by {ga=dking}
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Albany Capitol photo (cc) Benny BNut

A year ago, Michael McKee, treasurer of Tenants Political Action Committee , believed the new Democratic majority in the State Senate would make sure tenants' issues received a fair hearing. So far, though, Senate Democrats have not delivered for him. As a result, McKee and other tenants' advocates are looking to the 2010 elections and preparing to work to strengthen the Democratic majority in the Senate and lobby against those who stand in the way of their priorities. McKee feels that a Democratic majority in the Senate is still the only way tenant's issues will receive a fair hearing.

Like many other advocates, McKee hopes that Senate Democrats will actually get down to the business of legislating this year, despite an escalating budget crisis, tension in their ranks, battles with the governor and the approaching elections. Senate Democrats have every reason to want this to happen but whether they can put aside their own differences -- and their differences with Gov David Paterson -- remains open to doubt.

Disappointed Democrats

In 2008, McKee's group helped elect a Democratic majority in the Senate. But then, the Senate failed to keep promises made by then Senate Majority Leader Malcolm Smith that his conference would act on vacancy decontrol legislation. Smith named Sen. Pedro Espada head of the Housing Committee, and Espada kept vacancy decontrol legislation bottled up in his committee.

On June 8, 2009 the coup sent the Senate spiraling into chaos . When it came to an end, Espada was majority leader, and Smith was left as Senate president pro tem. Many observers think, though, the real power lies with Sen. John Sampson , the leader of the Democratic Conference.

McKee hopes so. He said Sampson "is a straight shooter" and believes that Sampson will make good on past promises.

Tenants' groups want Democrats to renew rent laws a year early as an insurance policy in case Republicans win back a majority in 2010. "We can't take the chance. Republicans could take control. It could happen, and if it does they will try to weaken the rent laws, as they have before," said McKee.

But as much as he is relying on the Democrats to come through for him, McKee, like a number of other advocates, worries that chaos could again grip the Capitol before any real legislating can get done.

Sampson said he plans to quickly get to work to pass legislation that might have been lost in last year's turmoil. "We need to come out of the box in January and start to really pass some progressive and positive legislation, because people have one characterization of us," Sampson told reporters in a low-key meeting a few days after Christmas. He admitted his conference needs a "makeover" and said "Hopefully, the legislative action in the coming months will help us in the making over."

But one major crisis stands in the way: The state is running out of money.

The More Things Change

As much as things have changed, the beginning of the 2010 legislative year will look a lot like the beginning of 2009. The state faces a budget crisis, albeit an even more dire one; for the first time in history the state's general fund ended the year in the red , a deficit of $174 million with billions of dollars of bills to pay. The Metropolitan Transportation Authority is again on the brink of enacting drastic service cuts .

Critics say the legislature did a terrible job of handling both the budget and transit crises last year. This year with statewide seats and the entire legislature up for election, they fear things will get even worse.

Paterson has banked his election on attacking the Senate, and Senate Democrats have returned the favor. Paterson recently rebuffed calls from legislators and advocates to enact another millionaire's tax to help pay the state's bills. Meanwhile Paterson's criticism of the legislature may be working for him. As he denounced the Senate in the closing days of 2009, his dismal poll numbers inched slightly upward.

Despite this animosity and legislators' reluctance to cut spending during an election year, there are signs that all parties involved know that major cuts are inevitable.

In 2009, Sampson's conference successfully fought Paterson's proposed midyear reduction in education spending. But this year Sampson admitted cuts may be unavoidable. A spokesperson for Assembly Speaker Sheldon Silver said that "balancing the budget" is the leader's top priority for the year. Silver has said publicly that spending needs to be curtailed.

Still, although the budget mess will probably occupy a great deal of the legislature's time, the Senate will need to take steps to rebuild its tarnished image by both passing legislation and addressing ethics concerns.

Cleaning House

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The first piece of actual legislation the Senate gets to, if everything goes according to plan, will be an omnibus package dealing with ethics and campaign finance. Following a year that featured the conviction of former Senate Majority Leader Joseph Bruno on federal corruption charges as well as Sen. Hiram Monserrate's domestic abuse trial and a renewed focus on Espada's alleged misdeeds, it is widely agreed that the Senate needs to clean house. "We hope ethics reform will be the first major piece of legislation we pass this year," said Austin Shafran, spokesman for the Senate Majority Conference.

Negotiations between the Senate and Assembly on the omnibus reform package are said to be nearing an end. Sen. Eric Schneiderman, who headed up negotiations for the Senate along with Sen. Daniel Squadron, said he expected to move quickly on the legislation, which would create three new ethics boards to oversee the executive branch, the legislature and lobbyists. Although the exact details are still being worked out, the bill includes stricter financial disclosure requirements, tougher penalties for violating campaign finance rules and strengthening of the Board of Elections.

Reform advocates believe that if both houses don't act on the legislation quickly ethics legislation could get lost in the mix. "The more this flows into the budget the harder it will be to get it done," said New York Public Interest Group's Blair Horner. "People will be distracted."

The Senate also must deal with how -- or if -- to punish Monserrate, who is appealing his misdemeanor assault conviction. A committee chaired by Schneiderman was expected to issue recommendations by the end of 2009. It held its final meeting on Dec. 28, but its recommendations have yet to be made public or finalized. However, it is said that the committee has put forward two options: censuring Monserrate or expelling him.

Many Democrats are champing at the bit to oust Monserrate, and some don't see the need to wait for the committee. Sen. Brian Foley has told his colleagues he plans to introduce legislation to expel Monserrate regardless of what the committee recommends. Sampson, on the other hand, has said the committee should be allowed to do its work.

Sampson is in a precarious position. The way Monserrate is treated during this process could influence the three other dissident Democrats with whom he has been frequently allied. The group -- Sens. Ruben Diaz Sr., Espada and Cal Kruger -- have made it clear they feel

Monserrate is being unfairly persecuted.

Democrats attempted to shore up their fragile 32-30 majority late last year by offering Republicans committee chairs, in the hope that those Republicans would vote along with Democrats. The result of those efforts has yet to be seen. But thanks to a rebuff from Minority Leader Dean Skelos, it seems unlikely Democrats will enjoy much success from that tactic.

Other Priorities

Shafran said Senate Democrats also would like to pass the farm workers' bill of rights, which would give farm workers collective bargaining rights and entitle them all to workers' compensation and unemployment benefits. Property tax relief for upstate residents is also said to be a priority. Senate Democrats are desperate to counter the impression that they focus exclusively on New York City.

Ironically, though, a number of New York City issues still wait to be addressed.

One -- a key concern for McKee -- is changing rules regarding vacancy decontrol to make it more difficult for landlords to use loopholes to take apartments off rent control. An Assembly spokeswoman said that the Assembly passed vacancy decontrol last year and was in favor of the legislation. Shafran said it remains a priority for the Senate as well.

Shafran also promised that the Senate would try to find funding for students' free and reduced fare Metrocards, which are in jeopardy under the new MTA budget. It's not clear if the Senate plans to take a hard look at how the MTA is funded or, whether as some, including Mayor Michael Bloomberg, have suggested, it will reconsider congestion pricing or tolls on the East River bridges. So far, though, no senators have made a major push to address the MTA's funding structure.

Another major piece of legislation the Senate will consider -- if Sen. Bill Perkins has anything to say about it -- is legislation to change the state's current eminent domain law. Perkins was

motivated by a recent
appellate court ruling
that found the Empire State Development Corp. overstepped its bounds by declaring as blighted parts of Manhattanville where Columbia University hopes to build a new campus. The state backed Columbia's efforts.

Perkins has called on Paterson to declare a moratorium on the use of eminent domain and asked that the state not appeal the appellate court ruling; Paterson has indicated he plans an appeal and has not declared a moratorium. Nevertheless Perkins has hearings planned across the state, including one on Jan. 5 in Harlem. Perkins' actions could have bearing on the Atlantic Yards project as well as the Columbia case. But, according to Shafran, it is unclear where the Perkins' colleagues stand on the issue.

Other legislators have their own agendas. Schneiderman, for one, said he would like to move on legislation that would deal with mortgage fraud, illegal guns and the reform of the state's system for representing indigent defendants. He has also focused on the Actual Innocence Act , which would allow a judge to vacate a previous conviction as long as a defendant can present "reliable and relevant" proof that he or she is innocent. Schneiderman said he thinks that, with some tinkering, his bill will make it through his house.

A Last Chance?

All of this will play out against a larger backdrop: Can the governor work with the Senate Democrats? Can the Senate Democrats work with themselves?

If the Democrats get to work, McKee he will be happy, and all the effort he and his colleagues made to put Democrats in control will seem worthwhile. If not, McKee and his allies plan to strengthen the Democratic majority to marginalize those who stand against their issues. Others plan on taking a different approach. A number of other groups irate about the Senate's behavior in 2009 plan to work to, as they put it, "Throw the bums out." Gay rights activists stinging from the defeat of the same-sex marriage bill in the Senate have turned their sights on defeating Democrats and Republicans who voted against the bill.

Sampson indicated in his late-December meeting with reporters that making good on all the many promises his conference made to advocates last year had presented his conference with a huge challenge.

"Managing the expectations of the advocates, that was the biggest obstacle," he said. "If we knew how to manage our expectations a little better, I think we could have managed our conference a little better, especially dealing with the one-vote majority."

But Sampson said his conference learned from its mistakes and stuck together despite the coup -- surprising even him. "I bet that everyone sitting at this table and on the phone never thought our Senate Democrats would stick together," Sampson said. "That we would just go: a faction would go here, a faction would go there." Sampson said Senate Democrats are slowly learning the discipline and cohesiveness that the Republican conference displays. But it is not clear whether they can learn fast enough.