



**2009-2010 SESSION REPORT
OF THE
NEW YORK STATE LEGISLATIVE COMMISSION
ON
RURAL RESOURCES**

August 2010

Senator Darrel J. Aubertine and Assemblyman David Koon



STATE OF NEW YORK
LEGISLATIVE COMMISSION ON RURAL RESOURCES

DARREL J. AUBERTINE
CHAIRMAN

ERICA L. HEINTZ
EXECUTIVE DIRECTOR

ASSEMBLYMAN DAVID KOON
VICE-CHAIRMAN

August 2010

Dear Colleagues in the New York State Legislature:

As Chair and Vice-Chair of the Legislative Commission on Rural Resources, it is our pleasure to release this 2009-2010 Session Report.

The Rural Resources Commission was created in 1982 with a mandate to enhance and protect the diverse and unique resources of rural New York. The legislature recognized that the State's rural resources are decentralized, diverse and indispensable to the overall well-being of New York, and that the focused attention of a Legislative Commission would help to protect, preserve and enhance the rural resources of our State.

New York's rural economy revolves in large part around agriculture, education, manufacturing and tourism. The importance of these cornerstone industries to the overall economy of the State demonstrates that the needs of rural New York are critical to the well-being of urban communities and the State as a whole.

Under our direction since early 2009, the Commission has refocused its priorities to those laid out in its enabling statute, to allow a greater emphasis on core areas of responsibility, including researching and developing legislation that promotes and protects rural New York, reviewing and assessing State policies and proposals that impact rural areas, and focusing on issues of significant importance to rural New York's character and economy, and making recommendations to the legislature as necessary for the enhancement and protection of the state's rural resources. Such issues include agricultural protection, enhancement and marketing promotion, forest management, rural education, school and property taxes, energy needs, affordable housing, tourism and recreation, and health care access and affordability.

Through collaborative efforts with colleagues on both sides of the aisle in both houses of the legislature, and with municipal officials at the local, State and Federal levels, as well as professional organizations and concerned citizens, the Rural Resources Commission will continue to promote changes that preserve, protect and enhance the unique qualities of rural New York, while working to revitalize our economy.

Working together, we can build a better future for upstate New York, and by extension, for all of New York by reducing barriers to economic growth; working to reduce school and property taxes; bringing innovation to the agricultural, energy and technology sectors; protecting the environment; and attracting new, good-paying jobs to New York – while striving to maintain the ones we have.

We hope that readers find the following report useful and informative. As always, we encourage you to bring ideas and concerns about how to improve life in rural New York to the Rural Resources Commission.

Sincerely,

Darrel J. Aubertine
State Senator

David Koon
State Assemblymember

2009 – 2010 SESSION REPORT
OF THE
NEW YORK STATE LEGISLATIVE COMMISSION
ON
RURAL RESOURCES

Senator Darrel J. Aubertine, Chair
Assemblyman David Koon, Vice Chair

COMMISSION MEMBERS

SENATE

DARREL J. AUBERTINE
WILLIAM T. STACHOWSKI
DAVID J. VALESKY
GEORGE H. WINNER
CATHARINE M. YOUNG

ASSEMBLY

DAVID KOON
BARBARA S. LIFTON
JAMES BACALLES
DANIEL J. BURLING

STAFF

Senate Staff:

ERICA HEINTZ, EXECUTIVE DIRECTOR:
TIMOTHY SWEENEY, PRINCIPAL POLICY ANALYST

Assembly Staff:

CHRISTINA WILLIAMS, SENIOR POLICY ANALYST

Tel: (518) 455-2544

Fax: (518) 426-6960

Email: ruralres@nysenate.gov

Website: <http://www.nysenate.gov/committee/legislative-commission-rural-resources>

LEGISLATIVE COMMISSION ON RURAL RESOURCES

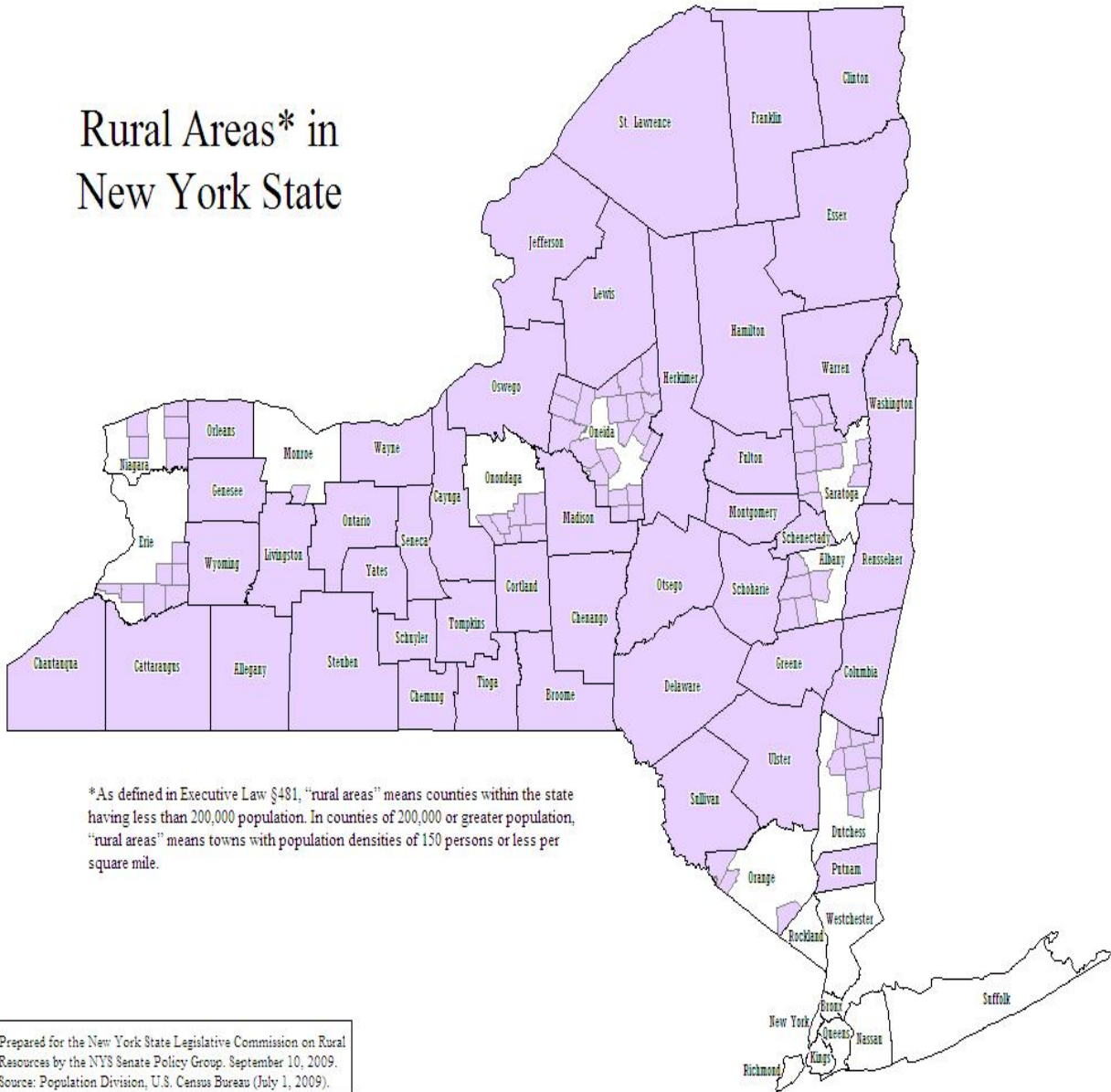
Table of Contents

Map of Rural New York	1
Mission Statement	2
New York State Legislative Commission on Rural Resources	3
COMMISSION AGENDA - 2009	3
Reaching out and Working Together 2009-2010.....	5
Agriculture	5
Agriculture Roundtables/Hearing	7
Protected Farmers, Agriculture and all of Rural New York.....	7
Spurred Agricultural Development	8
Energy, Environment and Economic Development	8
Green Jobs/Green New York.....	8
Protecting New York's Parks & Historic Sights & Promoting Tourism	8
Healthcare.....	10
Infrastructure	12
Rural Education.....	13
Education & Economic Development	13
North Country Grants Website	13
SUNY Upstate Medical Pilot Branch Campuses	14
Commission Outreach.....	14
Meetings	14
Presentations	15
Comments/Briefings	15
Newsletters	15
Other Publications	16
Board/Task Force/Organization Participation	16
NYS Legislative Commission on Rural Resources <i>_2009-2010 Legislation</i>	17
Legislation Signed into Law.....	17
Passed Senate Only	18

Passed Assembly Only.....	19
Looking Ahead.....	20
APPENDIX A	
Rural Resources Bills without Floor Action	21
APPENDIX B	
Outreach to Rural New York, March 2009 –July 2010.....	24

Map of Rural New York

Rural Areas* in New York State



Mission Statement

Established by statute in 1982, the bi-partisan Legislative Commission on the Development of Rural Resources was created by the New York State legislature in recognition that the economic and social well-being of New York State is clearly related to our State's rural resources. The enabling language, noted that New York's indispensable rural resources are decentralized, diverse and unique, and furthermore, their enhancement and protection is essential to preserve the character, continued growth and well-being of State's rural communities and rich heritage.

More than 80 percent of New York State is made up of rural communities with around 3.3 million residents in 44 rural counties. The Legislative Commission on Rural Resources is devoted to helping promote and protect the needs of these rural communities.

The Commission's enabling statute charged it with the primary duty of reviewing and reassessing state policies and programs and their impact upon rural resources, as well as making recommendations that further promote, enhance and protect the State's vast rural resources and communities. The Legislative Commission on the Development of Rural Resources is charged by Statute (§83-I of the Legislative Law) to:

- Examine the impact of rural resources upon the State's economy;
- Review existing laws and regulations as they pertain to rural resources;
- Assess the effect of state policies generally on rural areas;
- Reassess the effectiveness of programs specifically addressed to rural resource needs and problems, such as agricultural districting, agricultural product promotion, maintenance of agricultural land, forest management, tax exemptions for agricultural and forest land, oil and gas regulation, and tourism and recreation;
- Make such recommendations to the legislature for action as it determines necessary for the enhancement and protection of the state's rural resources.

In addition to researching and drafting legislation, Commission staff work to promote policies to enhance the lives of some three million residents who call upstate New York their home. This is done through small meetings, roundtables, hearings, public out-reach events and publications, as well as legislative briefings and legislation. Since its inception, the Commission has served as a clearinghouse for policies aimed at preserving and boosting New York's agricultural sector, protecting the health and well being of upstate residents, developing affordable housing, and helping to safeguard upstate New York's infrastructure.

The bipartisan Commission is composed of ten members; five Senators and five Assembly members. Commission members are routinely involved with shaping the Commission agenda, developing legislation, recommending policy changes and promoting efforts to enhance and protect New York's rural resources that will most effectively benefit our rural communities, economy and heritage. A full list of Commission members is available inside of the front cover of this report.

New York State Legislative Commission on Rural Resources

COMMISSION AGENDA - 2009



Rural Resources Press Conference 1

After being appointed as Chair of the Rural Resources Commission in early 2009, Senator Aubertine sought to refocus the commission's activities to be more directly aligned with its statutory mission. Under the leadership of Senator Aubertine and Assemblyman Koon, the Commission has worked with its partners in the State, federal, and local governments to create and implement policies to address the unique challenges facing rural New York. With the goal of helping stimulate economic growth, and protecting and preserving our way of life, Senator Aubertine directed the Commission to focus its initial efforts in five key areas:

Farm-to-Fork

Promote programs that build bridges between our State's farmers and organizations, such as schools, colleges, nursing homes and correctional facilities. This will open new markets for our State's agriculture industry and provide healthy, local food to these markets.

Green Energy

Energy costs, recently at historic highs, global warming and international conflict are forcing our nation to look beyond foreign oil and other fossil fuels creating an opportunity for Upstate New York to focus on the development of alternative energy technologies to help protect our environment, strengthen our national security and create new long-term, well paying "green jobs." The development of alternative energy technologies, manufacturing and production of renewable energy sources can provide important opportunities for agriculture and rural New York.

Green Jobs/Green Partnerships

In addition to green energy, Upstate has a growing role in encouraging and developing new industries for environmentally sustainable products. Encouraging new industries to locate here in New York, working with local small businesses, and developing and strengthening partnerships with SUNY and private universities to advance these innovations, creates opportunities to bring manufacturing jobs back to Upstate NY.

Re-thinking Rural Infrastructure

Infrastructure is critical to any region's economic viability. To grow rural New York's economy, we need to ensure that a greater emphasis is focused on maintaining and improving the infrastructure of rural New York – including drinking water facilities, wastewater treatment plants and lines, roads, and mass transit, as well as broadband Internet access and use.

Rural Healthcare

A key component for improving the quality of life for rural New Yorkers and enticing business investment is improving access to healthcare. This includes increasing the number of healthcare professionals in rural areas and the use of telemedicine, and helping to enhance the effectiveness of existing programs.

Reaching out and Working Together

2009 - 2010

Principal among its activities, the Rural Resources Commission meets and works with many people and organizations concerned with all different aspects of life in rural New York. These meetings served to enhance the understanding of Commission staff of the needs and priorities of those living, working and doing business in rural New York.

Rural New York comprises over 80 percent of the land mass in New York State, and approximately 20 percent of its population. Our issues range from transportation concerns to environment, jobs, health care, housing, agriculture, local government operations, affordable and reliable energy sources, and more. Appendix B lists some of the outreach undertaken by Commission staff during the 2009-2010 Legislative Session.

Working cooperatively with colleagues within the legislature on both sides of the aisle, as well as with those in other municipal, state, and federal offices, and with those outside of government as well, the 2009-2010 Legislative Session was busy, challenging and successful. While much remains to be done, the Rural Resources Commission is dedicated to protecting and improving the lives of those who call rural New York home.

Many of the issue areas we work on overlap, hitting on energy and environment, or agriculture and economic development, or education and economic development, or any other combination of subject areas we address. Consequently, organizing achievements into isolated headings proves to be a challenge. Following are a sample of the activities and accomplishments of the Rural Resources Commission from 2009 – 2010.

Agriculture

Agriculture is one of the key industries in rural New York. Ensuring a healthy agriculture industry is of critical importance to the entire upstate region. The agriculture industry as a whole has been in a down turn for several years due to the increased input costs associated with farming, few young people entering the industry, low income and increased taxes and regulations.





The major issues affecting agriculture in New York include the current dairy crisis, a lack of access to livestock processors, increasing energy costs, and colony collapse in the apiary industry.

The current dairy crisis has forced a number of dairy farms out of business in the last year. Low milk price set by the Federal Milk Marketing Order combined with increased input costs has caused milk to cost more

to produce than it is worth. Export markets have dried up and a surplus of fluid milk is now on the market. Some Federal dairy assistance programs have decreased the burden on the dairy farmers in New York though none of these programs is a long-term fix to the problem. Much more needs to be done to ensure that dairy remains to be New York's number one industry.

The Rural Resource Commission has worked closely with the Senate Agriculture Committee, the Farm Bureau and others in the agricultural community to protect and enhance agriculture in New York State. By promoting programs that facilitate commercial interaction between State farmers and organizations such as schools, colleges, nursing homes and correctional facilities, two important goals can be reached – economic growth and healthy food consumption. The State's residents and members of the agriculture industry are benefited each time a bridge is built between those who produce our food, and those who consume it. Promoting a focus on local agriculture, through direct outreach, newsletter articles and other activities, helps to enhance the health of residents while assisting New York's farmers find local markets for their products. The Commission and the Agriculture Committee submitted comments regarding the state of Agriculture in New York to the USDA for consideration in the 2012 Farm Bill.

Agriculture Roundtables/Hearing



Senators Aubertine & Young at Ag Hearing

During 2009, Commission staff worked with the Senate Agriculture Committee in organizing a series of roundtables relating to the economic viability of farms and farm labor issues. The roundtables were topped off with a hearing in Watertown and one in Albany in March 2010. These meetings served to educate not only members of the Legislature, but members of the public as well, and ultimately to defeat the highly volatile Farm Labor Bill, which came to a vote on the Senate floor on the very last night of the 2010 session.

Protected Farmers, Agriculture and all of Rural New York

Key activities included providing background research and policy advice on proposed legislation impacting farms in New York, including the Farm workers bills (S.2247, Onorato and S.8223, Espada) that were ultimately defeated in the Senate Agriculture Committee, and then on the floor of the Senate respectively, and the Water Withdrawal permitting bill (S.8280-A, Thompson) that, if enacted, could have a significant impact on how water is utilized throughout all of New York State. Ensuring that adequate consideration is given to how proposed legislation will impact rural New York is a major responsibility of the Rural Resources Commission, and significant time is spent on such activities.

In addition, meetings with American Farmland Trust, the Farm Bureau, the Farm Viability Institute, the New York State Department of Agriculture and Markets Farm to School Program, Cornell University, concerned citizens, and others focused on ways to protect and preserve and promote active, viable farming and associated industries in rural New York State.



Spurred Agricultural Development

After meeting with the Maple Producers Association, the Rural Resources Commission, working with the Agriculture Committee drafted legislation to enhance the maple sugar industry in New York State. Two of these measures were enacted into law; S.6443 (Aubertine/Reilly) Agricultural tourism, and S.6317 (Aubertine/Reilly), Maple as an Agricultural Commodity and a third passed the Senate but not the Assembly; S.6418 (Aubertine/Reilly) would require the State fire prevention and building code council to implement rules and regulations regarding tourism in maple sugaring establishments.

Energy, Environment and Economic Development

In New York, as elsewhere, opportunities to move to more sustainable energy sources have never been greater – nor the challenges more compelling. Progress at the federal, State and international levels, have provided an opportunity for New York to position itself as a competitive location for new growth industries. Such action is critical to upstate revitalization, and to creating stable, reliable and affordable energy for the future. Reducing dependence on foreign oil enhances national security, while creating new economic opportunities for entrepreneurs, and for the job growth these new industries will bring.

Green Jobs/Green New York

Commission staff worked closely with staff from the Senate Energy Committee and others to promote sustainable energy initiatives, and to ensure that upstate New York is not forgotten. One successful outcome was passage of the Green Jobs/Green New York statute, which created a new program to fund a weatherization loan program for middle income New Yorkers. This program should help create much-needed jobs in upstate New York, as well as in urban areas. And, as these new jobs are created as a result of the Green Jobs/Green New York programs, we must continue to support the other industries that have for many years been so important to the State.

Protecting New York's Parks & Historic Sights & Promoting Tourism

Rural New York's agriculture and tourism industries are key to the state's economy and have at their core a healthy natural environment. Ensuring that New York's environment remains healthy for generations to come and improving the economy of rural New York are an integral part of the work of the Commission. During the 2009-2010 session the Commission has been repeatedly called upon to research and provide advice on legislation and proposed policies effecting the environment and economy.



In the spring of 2010, the Commission assisted in the successful campaign to keep our State parks and historic sites open after they were slated for closure in Governor Paterson's executive budget. Commission Chairman, Senator Darrel Aubertine, joined with his colleagues to ensure that funding was available to keep the parks open, thus enabling millions of New Yorkers and of out-of-state visitors to enjoy New York's unmatched natural beauty while adding much-needed tourism dollars to the state and local economies. Each year more than 55 million people visit New York's State parks – creating nearly \$2 billion in economic activity, largely in rural areas of the State.

- *Marcellus Shale*

One of the most controversial issues this session has been the proposed extraction of natural gas from the Marcellus shale – which underlies much of the southern tier and western New York – using a drilling method known as hydraulic fracturing. This issue has been punctuated by vocal arguments both for and against drilling. Those in favor, cite the economic benefits to be gained for upstate landowners – many of whom are farmers – who lease their land to gas companies, the jobs that will be created in the gas industry and support services, and that using natural gas from New York State will lessen our dependence on foreign sources of energy. Those opposed to hydraulic fracturing point to potential environmental damage – including contaminated water, impacts on community character and property values, and health concerns.

In November of 2009 Commission staff attended a Marcellus shale summit hosted by Cornell University to learn more about hydraulic fracturing and the benefits and risks associated with drilling for natural gas in New York State. We have met on several occasions with drilling advocates and opponents, and have provided guidance to members of the legislature regarding the issue. We have also been in contact with the DEC to urge that they proceed with caution – ensuring that any drilling that takes place is done in a way that is protective of the environment.

- *Smart Growth*

The Commission has researched and offered recommendations on other legislation with the potential to impact both the environment and economy of rural New York, including: the “smart growth and public infrastructure act” (S.5560-B) and a “complete streets” bill (S.5711-B) that as originally drafted included provisions that were good intentioned, but had the potential to be overly burdensome on rural communities.

- *Outdoor Wood Boilers*

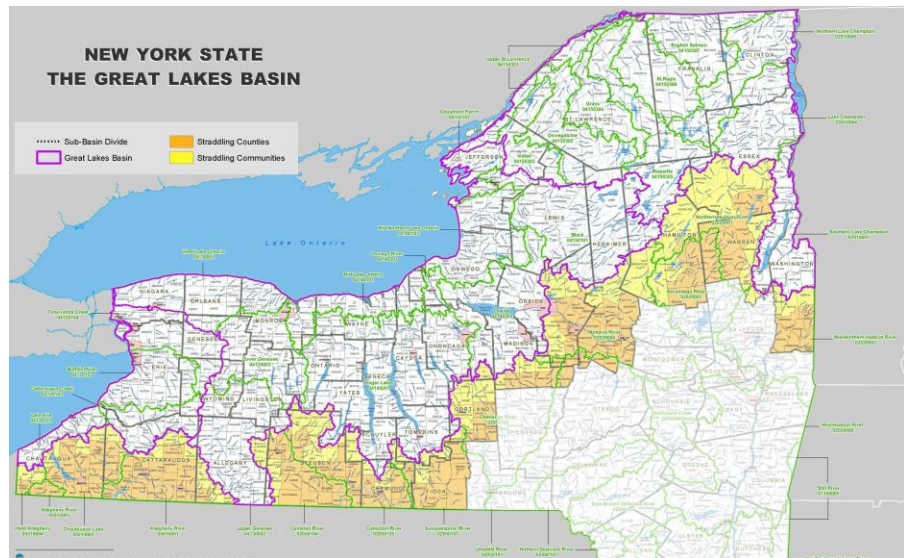
Senator Aubertine, Commission Chair, also responded to a regulation proposed by the Department of Environmental Conservation (DEC) to limit the use of outdoor wood boilers (OWB), by drafting legislation (S.8061) that will put the regulation of the use or wood boilers in the hands of local governments.. The proposed regulation called for the phase-out of OWBs before the end of their useful life and included other provisions that would have severe economic consequences for many rural New Yorkers. The bill unanimously passed in the Senate but did not move in the Assembly. (A.11457, Magee)

- **Great Lakes**

New York's Great Lakes Basin encompasses nearly 50% of the land mass of New York State. The Great Lakes themselves constitute over 90% of New York State's fresh water and support a \$7 billion fishing industry.

The Commission has been actively monitoring threats to the Great Lakes, including those of the invasive Asian

carp. Senator Aubertine has been provided with periodic updates on the situation. DEC has been working with the State of Illinois to stop the progress of the carp before it enters the Great Lakes by way of the Chicago Sanitary and Ship Canal. New York State Attorney General Andrew Cuomo joined several other Great Lakes states in a lawsuit that would compel the state of Illinois to close the Chicago Sanitary and Ship Canal.



There are many issues in addition to invasive species that impact the Great Lakes, including water levels in Lake Ontario and the St. Lawrence Seaway, water withdrawals, areas of concern, and Lake Ontario's Dunes and Wetlands. Commission staff maintain regular and productive dialogue with various organizations and individuals to ensure that important information is relayed to the Chair and Vice-chair of the Commission as necessary.

Healthcare

Access to affordable, quality healthcare is critical to a healthy sustainable rural economy, and is a key component to economic growth. By increasing access to healthcare via telemedicine, implementing incentive programs to attract and retain qualified healthcare professionals, and building upon the success of existing programs, the quality of life for upstate New Yorkers can be enhanced, while at the same time making the region more attractive for business investment. Commission staff met with Health care representatives from across the State, employees of the Senate Health Committee, concerned legislators, and State representatives and are working to enhance initiatives to attract qualified healthcare professionals to rural New York.

Meeting with medical and professional organizations on a regular basis, Commission staff kept current with the most significant issues facing the medical community, and the problems rural New York experiences in relation to obtaining quality medical care close to home. Participation in Upstate Medical University's, project Medical Education during July 2009 provided a unique

opportunity to gain important knowledge about the challenges impacting Medical Universities, medical students, and the health care community at large.

In September of 2009, Commission Director Erica Heintz spoke before the New York State Association for Rural Health Annual Conference in Geneva, NY on the implications that New York's budget shortfalls would likely have on counties, local governments, and funding for rural medical programs overall. The need to think ahead, to forge new partnerships, and to propose workable solutions that streamline programs was stressed. The ending message was "There is opportunity in crisis - Seek the Opportunities."

Commission staff also participated in a roundtable discussion with Senators and healthcare groups at the Healthcare Association of New York State offices in Rensselaer, which focused on the impacts of impending budget cuts and potential for alternative actions in October of 2009. In early 2010 a Governors Briefing on the impacts of medical education on the State of New York presented by the Associated Medical Schools of New York provided compelling information on the impact of the 15 medical schools and 82 affiliated teaching hospitals on New York's economy. The total economic impact of new York's medical schools and their primary hospital affiliates on the State of New York is more than \$85.6 billion. Roughly 1 in every 11 jobs in New York State is supported by medical institutions.

During 2009 – 2010, the Commission worked with the New York State Department of Health, Senate Health Committee Staff and numerous affected parties to promote legislation and actions that will help ensure better access to care in rural areas, ensure continued funding for medical programs and institutions, and increase the number of medical practitioners serving rural New York. Efforts will continue in these critically important areas.

2009 – 2010 health care related legislation of interest includes:

S.5454-A Aubertine, A.8173-A Destito

Upstate Medical University branch campuses study

Chapter 329, Laws of 2010, vote: Senate 58 – 0, Assembly 146 - 0

Directs the president of the SUNY Upstate Medical University to conduct a study concerning the need for branch campuses in the Fort Drum/Watertown and Mohawk Valley regions. Branch Campuses for the Fort Drum/Watertown and Mohawk Valley regions is a perfect fit for Upstate's Regional Extension model and should be explored in detail. If successful, all four colleges at SUNY Upstate would ultimately be involved: the Colleges of Medicine, Nursing, Graduate Studies, and Health Professions. SUNY Upstate Medical University in Syracuse wants to live up to its name by taking its people, programs and classroom into the 17-county region it serves. This new law will promote that goal.

S.4108-A Aubertine/A.5347 Koon

Rural Health Facility Reimbursements

This legislation would allow primary care hospitals and upgraded diagnostic and treatment centers to be reimbursed by Medicaid in the same manner that Medicare reimburses critical access hospitals, which is on the basis of reasonable costs, increasing their fiscal viability.

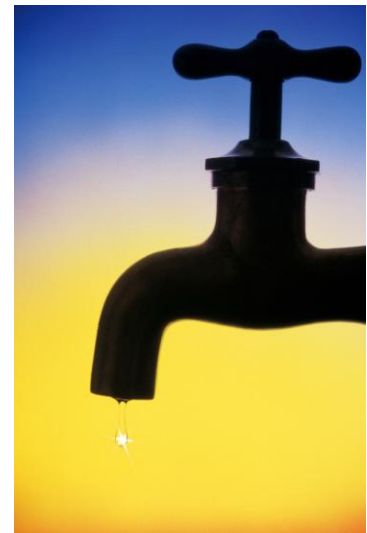
S.4160 Aubertine/A.2868 Schimminger

Authorizes the issuance of small business health insurance policies

In an effort to encourage more small businesses to offer health care policies to employees, this bill would authorize the issuance of small business health insurance policies with a smaller universe of mandated coverage than traditional insurance policies.

Infrastructure

Building and maintaining the infrastructure of New York is an essential component of any economic revitalization plan. Indeed, much of the efforts to stimulate the national economy are connected to infrastructure improvements. Using a combination of State, federal, and local funding sources, New York is refocusing its efforts to maintaining critical infrastructure, thereby ensuring residents access to clean, safe drinking water, wastewater treatment plants and lines, roads, mass transit, and broadband Internet access. These efforts will not only enhance the quality of life for New Yorkers, but will be critical in the ongoing efforts to stimulate the economy.



New York State's wastewater infrastructure needs exceed \$36.2 billion over the next 20 years, and the drinking water infrastructure needs are conservatively estimated at \$38.7 billion over the next 20 years. When you add in \$175 billion in transportation infrastructure needs, New York State's infrastructure needs are truly staggering.

Much of the infrastructure funding comes from federal sources, but federal infrastructure funding has been unable to keep up with infrastructure needs across the United States. In New York State, most water and wastewater infrastructure projects are funded, at least partially, through the New York State Drinking Water and Clean Water State Revolving Funds. These state revolving funds (SRFs) provide the state with some ability to prioritize the types of projects that receive funding.

During 2009-2010, Commission staff worked with DEC, NYS Environmental Facilities Corporation, and numerous colleagues on the Clean Water Collaborative State Revolving Fund Sustainability Initiative Advisory Group. The Clean Water Collaborative worked during 2009-2010 to develop recommendations to present to EFC and DEC to serve as a roadmap for modification of New York's Clean Water State Revolving Fund (CWSRF). The working group's recommendations sought to balance the need to continue funding infrastructure projects needed to address public health concerns, but to also not penalize those municipalities which proactively seek to invest in needed maintenance and upgrades. It is anticipated that EFC and DEC will work to incorporate these recommendations into the CWSRF Program. The recommendations can be found online at: http://www.nysefc.org/docs/srf_sustainability_initiative_june_15_2010_final.pdf

Rural Education

Promoting and sustaining quality rural education has been a priority for the Rural Resources Commission. Working with the Rural Education Advisory Committee (created by Commission Legislation in 1990), the Center for Rural Schools (created by Commission Legislation in 2008), and the Rural Schools Association, Commission staff continue to encourage activities to promote excellence in rural education. Through activities including representing the interests of Rural Schools in the State Legislature, as well as hosting the Annual REAC mini-grants showcase in Albany, participating in the Senate's Education Committee Hearings on BOCES as a Model for Taxpayer Savings in Watertown during October of 2009, the Commission remains focused on protecting and improving rural education.



REAC Awards Showcase Award Winners - 2010

Education & Economic Development

North Country Grants Website

Creating partnerships among and between SUNY, private universities, and businesses is one important component for the future of New York State. Senator Aubertine, and the Rural Resources Commission, were on hand to launch the North Country Grant Search website, a working database of public and private grants designed to provide access to funding sources for nonprofits, municipalities and economic developers. This powerful tool for local governments and nonprofits was made possible by a grant secured by Senator Aubertine back when he served in the NYS Assembly. The North Country Grants website can be accessed through the SUNY Canton website at: <http://www.canton.edu/grants/search/index.php>

SUNY Upstate Medical Pilot Branch Campuses

Following nearly a year of discussion and meetings with local universities, SUNY, and Upstate Medical University, S.5454 sponsored by Senator Aubertine and Assemblymember Destito, was signed into law. As discussed in the Health Care section of this report, this new law creates a pilot program, designed to help address the looming crisis created by fewer and fewer health care professionals choosing to practice in rural areas.

Physician supply lags significantly in rural areas. While New York's cities have 340 physicians per 100,000 people, rural areas have just 169 physicians per 100,000 people, and the number is falling. In the North Country, the physician population has dropped by eight percent over the last five years. In that same time period the number of active physicians in the Mohawk Valley declined eight percent.

To create its own version of an extension program, Upstate would join forces with the health care, higher education, and business leadership of the region to complement their services and establish branch campuses and programs. All four colleges at SUNY Upstate would be involved: the Colleges of Medicine, Nursing, Graduate Studies, and Health Professions. The prospect of a Branch Campuses for the Fort Drum/Watertown and Mohawk Valley regions is a perfect fit for Upstate's Regional Extension model and should be explored in detail. Such campuses would provide a ready supply of professionals - including medical graduates, physician assistants and nurse practitioners specializing in family mental health and lift the clinical profile of the communities.

Commission Outreach

Meetings– (FOR COMPREHENSIVE LIST SEE APPENDIX B)

Rural Resources Commission staff met extensively with community members, constituent groups, business representatives, public servants, regulators, municipal officials, and many others throughout 2009 and 2010.

Priority issues impacting rural New York are extensive and encompass every aspect of life that affects those of us who live in rural New York – agriculture, healthcare, education, water quality, smart growth, gas drilling, economic development, environmental impacts transportation, housing, healthcare, local government impacts, property taxes, State regulation, ideas for legislation, etc.

For a listing of public outreach participated in by Rural Resources Staff, see Appendix B.

Presentations

In addition to participating in meetings, Commission staff prepared presentations for various gatherings and events throughout the year. A list of these presentations is provided below. For full copies of most presentations see Appendix B.

- NY Center for Rural Schools/REAC, Rural Schools Association – Leading During Times of Scarcity, Syracuse – March 26, 2009
- Forestry Awareness Day, Albany – April 27, 2009
- Rural Resources Commission Meeting – April 29, 2009
- NYS Association for Rural Health, Geneva – September 22, 2009
- Lake Ontario Dunes Workshop, NYS Fairgrounds, Syracuse – November 5, 2009
- Future of Rural New York Seminar, Cornell University, Ithaca – December 4, 2009
- Rural Housing event, Albany – February 2010
- Rural Resources Commission Meeting – June 16, 2010

Comments/Briefings

- Great Lakes Basin Advisory Council Comments for Senator Aubertine – July 2009
- Briefing to the Chair – DOT Proposed Truck Ban – November 2009
- Asian Carp Update for Senator Aubertine – December 2009
- Rural Housing Briefing for Senator Aubertine – December 2009
- Recommendations to the Chair on Policy DAR – 12 "Sustainably Harvested" determination for purposes of Eligible Biomass.
- Briefing for the Chair – DEC proposed Outdoor Wood Boiler Regulations, July 2010
- Briefing for the Chair – DEC proposed Best Technology Available policy for cooling water intake structures, July 2010

Newsletters

In keeping with tradition, the Rural Resources Commission has continued to produce newsletters with issues of interest to rural New Yorkers. These newsletters are distributed to nearly 10,000 residents in rural communities throughout New York State (and some urban communities as well). Publication of newsletters has been cut from bi-monthly to 2-3 times per year and the newsletters themselves have been reduced in size as measures of economy. In addition copies are now available online. These changes will save tens of thousands of dollars annually.

Available newsletters include:

- Spring/Summer 2009
- Fall/Winter 2009
- Spring/ Summer 2010

If you have issues you would like to see covered in upcoming editions of Rural Futures, please contact Commission staff at ruralres@senate.state.ny.us

Other Publications

In addition to newsletters, new Commission publications include:

- **Rural Areas Map of New York**
Rural areas are defined as counties having less than 200,000 population. In counties of 200,000 or greater, rural areas mean towns with population densities of 150 people or less per square mile. Rural areas in New York State, encompass approximately 37,932 square miles (80 percent of New York's land area) and approximately 17 percent of the State's 19,490,297 population (as of July 1, 2008). This map is available for viewing or printing.
- **Legislative Program 2009-2010**
The Commission's 2009- 2010 legislative session focused on measures to ensure that the State continue to protect and invest in the needs and concerns of rural communities. Working toward that goal, many of the bills advanced serve as a catalyst for economic growth, expanding opportunities for residents and businesses with a particular focus on farmers. Ideas for new legislation are welcome and can be submitted to commission staff at ruralres@nysenate.gov
- **Summary of New York's Timber Trespass Laws – 2010**
In New York State, our forests and forest industry are an important part of our rural economy. This publication is designed to increase awareness and knowledge of New York State laws relating to Timber theft and timber trespass. Copies of this publication are available on the Commission website, or by calling the Commission office.

Board/Task Force/Organization Participation

- Clean Water Collaborative - DEC/EFC Infrastructure working group
 - Recommendations for funding new programs
- Rural Education Advisory Committee – Technical Advisor
- Rural Schools Association of NY at Cornell – Board of Directors Member
- NYS Association for Rural Health – Board of Directors Member
- Community and Economic Vitality Program Council – Member
- Dental Association of New York State – Task Force Member

NYS Legislative Commission on Rural Resources

2009-2010 Legislation

Legislation Signed into Law

Wood Products Development Council

S.4330 Valesky/A.7742 Destito, S. 53 – 0, A. 144 – 0
Chapter 325, Laws of 2009

This bill created a Wood Products Development Council within the New York State Department of Agriculture and Markets. The Wood Products Development Council is intended to provide economic, social, and environmental benefits for New York, while improving the effectiveness of government programs and the quality of life in upstate communities. Expanding the market for New York's hardwood forest industry will provide more good paying jobs and invigorate the economies of rural communities.

Green Jobs/Green New York

S.5888 Aubertine/A.8901 Silver, S. 52 – 8, A. 147 – 0
Chapter 487, Laws of 2009

Established the "Green Jobs/Green New York" program administered by the New York State Energy Research and Development Authority (NYSERDA) with a goal of making 1,000,000 homes, businesses, and not-for-profits in New York more energy efficient while creating thousands of new green jobs and training the workers to fill them. Funded through the Regional Greenhouse Gas Initiative, this new program incurred no new expense to taxpayers.

Agricultural Commodity

S.6317-A Aubertine/A.9520-A Reilly, S. 59 – 0, A. 137 – 0
Chapter 78, Laws of 2010

Expands the definition of "agricultural commodity" to include maple sap and maple products produced therefrom. Maple production in New York State is currently an \$18 million dollar (estimated) activity, with the potential for significant expansion. New York State has the most tappable maple trees of any state or province, with only 0.5% of the potential taps currently utilized. This measure will make the maple tapping industry in New York State more economically viable, and help set the stage for future expansion.

Agricultural Tourism

S.6443-A Aubertine/A.9814-A Reilly, S. 59 – 0, A. 137 – 1
Chapter 87, Laws of 2010

This legislation amends the definition of agricultural tourism to ensure that the production of maple sap and the pure maple products made therefrom are recognized as activities that can be enjoyed as agricultural tourism. This measure will afford maple producers inviting the public

onto their land, and into their sugarhouses and maple production facilities to learn about maple production and purchase pure maple products, the same rights and protections afforded to other farmers who invite the public onto their land for the purposes of agricultural tourism.

Environmental Impact Statements

S.5486 Aubertine/A.8256 Koon, S.60 – 0, A. 134 – 0
Chapter 122, Laws of 2010

Relates to generic environmental impact statements. The existing language of these sections of Town, Village, and City law referenced a section of DEC regulations that was inaccurate. Rather than insert the accurate regulatory reference, this legislation amended the statute to refer to the originating statutory authority for an environmental impact statement, article eight of the environmental conservation law. This will eliminate the need to go back and correct the regulatory reference should DEC renumber its regulations again, and brings the language into compliance with the State Constitution which discourages the use of incorporation by reference.

North Country Power Authority

S.2813-C Aubertine/A.6694-D Russell
Establishes the North Country Power Authority to finance and operate a municipal electric system serving a group of 24 municipalities in St. Lawrence and Franklin Counties.
Chapter 533, Laws of 2010

Passed Senate Only

Rental of Road Machinery by County Highway Superintendents

S.5426 Aubertine/A.7834 Koon, 61 – 0

This bill authorizes County and Town superintendents of highways to contract with any entity for road machinery or work. Current law restricts County and Town superintendents ability to contract out for road machinery rentals and work. This bill is intended to allow municipalities to utilize road machinery in the most beneficial, economic manner possible, without existing restrictions restricting who they can contract with.

Building Code/Maple Industry

S.6318 Aubertine/A.9521 Reilly, 60 – 0

Requires the state fire prevention and building code council to expand the definition of agricultural buildings to include maple production facilities and sugarhouses, and allow such entities to provide for public access and assembly as an agritourism activity. Recommendations made by the New York State Maple Task Force for improving the state's maple industry include amending the definition of agricultural building to include maple production facilities or sugarhouses to enable maple producers to avoid unnecessary administrative barriers this bill will allow maple producers to open their establishments to tourists as a way to promote maple sugar/syrup production and offer their products for sale and sampling.

Low Volume Roads

S.7181-B Aubertine/A.10377-B Destito, 66 – 0

In many rural towns the highway budget already exceeds 50% of total town expenditures, sometimes by a significant amount. It is impractical for rural towns to afford this level of design, construction and maintenance. This bill authorizes towns to designate certain town roads as low-volume roads and certain low-volume roads as minimum maintenance roads. Low-volume and minimum maintenance designations would provide realistic and affordable standards while maintaining public input. In addition to the fiscal relief that this bill affords, low volume, and particularly minimum maintenance roads, are a management tool that helps towns to maintain access to working landscapes such as forest lands, recreational areas and agriculture with reasonable costs. These designations may also help prevent over-development or sprawl in rural areas reducing competition for the use of such lands.

Passed Assembly Only

Agriculture District Notification

S.5428 Aubertine/A.7835 Koon, 133 – 6

People moving to rural areas sometimes locate near farm operations without realizing the existence of nearby farming operations. Under current law, when a person seeks to purchase land "partially or wholly within an agricultural district", they are given advance notice (a disclosure notice) that some or all of the property lies within such a district and are urged to contact the NYS Department of Agriculture and Markets for additional information about farm operations conducted in agricultural districts. This bill would extend that notice to prospective purchasers of property within 500 feet of the agricultural district boundary.

Rural Electric Cooperatives

S.7704 Aubertine/A.10955 Koon, 141 – 0

Includes rural electric cooperatives in the definition of distribution utility for green jobs funding. With passage of the Green Jobs-Green New York legislation in 2009, the widespread dissemination of energy conservation and clean energy technologies was promoted, providing a clear and cost effective pathway for communities in New York State to curtail emissions of greenhouse gases and harmful air contaminants, reduce dependence on fossil fuels, lower housing costs, support community development and create green jobs to sustain and enhance our economy. This legislation adds rural electric cooperatives to the definition of distribution facilities to make them eligible for funding under this program. Currently, this legislation provides competitive grants for outreach, enrollment and related services to implement this program. Eligible entities include distribution utilities, which as currently defined under the Green Jobs Statute does not include Rural Electric Cooperatives.

Looking Ahead

The Legislative Commission on Rural Resources is committed helping to protect and promote the economy of rural New York, while preserving and enhancing the unique character of this region of the country, and the way of life citizens of upstate New York have enjoyed since this nation's early beginnings.

Moving ahead, despite several years of particularly difficult economic conditions here in New York, Commission efforts will continue to focus on protecting the quality of life of residents of upstate New York and will work to preserve existing resources, and help to locate additional resources – whenever possible - for significant projects and services if the resources of our State are insufficient to complete the critical tasks.

Revitalizing upstate New York's economy must remain one of the state's highest priorities, but there are many aspects to this endeavor and it cannot be accomplished by any one entity alone. To that end, the Commission, at the directive of its Chairman, Senator Darrel Aubertine, and Vice Chair, Assemblyman David Koon, will strive to promote policies and programs, through programmatic, legislative, and policy initiatives, that will enhance the quality of life for the nearly three million people who call rural New York home.

As we hope this report shows, the Commission is dedicated to incorporating the people of rural New York into the process of determining how to best move forward. If you have specific suggestions, concerns or new ideas on areas where new research or efforts should be focused, or specific legislative or programmatic changes that would help to make life better in rural New York, we would love to hear from you. Commission staff can be contacted via email at ruralres@nysenate.gov, by phone at (518) 455-2544, or through the mail at:

Legislative Commission on Rural Resources
Legislative Office Building
Albany, New York 12247

APPENDIX A

Rural Resources Bills without Floor Action

Local Zoning and Government Projects

S.291 Little/A.8350 Koon

In an effort to balance public interests when a governmental entity undertakes a project within a municipality, this bill requires the governmental unit proposing to sponsor a public project within a municipality with zoning to determine whether the project is immune from such zoning.

Forest Tax Assessment

S.2418-A Young/A.10315 Koon

Prohibits assessors from increasing the assessments of forestland based on the stumpage value of the trees thereon. It also establishes the forestland taxation task force which will look to ensure that present and future forestlands may be protected and enhanced as a viable segment of the state's economy and as an environmental resource. Specifically, the forestland taxation task force will address how to obtain equitable and consistent assessment of forest lands statewide.

Farm Woodland Extender

S.2474 Young/A.5955 Magee

Increases from 50 to 100 acres, the acreage of farm woodland that qualifies as land used in agricultural production for agricultural assessment purposes. This legislation is intended to help farmers, particularly in areas of the state with greater development pressure, to remain stewards of their land for generations to come.

Town Mergers

S.5425 Aubertine/A.7825 Koon

Allows local governments to merge their corporate structure through local initiative. Joining units of local government that encompass a larger geographical area should be explored to determine if a more effective method of providing such services may lead to improving the quality of life of the inhabitants of the state. Providing a procedure by which adjacent towns may undertake a study to merge into a new and distinct unit will enable such localities to determine if a merger should take place after a thorough study of the needs of the people, and the interests of officers and employees of each separate local government.

Limited Use Highway

S.5427 Aubertine/A.7839 Koon

At present there is no uniform process for towns to use to designate rural unpaved roads, which are used primarily by farmers to reach their fields or for recreational purposes and seldom used by motor vehicles as limited use highways. This bill authorizes the establishment of regulations for the designation of minimum maintenance limited use highways.

Dairy Farm Improved Energy Efficiency Program

S.5429 Aubertine/A.7880 Koon

This bill would establish a dairy farm improved energy efficiency loan fund to provide grants and low interest loans to dairy farms for energy efficiency projects and advanced energy technologies.

Municipal Annexation

S.5430 Aubertine/A.8241 Koon

This bill would amend the general municipal law to allow the governing bodies of two or more municipalities, as well as the residents or property owners of a territory to jointly initiate the municipal annexation process, and to clarify that land use considerations are included in the annexation process.

Mediation of Land Use Decisions

S.5484 Winner/A.8259 Koon

Authorizes municipal legislative bodies to enact local laws and ordinances providing for mediation of land use decisions. This bill is not a mandate, rather it provides authorization for local governments to establish mediation as an alternative land use conflict resolution method, while assuring that the rights of individual parties are protected and established planning and zoning review processes are preserved. The bill provides that mediation would be used to supplement, not replace, existing municipal review procedures and decision making by a local government.

Landowner Liability

S.5485 Winner/A.8258 Koon

Relates to the liability of landowners who permit recreational uses of their land. This bill would enhance the availability of recreational activities on undeveloped lands by clarifying the provisions of the General Obligations Law (GOL) relating to landowner liability for providing public access for recreational activities.

Need for Licensed Professional

S.5487 Aubertine/A.8257 Koon

Increases to \$50,000 the cost of the construction of a building, structure or public work, above which an engineer, land surveyor or architect must be utilized. The current thresholds of \$5,000 for public projects, and \$10,000 for private projects have not been changed for over 30 years and have not kept up with the dramatic rise in building costs. Raising the threshold to \$50,000 is a sensible and necessary step to keep the law current and encourage affordable construction, improvement and maintenance of buildings, structures and public works, and reflects an inflation adjusted figure in keeping with current costs.

Allows Municipalities to Piggyback onto County Projects

S.5728 Aubertine/A.8628 Koon

Relates to municipal bidding of public works projects. This bill authorizes municipalities to utilize contracts for public works services which have already been let out to bid by the county in which the political subdivision or district is located, or through any county within the State, offering municipalities the flexibility to utilize larger contracts issued by counties, with the potential for reduced cost savings and time savings for smaller municipalities. Until recently,

municipalities regularly piggy-backed upon public works contracts initiated by Counties. In 2007 some municipalities were advised that that this practice was no longer acceptable because of prohibitions in section 103 of the General Municipal Law. This bill will remove such prohibition.

Timber Wetlands Bill

S.7813 Aubertine/A.11183 Koon

Relates to selectively cutting timber and exclusion of current best management practices from regulated activities. This bill would enhance the ability of farmers and other landowners to selectively harvest timber within a regulated wetland without disturbing the environmental integrity of the wetland.

APPENDIX B

Rural Resources Commission Outreach to Rural New York March 2009 –July 2010

3/10/09 – Rural Education Advisory Committee Showcase

3/26/09 – Rural Education Conference

4/9/09 – Finger Lakes Lake Ontario Waterfront Protection Association Conference

4/13/09 – Cornell University

4/16/09 – Empire State Forest Products Association – Forestry Awareness Day

4/21/09 – Rural Electric Cooperatives

5/1/09 – CARDI Conference, Center for Rural Schools

5/4/09 – Rural Resources Commission Meeting

5/5/09 – ATV constituents

5/6/09 – Tug Hill Commission

5/6/09 – Nature Conservancy

5/8/09 – Rural Education Advisory Committee

5/13/09 – New York State Association of Counties

5/15/09 – Cornell Water Resources Institute

5/18/09 – Pennsylvania Hardwood Forest Delegation

5/18/09 – Lawyers for Green Jobs

5/18/09 – Food Industry Representatives

5/20/09 – NYS Farm Bureau

5/21/09 – Economic Stimulus Conference

6/2/09 – Library Association

**Rural Resources Commission
Outreach to Rural New York
March 2009 –July 2010
continued**

6/2/09 – Department of Housing and Community Renewal – weatherization

6/2/09 – Solar Energy Association

6/4/09 – Ecology and Environment

7/1/09 – New York State Maple Producers Association

7/1/09 – NYS Department of Agriculture and Markets

7/8/09 – Tug Hill Commission

7/10/09 – NYS Pharmacists

7/15/09 – Great Lakes Compact, Public Input Session Watertown

7/20-21/09 – Upstate Medical University Education Project

7/28/09 – Cornell University – Lee Talega

7/30 /09 – Tug Hill Commission

7/31/09 – NYS Department of Economic Development

8/4/09 – Assembly Rural Resources Commission

8/20/09 – North Country Foods

8/25/09 – NY Propane Gas Association

8/26/09 – Nelson Farm Tour

9/17/09 – NYSAC Fall Conference

9/22 - 23 – NYS Association for Rural Health Annual conference

9/24/09 – NYS Farm Bureau Agriculture Tour

9/30/09 – Senate Finance Committee

9/30/09 – Senator Valesky – rural housing issues, legislation

10/1/09 – DEC Water Quality Hearing

10/2/09 – CARDI, definition of Rural

10/7/09 – Environmental Advocates, Great Lakes issues

10/8/09 – Governors Office, stimulus projects

10/9/09 – Geneva Experiment Station

10/13/09 – NYS Senate Education Committee ROCES Hearing Watertown NY

**Rural Resources Commission
Outreach to Rural New York
March 2009 –July 2010
continued**

10/19/09 – Health Association of NY, mtg with Senate Democratic Members
10/20/09 – Clean Water Collaborative – working group meeting
10/21/09 – NY Biomass Energy Alliance
10/21/09 – Montgomery County Department of Planning and Economic Development
10/23/09 – Rural Schools, Rural Education Advisory Committee
10/16/09 – Marcellus Shale, Senate Staff
10/27/10 – Senate Wetlands Hearing
10/29/09 – Association for Rural Health, Syracuse
10/30/09 – Rural Housing – Senate Staff
11/4/09 – Eastern Lake Ontario Dunes and Wetlands Conference
11/4/09 – USDA Rural New York, meeting with director Jill Harvey
11/5/10 – Farm Viability Institute – Farm Tour
11/6/09 – NYSTAR, Matt Watson
11/10/09 – Marcellus Shale Roundtable
11/16/09 – Iroquois Energy
11/24/09 – USDA, NYS Department of Agriculture and Markets – getting farm goods to schools and markets
12/1/09 – Future of New York Conference, Cornell
12/8/09 – American Farmland Trust
12/8/09 – Northern Area Health Education Advisory Center
12/14/09 – NY Center for Ag. Medicine and Health
12/16/09 – Federal Healthcare Forum, Rockefeller Institute
12/22/10 – Environmental Advocates
1/11/10 – Workforce Briefing, Committee on Children & Families
1/13/10 – Tug Hill Commission

**Rural Resources Commission
Outreach to Rural New York
March 2009 –July 2010
continued**

1/14/10 – REAC Board Meeting
1/21/10 – North Country Grants Website launch, Watertown
1/21/10 – Clean Water Collaborative Working Group
1/22/10- NYS Farm Bureau
1/26/10 – Association of Conservation Districts
1/26/10 – American Pain Foundation
2/1/10- Finger Lakes Lake Ontario Watershed Protection Alliance
2/1/10 – NYS Forest Products Association
2/2/10 – NYS Assembly Energy Business Assistance Roundtable
2/5/10 – USDA Job Development Roundtable
2/9/10 – Clean Water Coalition Working Group
2/23/10 – Association for Affordable Housing
2/24/10 – Rural Health Advocacy Day
2/24/10 – SCORE
2/24/10 – Regional Community Service Providers
3/2/10 –Greene County Farm Bureau
3/8/10 – Senator Krueger, rural housing issues and needs
3/9/10 – North Country AHEC
3/12/10 – NYS DoT Truck Regulation Update
3/15/10 – REAC Showcase
3/17/10 – Water Management Advisory Committee, DEC
3/23/10- Great Lakes Lobby Day

**Rural Resources Commission
Outreach to Rural New York
March 2009 –July 2010
continued**

3/24/10 – Association of Conservation Districts

3/25/10 – NYS Association for Rural Health

3/25/10 – Clean Water Coalition Working Group Mtg

3/25/10 – NYS Association of Highway Superintendants

3/29/10 – Marcellus Shale meeting

4/6/10 – DANC – North Country Alliance

4/7/10 – Government Efficiency Task Force Meeting

4/7/10 – OGS Real Property Services, Statewide Asset Management

4/12/10 – NYS DOT Proposed Truck Regulation Update

4/15/10 – NYS Association of Towns

5/4/10 – Tompkins county Legislator, Marcellus shale

5/5/10 – Task Force on Government Efficiency Meeting

5/6/10 – NYSERDA/ Green Jobs Briefing

5/6/10 – Department of Veterans Affairs, rural veterans

5/7/10 – NYS Farm Bureau, outdoor wood boilers

5/11/10 – Empire State Future, smart growth in rural New York

5/20/10 – NYS Association for Rural Health Conference, Geneva

5/20/10 – Regional Wood Products Consortium; Developing New Mkt. Strategies

5/24/10 – Assoc. of Med. Schools – Economic and Social Impact of Medical Education in NYS

5/28/10 – Tug Hill Commission, Northern Border Commission

6/3/10 – Farm Bureau, Dairylea, OATKA

**Rural Resources Commission
Outreach to Rural New York
March 2009 –July 2010
continued**

6/4/10 – Rural Schools Conference Call
6/4/10 – Rural Health Council meeting
6/8/10 – DEC Outdoor Wood Boiler Hearing, Albany
6/8/10 – DOT Proposed Truck Regulation Briefing
6/8/10 – American Farmland Trust
6/10/10 – DEC Outdoor Wood Boiler Hearing, Herkimer
6/13/10 – NYS Summit on Rail Transportation
6/15/10 – DEC Solid Waste Management Plan meeting, Albany
6/16/10- Rural Resources Commission Meeting
7/12/10 – Rural Schools Annual Conference
7/14/10 – Clean Water Collaborative
7/27/10 – NYS Dental Association
7/28/10 – Home Care Association of New York State
7/29/10 – New York State Division for Veterans Affairs

