



111 WASHINGTON AVE, SUITE 501
ALBANY, NEW YORK 12207

WWW.FWC-LAW.COM

PHONE: (518) 436-0786
FAX: (518) 427-0452

The Week That Was

03-30-18

1. Coyote Ugly

Our Spin:

For those who have been in this business for a while, it is well known that the final days leading up to the passage of the state budget can get pretty wild. So wild that even a stray coyote found its way into town this year. Things got even wilder when news broke that NY Daily News reporter Ken Lovett was arrested for using his cell phone in the Senate chambers and Governor Cuomo was on his way to release him. For our animal rights advocates out there, the DEC tweeted “The coyote was released back to the wild,” but it’s hard to imagine what is more wild than the Capitol itself.

The Story:

Governor Andrew Cuomo helped free a well-known newspaper reporter from police custody Wednesday after the reporter was detained for talking on his cellphone in the State Capitol. Kenneth Lovett, Albany bureau chief for the New York Daily News, was detained on Wednesday in the lobby of the New York State Senate Chamber. Witnesses and officials said Lovett was talking on his cellphone as he walked through the area — where access is generally not restricted, although a sign says cellphones “Must be turned off” in the “Senate Chamber.”

Governor Andrew Cuomo walked down to the Capitol Complex State Police station to secure Lovett's release, joking that he was Lovett's counsel. “On one hand, I know that Ken Lovett can be a dangerous man, and I know that he can lose his temper, but I think the freedom of the press trumps even Ken Lovett’s personal demeanor,”

the governor said. “Well, he has been known to be a threat to public safety on a number of times. But nothing trumps the freedom of the press, and I wanted to make sure that he had a good counsel, and that’s why I offered my services on a pro bono basis, and it just does my heart good to be able to say, ‘I freed Ken Lovett.’”

The Governor indicated the Senate sergeant-at-arms may ask the State Police to have someone removed. “The Senate said they’re not pressing charges. I don’t know the circumstances of what happened.”

Ironically, at the same time Governor Cuomo was helping the release of Ken Lovett, the Department of Environmental Conservation was releasing the “budget coyote” back into the wild. State biologists concluded that the coyote, which was spotted dozing on the mezzanine of the New York State Museum in Albany, was healthy. “The coyote was released back to the wild” DEC tweeted. The coyote was tranquilized Tuesday morning after concerned museum goers found it sleeping on the roof.

[Democrat & Chronicle](#)
[NY Daily News](#)

2. Mighty Joe

Our Spin:

Well folks, the Assembly may be losing one of the good guys. This week the ever popular Joe Morelle announced his candidacy for the 25th Congressional District. The move makes perfect sense as Mr. Morelle is still a young 60-years old. Plenty of time for him to earn some seniority in D.C., make a name for himself and

eventually receive a committee chairmanship. Assembly Majority Leader is a tough job handling a very diverse and large number of members. Morelle has done a marvelous job and has helped transition a high percentage of new members. The replacement will have big shoes to fill. Insiders are wasting no time shortening the list of who can be next. The speaker outlined a few of the job responsibilities — trust, loyalty, rapport with the Speaker, just to name a few. The speaker also hinted that the next Majority Leader might not come from Upstate. However, maintaining a balance is ever so important. As we like to say here in Albany, ‘stay tuned’!

The Story:

Joseph Morelle, the state Assembly's Majority Leader, will enter the race to succeed the late Congresswoman Louise Slaughter, he announced earlier this week. Morelle said combating President Donald Trump was a driving force in his decision to run for Congress, which will create a scramble for leadership positions in the chamber. “I watch the news every day and read the newspapers and, frankly, I am so distraught about what’s going on in the country that that was the compelling reason to do it,” Morelle he said Monday.

His departure from Albany will likely set into motion fierce competition among Assembly Democrats looking to be named to the chamber’s second-highest position. Speaker Carl Heastie said that he was in no rush to choose a replacement, despite Morelle’s now-divided attention. “I think there is a lot of qualified members; they will have big shoes to fill with Joe,” Heastie said. “I don’t want to say there is any [geographical requirement] because then I would be doing a disservice to other people around the state. . . . Balance is always important, but I don’t want to say that because that could eliminate somebody who is magnificent.

“I have no doubt in my mind that Joe, he can walk and chew gum, he’ll be able to still be the great majority leader that he’s been to the Assembly,” Heastie said. “Joe’s going to be majority leader until he’s elected [to Congress] in November, so I have plenty of time to make this decision.”

Morelle, for his part, was less committal to maintaining his current post until November. “I’d love to be able to continue to serve, but I have not made a decision today,” he said. “I’ll have to see how the next few weeks go.”

[Newsday](#)

3. Intentionally Omitted

Our Spin:

As the budget deadline of April 1 looms with the complications of the start of Passover and the Easter weekend, one of the most prevalent sections of the budget bills in print is “intentionally omitted.” The standoff appears to involve the oversight of Yeshivas and the creation of a legislative pay raise commission.

The Story:

Negotiations over the New York State Budget stalled throughout Friday, just a day before the deadline for a new spending plan. Democrats in the Assembly effectively blamed Senator Simcha Felder of holding up talks over a provision that would ease state oversight of religious schools.

Senator Felder, an Orthodox Jew who represents a large Orthodox Jewish constituency in Brooklyn, is a key player in the Senate. He represents the decisive vote in Albany’s 63-seat upper chamber, which is ruled by Republicans. Mr. Felder, a Democrat, who has nonetheless declared no party loyalty, caucuses with the Republicans, giving them the majority.

Felder has expressed support in the past for allowing yeshivas leeway in complying with state law, which requires that private schools must offer students instruction that is “at least substantially equivalent” to that offered in public schools. Yeshivas are Jewish religious schools, some of which serve the ultra-Orthodox community — including many in Felder’s Midwood and Borough Park district.

While the exact contours of Mr. Felder’s demands are not clear, Assembly Speaker Carl Heastie, in an unusual move, suggested on Friday afternoon that Mr. Felder was the sole reason for a looming government shutdown. “The state budget is being held up by an unrelated non-budgetary demand in the State Senate,” Mr. Heastie said in a statement, adding that the budget was “99.9 percent” done and that the remaining issue, while important, “should be worked on in partnership with stakeholders and educational experts at the State Education Department, which we would fully support.”

Mr. Felder rejected the notion that he was to blame for the lack of budget deal, arguing that there was more than one issue blocking a deal. “It’s just not true,” he said, standing on the floor of the Senate, adding, “I think it’s convenient to use me as the scapegoat.”

[The New York Times](#)

