



STATE SENATOR LIZ KRUEGER'S Albany Update | 8.09

Dear Friend,

This session will be recorded as a painful and embarrassing episode for the Senate and New York State's government. With an attempted power grab and subsequent 31 day stalemate, the personal agendas of a few elected officials and a few private citizens were allowed to disrupt the democratic process and put the State into a potential constitutional crisis.

As one angry and anguished legislator, I am still struggling to put what happened into a broader context and come out the other side a better and more savvy elected official.

Now that we seem to have reached resolution, I can sincerely say that things will never be the same again in the Senate...and I believe that is a good thing! After all, I ran for the State Senate on a platform of reform and change (even before they were the political buzzwords they are now).

While the Senate clearly has work to do in becoming a functioning body, in the end we did pass major legislation which had been bottlenecked for years by the former leadership. Equally important, we significantly reformed the rules under which we will operate going forward (below I outline some of these rules changes and why I think they will be so valuable). Thus, despite the clear dysfunction of this session, history may record the legacy of this period as a turning point for New York State governance.

First I would like to address some of the more disturbing lessons I have learned from the recent power plays and the underbelly of corruption in Albany that was revealed so evidently by the actions of some of my colleagues.

I once read an article which argued that the problem with any ethics laws in politics or business is that none of them really work unless you first ensure that you only elect or employ ethical people. After the last few months in Albany, it seems more crucial than ever that we address this issue in politics.

Here's my personal rule: no one forced me to run for elected office. I asked the people of my district

to vote for me and allow me the great privilege of making the laws under which they live. Thus, I am obligated to meet higher standards of legal and ethical behavior than other citizens.

Unfortunately, the only formal standard which is currently written into law is that "elected officials who are found guilty of felonies must resign their office." Cases involving corruption of office can take years to resolve and are very hard to prove. Shouldn't our standards for elected officials be higher than "yet to be convicted of a crime"?

Speaking for myself, I urge any and all citizens to challenge any elected official, regardless of party, who fails to live up to the high personal and professional ethical standards to which elected officials should be held.

One clearly needed way to address some of these problems is real campaign finance reform. New York State law currently permits nearly limitless contributions – including those by Limited Liability Corporations (LLCs) which can each give the maximum of over \$9,000 per Senator – even when controlled by the same person or company. And if candidates don't submit campaign filings or correct records, all they get is an angry letter from the Board of Elections and maybe a small fine. That's it! If we change the campaign finance laws, unethical people may still try to buy politicians, and some politicians may still be for sale, but at least it will be more obvious to see who the bad guys are.

Back to the coup and its resolution - in July, a deal was made by the Senate leadership. The deal was a decidedly mixed bag. Politics (like life) is a series of compromises, hopefully reached in order to achieve the greatest good. Ending the stalemate in the Senate was necessary in order to break the gridlock and begin moving critical legislation. As a result, we have passed important rules reforms, legislation needed for laws which were sunseting, and local tax bills in order for NYC and other localities to balance their budgets. We also passed some other very important legislation in the last days of session, some of which I will discuss later in this newsletter. I believe the compromise which restored order to the Senate has already yielded more positive results than the decades of

dysfunction under the former majority, and will continue to yield benefits for the people of New York.

Let’s talk about the big silver lining of this debacle – Rules Reform. We passed new Rules of Operation which represent a historic shift in the way the State Senate will function. For decades New Yorkers have been clamoring for an end to “business as usual” in Albany; and I am proud that after years of my arguing for these changes, we finally have taken a giant step toward a more fair and transparent government which truly serves the people’s interests.

The reforms we passed will increase transparency, strengthen the committee process, provide the public with more information, and give every Senator a greater ability to bring bills to a vote in committees or by the full Senate. In addition, term limits were placed on legislative leaders and Committee Chairs, and resources for members will be equitable so each Senator can function effectively to represent his or her constituents.

The new rules will make our jobs harder but they will also force us to be better Senators. While it took decades for Albany to reach the depths we saw in recent months, I am proud that these reforms are the culmination of all that transpired. After seven years as a Minority Senator and just six months in the Majority, these reforms are especially gratifying. (For more on these reforms, see p.3 of this newsletter.)

In the weeks and months ahead, it will be critical for all of us to take the lessons of this difficult period to heart. I know I found the stalemate incredibly painful and frustrating, because I know we can and should do so much better. We must build on the new legislative procedures and on the real accomplishments of this legislative session. We must find ways to build consensus in the Senate around the critical issues which face New York. I will continue to use my voice to move us toward these goals and, as always, I welcome your constructive input.

{ SCHOOL GOVERNANCE: }

I know how important school governance is and have been actively working to bring the Mayor and my leadership together to resolve this issue and to protect our schools. During the debate over this contentious issue, it sometimes seemed both sides were more focused on insulting each other than getting this done, but in the end calmer heads prevailed. I worked hard to convince my colleagues in the Senate that we needed to get this done. I also worked to convince the city administration that there were legitimate concerns about accountability and parental participation in decisions about their children’s education which had to be addressed. I am pleased that an agreement has been reached,

{2} which should be in place by the time you receive this newsletter. Key components of the agreement include:

- Creation of a Parent Training Center to increase the capacity of parents to participate and engage in the educational system through training and support programs.
- Establishment of an Arts Advisory Committee to strengthen arts education programs
- Inclusion of quality of curriculum and instruction as part of superintendent review of principals.
- Requiring Schools to Hold Open Public Meetings Concerning School Safety
- I believe the final agreement focuses on what is best for the 1.1 million public school students by recognizing both the successes of the mayoral control model and the areas where improvement was needed.

{ RULES REFORM }

There is no question in my mind that the biggest accomplishment of the Senate this year was to pass rules reform, and to pass it with bipartisan support. The optimist in me believes that this shows my colleagues do have the capacity to learn, and that they have recognized after the events in June and July, that we fundamentally needed to change the way the Senate did business.

Most of you know that I have been advocating for these changes since I first ran for the Senate. When I arrived in Albany I was shocked by the extent of antidemocratic, secretive practices I found. During my first year in Albany, I unveiled my reform plan in a proposal entitled “Waking Up the State Senate: 34 Proposals for Reinvigorating Democracy in Albany through Rules Reform.”

Since then I have pushed the Senate to pass these proposals every year. I even went so far as to take the State Legislature to court in 2005 in order to force reform on constitutional grounds.

While the final agreement is not perfect, much of what I have been fighting for has been accomplished through the adopted reforms. Here is a short summary of the key provisions:

PROCEDURAL REFORMS TO EMPOWER INDIVIDUAL SENATORS

- Officers and Leaders of the Senate will be term limited to 8 years.
- Any sponsor of a bill which has moved through committee can, with the vote of a majority of the members elected, have the bill placed on an active list for a vote by the full Senate.
- Any bill can be moved out of committee upon the acceptance of a petition signed by 3/5 of the members elected (38).

STRENGTHENING THE COMMITTEE
PROCESS

- Committee Chairs will be term-limited to 8 years.
- Committee membership will be proportional to each Conference’s representation in the Senate as a whole.
- Committee chairs and ranking members will be able to hire their own committee staff, independent of leadership.
- A new committee discharge process will enable a bill sponsor to request that a bill be considered within 45 days for a vote.
- Committee reports will be required annually regarding the committee’s legislative and oversight activities.

GREATER OPENNESS AND TRANSPARENCY

- The Senate will proactively disclose information, such as records of committees, agendas, votes, minutes, reports, attendance, fiscal notes, votes on the floor, session transcripts, calendars, and expenditure reports by making this information available on its website.
- Committee meetings and hearings will be recorded and webcast.
- Chamber proceedings will be archived and accessible through the website.

DISTRIBUTION OF RESOURCES

- A more equitable distribution of Senate resources will provide individual Senators with greater ability to effectively serve and represent their constituents.
- All 62 Senators will have equal access to Senate services such as mail and printing.
- Discretionary amounts for legislative initiatives and other community grants will be more equitable going forward.

{ END OF SESSION ACCOMPLISHMENTS }

The final break in gridlock enabled the Senate to act on many critical pieces of legislation. Much of this work consisted of approving local bills necessary to ensure the solvency of cities and counties. However, we also were able to act on a number of broader issues, many of which had been ignored for years.

Earlier in the session, as part of the budget process, we achieved a number of important reforms, including increasing the welfare grant, Rockefeller Drug Law Reform, and the Bigger Better Bottle Bill. The Senate also acted to expand the EPIC Prescription Drug Discount Program, and SCRIE and DRIE, which limit rent increases for Seniors and the Disabled, and passed legislation I carried tightening regulations of building construction in

{3} New York City.

In early July, the Senate built on these accomplishments by passing a number of key measures which had already been approved by the Assembly. The ability to reach agreement with the Assembly on these measures is another key difference for this session from previous years, when partisan bickering derailed many of these bills. Some of the most important of these accomplishments were:

{ HEALTHCARE }

I was particularly pleased by the passage of my Breastfeeding Mothers’ Bill of Rights (S.1107), legislation which I first introduced



in 2006. This legislation established rules for ensuring that women know their options and rights regarding breastfeeding by establishing a set of procedures for doctors and hospitals to follow. Studies have shown reduced risks for ovarian and breast cancer, as well as early-onset diabetes and osteoporosis for mothers who breastfeed. The benefits to children are also well demonstrated. Breastfed infants have fewer hospital stays and suffer fewer ear and gastrointestinal infections, rashes, food allergies and diarrhea and are at lower risk for sudden infant death syndrome, asthma and obesity than bottle-fed babies. This legislation will serve the efforts the State has been making to improve healthcare while reducing costs by moving to a preventive model which reduces chronic illness by promoting healthy behaviors such as breastfeeding.

Other key healthcare legislation passed in the final days of session included:

- S.3527** - Provides the public with information regarding nursing staffing levels in hospitals.
- S.5471** - Ensures continued access to group health insurance by extending the period of continuation coverage (COBRA) under a group contract or group remittance contract from 18 months to 36 months.
- S.5472** - Enhances managed care consumer and provider protections.
- S.5672** - Makes permanent Timothy’s Law which requires parity in physical and mental health benefits.
- S.6024** - Authorizes voluntary employee benefit associations throughout the State to buy into Family Health Plus, allowing them to purchase Family Health Plus coverage for their members regardless of income eligibility.
- S.6030** - Expands access to health insurance by allowing unmarried children through age 29, regardless of financial dependence, to be covered under a parent’s group health insurance policy.
- S.3164** – The Family Health Care Decisions Act

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STATE SENATOR LIZ KRUEGER'S



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permits an individual’s family member, domestic partner and close friends, in the absence of a health care proxy or other advanced directive, to make health care decisions when the individual no longer has decision making capacity (as of this writing, this bill is still awaiting Assembly approval).

{ CRIME VICTIM PROTECTIONS }

The Senate also passed important legislation to improve services for survivors of domestic violence and sexual assault. S.4077 requires social service districts to inform all recipients of public assistance about locally available services for sexual assault victims. In addition, the Senate passed legislation enabling domestic violence victims to receive public benefits and services without being forced to contact their former abusers (S.5036); legislation was also passed to improve services provided to domestic violence victims and their children in Family Court (S.5031).

{ ENVIRONMENT/ENERGY }

In early July, the Senate acted on important energy legislation to improve the State’s energy planning process (S.2501), empowering local communities to ensure they have the resources to participate in power plant siting decisions. The Senate also approved legislation to expand New York Power Authority programs which promote energy efficiency, clean energy development and sustainable building programs (S.6050). In addition, we passed legislation requiring the state government to adopt Green Building principles for construction projects (S.5779).

{ PUBLIC AUTHORITY REFORM }

Another key area where the Senate made progress was in the continued fight to improve accountability for public authorities. The Senate approved S.1537 which establishes an independent authority budget office to provide enhanced oversight and

{4} transparency for the State’s public authorities. We also passed legislation which limits the ability of public authorities to contract out for services which can be performed by employees of the public authority (S.3508).

{ MORE TO DO... }

Of course, despite these accomplishments, much remains to be done, including two issues which I have been actively working on for years, and that I have heard from so many of you about the importance of action – vacancy decontrol and marriage equality. I am hopeful that when we return to session in the fall we will be able to address these issues. I do not know if there are enough Senators to pass either of these bills, but believe we should try, and also believe that the new rules create opportunities for bringing these bills to the floor which did not exist in the past. This will be the big test for the Senate in the month ahead – to demonstrate that both the Majority and the Minority can work together in our closely divided body to address the issues about which New Yorkers care.

Upcoming Events

**A Community Conversation with
State Senator Liz Krueger**
A discussion of recent events in Albany

Date: September 16th 2009
Time: 6:00-8:00 PM
Location: Lighthouse International Auditorium
115 East 59th Street (b/t Lexington & Park)

**State Senator Liz Krueger’s Senior Advisory
Board Presents**
**3rd Annual RESOURCE FAIR FOR SENIORS
& CAREGIVERS**

Date: Thursday, October 29th
Time: 1:30pm –4:30pm
Place: Temple Emanu-El
One East 65th Street (at 5th Avenue)