



## TALE OF THE TAPE: NYPIRG's REVIEW OF LEGISLATIVE ACTION – 2011 SESSION

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**For more information:**

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As part of an ongoing review of legislative activity, the following analysis examines the 2011 New York legislative session. This analysis does not draw conclusions on the substance of bills or a particular legislator's impact or the overall legislative output, since legislative "productivity" is more complicated than simple numbers. It's up to New Yorkers to assess their legislators' effectiveness and impact. In order to be informed New Yorkers deserve information on the functioning of their Legislature and we hope that the following information will stimulate dialogue between lawmakers and their constituents.

### Bill Passage Totals

Year	Assembly	Senate	Both
2011	999	1,289	677
2010	1,196	1,124	700
2009	1,242	640	554
2008	1,641	1,794	811
2007	1,540	1,770	847
2006	1,961	1,842	958
2005	1,628	1,603	882
2004	1,702	1,522	777
2003	1,403	1,366	761
2002	1,654	1,294	745
2001	1,283	1,050	549
2000	1,537	1,424	711
1999	1,470	1,317	607
1998	1,547	1,369	674
1997	1,132	1,234	475
1996	1,580	1,543	813
1995	1,362	1,401	776
Average	1,463	1,387	725

Between January 1 and June 24, 2011, the Assembly passed 999 bills and the Senate 1,289. Six hundred seventy-seven (677) bills passed both houses. The following chart details the number of bills passing each house between January and the end of July over time.<sup>1</sup> This year's totals to date are slightly below

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<sup>1</sup> The time frame of January through the end of July was chosen in an attempt to capture the full activity of most sessions in which issues such as late budgets and leadership coups kept the Legislature in Albany.

average totals since 1995, though it is probable that at least one house may return before July is over to address issues such as the MOVE-ACT and health care exchanges, which are subject to federal deadlines.

### Bill Introductions

Between the beginning of session and Friday, June 24<sup>th</sup>, 8,500 bills were introduced in the Assembly. Five thousand eight hundred thirty-six (5,836) bills were introduced in the Senate. Eleven (11) legislators introduced 200 or more bills: (Senators in capital letters; Assemblymembers in lower case.)

Legislator	Bills Introduced
KRUGER	372
Englebright	343
LAVALLE	251
MAZIARZ	241
Kavanagh	232
PARKER	226
Thiele	225
GOLDEN	223
Ortiz	218
Pretlow	216
Morelle	216

Eight (8) legislators – each of them Assemblymembers – introduced 5 or fewer bills.

Legislator	Bills Introduced
Boyland	0
Hikind	1
Arroyo	3
Roberts*	4
Conte	5
Duprey	5
Ra*	5
Rivera J	5

\*first term legislator

### Bills Passed

Six hundred seventy-seven (677) bills passed both houses between the beginning of session and June 24<sup>th</sup>. Since most of these bills were introduced once in each house to provide an identical same-as bill,<sup>2</sup> this means that 9.438% of the 14,336 bills that were introduced have been or will be delivered to the governor.

<sup>2</sup> One bill that passed both houses (A.8354, Enacts the Marriage Equality Act relating to the ability of individuals to marry) was never introduced in the Senate. Thus, a total of 1,353 bills passed, though these only reflected 677 individual pieces of legislation.

Ten (10) legislators, as well as the Senate Rules committee, sponsored more than 20 bills that passed both houses. Each of these legislators was in their house’s majority conference and chaired a committee. Additionally, with the exception of freshman Senator Mark Grisanti, each has been elected to at least five terms in the state Legislature.

Legislator	Bills that Passed Both Houses
HANNON	31
GOLDEN	30
LAVALLE	28
Abbate	26
YOUNG	26
MAZIARZ	26
BONACIC	25
RULES	23
GRISANTI	23
Sweeney	22
SEWARD	21

Nine hundred ninety-nine (999) bills passed the Assembly. The 99 members of the Democratic conference were the prime sponsor for 855 of the bills approved in the Assembly, passing an average of 8.6 bills each. One hundred thirty-three (133) of them were sponsored by Republicans, who passed an average of 2.6 bills a piece.<sup>3</sup> Interestingly, a higher percentage of these bills sponsored by Republicans (130 of 133) also passed the Senate than the bills that passed and were sponsored by Democrats (538 of 855). This is indicative of the fact that most Republican bills that were allowed to pass dealt with relatively noncontroversial local issues. Six Assemblymembers passed more than 25 bills through their own house:

Name LRS	Bills that Passed the Assembly	Bills that Passed Both Houses
Sweeney	37	22
Abbate	35	26
Gottfried	35	12
Magee	27	19
Paulin	25	16
Weinstein	21	11

Six Democrats and nine Republicans did not have any bills that passed the Assembly: Boyland, Hikind, Maisel, Mayersohn, Rivera N., Towns, Corwin, Curran, Hanna, Malliotakis, Miller D., Miller J., Molinaro, Ra, and Tenney.

One thousand two hundred eighty-nine (1,289) bills passed the Senate. Each of the 62 Senators sponsored at least one of these bills, though on average, majority members sponsored many more.

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<sup>3</sup> In addition, 11 budget bills did not have a sponsor.

Conference	Bills Passed Senate	Members	Average Bills Passed Senate Per Member
Democrats	103	26	3.961538
Independent Democrats	68	4	17
Republicans	1081	32	33.78125
Other: Budget, Rules, or no sponsor	37		

The numbers listed above indicate a significant shift from 2009, the first year of the Democrats' brief hold on the majority. In that year's elongated session, majority members passed 13.4 bills each, while minority members passed 6.4.

With the exception of Senator Alesi, who sponsored 11 bills that passed the Senate, every Republican member sponsored more bills than the most successful member of the Democratic conference (Oppenheimer, with 13). Eleven (11) Senators passed 40 or more bills:

Senator	Bills Passed Senate
GOLDEN	61
YOUNG	60
LAVALLE	54
MAZIARZ	49
HANNON	48
BONACIC	44
SALAND	43
FLANAGAN	42
SEWARD	42
GRISANTI	40
MARCELLINO	40

In both houses, the majority of bills were passed in the last few weeks of session:

Month	Bills Passed Assembly	Bills Passed Senate
Jan	14	7
Feb	20	30
Mar	63	78
Apr	29	40
May	209	173
Jun	669 <sup>4</sup>	978

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<sup>4</sup> The totals for each of these months add up to numbers slightly higher than the totals mentioned earlier in the report (999 bills passing the Assembly and 1,289 the Senate). This is due to a handful of bills being amended then voted on a second time later in the session.

## Voting Records

In the Senate, 64.55% of bills passed unanimously. An additional 29.79% passed with less than ten votes in the negative. In comparison to 2009, the first year that Democrats controlled the house, fewer bills passed unanimously, though more bills passed with between 0 and 10 no votes. The average bill had 59.47 Senators vote “yes,” 1.78 vote “no,” and .75 absent.

Total No Votes	2011, # of Bills	2011, Pct of All Votes	2009, # Bills <sup>5</sup>	2009, Pct. Of All Votes
None	845	64.55%	493	76.43%
1-9	390	29.79%	103	15.97%
10-19	49	3.74%	18	2.79%
20-30	24	1.83%	29	4.50%
More Than 30	1	0.08%	2	0.31%

In the Assembly, 46.15% of bills passed unanimously. The average bill had 131.62 Assemblymembers vote “yes,” 9.20 vote “no,” and 5.80 not voting.<sup>6</sup>

Total No Votes	2011 # of Bills	2011 % of all Bills	2009 # of Bills	2009 % of all Bills
0	467	46.15%	680	53.33%
1-9	256	25.30%	234	18.35%
10-19	83	8.20%	98	7.69%
20-29	63	6.23%	105	8.24%
30-39	77	7.61%	79	6.20%
40-49	40	3.95%	46	3.61%
50-59	25	2.47%	28	2.20%
60 or more	1	0.10%	5	0.39%

Only one bill lost a vote on the Senate floor, a departure from the two years in which the Democrats controlled the Senate:

Year <sup>7</sup>	Senate	Assembly
2011	1	0
2010	2	0
2009	9	0

<sup>5</sup> 2009 totals are for the period between January 1 and July 30. Several additional bills failed later in the year (see below).

<sup>6</sup> Due to several members vacating their seats this year, these numbers add up to 146.62, not 150.

<sup>7</sup> For every year except 2011, these totals represent the full calendar year. This does not include votes taken to override vetoes, votes on hostile amendments, or votes on rule or leadership changes introduced by minority members.

2008	0	0
2007	1	0
2006	0	0
2005	0	0

### Voting with Leadership

The average Democratic Assemblymember voted with Speaker Silver 97.41% of the time. Ten (10) Democrats voted with him on every bill: Destito, Farrell, Mayersohn, Pheffer, Rivera J., Rivera P., Schimel, Silver, Towns, and Weprin. The Democrat conference members who voted differently from the Speaker most frequently were Gabryszak (87.47%), Gunther (87.98%), and Peoples-Stokes (91.16%).

The conference whose members voted most independently of their leader was the Assembly Republicans, who voted the same as Minority Leader Kolb 90.94% of the time. The members who voted with him the most frequently were Oaks (96.38%), Finch (96.16%), and Tedisco (95.85%). The conference members who voted the same way as the Minority Leader least often were Miller D. (81.17%), Malliotakis (81.60%), and Tenney (81.91%).

Senate Republicans voted with Majority Leader Skelos 98.87% of the time. The members who most consistently voted with him were Golden (99.85%) and Hannon, Libous, and Flanagan (each 99.77%). Those who voted differently most often were Larkin (96.03%), Bonacic (96.17%), and LaValle (96.52%).

Senate Democrats voted with Minority Leader Sampson 95.22% of the time. The members most often similar were Breslin (98.55%), Smith (98.17%), and Kennedy (98.09%). Those with the most differences were Duane (88.40%), Perkins (89.29%), and Parker (90.35%).

With the exception of Senators Smith, Kennedy, Breslin, Addabbo, and Oppenheimer, every Senator enrolled as a Democrat voted more consistently with Senator Klein than with Senator Sampson.

The conference whose members voted the least independently of their leader were the Independent Democrats, whose members voted the same way as Senator Klein 99.26% of the time. Each of the three additional members voted the same way as him more than 99% of the time.

### Gubernatorial Action

While only a small percentage of this session's legislation has been delivered to the governor's desk to date, an early look at Governor Cuomo's actions on these bills shows that his veto pen has used less ink than his predecessors':

Year	Governor	Bills with Vetoes, 1/1 - 6/24	Chaptered, 1/1-6/24
2011	Cuomo	1	83
2010	Paterson	14	130
2009	Paterson	6	74
2008	Paterson/ Spitzer	6	117

2007	Spitzer	8	79
2006	Pataki	20	111
2005	Pataki	5	108
2004	Pataki	3	107
2003	Pataki	4	80
2002	Pataki	1	89

The number of Governor Cuomo’s program bills that passed the legislature is comparable to his recent predecessors. However, a much higher percentage of his program bills has passed.

The following chart compares 2011 action on program bills to earlier years. Note that many bills are introduced once in each house, and some are introduced on repeated occasions when the Legislature is in a special session called by the governor, so the numbers of “active program bills” listed below are usually about twice as high as the number of issues that the executive has chosen to take on.

Year	Active Program Bills	Program Bills Passed, Jan 1 through July 30
2011	45	16
2010	237	43 <sup>8</sup>
2009	644 <sup>9</sup>	19
2008	101	26
2007	135	15
2006	93	9
2005	146	23
2004	88	6
2003	116	13
2002	117	15

Governor Cuomo delivered fewer messages of necessity to expedite bill voting compared to his predecessors, with the exception of Governor Spitzer in 2007.

Year	Bills Passed With Messages of Necessity <sup>10</sup>
2011	27
2010	45
2009	30
2008	39
2007	21

<sup>8</sup> The record-breaking number of program bills that passed in the last year of Governor Paterson’s term includes a number of budget extenders.

<sup>9</sup> In 2009, Governor Paterson reintroduced many of his program bills multiple times, as the Senate spent several weeks in special sessions in which bills needed to be reintroduced.

<sup>10</sup> For years before 2011, these numbers reflect messages issued between January 1<sup>st</sup> and July 30<sup>th</sup>.

2006	36
2005	32
2004	53
2003	56
2002	101

### Resolutions

Three thousand four hundred eighty-four (3,484) resolutions were introduced between January 1<sup>st</sup> and June 24<sup>th</sup> 2011. The majority were noncontroversial: 3,403 (97.68%) of these were adopted. The only legislators who introduced more than three resolutions that were not adopted were Kolb (four not adopted), Griffo (six), Gallivan (seven), and Parker (27).

Conference	Resolutions Introduced	Resolutions Adopted	Members	Average Adopted per Member
Assm. Dem	408	401	99	4.050505
Assm. GOP	375	367	51	7.196078
Sen. Dem	730	690	26	26.53846
Sen. IDC	71	70	4	17.5
Sen. GOP	1900	1875	32	58.59375