the comparative inexperience of Mr. Heastie and Mr. Flanagan, could make the job of lobbyists easier and that of good-government groups like his harder.

“It's really whack-a-mole season when it comes to bad bills,” he said.

Some of Mr. Cuomo's inaugural themes are echoed in pending proposals, albeit in less grand terms. The governor's plan to require private colleges to enact a so-called affirmative consent or “yes means yes” policy regarding sexual behavior seems to have some backing, despite some hesitation from legislators and educators about how the bill is worded. (Public colleges already use that standard.)

The issue of criminal justice reform is also still percolating. In his State of the State address in January, Mr. Cuomo outlined a seven-point plan to improve relations between the public and law enforcement after the death of Eric Garner, an unarmed black man who died after a police officer on Staten Island put him in a chokehold, and the killings of two New York City police officers.

That plan seemed to gain new attention in mid-May when the governor wrote a letter to the Legislature — posted online in The Huffington Post — calling on it to take up his reforms. But some advocates seeking changes said that they would rather

the Legislature not act on one of the governor's proposals: an independent monitor empowered to review killings involving the police and instead name a special prosecutor.

Mr. Cuomo has shown a willingness to act unilaterally on the minimum wage, which he has proposed be raised to \$11.50 an hour in New York City and \$10.50 an hour in the rest of the state. But Republicans do not agree with proposals on the wage, which will increase automatically to \$9 an hour by 2016.

So this month, Mr. Cuomo instructed the state's labor commissioner to impanel a wage board to examine whether workers in the fast-food industry were earning enough. The board held its first administrative meeting last week and is expected to return its recommendations this summer.

But other bills may have already been scuttled, such as the Dream Act, which would allow some undocumented college students to access state financial aid. The bill has repeatedly passed the Assembly but, in an interview last week, Mr. Flanagan said it would not in the Senate.

"Let me make it clear: We are not doing the Dream Act," he said.

The Legislature and Mr. Cuomo agreed to some new ethics laws as part of the state budget deal in March, though they were criticized for not going far enough. A plan to strip pensions from corrupt public officials stalled in the Assembly but may have been revived last week with a new, more tightly worded proposal.

Still, Gerald Benjamin, professor of political science at the State University of New York at New Paltz, said the circumstances of both Mr. Heastie's and Mr. Flanagan's rise to power — in "an unpleasant political context," rather than campaigns of big ideas — may mean both men want to minimize risk in closing days.

"You essentially want to get out of town without any major damage being done," Mr. Benjamin said. "And a credible claim that you took care of business."

A version of this article appears in print on May 27, 2015, on page A16 of the New York edition with the headline: Cuomo's Legislative Agenda Faces New and Familiar Obstacles.