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New York State Senate | 28th District



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Message from Liz...

Now that the legislature has reconvened after passing the budget, the Senate should be turning to the many outstanding policy issues we must address before the session ends in about a month and a half. But our first week back in session in late April seems to have offered yet more lessons on the various techniques the Senate majority uses to kill bills that would seem to have widespread support. Here are three examples.

The Senate rules allow a member to force a committee vote on up to three of their bills, through a process called a motion for committee consideration. This is one of the few ways for members of the Democratic conference to get their legislation on the agenda. This week, a number of those motions had to be considered, offering an opportunity to see the various methods the majority uses to bottle up legislation.

The first example is the most straightforward. Legislation introduced by my colleague Senator Cecilia Tkaczyk would prohibit the transport of hydrofracking waste for the purpose of discharging it into sewage treatment systems (S. 5123A). This commonsense legislation addresses a loophole in the federal clean water law that allows this toxic / radioactive wastewater to be disposed of through normal public waste treatment facilities, which are not equipped to safely handle these toxic products. Since fracking is not permitted in New York State, this legislation addresses the problem of waste now being imported from neighboring states and threatening New York's water.

The bill was voted down in the Environmental Conservation Committee by a vote of 7-6. However, because all members of the Democratic Conference and the one member of the Independent Democratic Conference who supports the Republican leadership of the Senate voted for the bill, the Republican Chair of the Committee, Mark Grisanti, had to vote no. Senator Grisanti generally supports pro-environmental measures such as this, and has been recognized by environmental groups because of his voting record, but in this case his

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“no” vote was needed to ensure that a commonsense measure proposed by a Democrat didn’t make it out of committee.

Sometimes the Republican leadership decides it doesn’t even want a vote on a bill in committee. As Chair of the Rules Committee, Republican Leader Dean Skelos has the ability to unilaterally pull any bill out of its assigned committee and into Rules, thereby effectively killing it without a vote. This was done with Senator Daniel Squadron’s bill to ban the sale, use, or possession of 50-caliber weapons (S. 2028). After Senator Squadron filed a motion for committee consideration on this bill, Senator Skelos committed it to the Rules committee. Apparently he didn’t want his members to have to vote up or down on whether or not they supported banning private possession of these military weapons, which are designed to kill human beings and disable machinery at distances of well over a mile.

My final example is the Fair Pay Act (S. 1491), pay equity legislation that I sponsor. The Fair Pay Act has continually passed the Assembly for many years now, but it has not received a vote in the Senate because of vigorous lobbying from businesses that don’t want to be subject to tighter rules and penalties for pay discrimination. For the last several years I have filed motions for committee consideration on this bill. The good news is that this year it passed the Labor Committee with only one negative vote – apparently even most Republican senators don’t want to vote against fair pay for women. The bad news is that this has happened in the past, but the bill somehow never makes it to the floor. As in previous years, the Fair Pay Act was committed to the Finance Committee after it passed Labor. While I hope that unlike previous years Senator DeFrancisco, the Finance Chairman, will allow a vote on my bill, I am not optimistic, particularly since he was the one no vote in the Labor Committee.

The current majority continues to use procedural measures to prevent debate, consideration, and votes on important environmental, gun safety, and women’s rights issues by the full Senate. This is yet another example of what is wrong with our legislative process, and how a lack of democratic procedures has real policy impacts.

COMMUNITY SPOTLIGHT

Update on Efforts to Fight the Proposed Marine Transfer Station:

The New York State Department of Environmental Conservation (DEC) recently responded to our letter urging them to require a revised Environmental Impact Statement for the E. 91st Street Marine Transfer Station (MTS) before they consider renewal of the permit for the facility. Their response indicated that such a review would be required if there have been substantial changes in material conditions at the site. My colleagues and I have followed up with a letter highlighting the substantial changes in material conditions in the area that have occurred since the first permit was issued, particularly with regard to revised flood plain maps and the potential risks of storm surge demonstrated by Superstorm Sandy. These new conditions and risk factors must be subject to a full environmental review.

I will continue to work with the community and my colleagues to oppose the MTS as an ill-conceived, self-destructive project overall, as it would not solve our city's waste management problems, but would create extremely dangerous and unhealthy conditions for the surrounding community. If you have not seen the "Talking Trash" report, please take a look to learn more about the issue and what you can do to help:
http://pledge2protectnyc.org/P2P_report-talking_trash.pdf

Forum on Postpartum Depression:

On Thursday, May 29th, I will be participating in a community forum entitled "Shining a Light on Postpartum Depression: The Role of Programs, Policy and Public Health." I carry legislation in the Senate that would provide for screening and referral for postpartum depression (PPD).

PPD includes a wide range of emotional, psychological, and physiological reactions to childbirth. Ten to twenty percent of new mothers in the United States suffer from PPD, which is one of a group of perinatal mood disorders which also includes postpartum anxiety, and in the most severe cases, postpartum psychosis. The stamina of the new mother is sapped by these disorders, as is her ability to function, care for, and bond with her new born child. How can New York City and State ensure that mothers and their families have access to resources and treatment for this debilitating and sometimes life threatening condition?

Join PPD service providers, specialists, and elected officials on Thursday, May 29, from 7pm to 9pm at Congregation Beth Elohim, 271 Garfield Pl., Brooklyn, for a chance to discuss this important issue – and devise solutions to address it. Click here to learn more about this event and to register: <http://ppdnyc.eventbrite.com>.

Citizen Preparedness Training Program:

Governor Cuomo, Community Board 6 and numerous elected officials are sponsoring a Citizens Preparedness Training Program on Monday, May 12th at 6:00 p.m. at Bellevue Hospital, 12th Floor, 462 First Avenue (at 27th Street). This program will provide the tools and resources to prepare for emergencies and disasters, respond accordingly, and recover as quickly as possible to pre-disaster conditions. Trainings participants will receive a free Citizen Preparedness Corps Response Starter Kit (one per family). All participants must register in advance at www.prepare.ny.gov, or by calling (212) 681-4605.

Taking Back our Schools March and Rally:

On Saturday, May 17th at 2:00 p.m., the Save Our Schools Coalition will hold a march and rally at City Hall Park seeking to create & sustain a public school system that provides a fully funded, equitable, community-based education for every child. This means that decisions about our children's schooling would be made democratically by families and professional educators, free of corporate and political intervention.

Diane Ravitch will be the kick-off speaker and other speakers include Mark Naison, Brian Jones, Carol Burris, Jeannette Deutermann, Leonie Haimson, Joe Rella, Jose Vilson, and representatives of parents groups, educators, and students. For more information on the rally and the Save our Schools Coalition, visit <http://saveourschoolsmarch.org/event/nyc-metro-spring-action>.

Stanley Isaacs Senior Center Hosts Open House:

On May 29 from 3:00 to 5:00 pm, the Stanley Isaacs Senior Center will host an Open House which will showcase all of the services and activities that they offer to seniors, including meals, exercise classes, readily available counseling services , discussion groups and more! Be sure to invite your senior friends and neighbors (NYC residents age 60 or better) who are curious to learn more about what the Isaacs Center offers. The Center is located at 415 East 93rd Street between First and York Avenues. For more information, call 212-360-7620.

Monthly Housing Clinics and Workshops: Councilmember Helen Rosenthal, Manhattan Borough President Gale Brewer, Goddard Riverside's SRO Law Project, and the Urban Justice Center present Monthly Housing Clinics and Workshops at Goddard Riverside Community Center, 593 Columbus Avenue (between 88th and 89th Streets). On the first Wednesday of each month, the clinic will offer a presentation on a variety of topics, to be followed by a question and answer session. The funding is provided by the Housing Preservation Initiative of the New York City Council. Each evening, at least one staff attorney will meet with individuals who are seeking specific legal advice. Upcoming topics include Succession Rights on June 4th.

Lenox Hill Neighborhood House Monthly Workshops:

The Legal Advocacy and Organizing Project at Lenox Hill Neighborhood House is sponsoring monthly workshops on a variety of issues. The May workshops will deal with Senior Benefits and Entitlements. Dates for the workshops are as follows:

- Thursday, June 5, 10:00 to 11:00 a.m. at the Center at Lenox Hill Neighborhood House, 343 East 70th Street.
- Monday, June 9, 11 a.m. to Noon at the Senior Center at St Peter's Church, 619 Lexington Avenue at 54th Street.

Disability Benefits Workshops:

The Legal Aid Society is hosting two upcoming workshops on applying for SSI and Social Security Disability. At the workshops, representative from the Legal Aid Society will assist you with your application for disability benefits, explain to you the disability benefit rules, assist you in obtaining information and records from your doctors, hospitals and clinics, and assist you with an appeal. If you have already been denied, you should immediately file an appeal with your local Social Security Administration office.

The workshops will take place at the Harlem Community Law Office, 230 East 106th Street. There will be a workshop in Spanish on Tuesday, May 13th from Noon to 2:00 p.m, and a workshop in English on Wednesday, June 11th, also from Noon to 2:00 p.m. For more information, contact the Legal Aid Society at (212) 426-3000.

Pedestrian Safety Improvements at Third Avenue and 60th Street:

Beginning in early May, the New York City Department of Transportation will be implementing a number of pedestrian safety improvements at Third Avenue and East 60th Street. In order to enhance safety and mobility, DOT will be making the following improvements at that intersection:

- Painted sidewalk extensions will be installed on the northwest and southeast corners to decrease pedestrian crossing distances
- A new left turn-only lane will be added on Third Avenue
- The right turn-only lane on 60th Street will be extended
- Lane markings will be refurbished

Health and Wellness Seminars at Weill Cornell:

On May 13th, Weill Cornell Medical College is holding a seminar entitled "The Aging Eye: Research and Treatment Advances. The seminar begins at 6:30 p.m. and will take place in Uris Auditorium at Weill Cornell, 1300 York Avenue at 69th Street. The event is part of a series of Health and Wellness seminars sponsored by the New York Presbyterian Hospital / Weill Cornell Medical College.

VOLS Legal Clinics for Low-Income Residents Over Age 60:

The Volunteers of Legal Services (VOLS) Elderly Project provides pro-bono legal services to low-income people over age 60 who live in Manhattan. VOLS conducts legal clinics each

month at senior centers where seniors can discuss their legal concerns in confidence, receive legal advice and, where appropriate, obtain referrals to a volunteer lawyer for representation. Areas of legal assistance include wills, medical directives, powers of attorney, housing, consumer matters and Medicaid. Over 150 lawyers serve on their Elderly Project volunteer attorney roster.

Upcoming Clinic dates and locations are below:

- Burden Center for the Aging, 1484 First Avenue (between 77th & 78th Streets) — 2 pm — second Friday of each month (May 9th, June 13th). Call Velda Murad at [212-879-7400](tel:212-879-7400) for information.
- Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (May 16th, June 20th). Call Amy Loewenberg at [212-360-7620](tel:212-360-7620) ext, 112 for information.
- Encore Community Services Senior Center, St. Malachy's Church - 239 West 49th Street (between Broadway and 8th Avenue) — 10 am — fourth Monday of Each Month (May 26th, June 23rd). Call Sister Margaret Rose at [212-581-2910](tel:212-581-2910), ext 118 for information.

Metrocard Bus and Van Schedule:

The MTA offers MetroCard-related services throughout New York City through mobile buses and vans. Buses provide a full range of services, including applying for or refilling a Reduced-Fare MetroCard, buying or refilling a regular MetroCard, or getting answers to a MetroCard-related question. Vans sell Unlimited Ride MetroCards and Pay-Per-Ride MetroCards, and they refill MetroCards and Reduced-Fare MetroCards.

Buses and vans will be in my district on the following dates and locations:

- May 13, 10:30 am, 92 Street & Lexington Avenue – Bus
- May 13, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- May 13, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- May 21, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- May 21, 11 am - 1 pm, 79 Street & York Avenue – Bus
- May 21, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- May 22, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- May 22, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- May 27, 10:30 am, 92 Street & Lexington Avenue – Bus
- May 27, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- May 27, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- June 3, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- June 3, 11 am - 1 pm, 79 Street & York Avenue – Bus

- June 3, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- June 4, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- June 4, 11 am - 1 pm, 79 Street & York Avenue – Bus
- June 4, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- June 5, 9 - 10 am, 57 Street and 1 Avenue – Van
- June 5, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- June 5, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van

The full mobile Metrocard schedule is available at <http://mta.info/metrocard/mms.htm>.

POLICY SPOTLIGHT

Marijuana Policy

On April 29th Assemblymember Crystal Peoples-Stokes and I held a public forum at the state Capitol on our Marijuana Regulation and Taxation Act (MRTA; [S. 6005 / A. 8341](#)) and the need for marijuana law reform in New York State. The forum featured testimony from advocates and policy experts representing community, law enforcement, and health policy perspectives.

The public forum was the first opportunity for public comment on the legislation, which we introduced last December. Experts, advocates, and members of the public offered testimony for several hours on the real characteristics of cannabis as a substance, the effects of marijuana-related incarceration on communities in New York State, and the positive economic and social impacts legalizing and regulating marijuana (and eliminating the current black market for it) could have. Among those offering testimony and comment were:

- Ari Hoffnung, former Deputy Comptroller of the City of New York for Budget and Public Affairs
- Patricia Warth, Center for Community Alternatives (Syracuse)
- Lt. Joanne Naughton, NYPD (Ret.), Law Enforcement Against Prohibition (LEAP)
- Gabriel Sayegh, Drug Policy Alliance
- Shapriecé Townsend, VOCAL-NY
- Professor Mitch Earlywine, University at Albany (SUNY) Department of Psychology
- Dr. Divine Pryor, Center for New Leadership
- Douglas Greene and Laura Notini, Empire State NORML and the NORML Women's Alliance

Last December, we introduced the MRTA to lay the first stone in New York's path beyond its current costly, discriminatory, and ultimately failed policy of prohibition and incarceration. If passed, this legislation would make New York the most populous state in the country to regulate and tax marijuana for general use.

The legislation would legalize, regulate, and tax marijuana under state law along lines similar to the state's current system regulating alcohol, and would place marijuana regulation under the purview of the existing State Liquor Authority.

Wasted Resources, Discriminatory Effects

In New York, more than 97 percent of marijuana arrests are just for possession, and in 2010, there were more than 100,000 of these arrests in New York State. The Bronx has the fourth highest per-capita arrest rate for marijuana possession of any county-level jurisdiction in the country.

The enforcement of the present law has disproportionately affected African-American and Latino communities. Government health surveys find that young whites use marijuana at higher rates than young blacks and Latinos, but the NYPD has arrested blacks for marijuana possession at seven times the rate of whites and Latinos at nearly four times the rate of whites.

On their face, the racial disparities in these statistics represent a grave injustice, while the sheer volume of arrests shows just how gross a waste of city and state resources our current policy has become. We're spending taxpayer money to ruin lives, disproportionately for those from communities of color, with no real public policy goal to be found in any of it.

Testimony presented by retired NYPD Lt. Joanne Naughton emphasized that the misallocation of law enforcement resources for the war on drugs has directly contributed to a drop in case closure rates for violent crimes such as homicide and rape, despite advances in technology and investigative methods. While narcotics policing is increasingly prioritized, Lt. Naughton pointed out, many states have developed significant backlogs in processing rape kits.

The Thriving and Violent Illegal Drug Market

Law enforcement agencies operating under the current law have not been able to make a significant dent in the sale of marijuana in the United States. Meanwhile, the domestic and international criminal organizations that thrive on the illegal drug trade have only become more frightening. Legalization and regulation should therefore be seen as a practical alternative whose time has come, even from the perspective of those who would otherwise prefer marijuana remain illegal.

According to 2012 census data, New York State's population is about 19.6 million, with about 15.3 million age 18 or older. The federal Substance Abuse and Mental Health Administration (SAMHSA) estimates 12.2 percent of the state population, or approximately 1.9 million New Yorkers, have used marijuana in the past year. If based on then-New York City Comptroller John Liu's 2013 estimate of per capita adult consumption and data on current marijuana prices, the New York State marijuana market could represent as much as a \$3 billion industry.

The Marijuana Regulation and Taxation Act

The MRTA would regulate marijuana in a manner similar to New York's current treatment of alcohol, and would empower the State Liquor Authority to act as the primary regulatory agency. In brief, the bill:

- Removes penalties for possession of 2 ounces of marijuana or less;
- Makes 18 the minimum legal age for marijuana possession and consumption;
- Establishes that smoking marijuana in public and possession of marijuana by persons under the age of 18 are violations;
- Allows for home cultivation of up to six marijuana plants;
- Empowers the State Liquor Authority to grant licenses for marijuana production, transport and retail sale;
- Prohibits sale of marijuana to persons under 21;
- Allows communities to opt out of retail sale for off-premises consumption through a referendum process similar to what is now in place for alcohol sales;
- Allows communities to opt in to allow retail sales for on-premises consumption through a vote of the local legislature, in addition to the local c
- Community board in the case of New York City;
- Establishes an excise tax of \$50.00 per ounce of marijuana, and authorizes localities to charge a sales tax on retail sales; and

- Directs a portion of the state tax revenue collected to be directed to re-entry programs, substance abuse programs, and job training programs in low-income, high-unemployment communities.

Initiatives in Other States

Washington State's Initiative 502 went into effect on Dec. 6, 2012. The Washington State Liquor Control Board is currently accepting license applications for producers, processors and retailers, with retail stores expected to open by June 2014. Colorado's Regulate Marijuana Like Alcohol Act of 2012 (Amendment 64) went into effect on Dec. 10, 2012, and licensees have begun operating, with state revenue exceeding projections.

Reproductive Health Act

On May 6th, The Republican members of the Senate's Health Committee voted down the New York State Reproductive Health Act (RHA). The bill sponsor, Senate Democratic Conference Leader Andrea Stewart-Cousins, had submitted a motion for committee consideration on this important legislation in an attempt to bring the RHA before the full Senate for a vote later this session.

The RHA is necessary to update New York State's abortion laws, which predate *Roe vs. Wade* and treat abortion as a matter of criminal rather than health law. The RHA would align New York State law with the *Roe v. Wade* decision, which is particularly critical at a time when reproductive rights under attack in Congress and the federal courts.

Right now, a woman in New York State could need to terminate her pregnancy for medical reasons to protect her own health, and could still be required to go to another state to get the care she needs, because we have failed to modernize New York's laws on reproductive health by passing the RHA or the governor's full Women's Equality Act. I am angered, but not surprised, that the Senate majority coalition has once again chosen to stand in the way of these reforms.

To be clear – both the Republican Conference and the IDC own this failure. Every single Republican Conference member on the Health Committee voted against the RHA, and while IDC member Diane Savino did vote for the RHA, ultimately it is the IDC's Faustian bargain with the Republicans that allows them to have a Republican majority on the Health Committee, when Republicans do not actually make up a majority of the members of the Senate.

The Senate Health Committee majority's vote against the Reproductive Health Act means it will not be brought to the full Senate for a floor vote. I am extremely disappointed that the Majority/IDC majority coalition has once again blocked this critical piece of women's health legislation.