



Assemblywoman
**BARBARA
 LIFTON**
 Representing
 New York's
 125th Assembly District

Summer Newsletter 2012

Dear neighbor,

Here we are in the summer of 2012 – and a very hot summer it is, indeed. Experts are telling us that the temperature records we are seeing broken all over the US and world are the most obvious evidence yet that the changes they have been predicting for the past twenty years or so are clearly happening – in fact, more quickly than many scientists had originally thought. Severe storms, flooding, drought – all in record scope and frequency. Most of us don't see the melting of the Polar Caps, but scientists tell us that is happening too, also at an alarming pace. All the things predicted by our climate scientists are coming true.

I've been asking people if they think this will be the summer of "The Great Awakening" on global warming, a time for us all to recognize the deep trouble we are in and take serious steps – and press our governments to take bold action – to try to avoid the most catastrophic predictions of our scientists. Interestingly, for me, most say, "No – it will take more than this to make people understand something very serious is happening. They will have to be personally affected before they really believe it." Based on the number of people on the street who tell me how much they like the weather – the short, warm winter with little snow, the early warm spring and hot summer, I wonder if there is an awakening going on. Some say that they understand climate change is happening, but they still like the weather. I get that, but I wonder if they will push for action if they're happy with the weather.

On the positive side, there was a recent national poll showing that the number of Americans who believe global warming is happening has gone up about 10% – back over the 50% mark again, where it was ten years ago, before Exxon Mobil, the Koch Brothers and others got busy funding propaganda which was then spread through most of the mainstream media. This made it look as if there were still a scientific debate, by pitting one or two scientists against the 98% who had arrived at a conclusion years ago. Let me be clear about my position: I believe our nation's climate scientists; I believe that climate change is happening, the pace is accelerating and we need to act – and quickly – if we are to avoid catastrophic outcomes.

I think that the best possible response to this problem would be for our federal government to take on this great crisis and do what we did after the Great Depression with a New Deal, if you will, for Renewable Energy, that would put us on a path for a sustainable future, while creating millions of new jobs which are sorely needed. But, since the US House is controlled by those who deny the realities before them, we have not seen such a federal response to date. Let us hope that changes soon. In the meantime, many cities and states are acting to both mitigate greenhouse gas emissions and adapting to the rising oceans and temperatures that are causing enormous problems already.

Here in New York, we have been taking steps in that direction. On the next page, you will find an example of a program to help New Yorkers live greener. In the meantime, though, we must come together as a national and global community to fight this increasingly dangerous threat. I hope you find this newsletter useful and informative.

Sincerely,

Barbara
 Barbara Lifton

Assemblywoman Lifton Awarded
**2011 Environmental
 Legislator of the Year**



The Environmental Protection League/Environmental Advocates awarded Assemblywoman Lifton with their "Legislator of the Year" award for 2011, for her leadership on hydrofracking.

Barbara's
 Recommended
 Reading



**Hot: Living Through
 the Next Fifty Years
 on Earth**

by Mark Hertsgaard

In this book, Hertsgaard lays out the challenges before us realistically, but also shows all the hopeful work being done all over this country and around the world.

Connect with me online

In addition to my office, you can get information about my work any time online.

Facebook: <http://tinyurl.com/LiftonFacebook>

My website:
<http://www.tinyurl.com/LiftonWebsite>

My E-Newsletter:
<http://tinyurl.com/LiftonNewsletter>

ON-BILL RECOVERY

Makes it easier to Go Green

New York State is doing much to encourage all of us to reduce our use of fossil fuels, thereby reducing greenhouse gases (GHG). We can be proud that we New Yorkers conserve energy better than any other state in the US. In fact, if the efficiency level of the other 49 states were raised to that of New York, the energy saved would be enough to close 80% of the nation's coal-fired power plants. New York State has made many programs available for citizens to "go green." I'd like to highlight one that I see as having great potential.

In the 2011 session of the legislature, I was proud to support the expansion of the state's Green Jobs-Green New York program, an initiative of the Assembly majority. This program was first enacted in 2009 and offered homeowners low-interest loans of up to \$13,000 and small-business owners up to \$25,000 for energy efficient retrofits. The money for Green Jobs came from \$112 million of the state's Cap and Trade program, RGGI (pronounced "Reggie"). However, that original program was unaffordable for many working families.

Our recent expansion created a program called "On-Bill Recovery." The program is designed to reflect a customer's savings on their utility bill each billing period, and allow them to repay the loan with their energy savings. So, let's say you install a new water heater, a new energy ef-

ficient boiler, solar panels, or any number of other green retrofits in your home using the Green Jobs loan. If you save \$30 worth of energy per month after the installation, you'll pay the \$30 difference to pay back the loan right on your bill. The net effect is that you pay the same amount you always have, while, at the same time, paying off the loan. Once the loan is paid, you enjoy continued savings – the whole time using less fossil fuel and reducing greenhouse gases. Thinking of selling your home? – the loan repayment plan simply transfers to the new owner.

While it won't be available to all rate-payers immediately because funding is limited to RGGI funds available, the new guidelines will expand access to the program for thousands of New Yorkers who may not have qualified for loans through traditional lenders. This is important because the expansion of green-retrofitting will both reduce GHG and help to spur long-term green job growth. A study by the Center for Working Families estimates that the increased demand for equipment, installation and construction will add 60,000 jobs and \$5 billion to our state's struggling economy.

This program is one of many examples of ways in which New York State is showing leadership in green development. I was

How to get ON-BILL RECOVERY for your home:

1. Go to NYSERDA's website for On-Bill Recovery to see if you qualify. (Visit: <http://tinyurl.com/cl6lc7q>)
2. Get a Comprehensive Home Energy Assessment from an approved contractor. (More information here: <http://bit.ly/zatra4>)
3. Apply for On-Bill Recovery Financing at this website: <http://bit.ly/P33tET> or call 800-361-5663

Call my office
if you need any assistance at
607-277-8030

pleased, this past April, when the Governor pledged \$450 million to reducing energy consumption in state buildings and creating further incentives to install solar electric systems. But, given the threat we are facing, we must do more. In the future, I will continue supporting the Assembly's "Solar Jobs" bill and other such initiatives. New York is making it easier to go green, and I hope you will take advantage of these new programs.

ASSEMBLYWOMAN LIFTON LEADS 75 LEGISLATORS

Calls on Governor to Address Fracking SGEIS Deficiencies

Earlier this year, I authored a letter which 75 of my colleagues from both houses and both parties signed, calling on Governor Cuomo to resolve six critical issues before allowing fracking to begin in New York State. These issues had not been adequately addressed by the DEC's first environmental impact statement (SGEIS) on hydrofracking. We remain deeply concerned that they might continue to go unaddressed. Until the DEC resolves them, the document should go back to the drawing board. This document may well be our last line of defense from this heavy industry in our backyards.

There are specific requirements for an SGEIS that are put in place by the Environmental Quality Review Act, and I agree with the preponderance of the 70,000 New Yorkers who submitted comments on the most recent draft and found these deficiencies to be unacceptable.



Assemblywoman Lifton and several of her Assembly and Senate colleagues at a June 13th press conference releasing the two-house letter.

The six issues we highlighted are as follows:

1. **Requiring Environmental Quality Review regarding hydraulic fracturing utilizing Liquid Propane Gas**, without having been addressed in any SEQR Environmental Impact Statement.
2. **Requiring an environmental quality report for all New York State mortgage-lending programs**. Lenders and local governments around the state have voiced concerns about the impact of fracking on property values and tax revenue generation.
3. **Rescinding New York's Natural Gas Hazardous Waste Regulatory Exemption**, which, despite the highly-toxic waste that hydrofracking produces, allows drilling fluids to be exempt from waste regulations.
4. **Banning "recycling" of natural gas drilling wastewater that exceeds GA Effluent Limitations**. Under current law, gas drilling wastewater is allowed to be injected into wells to "facilitate oil, gas, salt, or geothermal resources." This water can contaminate public drinking supplies and has recently been associated with causing earthquakes in Ohio.
5. **Banning natural gas drilling wastewater landspreading and dumping in municipal wastewater treatment plants**. Currently, contaminated wastewater is used to de-ice and stabilize roads and roadbeds. In addition, it is often dumped in municipal wastewater plants that were not constructed to remove the toxic metals, petroleum constituents or radionuclides contained in wastewater.
6. **Requiring an independent health study of the effects of HVHF**, which the current SGEIS lacks. This has been called for by numerous physicians and the US Environmental Protection Agency.

MY FRACKING LEGISLATION

Over the course of this session, I introduced eight bills related to the practice of hydraulic fracturing in New York. Here's a quick review. For more information about any of these bills, please contact my office.

Establishing an Oil and Gas Lease Clearinghouse

Assembly Bill 8479

This bill creates an oil, gas, or mineral land lease clearinghouse, which will be managed by the Department of State. Providing a centralized repository for all leases, on top of local lease availability at each county clerk's office, allows for ease of access to critical lease terms for lending institutions, realtors, assessors, and the public. As NY regulates gas drilling processes at the state level, a centralized lease clearinghouse will streamline oversight and protections for landowners.

Ensuring Land Leasing Agents are Properly Licensed and Regulated

Assembly Bill 10226

During 2008, gas companies participated in what has been characterized as a "land-grab," leasing available land across NY. The land-leasing agents seeking a landowner's signature were sometimes reported to have used deceptive practices in securing favorable leases. By ensuring that all land agents are licensed, we can institute a degree of accountability and standards within the profession that will serve to better protect New York landowners.

Increasing Transparency in Land Lease Agreements

Assembly Bill 8480

Often, gas companies file a "memorandum of lease" in the relevant county clerk's office, rather than the full lease agreement. Such a memorandum provides only the bare minimum of information for public review, preventing access to lease terms which are critical for the proper valuation of homes and can adversely affect mortgage assessments. This bill would require that companies file the entire lease, making it available for public scrutiny.

Requiring Signatures of All Landowners for a Valid Lease and Renewal of Leases

Assembly Bill 8481A

This bill would ensure that all landowners are aware that their land was being leased for oil, gas or solution mining activities. Current law requires the signature of only one landowner, even if multiple people have a legal interest in the land. This would require the signatures of all landowners for the lease to be valid. In addition, it will require the landowners' signatures on the renewal of a lease.

Notifying Landowners When Their Lease is Reassigned or Sold to Another Lessee

Assembly Bill A8482

As it stands right now, when a lease expires, a landowner must send a notification to the company that holds the mineral lease on the property and ask to be removed. If the company refuses, the landowner must engage in a process to force the termination of the lease. This can become a challenge, as, often, natural gas companies will resell and reassign leases, or portions of a lease, to other companies, with no mandatory notification to the landowner. Thus, it falls on the landowner to uncover who owns the lease, often at great expense. This bill would require that the landowner be notified in writing if such a reassignment occurs.

Requiring Oil and Gas Leaseholder to File within 30 Days of Lease Signing

Assembly Bill 8485/ Senate Bill 5899

The housing and mortgage markets depend on timely and accurate information about lease agreements on property. However, many companies delay their required lease filings by up to six months, denying crucial information, and even knowledge that a lease exists at all, to the public and other relevant professionals. The 30-day window this bill provides is a reasonable time-frame for compliance with filing requirements.

Ensuring Leaseholders Know the Potential Effects of Hydrofracking on Their Property

Assembly Bill 8483

This bill would require a plain-language statement to be placed on oil and gas leases explaining the risks natural gas drilling places on property value and the ability to obtain a mortgage.

Affirming Local Control in Regard to Hydrofracking

Assembly Bill 3245

This bill clarifies that localities have the authority to control where, and if, they want to allow hydrofracking. This legislation codifies the recent rulings by two state Supreme Courts which uphold municipal zoning authority over gas drilling.

It's Time for Real Campaign Finance Reform in New York

For many, last year's Occupy Wall Street protests brought attention to a number of serious issues that had been mostly ignored by the media and our political discourse. It was about time we as a nation began to discuss the degree of income inequality in our society, and, of course, the toxic nature of money in politics. It is no secret that campaign contributions are the oil that makes our political machine run. Wealthy oil and gas companies can afford to donate to campaigns, lobby vigorously for legislation that favors them, and block public-interest cases against them with their armies of lawyers. I probably don't need to tell you about the devastating effects of the Supreme Court's decision in the infamous Citizens United case. With all of this money running the system, how are middle class, working families supposed to have their voices heard?

In the Assembly, we've long been champions of campaign finance reform dating back to 1979. Since assuming this Assembly seat in 2003, I've been a co-sponsor of all Assembly bills pertaining to campaign finance reform and voted for those that came to the floor.

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Currently, I am happy to report I am also a co-sponsor of A9885 (Silver), the 2012 Fair Elections Act. This critical piece of legislation creates an optional public financing system for all statewide offices, state legislative offices and constitutional convention delegates, too, should one be called. It requires candidates to raise a certain number of small private donations, up to \$250 each, in order to become eligible for public financing. Those eligible contributions are matched at the rate of \$6 for every \$1, up to a capped amount.

The bill provides for three funding sources to pay for the program and sets up the New York State Campaign Finance Fund to receive funds from those sources. First, there is an income tax check-off of \$5, which would not affect the tax liability

of the taxpayer making the designation. Second, there is an additional 10% surcharge on recoveries for fraudulent practices relating to stocks, bonds and other securities, as well as all other recoveries having to do with fraud by the Attorney General. And third, if the state Campaign Finance Fund lacks the money to pay all properly-certified claims, the deficiency will be paid from the General Fund. In addition, A9885 includes a new Campaign Finance Board within the New York State Board of Elections to provide strong enforcement and oversight of the public financing requirements.

This is an issue that cuts to the very core of democratic governance. It should not be an issue held hostage by politics and self-interest. We need to ensure that all voices can be heard in our government, not just those with the deepest pockets. New York has an opportunity to be a leader on campaign finance reform. In the coming term, I will continue to put comprehensive campaign finance reform at the forefront of my agenda.

The Business Climate of New York:

I believe it's not just the right, but the responsibility, of citizens to point out the problems in their government -- the things they think are wrong -- in order to help make government better, more fair, more efficient, more just and more responsive to its citizens. That's what democracy is all about. As someone once said, and I agree, dissent is patriotic.

But I have to say, when some continually repeat very distorted, misleading charges about New York state and our economy, I have to call them on it. I was watching Capital Tonight the other day and heard the spokesperson for Unshackle Upstate make the charge, yet again, that New York is 49th or "one of the worst" states in terms of being "business-friendly." It's been over a year now since I spoke on the Assembly floor challenging this, in my view, very false claim, and I think disproving it, but the claims continue. I'm the first to say we need more good jobs for people, but that's very different from saying New York is one of the worst states for business.

The claim made by Unshackle Upstate and others comes from a supposed "study" done by the Tax Foundation, a group largely funded by the notably-biased Koch Bros. (I encourage you to do an Internet search on Tax Foundation.) I was immediately skeptical about the claim, since New York is the 3rd

SETTING THE RECORD STRAIGHT

wealthiest state in the country -- and we're among the top in recovering from the recession. How can we possibly be one of the worst states for business?

When I checked the report, it turned out that the only criterion for a good business climate the Tax Foundation used was the overall tax burden, state and local taxes, including property and sales taxes. Yes, we do have a relatively high tax burden; the problem is that low and middle income families pay a higher percentage of their income in taxes than the wealthy do. But we all know that business looks at many criteria when deciding where to locate or stay, such as an educated and trained workforce, both the transportation and communications infrastructure, good schools, and in some cases, the quality of our water. None of those factors were considered in the ranking by the Tax Foundation. In fact, a study by economist Robert Florida found that there is no connection at all between a state's tax rate and a state's economic performance.

When you just look at the overall taxes, as the Tax Foundation does, you get very odd results. They say in their report, with a

straight face apparently, that the states with the best business climates, are Wyoming, South Dakota, Nevada, Alaska, and Florida, states generally not considered to be economic powerhouses. It raises additional suspicion when you look at what their second least-friendly business state is -- California. Tell that to Facebook. Or Google. Or Apple. That "study" gets frequently quoted, unfortunately, but it sure looks more like anti-New York propaganda to me than any kind of real study with integrity. Can we do better? Of course, I, like everyone, want a business climate that allows New Yorkers to prosper. But what good can come of any group or any person spreading misleading information? Shouldn't we be highlighting the many benefits of doing business here? We can't have a constructive discussion about the best public policy unless we use valid, fair information and studies. Another take on this can be viewed at the link provided in the box below this article from the Fiscal Policy Institute. Look at all the sources -- and then **YOU DECIDE.**

For More Information On This Issue, See The Fiscal Policy Institute's Budget Briefing Book At www.fiscalpolicy.org/FPIBudgetBriefingBook_2011.pdf

WARNING!

The Tompkins County Health Department Reminds You...

Lyme Disease Cases Up In Tompkins and Cortland Counties



Lyme Disease is an inflammatory disease characterized at first by a rash, headache, fever, and chills, and later by possible arthritis and neurological and cardiac disorders, caused by bacteria that are transmitted by ticks. The numbers of cases in both Tompkins and Cortland counties

have grown greatly in the last year. Contact your doctor immediately if you find a tick. Doctors say that antibiotics administered quickly will, in many cases, eliminate the risk of disease.

- Wear light-colored clothing and tuck pants into socks and shirts into pants when walking in wooded and grassy areas. Gardeners should take these precautions also.
- After every two to three hours outdoors, check for ticks on clothing or skin. Brush off any ticks on clothing before they can attach to your skin.
- Do a thorough check of your body at the end of the day. Pay close attention to the back of the knees, behind the ears, scalp, armpits and back. Check your children and pets, too.
- If an attached tick is removed within 36 hours, the risk of infection is small. To remove a tick: Use tweezers, grasping the tick near the mouthparts, as close to the skin as possible. Don't squeeze, crush or puncture the body of the tick, which may contain infectious fluids.
- If you consider using repellents be sure to follow label directions. Do not allow children to apply repellents themselves. Use only small amounts of repellent on children.

**For more information about Lyme Disease, call your county health department:
Tompkins: 607-274-6674
Cortland: 607-753-5036**

Assemblywoman Lifton receives "Friend of SUNY" Award from the United University Professions



I was thrilled to be given UUP Cortland's "Friend of SUNY" award for my advocacy for our public institutions of higher education. UUP is an organization that is particularly close to my heart; my father was a founding member of the UPP's Geneseo Chapter.

Assemblywoman Lifton says "Goodbye" to retiring Chief of Staff, Susan Pratt, Welcomes Cathy Emilian to her Office



Those of you who contact my office regularly may have come to know (left).

Susan Pratt, my long-time Chief of Staff. Susan has been working for me since my first day in office in 2003, and served under my predecessor, Marty Luster, for over a decade before that. After her many years of service to my office and the community, Susan retired in late June. I thank Susan profusely for all the wonderful service she gave to my office and my Assembly district, especially the thousands of people she helped directly.

With her departure comes a new arrival. Ithaca resident Cathy Emilian will be joining my staff as my Office Manager. She will handle constituent services and will do my scheduling, among other tasks. Previously, she worked as a caseworker for the Tompkins County Department of Social Services and as an adjunct teacher at TC3.