

Get back, or get calls

Paterson tells senators to return or be prepared to be summoned to Albany daily

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ALBANY -- After two weeks of stalemate in the state Senate, Gov. David Paterson on Sunday issued an ultimatum to legislators: find a way to get back to work or prepare be called to Albany every day -- weekends and holidays included -- until you do.

Paterson's strong rhetoric follows two weeks of turbulence, political posturing and negotiations that have failed to produce a compromise which would allow the Senate to act on crucial bills that must be completed before legislators leave for the summer.

The governor told reporters at a Sunday news conference that if senators do not negotiate a plan to act by today, he will call an extraordinary session on Tuesday to address dozens of bills that require Senate action before the end of the summer. The governor said that Court of Appeals Chief Judge Jonathan Lippman, a Paterson appointee and childhood friend of Assembly Speaker Sheldon Silver, has agreed to preside over the session.

"If the senators do not cooperate with this order, I will convene a special session every day until they do," Paterson said. "That includes Saturdays and Sundays; that includes July Fourth. There will be no excuses, and there will be no tolerance for noncompliance of this order."

Paterson displayed his toughest talk since the crisis began two weeks ago.

"Over the past couple of weeks, the senators' conduct has been laughable," he said. "But what's going on around here these days is no joke, and I don't find it funny. To the senators, I tell you: You've inconvenienced the lives of all New Yorkers for a couple of weeks, and now you will come back to work and do the people's business."

Paterson's threat of consecutive session as a way to break legislative deadlock has historical precedent: In 1988, the Indiana House broke stalemate in two days under threat of a Thanksgiving Day session, enacting what was called the "Speaker du jour" compromise at around 2 a.m. Thanksgiving morning. Gov.-elect Evan Bayh, a

Democrat who was Indiana secretary of state at the time, had threatened to keep lawmakers in session through the holiday until they broke the impasse.

New York governors have taken extraordinary measures to bring legislators back for a special session in the past. Gov. Mario M. Cuomo once called two assemblymen -- William Hoyt of Buffalo and Pete Grannis of Manhattan -- back from a canoe trip in Canada's North Yukon to attend a special session.

"This was in the days before cellphones, and I believe the governor reached out to the Mounties (Royal Canadian Mounted Police) to convey the message to my dad that they were needed back for a special session," recalls Assemblyman Sam Hoyt, D-Buffero, who took over his father's seat after the elder Hoyt died from a heart attack on the Assembly floor.

Hoyt said his father and Grannis went straight from their campsite to the Assembly chamber for a vote. "They literally came back in all their outback garb," said Hoyt. "They probably hadn't shaved or showered for a week. It was quite a sight. Most legislators will spend the off-session on the golf course."

Two weeks ago, 30 Republicans were joined by two Democrats, Pedro Espada Jr. and Hiram Monserrate, to oust Democratic Sen. Malcolm Smith from leadership. A week later, Monserrate rejoined the Democratic conference, splitting the chamber 31-31. Since then, the two factions have been in stalemate -- the GOP-led coalition insists that they won leadership of the chamber on June 8; Senate Democrats maintain that because the chamber is split 31-31, the Senate should share power equally.

The governor's announcement received mixed reactions from both sides.

"We embrace the governor's call for a special session and support his choice of Justice Lippman to act as presiding officer," said Smith and conference leader John Sampson in a joint statement issued Saturday.

Senate Republican Leader Dean Skelos criticized Paterson's threat. "By threatening to call a special session each day, the governor is attempting to dictate a solution on a separate branch of government. Without resolving the legitimacy of the leadership of the Senate, that won't work," he said in a statement.

"New Yorkers would be better served -- and this entire impasse could be resolved instantly -- if the governor would simply encourage just one brave Democrat to report for work tomorrow," Skelos said. The GOP-led coalition will remain in session this week. Since the coup, the GOP-led coalition has called session five times, but failed last week to produce the 32 members necessary for quorum.

Paterson also has solicited the help of two respected political figures, former Democratic Lt. Gov. Stan Lundine and former Nassau County Republican Sen. John Dunne, to serve as mediators in the dispute, but both Democrats and Republicans were cool to the idea of outside arbitration.

If Paterson does call a special session, the Senate would be constitutionally required to only address legislation that he recommends. Paterson said the list of legislation has not been finalized, but his press office sent around a list of at least 42 bills requiring action before the end of summer, including a number concerning local governments, mayoral control in New York City and an extension of the Power for Jobs program.

Bills that would reauthorize local sales taxes in 36 counties, all of which will expire in November, may not be on the Tuesday's agenda, but Paterson said he may ask legislators to reconvene for additional issues, including the tax extenders, gay marriage and Tier V pension legislation.

The GOP and Espada planned to meet with Smith and Sampson to discuss whether to proceed with session today.