



Assemblyman

Robin Schimminger

SUMMER 2014

Reports to You

Dear Friend,

Every year thousands of bills embodying a vast array of proposals are considered over the course of the regular legislative session, but only a fraction of those proposals receive enough support to be enacted into law.

I tried to provide you with a brief sampling in this report of measures that were passed by both houses of the Legislature this year, some that have already been enacted into law and some that, though progress was made, fell short and were passed by the Assembly only.

So far this year, we have logged notable successes. For example, much progress has been made in Albany to continue the state's focus on economic development through initiatives funded in the final 2014-15 state budget like the Start-Up NY Program, the new New York Genomics Medicine Network, and the remainder of funding for the Buffalo Billion initiative. Another important economic development tool, the Brownfield Cleanup Program, was set to expire in 2015, but we passed a measure at the end of the regular session that extends the program through March 2017.

I hope you find this report informative, and as always, I welcome your views on these or any other issues that may interest you.

Sincerely,



FONDLY REMEMBERING TROOPER DOBSON – New York State Trooper Ron Ensminger shares memories of Trooper Kevin Dobson with Assemblyman Schimminger after a ceremony dedicating the Youngmann Highway bridge that crosses NY State Route 425 at the Colvin Interchange as the “New York State Trooper Kevin P. Dobson, Sr. Memorial Bridge.” Assemblyman Schimminger sponsored the new law that names the bridge in honor of Trooper Dobson who was killed in the line of duty on I-290, near the Colvin Boulevard ramp, while working to keep our roads safe.

Strengthening the WNY Economy

Over the last several years, a major focus of the state's Legislative and Executive branches has, and rightfully so, been creating initiatives that strengthen the economy through a number of economic development tools, including the Governor's Buffalo Billion promise, which was fulfilled in the 2014-15 state budget.

The enacted 2014-15 budget created the Genomics Medicine Network, which links the New York City university medical community with the emerging Buffalo medical technology corridor. The program, which was funded through a \$105 million initiative, seeks to capture the economic and medical gains in the field of genomic medicine by investing in the already established New York Genome Center in New York City and the University at Buffalo's computational infrastructure and research community at the Buffalo Niagara Medical Campus. The supercomputing resources and staff at UB will provide the New York Genome Center with rapid access to computational capabilities that will increase the speed of genomic research and analysis critical to the diagnosis of diseases.

The final budget also allocated \$55 million to build a Buffalo Information Technologies Innovation and Commercialization Hub, which leveraged a commitment from IBM Watson Group to be its first anchor tenant. The facility is slated to open in early 2015 in downtown Buffalo and will be used to train future and current industry workers to create cutting-edge software for energy, health, defense and other industries. IBM committed to bring 500 jobs to the area, and, in a separate endeavor, became the first corporate technology member in the New York Genomic Medical Network.

Legislation enacted last year created the Start-Up NY program, which designates acreage at a number of state and private academic institutions as tax-free zones for new and expanding businesses that are approved to operate tax free for 10 years, which includes no state or federal income, business, corporate, sales or property taxes or franchise fees.

The program started on January 1, 2014, and in early March sites at the University at Buffalo and Buffalo State College were approved

as eligible tax-free zones. At UB, approved designated areas include Baird Research Park in Amherst, the Buffalo Niagara Medical Campus Innovation Center, Farber Hall on the South Campus and the Institute for Healthcare Informatics in the Roosevelt Building at 921 Main Street, totaling 177,000 square feet of available space. Thus far, eight companies have been approved to relocate to UB's tax free zones, and they are projected to generate a combined 204 jobs over the next five years and will collaborate with UB faculty researchers and students. The companies range from a German life sciences firm to a developer of software for wearable devices.

Buffalo State has been approved to designate approximately 24,000 square feet of tax-free space in Buckham Hall at the Elmwood Avenue campus. Negotiations with interested businesses are currently underway.

Another initiative that has been characterized as part of the Buffalo Billion is the 43North Business Competition, which is aimed at luring innovative business start-ups through a global contest in which \$5 million in cash prizes is available, plus rent-free space in an incubator site in the region that is part of the state's Start-Up NY program. Top prize is \$1 million, in addition to six \$500,000 prizes and two \$250,000 prizes.

The prize money actually consists of a \$5 million Western New York Power Proceeds allocation last year, which comes from the sale of our unused hydropower from the Niagara Power Project and, under state law, is to go towards economic development projects located within a 30-mile radius of the Lewiston facility.

Since the launch of the 43North Business Competition, more than 6,900 applications have been submitted from 96 countries and all 50 states, which were reduced to 2,600 after disqualifying ineligible applicants and in July were whittled down to 113 semifinalists. Judges will review the remaining eligible detailed business plan submissions in September and narrow the pool to 11 finalists who will present their products, services and ideas to a panel of judges. Winners will be announced by the end of this year.

LEGISLATIVE HIGHLIGHTS

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. At the time this report went to print, of the 658 bills that were passed by both houses, the Governor had signed 199 into law.

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

CRIMINAL JUSTICE

Campus Crime Reporting – Requires colleges and universities to notify the appropriate law enforcement agencies within 24 hours of a reported violent felony or if a student who resides in campus-owned or operated housing has been reported as missing. PBH

Sex Offender Database – Changes the sex offender registry to list and make available for public view all prior convictions of crimes that would require registration under Megan’s Law. Current law only lists the most recent offense on the registry. PBH

Convicted Sex Offenders – Allows volunteer fire departments to screen current volunteers and applicants for sexual offense convictions and authorizes the termination of any current volunteer with a conviction for sexual offenses. LAW

Concealing a Body – Establishes Amanda Lynn’s Law, making it a class E felony to conceal, alter or destroy a human corpse that could be used as physical evidence in a pending or prospective official proceeding. PA

Stalking – Adds the unauthorized tracking of an individual, with a GPS or other device, to the crime of stalking in the fourth degree. LAW

Public Lewdness – Creates the crime of public lewdness in the first degree and increases the penalties from a Class B misdemeanor to a Class A misdemeanor when a person 19 or older intentionally exposes a private or intimate body part in the presence of a child under the age of 16. LAW

ECONOMIC DEVELOPMENT

Manufacturing Tax Breaks – Provides a statewide property tax credit, 20 percent of a manufacturer’s property tax costs, for qualified manufacturers beginning in fiscal year 2015-16. Eliminates the net income basis for calculation of the corporate franchise tax for qualified manufacturers by dropping the calculation to zero percent. Additionally, it establishes a phase-out of the capital basis for calculating the tax and eliminates it by the year 2021. LAW

Brownfield Cleanup Program – Extends the Brownfield Cleanup Program, which provides tax credits to developers who clean up polluted properties and put them back on the tax rolls for commercial use, until March 31, 2017; appropriates \$100 million for the State Superfund Program for 2014-15; and authorizes the State Superfund Program until March 31, 2017. PBH

Green Energy Systems – Extends a real property tax exemption for solar, wind and energy systems until 2025. It also defines the start of construction for such systems as the execution of an interconnection agreement with the utility company and requires written notification to the local jurisdiction by the owner or developer. PBH

Craft Alcohol – Amends the Alcoholic Beverage Control Law to assist the growing craft brewery and alcohol beverage industry. PBH

Small Businesses – Creates a directory of state, federal, private and not-for-profit technical and financial programs available for small businesses and minority and women-owned businesses. PA

Energy Assistance – Establishes the energy assistance and advocacy services program for small businesses to access programs that will help save on energy conservation, energy efficiency and renewable energy through public and private resources. PA

ENVIRONMENT

Outdoors Gift Cards – Creates gift cards for fishing and hunting licenses to promote sales and increase revenue for the state. PBH

Invasive Species – Authorizes directors of soil and water conservation districts to implement preventative and control measures to stop the spread of aquatic invasive species, which threatens the state’s natural environment and native species. PBH

Transporting Crude – Limits the storage and transportation of oil through the state and requires companies that store tar sands or Bakken crude oil in New York to carry adequate liability insurance for cleanup and decontamination. PA

FAMILIES & SENIORS

Child Care Products – Prohibits the use of TRIS (1,3-dichloro-2-propyl) phosphate, TDCPP, in certain child care products. PBH

Unsafe Baby Cribs – Bans the use of non-compliant cribs that do not meet applicable safety standards in certain childcare facilities and places of public accommodation. This new state law conforms to the federal regulation. LAW

Home Care Services – Allows continuing care retirement communities to offer various levels of home care services to individuals based on the needs of the senior(s) in the home. PBH

Grand Jury Proceedings – Allows a social worker or informal caregiver to be present and give care to a vulnerable elderly victim when that person testifies in a grand jury proceeding. PBH

HEALTH & WELLNESS

Pharmaceutical Disposal – Requires the Department of Environmental Conservation, in consultation with the State Police, to establish a one-year demonstration drug disposal program in at least three publicly-available State Police facilities to encourage the proper disposal of drugs. PBH

Prescription Refills – Prohibits pharmacies from automatically delivering new or refilled prescription medications to patients without their consent or the consent of an authorized individual on their behalf in order to reduce medication waste, enhance cost control and provide consumer protection. PBH

Medical Marijuana – Allows health care practitioners to prescribe medical marijuana to patients battling certain debilitating illnesses. Limits the prescribed to oil-based extracts, pills, edibles and vaporized forms. Also imposes penalties on anyone attempting to defraud the program, and makes it a felony for a practitioner to prescribe marijuana when there is no medical need. LAW

Removing a Health Care Agent – Permits a court to remove the authority of a health care agent or surrogate to make medical decisions for a beneficiary if the agent or surrogate is subject to an order of protection against a beneficiary, or has been arrested or criminally charged with an act that caused the beneficiary’s incapacitation. LAW

Increasing Opioid Awareness and Prevention – Creates a heroin and opioid addiction awareness and education program through public forums, social media and mass media materials, which lists the risks associated with abuse and misuse of heroin and opioids, how to recognize signs of addiction and the resources available for those needing assistance with addiction. LAW

Treatment for Addiction – Creates a new model of detoxification and transitional services for individuals seeking treatment for heroin and opioid addiction that uses short-term residential and peer-supported services. LAW

Substance Abuse Education – Directs the Commissioner of Health to make recommendations about health education regarding alcohol, tobacco, and other drugs to the state Board of Regents beginning December 1, 2014 and every three years after that to ensure school curriculum is teaching the most up-to-date information about the misuse of drugs and alcohol. LAW

Criminal Sale of Prescription Drugs – Makes the criminal sale of a controlled substance or prescription by a practitioner or pharmacist as a class C felony when he or she knowingly and unlawfully acts in a manner other than in good faith in the course of his or her professional practice. LAW

PUBLIC SAFETY

Aircraft – Prohibits directing the beam of a laser at an aircraft, or in its flight path, and establishes the offense as a class A misdemeanor or a class E felony. LAW

Child Abuse – Expands the list of mandated reporters for reporting suspected child abuse and maltreatment to include school coaches. PBH

Volunteer Emergency Services – Amends the Volunteer Firefighters’ Benefit Law and the Volunteer Ambulance Workers’ Benefit Law to allow for coverage when a volunteer is injured in the line of duty before an “officer in command” arrives at the scene. PBH

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VETERANS

Twin Cities Memorial Highway – Rededicates the Twin Cities Memorial Highway as the “Twin Cities Vietnam Veterans Memorial Highway” to more specifically honor military personnel from the Cities of Tonawanda and North Tonawanda who died in Vietnam. LAW

Veteran Owned Business – Enacts the Service-Disabled and Veteran-Owned Business Act, which establishes a program to certify eligible businesses operated by service-disabled veterans and creates a six percent state contract goal for certified businesses. LAW

Veteran Identification – Waives the state photo fee of \$12.50 for veterans amending their New York State driver license, permit or

non-driver identification card, prior to the date of renewal, to indicate their status as a veteran. PBH

Helping Children of Military Families – When military families are transferred to a duty station in New York State, they face numerous challenges when they enroll their children in schools. The same is true for guardians who care for minor children when both parents are deployed. With the passage of the interstate Compact of Education Opportunities for Military Children, New York joined 48 other states in making it easier to enroll military children in schools and transfer course credit records between school districts and other states. PBH

Brownfield Cleanup Program Extended

The Brownfield Cleanup Program remediates brownfield sites by removing dangerous toxins and puts unusable land back on the tax rolls through tax credits awarded to developers who clean up polluted properties for commercial re-use and create jobs.

In Western New York, 53 sites have benefited from this program over the years, including the Remington Rand site in North Tonawanda and the recently announced RiverBend project in South Buffalo. Across the state, more than \$7 billion in private development has occurred because of the Brownfield Cleanup Program. However, it was set to expire on March 31, 2015, and the resulting uncertainty meant new projects were less likely to be undertaken.

In legislation I co-sponsored that was passed by both houses at the end of the regular Legislative Session, the program will be extended until March 31, 2017. The state Department of Environmental Conservation’s Superfund Program was also increased by \$300 million.

Had no action been taken, and the Brownfield program stayed on course to sunset as planned, we would have effectively blocked the entry of new development projects into the program because it takes on average three years to obtain a certificate of completion in order to receive the tax credits. The certificate can only be issued after a property is cleaned up and put into commercial use.

I am very pleased that we were able to extend the program, because the Brownfield Cleanup Program has proven to be a critical tool for Western New York economic development, as it is used to attract development to our region, in addition to promoting environmental remediation.



EXTENDING THE BROWNFIELD CLEANUP PROGRAM - Assemblyman Schimminger discusses the economic and environmental impact that the Brownfield Cleanup Program has had on the Western New York region during a June press conference held at Hydro-Air Components Inc. in Buffalo. Business leaders, including Laura Smith, Vice President of Regional Development at the Buffalo Niagara Partnership, Brian Sampson, Executive Director of Unshackle Upstate and Tom Kucharski, President and CEO of Buffalo Niagara Enterprise, joined members of the Western New York Legislative Delegation urging action to extend the program. The State Legislature subsequently passed the legislation that will continue the program until March 2017.

Progress at the Peace Bridge

The cross-border spat that nearly erupted into a full-blown international incident last year over planned improvements at the Peace Bridge border crossing had some New York State officials calling for an end to the bi-national authority that owns and operates the 87-year-old span. Thankfully, cooler heads ultimately prevailed and significant progress has been able to continue towards easing back-ups on the bridge and its congested U.S. plaza.

The Buffalo and Fort Erie Public Bridge Authority (Peace Bridge Authority) has been working diligently on several projects aimed at moving traffic on and off the bridge and U.S. plaza more rapidly. The first phase of a \$13 million U.S. Approach Widening Project was completed last October even before the Governor vetoed the dissolution legislation in December. The second and final phase is now underway and should be completed by the fall. The project provides additional approach space for U.S. bound vehicles through a widening of the bridge deck feeding into the U.S. plaza’s inspection booths. The completed project will facilitate traffic flow and alleviate congestion on the existing plaza by providing better NEXUS lane access, adding queuing space for passenger vehicles during special events and busy times, and increasing efficiency by separating commercial and auto traffic.

A second project will modernize the 60-year-old U.S. Customs Commercial Inspection Building located on the westerly side of the plaza’s footprint. Work started this spring on renovation and expansion of the structure, which will make it more efficient and help ease secondary inspection back-ups.

Although situated on the Canadian side of the border, a Phase Two Commercial Pre-Inspection Pilot will actually serve to ease congestion on the U.S. plaza by pre-inspecting a sampling of U.S. bound trucks in Fort Erie before they cross the bridge. The pilot is being conducted as a partnership between the U.S. Department of Homeland Security, Canada’s Ministry of Public Safety and Emergency Preparedness, and the Peace Bridge Authority. Many public officials on both sides of the border have long championed the pre-inspection concept, as it provides an innovative, technology-driven solution to border management. It was recently tested successfully as a Phase One pilot at a busy border crossing between Washington State and British Columbia. If it is able to be fully implemented beyond the pilot phase, all truck pre-inspections will be moved to the Fort Erie side, providing real, immediate and much-needed congestion relief on our side of the bridge.

As part of the pilot, the Peace Bridge Authority completed construction of a secure, interim U.S. Customs and Border Protection pre-inspection facility on the expansive Canadian plaza in Fort Erie this past January. All pilot test processing is being done at primary commercial inspection booths with a “go/no go” message for each truck transmitted to an enforcement booth on the U.S. side. After crossing the bridge, the selected trucks are either released or sent to x-ray, secondary inspection or for customs broker assistance. Since more than 90 percent of commercial traffic is “line-released” in the process and does not require any type of additional processing, a full implementation of the concept at the Peace Bridge would have very positive impacts on vehicle congestion, circulation and current space flexibility on the much smaller U.S. plaza.

In addition to these Peace Bridge Authority initiatives, more good news arrived from the nation’s capital this spring with the announcement that U.S. Customs and Border Protection will be increasing the number of agents along the U.S.-Canada border in the coming months. With average wait times at inspection booths nearly doubling from fiscal 2012 to 2013, the anticipated 100 new agents at the Peace Bridge will also help reduce back-ups and frustration for motorists heading into the U.S.

Finally, in June the Federal Highway Administration approved the N.Y.S. Department of Transportation’s plans to reconfigure the connecting ramps linking the U.S. plaza with the Niagara Thruway (I-190). Not only will the \$50 million NY Gateway Connections Improvement Project improve traffic flow and commerce between New York and Canada and reduce the amount of bridge traffic using local streets on Buffalo’s West Side, it also will allow for the restoration of the city’s Frederick Law Olmsted designed Front Park. The Gateway Connections project involves constructing a new ramp providing more direct access from the bridge plaza to I-190 northbound and for I-190 traffic heading to the bridge from either direction. It will also remove Baird Drive from Front Park, replacing it with a new access point for local traffic that no longer infringes on the park and that eliminates confusing and hazardous traffic patterns on the plaza that have inbound and outbound traffic crossing paths. Several pedestrian and bicycle enhancements include a new Niagara Riverwalk bridge spanning I-190 that will incorporate an observation deck area overlooking the river. NYSDOT expects to let the project out for bid this summer, with construction beginning by the end of this year and expected to last two construction seasons.

After two decades of failed plans marked by lawsuits, delays, disappointment and finger-pointing, it’s a relief to finally have some good news to report about the Peace Bridge.

State Grants Around the 140th Assembly District

Over the course of the past year several state grants have found their way to the 140th Assembly District for purposes from library renovation to environmental conservation and business expansion.

The City of North Tonawanda received several grants at the end of 2013. The Canalway grant program provided \$144,707 for an extension of the Erie Canal Bike Path which will add 1.1 miles of waterfront access to the existing path. The Gratwick Marina received \$208,125 for new docks, utilities and other landscape improvements from the state Local Waterfront Revitalization Program.

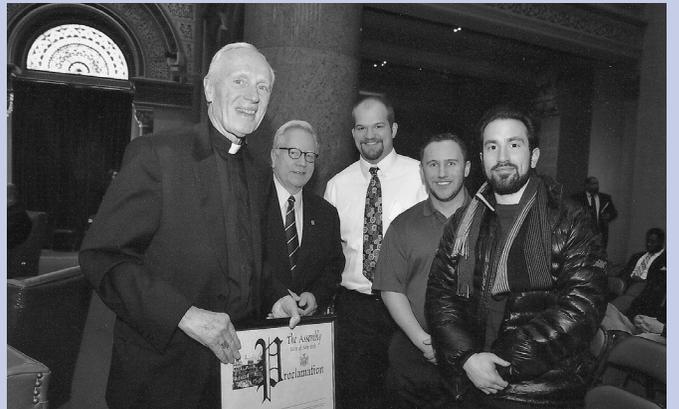
The New York Main Street Program provided \$200,000 to the Lumber City Development Corporation for both commercial and residential renovations of mixed-use buildings on Oliver Street. The Carousel Society of the Niagara Frontier received a total of \$201,675 from the Canalway Matching Grant Program and Empire State Department to restore the Allan Herschel Office Building of the Herschel Carousel Factory Museum. Lastly, the Council on the Arts awarded \$42,343 to the Riviera Theatre for a new digital projector, power supply, and electrical upgrades.

In May of 2014, the New York Power Authority Trustees approved a Western New York Power Proceeds Allocation of \$570,000 to Nexus Natural Gas in the Town of Tonawanda. The money is currently being used to help fund the construction of a new Compressed Natural Gas (CNG) fueling station for Nexus, which is a partnership of seven companies in the town. Praxair recently received \$8 million in tax credits through the Excelsior Jobs Program and a \$2 million capital grant to expand and modernize its technology center in the Town of Tonawanda.

In June, four public libraries in the 140th Assembly District received state grants for various uses. In the Town of Tonawanda, the Kenilworth and Kenmore libraries received \$30,263 and \$87,375 respectively to improve both buildings' energy efficiency through upgrades to the heating and cooling systems. Similarly, the City of Tonawanda Public Library also received \$29,546 for the improvement of its HVAC System. And, the North Tonawanda Public Library

was awarded \$9,515 for the installation of a new electronic sign which will improve its communication with the public.

Also in June, the Riverside Apartments on Ontario Street in Buffalo had its grand opening. The 68-unit affordable housing development is completed in large part because of a \$3.25 million award it received through Western New York Regional Economic Development Council funding. The project created more than 350 local construction jobs and 40 new, permanent jobs.



LOBBYING FOR THE EDUCATION INVESTMENT TAX CREDIT – Retiring Albany Bishop Howard Hubbard and local Catholic seminarians Christopher Emminger, of Tonawanda, Andrew Simpson, of North Tonawanda, and Robert Contarin, of Tonawanda, visited with Assemblyman Schimminger in the Assembly chamber and expressed their support for legislation he co-sponsors that would create the Education Investment Tax Credit, which offers tax credits for donations to public education entities, local educator funds, school improvement groups and educational scholarship organizations.

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THANKING THOSE WHO HELP OUR TROOPS ABROAD – Assemblyman Schimminger and members of the Western New York Delegation, from left, Assemblywoman Jane Corwin, Assemblyman John Ceretto, Assemblywoman Crystal Peoples-Stokes, Assemblyman Ray Walter and Assemblyman Micky Kearns, thanked Joseph Hanna, President and founder of “Bunkers in Baghdad,” and United States Army Armor Officer Josh Beams (back row, middle left) during their recent visit to the Assembly Chamber. “Bunkers in Baghdad” is a not-for-profit charity that supplies golf equipment to active-duty and wounded U.S. soldiers to help with rehabilitation from injuries.