



Assemblyman

Robin Schimminger

Reports to You

SUMMER 2010

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Dear Friend,

This past year's Albany scene has been frustrating to say the least. The Governor's proposed 2010-2011 executive budget was the largest in the history of New York State, despite a looming \$9.2 billion budget gap fueled by the downturn on Wall Street. Like in many other States, this year's Legislative Session has been marked by an unprecedented fiscal meltdown, resulting in a divisive and protracted budget stalemate.

While the state budget is not fully in place as this letter goes to print, I should note that the Assembly has passed all elements of the budget – although I opposed and voted against those individual budget bills that did not sufficiently reduce spending or that would raise taxes and fees. With all the appropriations bills now passed by both houses and signed into law by the governor (accompanied by a host of line-item spending vetoes), the state fiscal plan for 2010-11 is essentially in place, although the Senate's failure thus far to also pass the budget revenue bill – one of those I voted against in the Assembly – has left a \$1 billion hole in the new budget due to the unwillingness of many to make meaningful spending reductions.

Despite these hurdles, the Legislature has considered and acted on many legislative items this year. This report touches upon important new laws and proposed legislation that may be of interest to you, your family and friends.

As always, I continue to consider it a great privilege to represent the 140th Assembly District in the State Legislature. I hope this report is helpful to you.

Sincerely,



Home Sweet Home - Assemblyman Schimminger keeps in touch with members of the New York State Association of Realtors from Western New York to discuss the economy and how it has affected the real estate business as well as home buyers and sellers.

Automatic austerity budget needed

New York State faced a contentious and extended budget process this year as the Governor proposed emergency budget extender bills on a weekly basis after the April 1 deadline passed, and the Legislature had to vote the budget extender bills up or down as they were submitted by the Governor's office. The majority of the budget was adopted this year through inclusion of most appropriations in these budget extenders. Rather than enacting a budget on a piecemeal basis like this year, with expenditures being approved in advance of revenues being known, and rather than enacting a full budget later than the April 1 start of the state fiscal year as has too often occurred in the past, I have sponsored legislation that would impose an automatic austerity contingency budget in the event a full budget is not adopted on time.

My reform bill amends the State Constitution to temporarily and automatically enact the previous year's state budget with a 5 percent across-the-board reduction in appropriations in the event that the State Legislature fails to act upon the Governor's Executive Budget by the April 1 start of the new fiscal year. The automatic austerity contingency budget would remain in place until the Governor and Legislature agree on a budget, and if a budget agreement is not achieved, it would remain in effect for the entire fiscal year. The threat of an austerity budget should spur legislators and the executive branch to work together in good faith to enact a timely budget.

As a proposed constitutional amendment, the bill would have to be passed by two separately-elected Legislatures and then be approved by the voters statewide on a general election ballot.

LEGISLATIVE

As in the past, I wanted to take this opportunity to report to you on a sampling of the issues we have addressed in Albany during this legislative session about which constituents have expressed an interest. At the time that this report went to print, out of the 700 bills that were passed by both houses, Governor David Paterson had signed 223 into law and had vetoed 22.

Please note that I sponsored or supported each of the measures listed unless otherwise noted. The status of each at this printing is indicated (LAW= passed both houses and signed by the Governor into law, VETO= passed both houses and vetoed by the Governor, PBH= passed both houses and awaiting action by the Governor, PA= passed the Assembly only).

CONSUMER PROTECTION

Taxes – Eliminates the sales tax exemption on purchases of clothing and footwear costing less than \$110. PBH, NO

Syrup of Ipecac - Restricts access to the retail sale of ipecac by requiring the substance to be behind the pharmacy counter or under manager control. PA

Social Security - Enables senior citizens to cash social security checks without maintaining an account at the bank honoring such check. PA

Weight Loss Programs - Requires anyone selling or offering for sale weight loss services and/or products to provide notice of certain risks to consumers. PA

ATMs - Requires ATMs to use both audio and visual systems of relaying messages to customers to provide equal access for all individuals. PA

NYS Tax Returns - Allows a grace period for the filing of personal income tax returns when a spouse dies suddenly and without warning within 30 days of the filing deadline. PBH

Cribs - Prohibits the import, manufacture, distribution and sale of drop-side and other unsafe cribs, as defined in international or federal safety standards. PBH

BPA – Prohibits the manufacture, distribution, sale or offer for sale of any child care product containing bisphenol-A (BPA) intended for use by a child three years of age or younger. PBH

Gas Stations - Provides that gas stations must, if possible, provide refueling assistance upon request of an in-

dividual with a disability at the self-service price. PBH

Utility Rates - Requires utility companies to post notification on monthly bills of the date and place of proposed hearings concerning rate hikes. PBH

Custom Wines - Allows duly licensed wineries to engage in what is commonly known as “custom crush” in which customers are able to assist in the production of their own wine. PBH

CRIMINAL JUSTICE

Sexual Abuse of a Minor - Provides that a person is guilty of sexual abuse in the first degree when he or she is 21 years old or older and subjects someone less than 13 years old to sexual contact. PA

Sex Offender Registration - Provides that the period of time during which a sex offender is in violation of the registration or verification requirements as determined by a court shall be added to the offender’s remaining time period for required registration. PA

Animal Cruelty - Requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals. PA

Forensic DNA Testing - Requires the State Forensic Science Commission to establish consistent standards regarding the testing, preservation and cataloguing of DNA evidence. PA

Crime of Strangulation - Increases the penalties for conduct involving the intentional impeding or impairing of another person’s breathing or circulation where such conduct leads to unconsciousness for any period of time. PBH

HEALTH AND THE ENVIRONMENT

Hospital Discharge Plans - Directs hospitals to provide all blind and visually impaired patients with an audio recording of their discharge plan. PA

Palliative Care - Ensures that patients diagnosed with a terminal illness or condition, receive information about options for palliative and end-of-life care. PBH

Health Care Decisions - Establishes procedures authorizing family members, or other persons close to patients who lack decision-making capacity, to decide about treatment, in consultation with health care professionals and in accord with specified safeguards. LAW

Influenza - Provides parents of children ages six months to 18 years of age who attend public or private schools or day care programs educational materials on influenza disease and influenza immunizations. LAW

Organ Donation - Permits individuals who wish to make an anatomical gift the ability to register their consent through electronic signature. LAW

Cancer Maps - Authorizes the Departments of Health and Environmental Conservation to set up a cancer incidence map in New York State. LAW

Pesticides - Minimizes the harmful effects of



Showcasing Tonawanda – Assemblyman Schimminger and Cathy Piciulo, president of the Ken-Ton Chamber of Commerce, celebrate the community and “showcase” area businesses at the Chamber’s annual Showcase event held this spring at the Lincoln Arena.

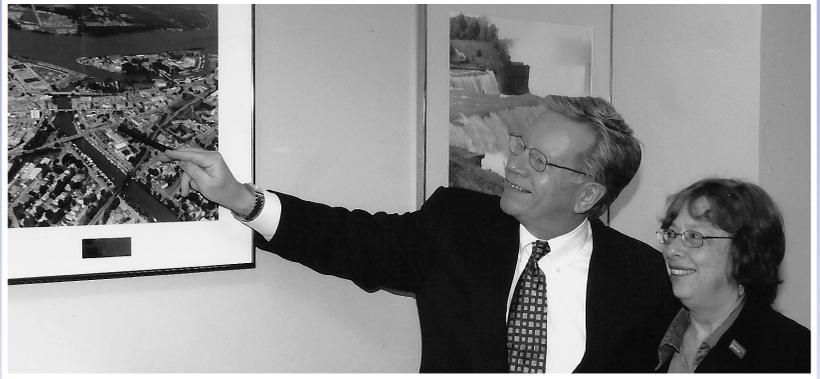
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pesticides on children by limiting the use of certain pesticides in sensitive areas such as schools and day cares. LAW

Child Care - Requires at least one employee at a child day care facility or family day care home to be trained and certified in CPR and first aid. PBH

Pharmaceuticals - Requires that the State Office for the Aging publish a guide explaining the purpose, function, and common drug interactions of drugs frequently used by persons over the age of 62. PA

AEDs - Removes barriers to Automated External Defibrillator use by allowing persons to operate an AED, who act in good faith and with reasonable care, even if they were not trained in the use of an AED. PBH



Who Needs GPS? - While glancing at an aerial photo of the Twin Cities in his capital office, Assemblyman Schimminger points to the location of the YWCA of the Tonawandas on Tremont Street in North Tonawanda for Joelle Logue, president of the organization. The YWCA's service area covers the City of Tonawanda and the City of North Tonawanda.

HIGHWAY SAFETY

Work Zones - Requires the removal or covering of inapplicable highway work zone traffic speed limit control signs so there can be no confusion as to whether such speed limit reductions apply when no construction is in progress. PA

Electric Assisted Bicycles - Clarifies the law to define electric assisted bicycles as bicycles, not motor vehicles, and establishes safety and operational criteria for their use. PA

Daytime Running Lamps - Provides for an appropriate premium discount on auto insurance for vehicles that are retrofitted with daytime running lamps. VETO

VETERANS AND MILITARY AFFAIRS

Military Veteran Teachers - Establishes a program to allow military veterans to be speakers in classrooms to supplement instructional and educational aspects of American military history. PA

Cold War Vets - Allows for the recognition of the contributions of our service men and women who served honorably during the Cold War by authorizing and awarding a State Cold War Certificate to these individuals. PA

Veteran Services - Establishes the New York State Interagency Coordinating Council for Service-Disabled Veterans to provide accessible, coordinated, and specialized services to service-disabled veterans from multiple state and local agencies. PBH

Military Ballots - Provides for a streamlined process for military personnel, their families and special federal voters to vote in federal, state, and local elections and updates state laws to comply with the federal Military and Overseas Voter Empowerment Act (MOVE) of 2009. LAW

OTHER

WNY Economic Development - Directs the proceeds from the sale of unallocated discounted power by the New York Power Authority to go into a new economic development fund exclusively for projects in Western New York. PBH

Animal Shelters - Allows for the release of animals from one pound, SPCA, humane society and so on to another if such action is reasonably likely to create an opportunity for the adoption of an animal within a reasonable period of time. PBH

Volunteer Firefighters - Prohibits the termination of an employee, who also is a volunteer firefighter or a volunteer provider of emergency medical services, when that employee misses or is late to work because of an emergency to which the employee was dispatched. PBH

Disaster Preparedness - Requires counties to maintain a registry of people of all ages known to have disabilities for the purpose of evacuating and sheltering such persons during disasters. PBH



Small Business, Big Impact - Small business owners from around the State met with Assemblyman Schimminger during this year's Small Business Day to discuss legislation that affects job growth and creation.

Sex offender laws strengthened by legislative action

The New York State Assembly and Senate have passed a series of measures to increase protections of families through improved supervision of registered sex offenders.

- The first change enables law enforcement to keep better track of registered sex offenders by requiring the Division of Criminal Justice Services to notify them if an offender listed on the statewide registry fails to verify his or her address within 10 days of the date a verification form was mailed. A civil penalty would be assessed when a law enforcement official visits the offender's address to verify that the individual still lives there. Should the offender refuse to sign the verification document or, if he or she has moved without notifying the proper authorities, he/she would face prosecution for at least a class E felony offense.
- Legislation passed by both houses establishes the crime of criminal trespass for a level 2 or 3 sex offender who enters a school which his or her victim attends or formerly attended.
- The sex offender registry would require enhanced information to indicate whether a sex offender is in violation of the registration requirements, as well as include the type and length of the registrant's assigned supervision.
- An offender who fails to register or verify their status could have the length of time he or she was in violation of the law added to the duration of the registration.
- Level two sex offenders will now be required to disclose their employment address, including any volunteer service.
- Another change requires the Division of Criminal Justice Services to provide registry information on level 2 and 3 sex offenders to municipal housing authorities.
- The Assembly has also passed legislation protecting child victims by making sexual abuse against 11- and 12- year old children by an individual 21 years of age or older a class D violent felony, carrying a prison sentence of up to seven years.



***Distinguished Alumni** – As chair of the Assembly Committee on Economic Development, Job Creation, Commerce and Industry, Assemblyman Schimminger was asked to address the Commission on Independent Colleges and Universities (CICU) at the Alumni Hall of Distinction Award Ceremony held in Albany this spring. The 2010 Alumni Hall of Distinction focused on “economic development role models” - individuals who work to grow business in New York State, attracting jobs and economic benefits to communities in both small towns and big cities.*

Progress in the 140th

A number of close-to-home projects that have received a significant amount of state funding, which I helped secure, are now finished or on their way to completion.

The demolition and remediation of the **Spaulding Fibre** complex in the City of Tonawanda has now been completed. The project received more than \$3 million of Restore NY funding, plus \$10.5 million through the New York State Department of Environmental Conservation, and the Spaulding site will soon be shovel ready for reuse.

In North Tonawanda, work is underway to redevelop the old **Remington Rand** building. Developer Kissling Interests LLC is well into the \$20 million redevelopment of the former factory and warehouse into 81 work/live lofts atop the ground floor anchor businesses. This project benefited from \$3 million in Restore NY funding, and \$500,000 in Assembly capital funding.

The **Buffalo Bolt Business Park** at the former Roblin Steel site in North Tonawanda received \$1.2 million of state funding for the site's new access road

through the Assembly's allocation of NYS Capital Access Program funds. Construction on this project is also underway.

At General Motors, two major investments have been awarded to the **Tonawanda Powertrain Engine Plant** in the town and will retain and create more than 700 jobs. A new \$400 million investment will be made by GM in a new generation fuel-efficient V-8 engine line. The project was aided by state and local incentives, including a \$6 million Upstate Blueprint Fund capital grant and an additional \$880,000 in sales tax abatement. This announcement came on the heels of a February commitment by GM to invest \$425 million for the production of new four-cylinder Ecotec engines. This project was aided by a \$7 million state capital investment. The GM plant will also receive an allocation of low-cost hydropower from the New York Power Authority.

I am certainly pleased that state economic development programs I've helped shape and fund have aided these job-creating projects right here in our community.