

## State Senator Liz Krueger's Albany Update – Summer 2017

Dear Friend,

The 2017 legislative session was particularly frustrating, given the context of what I believe our state needs to be doing to protect New Yorkers from the impacts of damaging policies emerging under the Trump administration. This is a time when New York should be leading efforts to protect the rights of New Yorkers and ensuring that access to basic services is protected. Unfortunately, the Senate majority coalition refused to allow votes on a host of critical issues impacted by current and potential federal policy changes, including reproductive rights, protecting immigrants, addressing climate change and ensuring access to health care.

This report will first offer an outline of the ways I believe New York can and should be resisting the Trump agenda. I will then discuss other legislation impacting our State that came up – or should have come up – during the 2017 legislative session.

Liz

### A Resistance Agenda

My colleagues in the Senate Democratic Conference and I support a host of legislation to protect the rights of New Yorkers in the face of a newly hostile federal government. Unfortunately, these efforts were blocked by the Republican/Independent Democratic Conference majority coalition. Here are some of the key resistance measures I will continue to fight for in the next legislative session:

#### Equal Rights Amendment

The equal protection clause in the New York State Constitution was adopted in 1938, prior to the civil rights movement, the women's movement, the LGBT movement, the disability rights movement and the many other movements challenging discrimination in our state and nation. Women, LGBT people, people with disabilities and many other groups currently do not have equal rights under New York State's Constitution. It is long past time to update these protections.

I have introduced an amendment to the State Constitution (S6354) that would extend equal rights to every New Yorker, regardless of race, color, creed, religion, national origin, citizenship, marital status, age, gender, sex, pregnancy, sexual orientation, gender identity or expression, physical or mental disability or other immutable or ascriptive characteristics. The broadly inclusive language of the amendment surpasses the equal rights provisions of every other state in the nation, as well as that of the U.S. Constitution.

With our rights increasingly under attack from the Trump administration, it is absolutely essential that we protect all New Yorkers from attempts to trample on their freedom. New York can and should be a national leader, both morally and legally, by updating our Constitution so all New Yorkers are recognized and respected as equals.

#### Reproductive Rights

New York has long needed to update its laws related to abortion, and the appointment of Neil Gorsuch to the Supreme Court makes doing so much more urgent. I am a lead Senate sponsor of the **Reproductive Health Act** (S2796), which

would codify the abortion protections of the Roe v. Wade decision, protecting the rights of New Yorkers if Roe v. Wade is overturned. The Assembly version of this bill (A1748), sponsored by Deborah Glick, passed the Assembly this year, but the Senate majority coalition refused to allow a vote on the bill.

Women are already forced to travel outside of New York to receive care because of New York's outdated abortion law. Last updated in 1970, New York's abortion law falls short of constitutional protections as defined by Roe v. Wade in 1973 and does not reflect current medical practices. The RHA would explicitly allow for constitutionally-protected care late in pregnancy when a woman's life or health is at risk, or a fetus is not viable. Currently, discrepancies between state and federal law are forcing

critically ill pregnant women to leave the state in order to get the care they need. Additionally, the RHA repeals outdated and unconstitutional criminal statutes prohibiting abortion, and moves the regulation of abortion into the public health law where it belongs. This would ensure that New York State law treats abortion as health care, not a criminal act.

The Senate majority coalition also refused to allow votes on two other reproductive health measures that passed the Assembly. The **Comprehensive Contraception Coverage Act** (S3368) would mandate that all state insurers cover any FDA approved birth control, including IUD's, Plan B, and male contraceptives. The **Boss Bill** (S3791) would ban employers from discriminating against employees on the basis of their personal reproductive health decisions. It is shocking to me that in the 21st Century the New York State Senate still refuses to pass legislation protecting reproductive choices.



*In May I joined Concerned Clergy for Choice as they met in Albany to push for the Reproductive Health Act and other pro-choice legislation.*

#### Healthcare

Congressional efforts to "repeal and replace" the Affordable Care Act (ACA) would have a devastating impact on access to healthcare. The CBO has estimated that 23 million people would lose healthcare coverage under the House plan, and 22 million under the Senate plan by 2025, with 15 million losing coverage by 2018. The impact on New York would be devastating, as both plans would dramatically reduce Medicaid payments to the state, ripping a hole in the state budget and causing up to 2.2 million New Yorkers to lose coverage.

While the ACA is far from perfect, the reality is that it has provided access to health insurance for millions of New Yorkers who had previously been uninsured. Implementation of the ACA has successfully cut the percentage of uninsured New Yorkers in half, from 10 percent to 5 percent. The ACA expanded access to Medicaid, enabling an additional 2 million low-income New Yorkers to obtain health care. The ACA also provides tax credits to over 150,000 lower- and middle-income New Yorkers to make healthcare more affordable. In addition, New York State is one of only two states to take advantage of a federal option to create the Essential Health Plan, which provides low-cost health insurance to 500,000 people with incomes that are low but still too high for Medicaid (for example \$23,760 a year for an individual). The loss of federal tax credits to individuals and small businesses, and the elimination of the Medicaid expansion and the Essential Health Plan that would occur with repeal of the ACA, would result in many of these people losing their insurance. It would have dramatically negative impacts on the

health of New Yorkers.

I also believe we as state legislators need to be looking for alternatives to address our state's healthcare needs since we cannot rely on federal assistance. I have long been a co-sponsor of Assemblymember Gottfried's and Senator Rivera's **New York Health Act** (A4738/S4840), which would create a single-payer system in New York. I believe a federal single-payer model would have provided a better solution than the Affordable Care Act, and in the current climate it is clearly time for New York State to take the initiative in offering new models for ensuring access to care. The New York Health Act has passed the Assembly and has thirty-one co-sponsors in the Senate, but the Republican/IDC majority coalition has refused to allow it to come to the Senate floor for a vote.

## Environment

As the Trump administration renounces the Paris Climate Agreement and other efforts to fight global warming and ensure a livable planet for future generations, it is more important than ever that states take the lead in environmental policy. The **New York State Climate and Community Protection Act** (S6617/A8287) would require the state to reduce greenhouse gas emissions from all sources to zero by 2050. That would demand a near total decarbonization of our economy, and would put New York among the world's leaders on forceful climate action. The bill also requires the state to get at least 50 percent of its electricity from clean energy by 2030.

This important legislation passed the Assembly in June, but the Republican/IDC majority coalition blocked consideration of the bill in the Senate. The Senate leadership also refused to allow consideration of **The Fossil Fuel Divestment Act** (S4596), my legislation to require the state pension fund to divest from the top 200 oil, gas, and coal companies.

## Voting Rights

As the Trump administration attacks voting rights through investigation of mythical voter fraud, New York needs to be expanding access to voting. Turnout is embarrassingly low in many elections, and part of the reason is that we have more restrictive laws than much of the country.

We need laws and procedures that encourage, rather than discourage, voting. The Senate Democratic conference has proposed a number of reforms to open up our electoral process. Among these proposals are:

- **The Voter Empowerment Act** (A2278/S3304): This bill would allow for online updating of registration, allow people to register or change their party up to 10 days before an election, and permit pre-registration for 16- and 17-year-olds, among other reforms. A number of the provisions of this bill have also been introduced separately in standalone bills.

- **Same-day registration**: In New York, allowing same-day registration requires both a constitutional amendment (A2090-a/S2478) and enacting legislation (A6161/S3235).

- **Early voting**: This would allow eligible voters to cast their ballots before Election Day. A2064/S2950 would establish a 12-day early voting period ending the Sunday before Election Day.

- **Voting by mail**: I sponsor legislation (S4085) to authorize a study of the feasibility of voting by mail and allow for a pilot program. Voting by mail has been implemented successfully in Oregon and other states.

## Immigrant Rights

In response to The Trump Administration's anti-immigrant and anti-Muslim executive orders, the Senate Democratic Conference introduced a package of legislation to protect refugees, immigrants and foreign students from being victimized. These measures include:

- **New York Liberty Act** (S4075-a): Would prohibit state officials

from detaining a person due to their undocumented immigration status unless he or she has been previously convicted of a violent felony or one of several enumerated crimes.

- **Port Authority Resistance Bills** (S3974, S4024): Prohibits Port Authority police and employees from providing any assistance to the federal government to enforce Trump's executive actions on Muslims and refugees at airports under their jurisdiction. Additionally, no NYPD officer or State Police officer would be authorized to provide any assistance to federal officers.

- **SUNY/CUNY Resistance Bill** (S4079): Would require SUNY and CUNY employees to avoid inquiring about a student's immigration status to the extent that such action would assist the federal government in removing immigrant students.

I have also joined my Democratic colleagues in continuing to push for passage of the **DREAM Act** (S471a) to provide access to tuition assistance to undocumented students. The majority coalition blocked efforts to include this proposal in the final budget or bring it to the floor of the Senate for a vote.

## Legal Actions

Given the unwillingness of the Republican/IDC majority coalition to act to protect New Yorkers, I am gratified that Attorney General Eric Schneiderman has joined with other Attorneys General in a variety of legal actions to challenge the Trump agenda. In May, I held a community conversation with the Attorney General to discuss these efforts.

Topics of discussion included immigrant rights and the President's travel ban, climate change, women's reproductive rights, and the Affordable Care Act. Attorney General Schneiderman described working together with Attorneys General around the country as part of what he called "the legal resistance," a reaction from the legal community to what they perceive as a total disregard for the rule of law on the part of the Trump administration.

Attorney General Schneiderman emphasized the importance of resistance at the state level and the importance of broad public resistance to policies that betray our values. I am pleased to know that those of us resisting the Trump agenda have an important ally who is ready and willing to fight that agenda in the courts.



**RESISTING IN THE STREETS AND THE COURTS**  
*I joined Senate Democratic Conference Leader Andrea Stewart-Cousins at the NYC Women's March in January, and discussed legal challenges to the Trump Agenda with Attorney General Schneiderman at a forum in May.*

## So What *Did* Get Done?

The failure to respond to the Trump Agenda was the overarching theme of this session, but some important bills passed that deserve to be highlighted:

### Renewal of Mayoral Control

I was pleased that at the end of June the Legislature and Governor reached an agreement to extend mayoral control of New York City Schools for two years. While there are issues with accountability, transparency and parental involvement in the current system, reverting to the decentralized and chaotic system that existed prior to the adoption of mayoral control would make the situation worse. In 2009, the legislature passed a six-year extension of mayoral control and instituted some important reforms to improve oversight and parental participation. In 2015 and 2016 the current majority coalition only agreed to one-year extensions. I am pleased that this year we at least got a two-year extension, which creates a little more certainty and stability for our schools. What I would really like to see is a more comprehensive review of mayoral control that would combine longer renewals with efforts to continue to improve the system, as happened when it was renewed in 2009.

### SCHE/DHE Expansion

The Senior Citizen Homeowners' Exemption (SCHE) and Disabled Homeowners' Exemption (DHE) programs will be available to tens of thousands of additional people if the Governor signs A7463a/S4628a, which was passed by both houses of the legislature. This legislation raises the SCHE/DHE income eligibility limits from \$37,399 to \$50,000 (the same income levels as the NYC Rent Freeze programs). SCHE/DHE can reduce assessed property values for primary residents by five to fifty percent, depending on income.

I am hopeful the Governor will sign this bill into law soon and that NYC will pass the necessary local authorizing legislation. Please note that it is retroactive to July 1st, 2017 once it becomes law.

### Maternal Depression Treatment

Both houses of the legislature passed my bill (S4000/A8308) that would improve treatment options for women diagnosed with maternal depression.

One in ten new mothers will experience symptoms of maternal depression, and too many of them suffer in silence. S4000/A8308 would require the creation of a centralized list of available community resources, peer support groups, and providers who treat maternal depression, which would help providers conducting screenings make appropriate referrals and increase access to treatment. The bill also requires the state to invest in maternal depression treatment resources including strengthening and expanding a statewide hotline, encouraging peer support and telemedicine options, and improving the capacity of referral networks. This bill builds on legislation I passed in 2014 with Assembly Member Dick Gottfried to provide education and promote screening and treatment referrals for maternal depression.

### Report on the State Budget

In most years, there are two periods when most of the action happens in Albany – budget season in March and the end of session in June. This year the Senate leadership did little to address outstanding issues in June, so an even greater percentage of what did get accomplished was in the budget. This year's budget included some good proposals, but was a decidedly mixed bag.

The most glaring omissions were any effort to address **ethics or election reforms**. The Governor and Comptroller each proposed a number of worthy measures to reduce the potential for conflicts of interest among legislators and government officials, improve oversight of state contracting, open up our voting

procedures to encourage more public participation, and reform our campaign finance laws to reduce the impact of big money on elections. None of these proposals were included in the final budget.



*In March I joined colleagues and advocates in calling for tax fairness measures to be included in the budget, including an expanded millionaire's tax, a mansion tax, repeal of the carried interest loophole, which saves hedge fund owners billions, and protecting middle class homeowners by limiting property taxes to a reasonable percentage of their income.*

On a more positive note, the final budget did include language **raising the age of criminal responsibility to 18**. New York now joins the other 48 states who already do this. I have concerns about some aspects of the final agreement – particularly the decision to create “youth parts” of adult criminal court for handling nonviolent felony cases. Prosecutors would still have discretion to keep cases in this court from moving to family court where all misdemeanors will be handled. And while I am pleased juveniles will no longer be held in adult jails such as Riker's Island, delaying full implementation of this change to October of 2019 is unnecessary and will leave many juvenile offenders at risk in the interim.

The final budget also included a version of the Governor's **college affordability** plan, which provides full tuition grants to SUNY and CUNY students from families making up to \$125,000 annually when fully phased-in in 2019. Students attending private non-profit colleges in New York will be eligible for a similar amount of tuition assistance if the colleges agree to match the state contribution (only 30 agreed to participate). The tuition grants will be contingent on students meeting a number of conditions, including maintaining full-time status and graduating on time.

Unfortunately, the college tuition plan is also a case of the glass half-full or half-empty, depending on one's perspective. I would have preferred additional resources be provided to public colleges to address the increased demand that this program will cause. I am particularly concerned that this lack of new resources will make it harder for students to meet the on-time graduation requirement, since it is already hard for many SUNY and CUNY students to get access to the required courses they need to graduate. I am also concerned about the provision that will convert the tuition grant to a loan if the student does not live and work in New York State for up to four years after graduating. This requirement may not be realistic, and could increase the already out-of-control problem of post-college

indebtedness. And who doesn't know a recent college graduate with a job in NYC who is living across the river in NJ because the rents are cheaper? Finally, I was disappointed that, unlike the Governor's original proposal, the final budget did not include the **DREAM Act**, which would provide access to higher education for undocumented immigrants who came here as children.

The final budget did provide a funding **increase for public schools** across the state, which will receive an additional \$700 million in support, representing a 4.25% increase over last year. While this is only a portion of what is due to our city schools pursuant to the Campaign for Fiscal Equity lawsuit, I am pleased that the final budget preserved the basics of the Foundation Aid Formula, which directs dollars to the neediest districts. The budget also keeps in place the charter school cap, meaning public education dollars will not be further siphoned off to support up to 100 new charter schools.

The state budget did not adequately address **transportation funding**. Governor Cuomo's initial budget actually included a cut to MTA funding of \$65 million in operating funds, which the legislature replaced through an increase in capital funding in the final budget. But the Governor and legislative leaders have yet to come up with a clear plan for addressing the deteriorating state of the subway system or for improving bus service. There

are ideas out there, including the MoveNY plan that would toll East River bridges, legislation introduced by my colleague Mike Gianaris to impose a temporary income tax surcharge on individuals making more than \$1 million, or the repurposing of bank settlement funds – all of these proposals would raise billions of dollars for the MTA. I am hopeful that increased attention on the decline of our transportation infrastructure in recent months will create the political will to address this critical issue for the NYC region.

On **housing policy**, the budget was also a mixed bag. The very good news is that this budget finally created a process for allocating the first \$2.5 billion of the Governor's \$20 billion Five Year Housing and Homeless Plan. Governor Cuomo announced the plan last year but the money was never allocated because it required an agreement between the Governor and legislative leaders that never happened. This year the budget re-appropriates the \$1.97 billion from last year and adds additional funding that will be used for construction of supportive housing, senior housing, NYCHA repairs, and a variety of other programs to address critical affordable housing needs across the state.

Unfortunately, there is also very bad news on the housing front. The budget includes a **renewal of the 421-a tax abatement program**. This program is presented as an affordable housing program, but has served mainly to fund luxury development at



New York State Senate, Albany, NY 12247



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the cost of billions of dollars in lost tax revenue that could be spent directly on affordable housing. According to a study by the Association for Neighborhood and Housing Development (ANHD), only 11 cents of every 421a dollar goes to support affordable housing, with the rest subsidizing luxury development. At a time when the federal government is threatening to cut billions of dollars in annual funding to our state, and our city faces an acute affordable housing crisis, the last thing New York should be doing is wasting precious taxpayer resources needlessly subsidizing luxury housing.

On the environmental front there was progress. The final budget included \$2.5 billion for **clean water infrastructure**. Although this is a big step in the right direction, the State Comptroller recently estimated that the state may need to invest \$40 billion over the next two decades to maintain our aging water infrastructure. The State Environmental Protection Fund will also retain its historically high level of funding, at \$300 million.

In sum, this budget made progress, but it did not grasp the opportunity to give New Yorkers the budget that they deserve. The Governor set out an ambitious agenda, but on some of the biggest issues, the Republican/Independent Democratic Conference coalition blocked the opportunity for a truly progressive budget.

## Upcoming Events:

### Forum on A New York Constitutional Convention: Opportunity or Threat?

Thursday, September 14, 2017, 6-8 PM  
All Souls Church, 1157 Lexington Avenue  
(Between 79th and 80th)

### Medicare Information for New Enrollees and Experienced Users

September 28, 2017, 3-5 PM  
Bellevue Hospital, 462 First Avenue at 27th Street  
Rose Room, 12th Floor  
Presenter – Michelle Berney, NYC Department for the Aging's  
HIICAP (Health Insurance Information Counseling  
and Assistance.)

### Senator Krueger's 11th Annual Senior Resource Fair

Wednesday, October 18 2-5 PM  
Temple Emanu-El, 1 East 65th Street