

Cuomo Reaches for Power

Governor Pushes for More Sway Over Finance, Health Care and Criminal Rights

By **JACOB GERSHMAN** – Wall Street Journal, Feb 18, 2011

Since taking office a month and a half ago, Gov. [Andrew Cuomo](#) has embarked on a sweeping attempt to expand his executive authority beyond the reach of his predecessors.

If Mr. Cuomo's plans become law, his administration would wield broader power over public health care, financial institutions and criminal rights.

Taken as a whole, the governor's proposals and budgetary tactics aim to diminish the role of lawmakers and state oversight boards in setting policy. If the governor succeeds, his administration's influence could rival that of other state governorships, such as New Jersey, with stronger constitutional powers.

"This governor is proposing significant steps beyond the powers that [George] Pataki and [David] Paterson added to the office," said Robert Ward, a state government scholar at the Rockefeller Institute of Government. "The old saying, 'The governor proposes, and the Legislature disposes,' that isn't so much the case as it once was, and the Legislature doesn't like that."

In speeches across the state, Mr. Cuomo has billed his plans as a breakthrough step toward imposing order and accountability on a rudderless bureaucracy. His allies have said he's striving for a more intelligent way of dealing with a Legislature under the sway of interest groups that smothered the agendas of governors before him.

So far, according to the latest opinion polls, the governor's muscular ambitions have resonated with New Yorkers.

Increasingly, though, lawmakers in both houses and other Albany players have started to push back against Mr. Cuomo.

"It does seem like a broad effort in many areas to use the budget process to change substantive law quite apart from increasing or decreasing spending," said Richard Gottfried, a Democratic assemblyman. "It's something that the general public has no awareness of."

And the governor this week said he may put the brakes on some of his more contentious plans in his budget proposal for shifting power. His budget would effectively grant his administration the authority to shut down some prisons of his choosing. In a radio interview this week, Mr. Cuomo said he's open to giving lawmakers more of a say over the closures.

Still, a spokesman for Mr. Cuomo said the governor's budget process is "making government focus on efficiency and performance."

Under Mr. Cuomo's budget, the governor would have more control over how much Medicaid pays hospitals, nursing homes, and doctors and which optional services are offered by the \$53 billion government insurance program. Those decisions, which are currently set by legislative statute, would be handed to Mr. Cuomo if lawmakers don't accept his demand to shrink the Medicaid budget by about \$3 billion. The governor has asked a special policy panel to suggest cuts, but the panel's recommendations aren't binding.

The Cuomo administration would be able to authorize investigations into financial fraud and collect substantial restitution and damages from investment banks, hedge funds and consumer-product makers. Those powers, spelled out in his budget proposal to merge state banking, insurance and consumer protection agencies, overlap with the attorney general's office.

His plans for a new Department of Financial Regulation would abolish the state Banking Board, which includes banking representatives, allowing his administration to determine capital requirements of state-chartered banks and set rules on other banking practices.

Mr. Cuomo also seeks the power to restore rights to convicted criminals—allowing released felons to run for public office and removing legal bars to employment—by issuing certificates of relief and good conduct.

Under a plan to merge the corrections department and parole division into a single agency, the governor's budget language transfers that power from a Senate-confirmed 19-member parole board to the head of a new criminal justice agency.

Some lawmakers say they suspect Mr. Cuomo may threaten a government shutdown unless lawmakers agree to his \$132.9 billion budget.

If talks spill past the April 1 budget deadline, lawmakers say, Mr. Cuomo may not roll out the usual safety net of short-term "emergency" spending bills. Instead, they say, he might force lawmakers to decide between submitting to his spending and policy agenda or shutting down government.

"It's quite possible that Andrew Cuomo will send down one extender and that extender will be his budget," said Sam Hoyt, a Democratic assemblyman.

Whether Mr. Cuomo succeeds in broadening his authority is mostly up to lawmakers, who have yet to adopt any of the governor's most significant campaign pledges.

Lawmakers in both houses have wrestled over how to parry the advances of a popular governor. Some have conceded that his tactics could limit their exposure to polarizing policy matters, shielding them from votes on Medicaid cuts or prison closures. Others

have expressed concerns in private but have been reluctant to engage in a public clash with Mr. Cuomo and risk drawing his ire.

"Ultimately, the Legislature has the power to say no and check his prerogatives by forcing a showdown over an on-time budget," said David Catalfamo, a senior aide in the Pataki administration. "The question is whether it makes sense to do it."