



Assemblyman

Robin Schimminger

SPRING 2014

Reports to You

Executive budget proposal seeks to reduce taxes

The Governor's 2014-15 Executive Budget proposal seeks to implement a multifaceted tax cut package, create a NY Genome Center at the University at Buffalo, establish a new financial assistance program for college students, and increase state aid for education.

The \$137.2 billion spending plan presented in late January sets out the Governor's spending and taxing plan for the upcoming fiscal year which begins on April 1. It would eliminate one burdensome method of calculating corporate income taxes for qualifying Upstate manufacturers; create a refundable credit against state corporate and personal income taxes that would be equal to 20 percent of a qualifying manufacturing firm's local real property taxes; and phase out the 18A energy assessment, which appears on both residential and business utility bills. The plan also increases the threshold for estate taxes to \$5.25 million, and lowers the top rate to 10 percent over four years. The new higher state threshold would conform to the federal estate tax threshold and would thereby exempt nearly 90 percent of all New York estates from the state's tax, easing the transfer of small businesses and farms to family members, and helping keep more retirees here in New York as they enjoy their golden years.

Under the Executive Budget proposal, the Governor included an approximately \$105 million investment, which I strongly support, to create the "New York Genomic Medicine Network," that would partner the genomics medical research community across the state with the University at Buffalo's computational infrastructure and biomedical research expertise at the Buffalo Niagara Medical Campus.

Continuing the state's commitment to higher education, the Governor also proposed the creation of the New York State Science, Technology, Engineering and Mathematics (STEM) Incentive Scholarship. This new financial assistance program would assist students only at state public universities or colleges pursuing undergraduate degrees in the STEM fields and would require a commitment to work in a STEM field within New York State for a minimum of five years. A number of my colleagues and I are pushing to include independent colleges and universities in the program to expand students' choices.

As budget negotiations continue, several of my colleagues have joined with me in seeking additional funding for each of the ten university-based Centers of Excellence around the state, including the Center of Excellence in Bioinformatics and Life Sciences and the Center of Excellence in Materials Informatics, both at the University at Buffalo. The Governor's budget proposes to cut funding for these cutting edge facilities which are aimed at transferring high-tech university research into the development of new companies and good jobs.

We in the State Assembly have already included \$50 million to reactivate the RESTORE NY Communities program in the As-

sembly budget resolution. The program, which I helped to conceive and was successful in having enacted in the 2006-07 budget, encourages community development and neighborhood growth through the demolition and redevelopment of blighted structures. The program awards substantial grants in the amount of \$1 million to \$2.5 million for larger, catalytic private-sector projects that require environmental remediation or demolition. Locally, the demolition and clean up of the former Spaulding Fibre industrial site in the City of Tonawanda and the reconstruction of the Remington Rand Lofts in North Tonawanda were accomplished with the aid of this program.

The Governor's budget also provides a statewide increase of \$807 million for education aid. Under the Governor's plan, both the Kenmore-Tonawanda and North Tonawanda school districts would receive a 3.5 percent increase, Tonawanda a 2.39 percent increase, Buffalo a 1.58 percent increase, and Sweet Home a 1 percent decrease. For the past five years, school district funding has been negatively affected by the gap elimination adjustment (GEA) that was inserted into the school aid formula in the 2009-10 state budget and used to partially defray the state's \$10 billion budget deficit. I voted against the budget provisions that imposed the GEA and my opposition to GEA continues. I am co-sponsoring legislation, A.8720, which would eliminate the GEA from state aid to education calculations.

As the budget adoption process continues through the month of March, I am committed to enacting a responsible and timely budget that continues to invest in fiscally responsible programs that will help spur economic development and return needed state dollars to our schools and community.



SUPPORTING THE TAX RELIEF PACKAGE.

Assemblyman Schimminger addressed members of the business community at a press conference held at the Buffalo Niagara Partnership in support of tax relief in this year's state budget. Assemblywoman Jane Corwin and Lou Panzica, President and CEO of Power Drives, Inc., listened to Assemblyman Schimminger as he detailed the importance of keeping manufacturing jobs in New York State.

Progress continues on the “Buffalo Billion”

It was a little more than two years ago when Governor Cuomo in his State of the State address promised a state commitment of \$1 billion for the Buffalo region to spur economic development and private sector partnerships in our region.

During the ensuing two years, the 2012-13 and 2013-14 state budgets included \$100 million each in funding toward the “Buffalo Billion,” totaling just \$200 million toward the Governor’s pledge. Following this trajectory, full funding would have been spread out over 10 years and didn’t account for the possibility of a change in administration. However, the now proposed 2014-15 Executive Budget fulfills the Governor’s \$1 billion commitment by including \$680 million in new capital appropriations for the “Buffalo Billion” program. This complements \$150 million in other prior-year capital appropriations and \$170 million in tax credits reserved in the Excelsior Jobs Program to now provide the full \$1 billion for the initiative.

The Buffalo Billion funding allocated in this year’s proposed budget will provide \$225 million for the construction of a state-of-the-art Buffalo High Tech Manufacturing Innovation Hub at Riverbend, which will be a facility for clean energy businesses on a 90-acre former brownfield at the Republic Steel site in South Buffalo. The facilities and equipment at Riverbend will be owned by the State University of New York Research Foundation and companies that locate there will have access to the machinery and equipment. Two companies, Soraa, an LED lighting manufacturer, and Silevo, which makes solar panels, have committed to become anchor tenants at the site and have each pledged to invest \$750 million in their ventures there creating approximately 850 jobs in the process.

Another \$50 million has been allocated to build a center with biomedical research equipment and facilities on the Buffalo Niagara Medical Campus. The goal is to leverage state money into a \$250 million complex for clinical and research institutions that will help generate private sector jobs and investment. Albany Molecular Research and PerkinElmer have agreed to be the first two firms at the center and will open temporary offices in the Jacobs Neurological Institute this spring.

IBM also has committed to bring 500 jobs to the area with a new 100,000-square-foot, state-owned computer information technology center at an as yet undetermined location that will be used to train future and current industry workers and to create cutting-edge software for energy, health, defense and other industries. The company has agreed to bolster a separate endeavor by becoming the first corporate technology member in the recently announced New York Genomic Medical Center. IBM is being lured to Buffalo through \$55 million in Buffalo Billion funding that will include \$25 million to build a “high-end software development center” in Buffalo in which the first tenant will be IBM. The other \$30 million in funding will go toward the purchase of various software, computers and servers that will be owned by the state and leased to IBM.

Just last month EWI, an Ohio consulting company that specializes in helping companies develop innovative products, was selected to operate the new Buffalo Niagara Institute for Advanced Manufacturing Competitiveness, another Buffalo Billion initiative. The state has already spent \$8 million to purchase a temporary site



EXCITING NEW PARTNERSHIP.

Assemblyman Schimminger and Liesl Folks, Dean of the University at Buffalo School of Engineering and Applied Sciences, discuss new initiatives at the school, including a partnership between the University at Buffalo and the new advanced manufacturing institute, a Buffalo Billion initiative, to be operated by EWI. UB will provide institute customers with access to the university’s technical capabilities and expertise, as well as assist in training and seminars.

at 847 Main Street in downtown Buffalo to house the center until a permanent site can be found.

A pilot program has also been launched to develop a Workforce Training and Development Center that would match job seekers with current manufacturing job openings and training opportunities.

Another initiative, labeled as a Buffalo Billion project, but actually funded with \$5 million in Power Proceeds dollars, derived from the sale of unallocated Western New York hydropower, is the 43North Business Competition, which is designed to generate new business ventures in Western New York through a worldwide competition for the best business plans. In addition to the top cash prize of \$1 million, 43North will award six \$500,000 prizes and four \$250,000 prizes. The competition kicked off in early February and winners will be announced this fall.

Approximately \$20 million has been committed to the development of downtown Niagara Falls. The state created a \$40 million fund to support public investment and incentives for development that will consist of \$4 million per year from the City of Niagara Falls local casino revenue and be matched by \$4 million from the Buffalo Billion investment for the next five years. Another \$11.5 million has been committed to remove a one-mile stretch of the Robert Moses Parkway along the upper rapids of the Niagara River to remove a barrier between the waterfront and downtown Niagara Falls.

And finally, Daemen College and Empire Visual Effects have been awarded \$4.5 million in a Buffalo Billion initiative that will link students in Daemen College’s 16-week visual effects certificate program with job opportunities at Empire Visual Effects, which is located in the Tri-Main Center in Buffalo.

More Buffalo Billion projects, no doubt, are on the horizon for 2014.

Legislation to protect victims of elder financial abuse introduced

Last month, I introduced a package of bills that would allow New York State prosecutors to more effectively take action against those who financially exploit the elderly.

The District Attorneys Association of the State of New York released a report in late 2013 which included proposals that would update, streamline and better focus state law to enhance the ability of prosecutors to pursue legal action against those who would perpetrate financial abuse on the elderly. The proposals embodied in my package of bills include:

- Theft from mentally disabled adults. Older adults with age-related cognitive disorders may sign checks, wills or deeds without fully understanding the consequences of their actions, which complicates a larceny conviction because proof that the defendant wrongfully took money or property from an owner without his or her consent is required. This legislation would provide that the mental disability of a victim makes that person legally incapable of consent.
- Access to medical records. Allows a prosecutor to obtain medical records with a subpoena to prove the existence of a mental disability, which demonstrates the incapability of consent.
- Conditional examinations of elderly victims. Witnesses of advanced age are currently eligible for conditional examinations only if they suffer from demonstrable physical illness or incapacity. Un-

fortunately, some elderly victims may become incapacitated or pass away during the court proceedings without having a conditional examination performed. This proposed legislation would permit a conditional examination of witnesses 75 and older, regardless of medical condition.

- Caregivers in the grand jury. Testifying before a grand jury can be stressful for any crime victim, but even more so for elderly witnesses. This proposal would permit a caregiver or professional social worker to accompany a vulnerable elderly person into the grand jury proceedings with the prosecutor's consent.
- Larceny by false promise. Elderly people are frequently victims of home improvement and other scams. This proposal would clarify present law for larceny by false promise and assist in combating a common fraud committed against elderly New Yorkers.

The senior population in New York State is poised to continue to grow significantly over the next decade, and it is estimated that there will be a correlating rise in the instances of financial exploitation against elderly persons. We should make sure we do what we can to protect these individuals who have worked hard to support themselves through their retirement years from criminals who conduct scams targeting the elderly and infirm.

Keeping Niagara Falls Air Base open

In February, the US Department of Defense announced that it will, once again, be looking for ways to make drastic cuts to the nation's military operations beginning in 2015. Concurrently, the National Commission on the Structure of the Air Force issued its report and the federal budget proposal submitted by Congress to President Obama calls for another round of the Base Realignment and Closures (BRAC) in 2017. In addition, the federal budget proposal calls for a 13 percent reduction in the active duty force and a 5 percent cut in National Guard and reserve units. As all of these elements start to fall into place, it could spell trouble for our Niagara Falls Air Reserve Station (NFARS).

The Niagara Falls Air Reserve Station could be affected by the military's future plans to downsize and reorganize. It was just about a decade ago, that state, local and federal officials, community leaders and area residents successfully joined together to fight a BRAC's 2005 proposal to close the base. So we must remain vigilant as the BRAC 2017 process moves forward. To that end, New York State continues to fund its Military Base Retention Program. The 2014-15 Executive Budget would allocate \$2 million for this program that was created specifically to improve and strengthen military facilities in the state, thereby making them less attractive to BRAC's closure claws.

The Niagara Falls Air Base is unique in Western New York. It is the largest federal facility in the region and the last federal Air Force installation in the state. With an employee roster of over 3,500 military and civilian employees, the base is Niagara County's largest employer with a regional economic impact estimated to be \$168 million.

Equally important is the role of the base in our nation's military readiness and response capability. NFARS is home to the 914th Airlift Wing, the 107th Airlift Wing, the 865th Support Hospital, the 277th Quartermasters, the 1982nd Forward Surgical Team and the 101st Air Cavalry. The dedicated men and women who serve in these units are well-trained, highly-skilled and have carried out missions around the globe including military operations in Iraq and Afghanistan and life-saving services in earthquake-damaged Haiti. As part of New York State's emergency response team, NFARS has responded to man-made and natural disasters, including Hurricanes Sandy, Irene and Lee.

In addition to carrying out day-to-day military duties, base personnel also provide weather and navigational services, firefighting and crash rescue assistance and runway snow and ice removal for the adjacent Niagara Falls International Airport. Also, new missions, including a flight simulator and remotely piloted aircraft, or drones, are being added to base operations.



TOURING THE NFARS.

Assemblyman Schimminger and William R. Vanecek, the NFTA's director of aviation, exit a C-130 Hercules aircraft during a tour of the facilities at the Niagara Falls Air Reserve Station. The tour followed a mission briefing given to state, federal and local officials by Colonel Walter Gordon and Colonel John Higgins of the 914th and 107th Airlift Wings, respectively. Members of the Niagara Military Affairs Council (NIMAC) were also on hand and gave a legislative briefing.



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Calling all Cold War Veterans

Veterans who served during the Cold War, between September 2, 1945 and December 26, 1991, are encouraged to apply for the state's newly created Cold War Certificate.

To be eligible, an applicant must now be a citizen of New York State or have been a citizen of New York while serving in the armed forces - Army, Air Force, Navy, Marine Corps, Coast Guard or Nurses Corps - between September 1945 and December 1991, and have been honorably discharged or discharged under honorable circumstances.

The Cold War Certificate is in the design stage and will be available soon. Veterans interested in receiving an application for a Cold War Certificate can call my office at 873-2540 or email schimmr@assembly.state.ny.us.



A NEW TREE GROWS IN RIVER ROCK.

Assemblyman Schimminger helped plant a new tree at a groundbreaking event for the RiverRock Gardens, a more than 80,000 square foot rain garden in Riverside Park. Assemblyman Schimminger, Carol Sampson of the New York Power Authority, and former Erie County Legislator Lynn Marinelli, piled dirt around the new tree as North District Common Council Member Joe Golombek and Gary Mucci of the Buffalo and Erie County Greenway Fund Standing Committee discuss the project. The main garden is maintained by the Buffalo Olmsted Parks Conservatory.



CHILLY GROUNDBREAKING AT THE ARCTIC EDGE EXHIBIT.

The polar bears at the Buffalo Zoo will be getting a new habitat with the help of nearly \$2.4 million in state funding. This past fall, the project was just shy of the \$14 million needed to build the Arctic Edge Exhibit, which will transform the zoo's former entrance along Parkside Avenue into a new home for several species of animals. Assemblyman Schimminger and the Western New York Assembly Delegation announced in October that the Assembly would provide \$400,000 in capital funds to help close the funding gap, and then Governor Cuomo announced in November that he would direct a final \$750,000 in state funding from the NY Works Program for the project. In February, Assemblyman Schimminger helped the Buffalo Zoo's Executive Director Donna Fernandez break ground on the project, which is slated for completion in the fall of 2015.