

Legislative Update from Thomas W. Faist, Esq., NYSAHU's Legislative Counsel

Below is a critical Albany update from NYSAHU's Legislative Counsel. As the drumbeat of single payer continues to beat louder, it has never been more critical for our members to be engaged, and for those who have not yet joined NYSAHU to [JOIN NOW!](#)!

On November 28, 2017, the New York State Democratic Party, Chaired by Buffalo Mayor Byron Brown (appointed by Governor Andrew Cuomo), crafted and sent a "reunification letter" to Senator Jeff Klein (D-Bronx), Leader of the 8-member Senate Independent Democratic Conference, to rejoin with the mainline Senate Democrats, led by Senate Minority Leader Andrea Stewart-Cousins (D-Westchester), and to coax Senator Simcha Felder (D-Brooklyn) to join in as well.

<http://blog.timesunion.com/capitol/archives/278950/top-state-democrats-call-for-senate-unity-in-2018/>

If this reunification were to occur, it would give the Democrats a numerical majority of 32 to the Senate Republicans' 31 members and with it control of the State Senate, including the flow of legislation, Leadership positions and Committee Chairs.

<https://www.nytimes.com/2017/11/28/nyregion/warring-democrats-in-new-york-pledge-a-truce-for-now.html>

<http://www.nydailynews.com/news/politics/cuomo-pushes-senate-dems-reunify-breakaway-pols-article-1.3662672>

News reports say that both Senator Klein and Senator Stewart-Cousins have publicly accepted the deal. Governor Cuomo has also said that he supports it. Senator Felder has said that he would support whichever Senate Conference, Democrat or Republican, that best supports his Senate District. At a minimum, Senator Felder wants a bill passed to place armed guards in all New York City Schools.

<https://nypost.com/2017/11/28/cuomo-backs-proposal-uniting-warring-dems-in-state-senate/>

However, 2 Senate Districts currently held by Democrats, will be vacant in January 2018:

SD 32 (Bronx) -- Senator Ruben Diaz, Sr. (D) elected to NYC Council

SD 37 (Westchester) -- Senator George Latimer (D) elected Westchester County Executive.

There are also 9 vacant or soon-to-be vacant Assembly seats to be filled:

AD 5 (Suffolk) -- Assemblyman Al Graf (R) elected to Town of Islip judgeship.
AD 10 (Suffolk) -- Assemblyman Chad Lupinacci (R) elected Huntington town supervisor.
AD 17 (Nassau) -- Assemblyman Thomas McKeitt (R) elected to Nassau County legislature.
AD 39 (Queens) Assemblyman Francisco Moya (D) elected to NYC council.
AD 74 (Manhattan) – Assemblyman Brian Kavanagh (D) elected to State Senate (to replace Senator Daniel Squadron (Brooklyn/Manhattan) who resigned midterm).
AD 80 (Bronx) – Assemblyman Mark Gjonaj (D) elected to NYC Council.
AD 102 (Greene/Schoharie) – Assemblyman Peter Lopez (R) appointed as U.S. EPA Region

AD 107 (Columbia/Rensselaer/Washington) – Assemblyman Steve McLaughlin (R) elected Rensselaer County Executive.

AD 142 (Erie) – Assemblyman Michael Kearns (D) elected Erie County Clerk

Special Elections may, but do not have to be, called by the Governor to fill such vacancies.

NY Public Officers Law Sec. 42(3), states in pertinent part:

"3. ... upon the occurrence of a vacancy in any elective office which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor may in his or her discretion make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than seventy nor more than eighty days from the date of the proclamation."

The Governor has not yet indicated when or if, he will issue a proclamation for a Special Election. But if he does so, it's likely that it may be held in conjunction with the local School District Budget vote scheduled for May 2018, in order to hold down costs of the election, which would be well after the State Budget is adopted on or about April 1, 2018. This would give the Senate Republicans some sway over expectedly contentious budget negotiations.

<http://www.nystateofpolitics.com/2017/11/a-long-way-to-go-for-democratic-unity/>

<http://www.nystateofpolitics.com/2017/11/cuomo-floats-november-to-fill-vacant-senate-seats/>