ASSEMBLYWOMAN

BARBARA LIFTON

Representing New York's 125th Assembly District

Dear Friends,

It's been awhile since I've sent you a newsletter. I'm sorry – between a 7-year fracking battle and all the issues around the Common Core roll-out, I haven't had time to do a formal newsletter of this sort, but I decided it was time to review a number of important state issues and let you know what I'm thinking and doing on them as we begin the 2016 session in Albany. Of course, I have communicated with a great many of you in other ways, listening to your concerns through emails, calls to my office, meetings and town halls.

I know some of you are concerned about the use of paper for newsletters, so I have included a message below on how you can sign up for email updates. I would use this very sparingly. No weekly updates – I promise! My Facebook is also available if you want more frequent updates on some of the issues on which I'm working. I also plan on sending out a smaller newsletter update this winter about issues related to the state budget and the economy.

Sincerely,

Barbara Lifton

DISTRICT OFFICE:
106 East Court Street
Ithaca, NY 14850
607-277-8030

ALBANY OFFICE:
Room 555 LOB
Albany, New York 12248
518-455-5444

E-mail: liftonb@assembly.state.ny.us

EMAIL UPDATES

In an effort to move away from paper, I'm encouraging constituents to sign up for email updates. If you're interested in receiving email updates from my office on state issues such as the environment, education, jobs, the economy, senior issues and many others, please contact my office at liftonb@assembly.state.ny.us or 607-277-8030.

Assemblywoman Lifton celebrates court ruling on local control.

Celebrating a Victory on Hydrofracking

It's been a long and winding road, but we can now say that high-volume hydraulic fracturing (HVHF), which the DEC has defined as well stimulation with 300,000 or more gallons of water, has been officially prohibited in the New York State. The findings statement released earlier this year confirms what so many of us have long known -- that HVHF poses just too great a risk to our environment and public health.

While this is definitely a victory for our state, I do want to add a word of caution. For several months now, the DEC has been reviewing permit applications from a group of Tioga County landowners who want to frack with liquid propane gas (LPG), also called gelled propane, rather than water. The DEC has indicated it could, theoretically, be allowed to do this under the 1992 Generic Environmental Impact Statement (GEIS), and the language in the findings is contradictory on this point, I believe. I have communicated my great concern about LPG fracking to DEC and will continue to watch this situation closely.

That said, much has been accomplished in regard to HVHF, and I want to thank the hundreds, perhaps thousands, of my constituents and local governments who were very engaged and, in many cases, leaders in this battle. I feel strongly that this is the correct decision; no amount of money can compensate for the damage to our precious water and air. I have always been proud to be a New Yorker, but I am especially proud that New York has taken this leadership role, and I hope that continues with the DEC saying 'No" to the risky and polluting fossil fuel industries.

As you can imagine, the hydrofracking prohibition was a celebratory occasion for me and my staff, without whom I could not have done all the work I did on this issue. Since hydrofracking first came to my desk back in 2008, I devoted an enormous amount of time to it, reading a voluminous amount of material, participating in too many meetings to count, drafting several major sign-on letters to the Governor and DEC, speaking out at public events, and authoring ten bills, including my Local Control bill. I also filed amicus briefs on the Dryden fracking ban case at all three court levels, and was very pleased when our highest state court, the Court of Appeals, ruled in our favor.

While not all my constituents agreed with my position on fracking, I think history will show that New Yorkers and their state government did the right thing by prohibiting hydrofracking (and I hope all types of fracking). In the process, many New Yorkers learned a great deal about democratic engagement and the real possibility for success in influencing the decisions of state government. I see many of you already using all that expertise as we push hard to make New York a leader in renewable energy, to bring down greenhouse gases and create a healthy and sustainable green economy that works for everyone.

Fighting for Renewable Energy

The anti-fracking movement has fostered strong public support for renewable energy, as well as considerable resistance to building-out more natural gas infrastructure. The state's 2015 Energy Plan calls for 50% of our electricity to be generated from renewable sources by 2030, and the Governor has ordered the Public Service Commission (PSC) to put regulations in place to achieve that goal.

I applaud this initiative, but it is crucial that we put ambitious benchmarks in law in order to send a message of permanence, not to be undone by a future Governor. The Assembly has passed a comprehensive greenhouse gas emissions bill with strong goals and benchmarks for several years now, and I'm sure we will do so again this year. I hope the Governor and Senate join us in taking bold action on climate change by putting these critical goals in statute.

Additionally, the PSC continues its Reforming the Energy Vision (REV) proceeding, which promises an increase in residential and commercial electricity generation using solar and wind. I will be following the REV proceeding to try to make sure the reality of the program strongly encourages and facilitates distributed renewable energy across the state.

Also, this past summer, the Public Service Commission announced a "Shared Renewables" initiative as a part of REV, allowing residents and businesses to access solar or other renewable energy, even if they live in a place that is unsuited for installing panels or wind turbines. The first phase of the Shared Renewables project will allow for renewable energy projects up to 2MW in areas with 20% or more low-and moderate-income New Yorkers, who have, historically, not been able to afford renewable energy technologies. It will be available everywhere in New York starting this May.

Very importantly, I have joined with my colleague, Assemblymember Cahill, to introduce a Carbon Tax bill (A8372/S6037). If this market-based initiative were enacted into law, it would send the right signals to consumers and the private sector about fuel choice and would, no doubt, help move us more quickly toward renewables. This idea is now being supported by many businesses, as well as environmentalists. The bill would rebate 60% of the revenue to low-income individuals and families to compensate for the temporarily-higher fuel bills and the rest would be invested in energy efficiency, renewable energy and adaptation efforts for the benefit of all New Yorkers. I will also continue working hard for geothermal tax credits, to put this promising energy technology on even footing with other renewables, as well as my Green Homes Tax Credit bill.

Albany Ethics Reform

This past session was a difficult one in Albany. We saw two legislative leaders – the Assembly Speaker and Senate Majority Leader – arrested on corruption charges and resign their leadership positions in the state legislature. This was in addition to a spate of indictments and convictions of state elected officials over the past few years. I will not comment on on-going criminal matters, but, needless to say, I am always very disappointed, troubled, and depressed when any state official violates the trust of the people who voted them into office. It casts a pall over all elected officials, the vast majority of whom are honest, hard-working people of integrity.

I think it's important for the public to understand that one of the main reasons officials are being held to account is the many reforms we have instituted over the years – such as public disclosure of campaign donations, as well as lobbying and use of campaign funds. From everything I have heard and read, in the "good 'ole days," there was plenty of corruption, but little accountability to stop it. It was often seen as the normal course of business. Fortunately, this attitude has changed considerably, and New Yorkers and the media, rightly, take a closer look and expect that the people we elect to higher office will set a very high standard of probity.

While we passed new ethics measures in the budget this past session, there is still more to do. I agree with good government groups who have said two of the most important reforms we should enact into law are campaign finance reform -- to get the corrupting big money out of state politics -- and closure of the LLC (Limited Liability Company) loophole, which has been an important factor in the recent corruption cases. The LLC loophole was created in 1996 when the State Board of Elections issued what, in my view, was a very bad decision, allowing LLC's to be treated as individuals, rather than as corporations or partnerships, in determining political contribution limits. An individual or corporation can set up an unlimited number of LLC's, and each LLC can contribute up to a total of $150,000 in a calendar year, rather than the $5,000 limit for corporations. Obviously, this creates very fertile ground for corruption.

In addition, in the 2014 U.S. Supreme Court case, McCutcheon v. FEC, the Court eliminated aggregate limits for individual contributions, and opened the door for LLC's and the wealthy donors behind them to make unlimited political contributions, a disaster for democratic government. I have long sponsored and voted for campaign finance reform, and this past year, I was happy to sponsor and vote for the bill to close the LLC loophole as it passed the Assembly. Unfortunately, the Senate did not join us in that critical reform, but I hope they will in the session ahead.

As I said, the legislature did enact very significant reforms on ethics this year in the budget. We tightened requirements on the disclosure of outside income, added more accountability to per diems to stop abuses, further restricted personal use of campaign funds, and we are working with the Senate and the Governor to agree on bill language for a constitutional amendment that would expand the forfeiture of pensions to any serving state official convicted of corruption. This builds on a long list of previous reform measures I have sponsored and voted for, one of the most important of which was the Public Authority Reform Act, which expanded reporting requirements for public authorities and provided greater oversight of no-bid contracting, debt issuance, and lobbying, which transactions were the source of frequent corruption. I am happy to share more information with anyone interested on the long list of reforms passed by the Assembly and enacted into law in 2015 and over the past many years. But clearly, the work on reform needs to continue.

Single-Payer Healthcare

Many New Yorkers are finding that they continue to struggle with inadequate and expensive healthcare coverage. The Affordable Care Act has had significant success, helping many New Yorkers get the coverage they otherwise wouldn't have had, but even so, our private healthcare system is still too expensive for the average family.

Just this year, in fact, New Yorkers lucky enough to be insured were told that their insurance rates would go up an average of 6%, with some companies jacking up rates as much as 10% or more. Even with the Affordable Care Act, the additional burden is forcing too many New Yorkers to stretch their family budgets to pay for premiums and out-of-network costs.

But there is another way. By implementing truly universal healthcare, the state, employers, and individual New Yorkers would, together, save $45 billion every year. This past year, the Assembly passed the "New York Health" Act, (like Medicare, but for everyone), which I co-sponsored and voted for. If enacted into law, it would mean New Yorkers would be paying much less for high-quality healthcare than they currently do.

So how would it work? Under the proposal, instead of New Yorkers and their employers paying premiums, deductibles, co-pays, and out-of-network charges, they would pay into a dedicated fund based on their income. The fund would then pay doctors, hospitals and other providers for the care they provide.

Wouldn't this mean a hefty tax increase? In fact, New York Health would save money for New Yorkers by helping to control costs. Insurance company overhead now takes about 20% of every dollar spent on healthcare, but administrative costs under New York Health would be less than 2%. Small businesses, which spend billions of dollars on premiums, would also see a decrease in their insurance costs.

Even property taxes would go down because New York Health would eliminate the local share of Medicaid, which is 25-30% of your county property tax bill. It would also reduce the enormous expense of employee health benefits to which local governments and our schools contribute. The bottom line is that New Yorkers would have more money in their pockets and better health care for their families.

Of course, it would be great to have universal healthcare across the country, but we can't wait for Washington. Given the current makeup of Congress, it's unlikely that any major national healthcare legislation will be enacted in the near future. That's why a progressive state like New York can, and should, take the lead. I hope our partners in state government, the Senate and the Governor will join us in this important public policy goal.

Update on Education

This has been a challenging time for public education in our state, to say the least.

The history of the Common Core roll-out in New York is too convoluted to go through here, with federal mandates, lousy court rulings, and more inside baseball than even a political veteran like me can tolerate.

Many of you have contacted me and attended town hall meetings with your concerns about local control of our schools and high-stakes testing, in particular. As a former high school teacher, as well as a parent and grandparent, I have listened carefully and let those of you with whom I've communicated know that I share your great concern.

But I want to bring everyone up to date on some recent developments. In January 2015, the Governor put forward a package of education proposals as part of his executive budget that had far-reaching consequences for education policy, including stricter standards for evaluating teachers, a lengthier teacher tenure period, a mechanism through which struggling schools could be taken over by the state, and a tax credit that would have gone mostly to wealthy donors who give to private and, in theory at least, public education too.

These changes alarmed teachers, parents, education professionals, and many legislators, including me. Teachers, rightly, felt as if their livelihoods were being undermined by an evaluation system that doesn't take into account the vicissitudes of children's real lives, while parents worried about the impact of high-stakes testing on their children. Likewise, school boards and administrators were concerned about the loss of local control.

During our budget negotiations, we were able to win some significant concessions from the Governor. For instance, we secured an unprecedented increase of $1.6 billion in education funding. We elected four new Regents, all of whom are veteran educators, and we asked the newly-constituted Regents to use the authority we believe they have to review the teacher evaluation issue and make adjustments consistent with sound education policy. And on almost every other measure proposed by the Governor – including tenure and struggling schools – we got some concessions, although not as much as I would have liked.

In further response to the feedback from the public – as well as the language that I, and many others, fought to put in the final budget agreement – both the Regents and the Governor began separate reviews, and we are now seeing some hopeful developments. The Governor commissioned a Common Core Task Force to conduct a review of the state's learning standards, and the Task Force recently released its recommendations. They call for a comprehensive review of the Common Core standards over this coming year, including building flexibility into the standards and ensuring that standards are age appropriate, especially for those students in early grades. Moving forward, the recommendation from the Task Force is to create our own state standards while maintaining the components of the Common Core that are proving to be effective. This review will be done in a transparent way, with the full participation of local educators – and, very importantly, with a draft of the new standards going out for full public review and comment. Also of great note, the Board of Regents recently voted to adopt regulations, which will delay the use of state tests to evaluate teachers until the start of the 2019-2020 school year.

Assemblywoman Lifton visits Ithaca High School.

These are positive developments, but the issue of high-stakes testing remains a concern. The Regents' moratorium gives us some breathing room, and my hope is that we can use the three or four year hiatus to study and discuss this critical issue. I will continue to listen carefully to the feedback of parents and educators in my district and consider what else I might need to do to make sure we have the sound education policy our children and educators so rightly deserve. Of course, I will fight for increased funding as well, as the state is billions behind in school aid.

The controversial Education Investment Tax Credit was also not enacted last year. In my view, the creation of this tax credit would have established a back-door voucher program for private and religious schools in New York State, something I have always opposed. The language of the bill also meant that the tax credit would have actually gone mostly to wealthy New Yorkers, not middle-class families. Instead of that tax credit, I supported an increase of $255 million in state aid to non-public schools (including religious schools) for state-mandated requirements. That action brought state support for those schools to $422 million, and I see that as an appropriate and constitutional way to support the education of our children in those schools.

While not as prominent in the media, I also have great concern about some of the new requirements mandated by the state for teacher preparation. To a large degree, these issues mirror the trends we're seeing in PreK-12 education, with mechanized testing and high-stakes evaluations for teachers, which are discouraging many talented young people from going into teaching.

As a proud SUNY graduate, I am very unhappy about the steep decline in state support for SUNY, decreasing a stunning 40% since 2009, while tuition has gone up every year for the past four years to fill the gap. This is an unacceptable trend, in my view, leaving more students deeper in debt and making access to higher education more difficult for working families. I will continue to work on these critical higher education issues in the session ahead.

Supporting New York Families

One of the biggest worries facing working families in New York State today is the high cost of childcare. Statistics show that the cost of raising a child has become significantly more expensive over the last three decades, and this is especially true for working families. A recent report found that the average annual cost of daycare for a child under five in New York is now about $14,500. At a time when many working families continue to struggle with rising expenses and stagnant wages, this amount is simply too much to bear.

New Yorkers shouldn't have to choose between their children and their job, but, increasingly, families are being forced to make this decision. Fortunately, in 2013, the Assembly formed the Childcare Workgroup to address the challenges that working families face in trying to find affordable childcare options. Based on the recommendations from the working group, the 2015 state budget included an additional $5 million, bringing the total funding for a variety of childcare programs to $976 million to help more families gain access to quality childcare, including after-school programs. More funding is needed, though, and I will continue that fight.

Another crucial piece of legislation to help working families is the Paid Family Leave Act, which the Assembly passed earlier this year. If enacted, this would allow workers to take some time off to care for a sick relative, bond with a newborn or adopted child, or manage an unexpected medical emergency, while still receiving some of their income. Under this measure, employers would be required to offer a Paid Family Leave benefit and could have workers contribute up to 45 cents per week to the policy. This employee contribution would ensure up to 12 weeks of paid family leave, cover two-thirds of the worker's salary and guarantee job security during the absence. Today, the federal Family Medical Leave Act allows workers to take up to twelve weeks of unpaid leave, but many families can't afford to do this, which leaves them struggling with any of these major life events. Studies show that allowing parents to take some paid time off work to focus on the arrival of a child can have long term benefits for the child's development. It also helps parents adjust to the new family dynamic.

Paid Family Leave is an idea whose time has come. I was proud to vote for this bill in the Assembly, and I hope we can convince the State Senate and the Governor to support it too. New Yorkers shouldn't have to sacrifice their financial security to care for a newborn or a sick relative. We can, and should, do better.

Women's Equality

The march towards women's equality in New York State took a big step forward this fall. A number of important women's equality bills were signed into law in October, marking significant progress in the Assembly's longstanding efforts to strengthen women's rights.

While there is still much work to be done, it is important to recognize the real improvements contained in these new laws. In addition to cracking down on human trafficking and helping domestic violence victims, these laws will curb the workplace discrimination that saps women's economic potential.

Several of the new laws address women's rights in the workplace, including ensuring equal pay for equal work. Employees are now protected from retaliation for sharing wage information, making it easier for women to find out whether they are being paid fairly. And when discrimination does occur, successful plaintiffs may now recoup attorney fees.

Further, all employees are now protected against sexual harassment, even those at very small companies that were once exempt. Employers must also provide reasonable accommodation for pregnant employees who may need adjustments in their work schedules or job duties. In addition, employers can no longer discriminate based on an employee's family status.

Unfortunately, women are disproportionally affected by domestic violence and acutely harmed by human trafficking. It is crucial to address these disturbing crimes as we work toward equality. A new law now protects individuals from being discriminated against or evicted from their homes based on their status as victims of domestic violence and allows survivors of domestic violence to electronically request temporary orders of protection without needing to appear in court and face their abusers. The laws also bolster the state's existing human trafficking measures, increasing penalties for perpetrators, providing training for law enforcement, and empowering victims to sue for damages.

While women's rights are being furthered under these laws, there is still more work to do, including enacting legislation that would codify Roe v. Wade into law and protect a women's constitutional right to choose. The Assembly passed that crucial reproductive rights clarification, with my support, but unfortunately, the Senate did not join us so that it could become law. While that battle continues, the new laws passed by both houses and signed into law by the Governor represent progress on women's equality in New York.

Flooding Relief

We continue to see a worrisome increase in localized flooding events throughout my Assembly district. Most recently, the Town of Newfield saw a deluge that dumped over four inches of rain in a matter of hours. It pushed families out of their homes for many weeks, wreaked havoc on three state highways, and damaged many local roads, bridges, culverts, and driveways. The expense of cleanup and repair after these extraordinary weather events is enormous – in the case of Newfield the repairs cost $770,000, leaving them unable to undertake other critical road work that they had planned and needed to do.

Clearly, these severe weather events are out of the control of local governments. I've written a letter to the Governor, the Speaker and Assembly chairs urging that the state create a State Flood Relief Program with a new and reasonable threshold for state assistance to municipalities in these difficult circumstances. I will push for the creation of this program in the 2016 legislative session.

Assemblywoman

BARBARA LIFTON

Representing New York's 125th Assembly District

WINTER 2015

Medicaid Transportation

There have been many problems with Non-Emergency Medicaid Transportation (NEMT) in my Assembly district and across rural Upstate New York stemming from the privatization of those transportation services to a group called Medical Answering Services (MAS). The bulk of rides are now being scheduled by MAS in taxis rather than handicap-accessible public bus systems, which has created a bevy of problems in regard to traveling conditions for clients, as well as hurting the viability of local public transit. I've heard many troubling stories about Medicaid taxis – that some are smoke-filled and dirty, with drivers who are unprofessional, that taxis don't always show and a person misses their appointment or no taxi comes to pick them up after their appointment. None of the taxis are accessible, but they are being used to transport those who are wheelchair-dependent, with wheelchairs being tossed in trunks.

At my request, the Department of Health agreed to form a working group in 2014 to address these challenges, and while a series of meetings was held, there are problems that remain. We managed to secure some helpful funding for upstate rural transit – additional funding was added in both the 2014 and 2015 budgets for rural transit – but there continue to be ongoing serious problems with NEMT.

On top of that, in spite of public transit systems having increased their rates, cut back on routes and looked for other funding streams to help stem losses, their financial situations are still precarious. The importance of rural public transportation goes far beyond NEMT; it affects every aspect of our lives – health, housing, jobs, and sustainability. A robust public transit system is essential to building and sustaining viable and healthy communities, including our ability to reduce greenhouse gas emissions. You can be sure I will keep working to improve NEMT and fight for Upstate Rural transportation systems.