

PRSR-STD
U.S. Postage
PAID
New York Senate



Important Update From Senator
VELMANETTE MONTGOMERY



**NEW YORK
STATE SENATE**
NYSenate.GOV

District Office • 30 Third Avenue • 11th floor, Room 1100 • Brooklyn, NY 11217 • (718) 643-6140
Albany Office • 711 Legislative Office Bldg. • Albany, NY 12247 • (518) 455-3451
Website • montgomery.nysenate.gov • Email • montgome@senate.state.ny.us

NYS SENATE -- GETTING ON WITH THE PEOPLE'S BUSINESS

July 1, 2009

Dear 18th Senate District Voter:

The current crisis over the operation of the New York State Senate has been characterized as an embarrassment, a calamity, a circus, a joke, and worse. Citizens statewide have expressed their outrage over the current stalemate that has turned the legislative process upside down and made a mockery of New York State government.

I, too, am disheartened over the breakdown in the process and I am working tirelessly to seek a resolution to the current stalemate and get back to the important work of the people – YOU!

On **Monday, June 8** – as the Senate began an historic end-of-session push to bring true reform on a spectrum of fundamental policy issues – the Minority Party Conference attempted a procedural maneuver to regain power and thereby reverse the will of New Yorkers who voted for change last November. I believe this was a self-serving power-grab that has, as you know, thrown the Senate into complete deadlock.

On **Tuesday, June 30**, however, the three-week long stalemate, which stalled all legislation in the Senate, came to an end as my Senate Majority colleagues and I obtained the 32 votes necessary to achieve a quorum. *(One Minority Party Senator, Frank Padavan, entered the chamber, giving us a quorum. The Senate Rules and case law are very specific on what constitutes a quorum and when a Senator is marked as present. The mere presence of a senator in the senate chamber, even just by entering or walking through the room, will result in the journal clerk recognizing the elected as being in attendance.)* **After obtaining a quorum through the presence of 32 members in the Chamber, the Senate unanimously passed more than 100 major and non-controversial legislation.** If these bills were not passed, New York faced the potential loss of billions in revenue and hundreds of thousands of jobs. Here is a summary of what we accomplished on June 30.

POWER FOR JOBS:

This **\$136 million** program provides **low-cost power to businesses and non-profits across the state**. By passing this bill, **New York State protected over 250,000 jobs**.

EDUCATION AND FEDERAL STIMULUS FUNDING:

A series of bills which will secure a total of **\$3.8 billion in federal education and health funds for New York schoolchildren**, help fund local school budgets and reduce the need for local property tax increases.

HOUSING DEVELOPMENT:

The Senate passed bills that will provide **\$1.5 billion for affordable housing, mortgage assistance, and middle class and low income housing projects** throughout the state. These programs will address the State's long-standing commitment to housing, including in rural, suburban and urban communities.

EMPOWERING LOCAL GOVERNMENTS TO RAISE REVENUE FOR SERVICES:

The Senate passed **bills that will allow local governments to raise \$1.7 billion in revenue** used to support local services including schools, local government programs and operations and law enforcement.

We fulfilled our obligation and passed the bills necessary to keep local governments operating – but Governor Paterson is now refusing to sign the bills into law.

There remains a 31-31 tie between the Majority Conference and the Minority Conference, and we know that there is no way to resolve this impasse without cooperation and compromise. To get the business of our state back on track, our Majority Conference has offered the Minority Conference an authentic bipartisan operating agreement. They have refused to accept any of our proposals and, to make matters even worse, the Governor is supporting their in action.

Clearly, we need to work out an agreement to conduct business in an evenly split chamber. Other states have done so. And we can adopt new rules to provide for the ability for rank and file members to move bills to the floor for debate and vote, establish equitable distribution of staff and member resources.

I will continue to negotiate a bi-partisan operating agreement that allows the Senate to resume the people's business without sacrificing the issues that matter most to you and all of my constituents. With your help, I am hopeful that we will once again have a united Senate body. Please reach out to the Governor, as well as to your elected officials in the City Council and the Assembly and urge them to stand with us during this tumultuous time.

Thank you for your continuing support and your confidence in my leadership.



Velmarie Montgomery



Senate Coup Plotters' Hidden Agenda

Tabloids call it a circus, but the lobbyists' goal is to squelch reforms

By Tom Robbins
Tuesday, June 30th 2009

Reprinted with permission of the author and adapted to conform with official NYS Senate Mailing and Printing Guidelines, which prohibit political party references. Original publication available at <http://www.villagevoice.com/2009-07-01/columns/senate-coup-plotters-hidden-agenda/>.

The tabloid version of the Great Senate Stalemate of 2009 goes something like this: Those bozos in the State Senate—who can't be trusted even on a good day to get their lunch orders straight—brought the people's business to a screeching halt over a petty internal dispute about who got to wield the gavel at meetings.

There is just enough of a patina of truth to this comic-book description of the Albany shutdown to convince a lot of otherwise sensible citizens to lather up in rage. After all, this is the same corps of elected officials that has managed to incur a higher rate of criminal indictment than many of New York's toughest neighborhoods. Who were these dolts? How dare they pose as leaders? Throw them all the hell out.

Naturally, the biggest promoter of this tale is the New York Post, which quickly dubbed the standoff a circus and then gleefully provided a clown to wander the capitol halls. The Daily News also got into the act, firing up its readers with its "Don't Pay the Bums" campaign.

In these accounts, the fact that there are hugely important stakes for everyday New Yorkers in the outcome of the Senate fight is barely mentioned. Nor is the embarrassing truth that what transpired in Albany in the past month is the local version of a banana republic coup. In this case, the conspiring generals were lobbyists and one very power-hungry billionaire, Tom Golisano. Their goal was no different from that of those democracy-fearing Iranian mullahs: to overturn the results of a popular election.

The threat to power here was the slim Majority that won control of the Senate last fall for the first time in more than 40 years. Consider the timeline: the plotters launched their coup on June 8, the day before the Senate's housing committee was due to consider legislation—given a good chance of passage—that would curb rent hikes on hundreds of thousands of city apartments. Worse, it was even possible that the new Majority might vote to give control over New York City housing policies to the city itself. Imagine that? Home rule! For the real estate and landlord lobby, which had long held full sway in the Senate, this was an impossible state of affairs. A pair of renegades were recruited at a still undisclosed price. The rebels stepped across the aisle to vote the other party back into power, thus ensuring that there would be no further incursions into the business of real estate profit or any other sacred Albany cows.

Despite its often clumsy and muddled performance during its short-lived reign, the Senate's new Majority became a target of fear and loathing for the state's traditional powerbrokers. That's because on the occasions that they did get their act together, the Majority showed what a progressive coalition might achieve.

One of those moments came a few weeks before the hijacking, when the then-Majority voted to reverse course on one of the most repugnant episodes in legislative history, the Rockefeller drug laws.

These mandatory and draconian prison sentences for even first-time, nonviolent drug offenders had long been widely viewed as costly and ineffective. Passed in 1973, they were a means for then-governor Nelson Rockefeller to add some law-and-order luster to his presidential dreams.

Rockefeller never got to be president, but tens of thousands of New Yorkers paid the price for his ambitions, spending the best years of their lives behind the grim walls of places like Dannemora and Bedford Hills.

Even as a groundswell of opposition grew, opponents hit a brick wall in the form of the Upstate-controlled state Senate. Leaders there saw little benefit in passing legislation that mainly served Downstate representatives. They offered their standard retort to such change: Why bother?

(continued...)

That veto power ended abruptly this year with the change in party power. The legislation's chief sponsor in the Senate was Eric Schneiderman (D-Manhattan/Bronx), who had long championed the reforms. This year, he became the new chair of the Codes Committee with jurisdiction over criminal justice issues.

With the backing of majority leader Malcolm Smith, ending the onerous laws became the first order of business. Senate upstaters predictably voted as a bloc against the changes. The new Majority, exercising their narrow majority, pushed them through, along with new funding for addiction treatment.

Downstate representatives, led by Liz Krueger of Manhattan, had also long sought a hike in the basic welfare grant, which had remained at the same level for almost 20 years. Upstate representatives, in turn, had long blocked it, applying their usual logic: Who benefits? Not us. After Governor David Paterson sought the increase in the budget, the new Senate voted for the raise. Upstate representatives again voted in solid opposition.

Other changes won by the new majority were small, but telling. Brooklyn State Senator Velmanette Montgomery became the new chair of the Social Services Committee. She had tried for eight years to

win passage of a measure barring prison officials from shackling pregnant female prisoners when they are in labor. "The practice is barbaric and unconscionable," said the even-tempered Montgomery. The bill had repeatedly passed in the Assembly, where it was sponsored by Nick Perry, a (Democrat/ East Flatbush). "It kept dying in committee in the Senate," Perry said after the bill's passage. "I just couldn't understand it. The excuses I got made no sense."

Downstate representative control of Senate committees also brought the power to shine a spotlight in places Upstate representatives had preferred to leave dark. On May 29, 10 days before the coup shut everything down, Harlem Senator Bill Perkins, new chairman of a committee overseeing state authorities, held the Senate's first public hearing on the massive \$4 billion Atlantic Yards project.

The Forest City Ratner deal was made possible by an official sleight of hand that allowed it to skirt city land use regulations. Under Upstate representative control, the Senate asked no questions. Even at the hearing, they still offered protection. Brooklyn's lone GOP senator, Marty Golden, burst into the hearings late and, backed by cheers from building trades workers, proceeded to mock Perkins and Montgomery, in whose district the project sits, for "holding the project hostage."

Before the coup squelched their chances, there was strong hope for several valuable measures. At the top of the list was long-stalled state campaign finance

reform. A bill introduced in the Senate by Schneiderman, and by Jim Brennan of Brooklyn in the Assembly, proposed to cut the maximum allowable donation to statewide office seekers from \$56,000 to \$7,500; Senate and Assembly contributions would be cut to a third of their current levels.

Diane Savino, (Democrat from Staten Island/Brooklyn), was hopeful as well of winning passage of a bill—pending for five years—to give domestic workers some rudimentary on-the-job protections, such as time-and-a-half pay for work over 40 hours, and a day off for every seven days worked.

The coup also shut down efforts by Schneiderman to win passage of legislation that would let modern technology help cops fight gun crimes. His bill would mandate that guns sold in New York include a new microstamping process that imprints a serial number on every bullet fired. This lets police trace bullets used in crimes even if the gun itself can't be found. The NRA opposes the move, and at the gun lobby's behest, Golden, an ex-cop, introduced his own bill seeking to bury the measure with "further study."

Thanks to last month's intervention by Albany's powerbrokers, the NRA need fret no longer. And with the tabloids running interference, the true victims of the Senate coup will never know what hit them.

VELMANETTE MONTGOMERY
montgomery.nysenate.gov