



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

04-27-18

1. Simcha's Last Stand

Our Spin:

Despite what some insiders are calling a "blue wave," across New York, the state Senate will remain in Republican control, at least for the remaining 24 days of session. At the heart of it all is a senator who hails from Brooklyn, Simcha Felder. For months, Republicans said they believed Felder would remain on their side, but pressure on the Brooklyn Democrat intensified earlier this month after warring Senate Democrats ended years of infighting with the reunification of the mainline Democrats with the breakaway, eight-member group called the Independent Democratic Conference. What happens once the 2018 legislative session concludes is TBD, but one thing is clear... Simcha is loving his kingmaker status and is in no rush to give up the throne.

The Story:

Democrats finally won a numerical majority in the State Senate after Tuesday's special elections, yet a conservative Democrat says he will continue to caucus with Republicans. Brooklyn Senator Simcha Felder pre-empted the show Tuesday afternoon by declaring he would retain his political one-man alliance with Senate Republicans.

The move by Felder, which came in advance of Democrats winning both special election seats Tuesday night, gives Republicans the one extra vote they need to retain power in the Senate. The decision by Felder punts the real power fight until the November general elections, when all lawmakers, as well as statewide officials, go before voters.

In a statement Tuesday afternoon, nearly six hours before polls closed, Felder said his decision was based, at least in part, on avoiding a fight over partisan power in the Senate that could throw the Legislature into turmoil. "With only 25 days remaining in this year's legislative session, I believe it is my obligation to prevent an unprecedented and uncertain late session political battle that will only hurt my constituents and New Yorkers. Political gamesmanship must not be allowed to jeopardize the leadership, committee structure and staff of the New York State Senate and push this institution into turmoil. Upheaval and court battles among partisans is not the preferred method of governing," he said.

There were some indications that a bid by Democrats to take over the Senate would land the whole matter in court. Republicans have pointed to Senate rules that require 38 votes to change those rules, which include a specific reference that Republicans control the current, two-year session of the Senate. "This issue is best resolved outside of the legislative session and I look forward to revisiting it after session," Felder said in wording meant to intentionally tease both sides that he could be changing his mind later this year.

[The Buffalo News](#)

2. Rider's Up!

Our Spin:

New York is open [for the racing] business! Thanks to some stable public policy, the horse racing industry is

thriving here in New York State. But don't just take our word for it...earlier this week the thoroughbred racing industry released an updated economic impact study that demonstrates their industry has grown by an impressive 28% over the past 5 years. However, if you are dedicated reader of Newsday, you certainly wouldn't know it. How you can you help support the cause? As on Bloodhorse reader suggested, bring some new friends to the track to help introduce them to the sport of kings. Oh and by the way, today is opening day at Belmont Park for the 2018 spring meet!

The Story:

Horses are big business in New York. The American Horse Council Economic Impact Study, published earlier this month, shows that the state's Equine Industry has grown by \$1.1 billion and added nearly 10,000 jobs since the New York Horse Racing and Agriculture Industry Alliance's New York State Equine Industry Economic Impact Study of 2012.

The Equine Industry is the second largest agribusiness in New York, providing the state with \$5.3 billion in economic impact. Employment opportunities in the industry have expanded by 28% since 2012, with horses generating 42,400 full-time jobs for New Yorkers. The horse industry also does its part for the preservation of green space. Approximately 1.3 million acres are currently used for horse-related purposes, and the equine industry is active in every one of New York's 62 counties.

"We are a labor-intensive industry," said Joe Appelbaum, president of the New York Thoroughbred Horsemen's Association, which represents more than 4,000 thoroughbred owners and trainers. "That is particularly true of the racing industry, which boasts 80 jobs for every 100 racehorses. Horses are an invaluable asset for New York, and a thriving Equine Industry is vital to the state's economy."

The racing sector of the Equine Industry is particularly robust, with a \$3.08-billion total impact on the New York economy and \$1.73 billion in direct value while supporting 19,704 jobs. The numbers take into account direct expenditures (e.g. breeding, maintenance, training, insurance, veterinarians, jockey fees, transportation, etc.) plus indirect/induced economic expenditures (e.g. totalizer companies and other wagering technology, infrastructure, broadcasting, television, food and beverage concessions, track maintenance and security).

New York is one of the largest horseracing hubs in the United States, as highlighted by the AHC Study, with 11 racetracks throughout the state as well as hundreds of breeding farms and training facilities. Saratoga Race Course, one of the pre-eminent and oldest tracks in the country, attracts more than 1 million visitors a year. In total, New York hosts 1,294 race days annually, offering purses of \$289 million and generating \$3.4 billion in handle.

"Once a confidence level was reached by Thoroughbred breeders and owners regarding our purses and incentive awards, our State-bred program positioned itself ahead of the rest of the national landscape," said New York Thoroughbred Breeders Executive Director Jeffrey Cannizzo. "New York-breds are in demand in the marketplace, farms have reopened across the state and people are investing again in New York. This renaissance is creating hundreds of jobs and injecting needed revenue into communities across our state of New York."

Nytha.com

3. Marchione, DeFran, Bonacic, ?

Our Spin:

The three musketeers... or will there be more? GOP Senators John Bonacic, Kathy Marchione and John DeFrancisco all announced this week they are retiring at the end of the year, making it more difficult for the GOP to hold their slim Senate majority and their last stronghold of statewide power. The recent announcements, occurring prior to the filing of nominating petitions, have local party committees in a scramble for candidates and Senate GOP fundraisers organizing a slew of golf scrambles to finance what we anticipate will be a very pricey election this November.

The Story:

State Senator John Bonacic, a Republican who has represented his Hudson Valley district for nearly two decades, will not seek re-election this fall. Bonacic, R-Mount Hope, Orange County, announced Friday he would retire from the Senate, leaving open a seat that is likely to become a key battleground for Democrats and Republicans in November. His district includes parts of Ulster, Orange and Delaware counties, as well as all of Sullivan County.

"I have decided that I will not seek re-election to the New York State Senate," Bonacic said in a statement. "Next to being called Pat's husband and Melissa and Scott's father and a grandfather to three more, serving in the State Senate has been the honor of my life."

Bonacic, 75, was first elected to the state Senate in 1998 after spending eight years in the state Assembly. He is the chair of the Senate Racing, Gaming and Wagering Committee and was a key proponent of legalizing private casinos in New York.

Bonacic is the third Republican senator in three days to drop their re-election bids in the closely divided Senate. Sen. Kathy Marchione, R-Halfmoon, Saratoga County, announced Wednesday she wouldn't run in November, citing a desire to spend more time with her family. Senate Deputy Majority Leader John DeFrancisco, R-DeWitt, Onondaga County, told the Auburn Citizen he too wouldn't seek re-election.

