

# Don't expect passel of cuts

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ALBANY -- Will state lawmakers do more than the bare minimum at Monday's lame-duck legislative session? Will they cut \$315 million in midyear deficit, as Gov. [David Paterson](#) has asked?

Probably not.

"I don't see us opening up the floodgates, because once we do one thing there's 50 or 75 things out there that could be addressed as well," said Assembly Majority Leader [Ron Canestrari](#), D-Cohoes. "We're not sure at this point in time (about) the ability of the Senate to act, and that's a consideration as well."

Everything else, he said, is still under negotiation. Other sources in the Assembly, Senate and Paterson's camp indicated talks continued through the weekend to hash out an agenda acceptable to all parties.

Paterson -- who leaves office after Dec. 31 -- has for weeks called on lawmakers to give him the authority to make additional cuts, necessitated by an increase in Medicaid cases and legal action stalling tax collection on cigarettes sold on Indian reservations.

"I hope it will not be controversial that we want to give this new governor a fresh start," Paterson said Wednesday. "If they don't get any budget-cutting done, then they have to do it in April -- and that drives the deficit up to \$9.5, probably \$9.6 billion. ... I understand the fear and the anxiety, but I think anyone who has run for office understood the responsibility. The responsible legislators will be here to act on Monday."

Canestrari said it's still under discussion, and again pointed toward the Senate. Both chambers of the Legislature must act to allow Paterson to cut.

Democrats control the Senate by a 32-to-30-seat margin, but it remains unclear if they won enough seats in this month's elections to hold on. Three Democratic incumbents are locked in races where ballots are still being counted; two of them are trailing their Republican challengers.

In addition to the close count, both the Democratic and Republican conferences in the Senate are expected to be short a few members, legislative sources said. Sen. [John Sampson](#), leader of the Democratic conference, sent a letter to Republican leader Sen. [Dean Skelos](#) asking for a meeting Monday morning.

"Rather than be paralyzed by political circumstances, the Senate should be galvanized by a call to united action and shared responsibility," Sampson wrote. "I believe this is what government and good government should be about -- finding bipartisan or even nonpartisan solutions to our problems."

Skelos hasn't formally accepted the invitation. Senate GOP spokesman [Scott Reif](#) said this outreach was "ironic" after [Democrats](#) excluded Republicans from two years of budget negotiations.

If Democrats believe they're on the verge of losing control of the chamber, they might make the strategic choice to leave the onerous task of cutting social service programs for the GOP to tackle next year. The GOP did exactly that in November 2008, ignoring Paterson's call for spending cuts during a lame-duck session when they were headed into the minority.

"I don't think we'll know anything until, and if, the meeting between Sampson and Skelos ever materializes," said Sen. [Martin Malave Dilan](#), D-Brooklyn.

"Without any engagement or cooperation by Senate Republicans, it appears very unlikely the people's business will get done," said [Austin Shafran](#), a spokesman for Senate Democrats.

Paterson also called on senators to approve several appointments to boards for supporters of the governor and his allies. Dilan said he didn't expect the body would do so, but said the [Judiciary Committee](#) would meet to advance the nomination of several judges. This would leave the appointments -- considered lucrative patronage -- open to be filled by people of Gov.-elect Andrew Cuomo's choosing.

Cuomo's specter also is looming over the session. He is scheduled to meet in a closed-door session Tuesday afternoon with Assembly Democrats, and has urged lawmakers to enact the spending cuts.

Reif said Cuomo has met several times with Skelos, adding, "We're supportive of spending cuts, and we're focused on the budget and making sure it's in balance."

But to Paterson's proposal that the exact cutting be left to him, Reif said, "I don't think any legislature would agree to that."

Paterson also requested legislators act on a bill to help New York City Off-Track Betting emerge from bankruptcy. [NYCOTB board](#) Chairman [Larry Schwartz](#) (who also serves as Paterson's secretary) and president [Greg Rayburn](#) warned in a Sunday teleconference with reporters that the operation would be forced to begin shutting down in December unless the Legislature acts to approve a package including concessions worked out between the OTB, its unions and creditors. The fast action toward shuttering the OTB would be required, they said, because December is historically a month in which the business takes an operating loss.

Paterson also hopes to see lawmakers rename the Brooklyn-Battery Tunnel for Gov. [Hugh Carey](#); create a commission empowered to raise judicial salaries; and eliminate a state law requiring one year's notice before a state facility -- such as the Tryon juvenile detention center -- can be closed.

All those items are subject to negotiation, and lawmakers aren't optimistic for their passage.

There's also the possibility that the Assembly and Senate could move from an extraordinary session, in which Paterson controls the agenda, into a regular session, in which bills from earlier this year can be considered. Advocates for AIDS patients in need of housing, workers

concerned about wage withholding and supporters of a moratorium on natural gas drilling in the Marcellus Shale are hoping this happens and that their bills pass.

But nothing is clear.

"A lot of issues, I believe, could and should be deferred until a new governor comes in," Canestrari said.

He and others did predict action on at least one part of Paterson's agenda: a bill allowing the state to spend \$607 million in school aid sent by the federal government.

Paterson called that item "pro forma."