

New York Legislature can agree on one idea ... to head home

NICK REISMAN • GANNETT ALBANY BUREAU • JULY 30, 2010 DEMOCRAT & CHRONICLE

ALBANY — And now they're gone. Again. State lawmakers packed up and left Albany on Thursday after two days of special session called by Gov. David Paterson that didn't produce any votes, but revealed more discord within the Senate Democratic conference over a higher-education overhaul.

Paterson, meanwhile, vowed to drag the Legislature back every day next week until progress is made on finally approving a budget for the 2010-11 fiscal year, which began April 1.

"My patience has run out and I'll see what they do today and the next time I call a special session, which I would believe would be next week, it will be for every day until a budget is passed," Paterson said on WOR-AM radio, adding his administration would go to court on the matter if necessary.

The Assembly met briefly to gavel in and out. The Senate met and adjourned, promising to return at noon. But about an hour later, senators announced they would end their session and return at 10 a.m. Tuesday.

It was also difficult for Senate Democrats to muster the needed votes on Wednesday and Thursday because of absences.

Senate President Malcolm Smith, D-Queens, and Sen. George Onorato, D-Queens, were absent both days. Sen. Joseph Addabbo Jr., D-Queens, did not attend session on Wednesday.

Democrats hold a narrow 32-29 advantage over Republicans, who generally vote together on most bills.

But not all Republican senators were in Albany, either.

Sen. George Winner, R-Elmira, and Sen. George Maziarz, R-Newfane, Niagara County, were absent Wednesday but appeared Thursday.

Sen. Vincent Leibell, R-Patterson, Putnam County, and Sen. Bill Larkin, R-Mount Hope, **Orange County** 🏡, did not attend sessions either day.

Winner said he had a family commitment on Wednesday and couldn't travel to Albany.

"I wasn't on vacation," he said.

Thirty-one Assembly members — five Republicans and 26 Democrats — were absent Thursday. On Wednesday, 29 Democrats and six Republicans in the Assembly failed to show up.

Local lawmakers who failed to show up for the special session on Wednesday and Thursday included Assemblyman David Gantt, D-Rochester, and Assemblyman Joseph Errigo, R-Conesus, Livingston County.

The two days of zero accomplishments left some lawmakers knocking the governor for calling the session without agreements in place.

"I do not think the governor should have called us back," said Assembly Minority Leader Brian Kolb, R-Canandaigua. "This was a waste of taxpayers' dollars."

The Legislature has not been paid since April 1, when the budget was due. More than \$5.6 million is waiting for them when the final legislation is completed.

Most legislators receive a \$171 allowance and money for meals and travel on session days. Some estimates peg the cost of calling a special session at \$100,000.

If anything, this week's session opened up new fissures in the Legislature over a plan to overhaul the State University of New York, known as the Higher Education Empowerment and **Innovation** Act.

Senate Democrats whose districts include large state university campuses are refusing to budge on voting for the final piece of the budget — now 17 weeks late — until the Empowerment Act is approved.

The proposal would allow individual campuses to set their own tuition rates, undertake economic-development projects and purchase goods without needing a pre-audit by the state.

But others, like Sen. Ruth Hassell-Thompson, D-Mount Vernon, Westchester County, are concerned that the plan would make the public higher-education system unaffordable.

Paterson, along with SUNY Chancellor Nancy Zimpher, met with members of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus to discuss their concerns.

"These are very major issues," Hassell-Thompson told reporters after the meeting.

"These are issues that are going to affect the ability of children of color to be educated in this state going forward, and we want to be sure that we are satisfied that we are not going to privatize our institutions."

Hassell-Thompson said she would continue to negotiate "as long as it takes" in order to change the bill to the liking of the caucus.

Zimpher, a staunch supporter of the proposal, said the meeting was productive.

"I think we had a great exchange and people had an opportunity to say what was bugging them," she said.

The plan also faces opposition from Assembly Speaker Sheldon Silver, D-Manhattan.

But it appears that final approval of the budget hinges on passing the higher-education plan.

"We are again attempting to come together with the governor, with the Senate to get a budget in place," Silver said. "In order to do that, we have to come to some kind of proposal for SUNY/CUNY Empowerment."

SUNY Empowerment is just one issue on lawmakers' plates.

Paterson had called them back to Albany to vote on a cap for property taxes and create a contingency fund in case up to \$1 billion in federal Medicaid money doesn't come to the state, among other items.

Sen. Jeff Klein, D-Bronx, said the Legislature has submitted some alternative proposals to the governor with the hope he would accept them.

"The reason why we didn't take up the bills is because we've submitted proposals with the Assembly to the governor and we're hopeful we can reach a three-way agreement," Klein said.
