



Assemblyman

Robin Schimminger

Reports to You

Dear Friend,

Every year, thousands of bills embodying a vast array of proposals are considered during the course of the regular legislative session, but only a fraction of those receive enough support to be enacted into law. I've tried to provide you with a brief sampling in this report of some of the 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 some successes. Progress has been made in Albany to affect changes in ethics reform. Another development is legislation that addresses the rampant problem of abandoned or disheveled "zombie" homes throughout the state. Additionally, sweeping changes were made to make treatment for those addicted to opioids more readily available. I am also pleased to have secured state funding for several nonprofits and municipalities in the 140th district. I hope you will find this report informative, and as always, I welcome your views on these or any other issues that may interest you.

Sincerely,

Ethics Reform Package Aims to Bring Transparency, Trust to Albany

New Yorkers deserve both an effective and ethical government so that they have the confidence that their interests are truly put first. To that end, I'd like to share with you some highlights from the ethics reform package passed by the Assembly and Senate during the closing days of the regular legislative session in Albany.

The package includes measures that toughen election, lobbying and ethics enforcement laws, including first-in-the-nation legislation to curb the power of independent expenditure campaigns. While more remains to be done, these reforms are a step forward in bringing more transparency, trust and faith to state government.

The adopted five-point plan includes independent expenditure reforms. Under this reform, independent spending groups may not be formed by candidates or run by the candidate's family members or former staffers. It also requires independent spenders to report the identity of anyone exerting control over the group, as well as any former staffers and immediate family members of candidates. This bill institutes the strictest anti-coordination law in the nation.

The reform package also includes pension forfeiture. Any public officer convicted of corruption would be prohibited from collecting a pension earned during public service. Public officers who violate their duty should not continue to be paid by the people of New York. The Legislature ad-

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Legislation Tackles Heroin, Opioid Crisis

Western New York, like many other areas throughout the state, has been hit hard by the heroin and opioid addiction crisis. While this is a far-reaching and difficult problem to solve, I'm committed to doing everything I can on the state level to tackle this issue.

The governor recently signed into law several pieces of legislation I helped pass to address the heroin problem. The measures help educate patients and doctors about the dangers of prescribed opioids, help ensure individuals are connected with treatment after they detox and allow social workers and certain other licensed professionals to administer Narcan — a drug that counteracts an opioid overdose — in an emergency.

Specifically, the legislation will remove barriers to access for inpatient treatment and medication. It will do this by ending prior insurance authorization to allow for immediate access to inpatient treatment; allowing for greater access to drug treatment medications; requiring all insurance companies to use objective state-approved criteria to determine the level of care for individuals suffering from substance abuse; and mandating insurance coverage for opioid overdose-reversal medication.

Additionally, the legislation enhances addiction treatment services. It does this by increasing evaluation for individuals incapacitated by drugs from 48 to 72 hours; requiring hospitals to provide follow-up treatment service options to individuals upon hospital discharge; allowing more trained professionals to administer life-saving overdose-reversal medication; and expanding wraparound services to support long-term recovery.

Lastly, the legislation strengthens community prevention strategies. It does this by reducing the prescription limits for opioids; requiring ongoing education on addiction and pain management for all physicians and prescribers; mandating pharmacists to provide easy to understand information on risks associated with drug addiction and abuse; and requiring data collection on overdoses and prescriptions to assist the state in providing additional protections to combat this epidemic.



EXPRESSING THANKS

Public officials and community leaders come together to celebrate a \$30 million fund included in the final 2016-17 state budget to help localities when power plants, such as Huntley, close. Pictured are Maria Whyte, left, deputy county executive; Richard Lipsitz, president of the Western New York Area Labor Federation; Dawn Mirand, superintendent of the Kenmore-Town of Tonawanda School District; Assemblyman Schimminger; Peter Stuhlmiller, president of the Kenmore Teachers Association; Joseph Emminger, supervisor of the Town of Tonawanda; and Rebecca Newberry, executive director of the Clean Air Coalition of WNY.

LEGISLATIVE HIGHLIGHTS

As in the past, I wanted to take this opportunity to report to you on several of the special bills we took up in Albany during this legislative session in which constituents have indicated an interest. At the time that this report went to print, out of the 679 bills that were passed by both houses, the Governor had signed 238 into law and had vetoed 3.

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

CONSUMERS

Vehicle Tires – Provides that no motor vehicle repair shop may repair a tire that would not pass New York State inspection. **PA**

Spoofing – Prohibits businesses from “spoofing” consumers. Spoofing is the transmission of false caller identification information with the intent to defraud or harass any person. **PA**

Utilities – Creates the State Office of the Utility Consumer Advocate to represent consumers’ interests in residential utility matters at the state and federal level. **PA**

Magazine Subscriptions – Requires that every publisher of a magazine sold by subscription shall include a customer service telephone number on the billing statement or billing invoice of each magazine mailed pursuant to subscription. **PA**

Zombie Properties – Creates a statewide registry of abandoned properties and imposes a duty on mortgagees and their loan servicing agents to report these properties to the registry and take pre-foreclosure action to identify, secure and maintain the properties. **LAW**

Medicine Price Gouging – Prohibits medicine price gouging, an unscrupulous business practice involving lifesaving drugs that are in short supply and exorbitantly priced that then become unaffordable for patients fighting serious illnesses. **PA**

Ticket Scalping – Increases civil penalties for individuals who knowingly resell or offer to resell tickets purchased with ticket “bot” software. **PBH**

TAXES AND ECONOMIC DEVELOPMENT

Middle Class Tax Cut – Enacts a middle class tax cut that lowers income tax rates and, when fully phased in, will save Western New York taxpayers a total of \$225 million. **LAW**

Hiring Veterans – Continues the Hire-A-Vet tax credit an additional two years through 2018, giving businesses an incentive for hiring veterans. **LAW**

Prompt Payment – Implements an effective system to ensure that small businesses are paid within 15 days of a state agency receiving an invoice for certain payments. **LAW**

Restore NY – Enhances the Empire State Development Corporation’s ability to utilize the Restore New York’s Communities Initiative funding by allowing reconstructed buildings in eligible locations to be used in a manner different from the use of the previously existing building at the same location. **LAW**

Online Lending – Provides for the development and implementation of a Small Business Online Lending Education and Outreach Campaign on the potential costs associated with obtaining loans from online marketplace lenders. **PBH**

Centers of Excellence – Restores funding for the state’s Centers of Excellence which enable colleges, universities and research institutions to secure R&D funding that will lead to new business and job creation. **LAW**

ENERGY AND ENVIRONMENT

Renewable Energy – Encourages the installation of micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage equipment and systems by extending to those systems eligibility for certain real property tax exemptions available under existing law for solar, wind and farm waste energy systems. **PA**

Utility Suppliers – Prohibits unauthorized changes in suppliers of natural gas or electric service and establishes additional enforcement methods. **PA**

Clean Vehicle Charging – Incentivizes the purchase and use of electric vehicles, plug-in hybrid vehicles and hydrogen vehicles by requiring the state’s largest electric utilities to offer a rate structure for vehicle battery charging. **PA**

Fossil Fuel Plants – Increases funding for the Fossil Fuel Plant Closure Fund to \$30 million to assist localities and school districts dealing with the loss of property tax revenue as power plants, like the Huntley plant in Tonawanda, cease operations. **LAW**

Fuel Sales Tax Exemption – Extends alternative fuel tax exemptions for another five years and creates a commercial fuel cell sales tax exemption. **LAW**

HEALTH

Autism Advisory Board – Creates an Autism Spectrum Disorder (ASD) Advisory Board that would be required to submit a report annually that will include recommendations aimed to improve upon

current ASD supports and services and interagency coordination of such activities. **PBH**

Lead Testing – Requires testing of the water in public school buildings to monitor for lead contamination. **PBH**

Bill of Rights – Creates a bill of rights for family and guardians of people with developmental disabilities who reside in residences certified or approved by the Office for People with Developmental Disabilities. **PA**

Sleeping Newborns – Requires hospitals and birth centers to provide information on safe and unsafe sleeping practices and make available to each maternity patient and father of a newborn a video presentation on unsafe and safe sleeping practices for newborns. **LAW**

Home Calls – Authorizes hospital out-patient clinics and Diagnostic and Treatment Centers to render services to patients by means of making house calls to their place of residence. **PA**

Unused Medications – Allows authorized health care facilities to donate unused prescription medications, in tamper-evident packaging, for re-dispensing by a pharmacist or prescriber to uninsured and underinsured New Yorkers. **PBH**

Auto-Injectors – Authorizes, but does not mandate, public venues such as restaurants, youth organizations, sports leagues, theme parks, sport arenas, day care and educational facilities to stock and administer epinephrine auto-injectors in an emergency to individuals who appear to experience anaphylactic symptoms. **PBH**

Tick-Borne Diseases – Directs the Commissioner of Education in collaboration with the Commissioners of Health and Environmental Conservation to develop instructional tools and materials to assist in the education and awareness program to protect children from Lyme and other tick-borne diseases. **LAW**

Peter Falk’s Law – Protects the rights of relatives of a person currently under a guardianship. It requires the court in the initial guardianship order to identify persons entitled to receive notice of the incapacitated person’s death, funeral and burial arrangements, if the person is transferred to a medical facility. **LAW**

Disaster Medication – Requires that the State Disaster Preparedness Plan make provisions to ensure that medical supplies and medication can be delivered to pharmacies, hospitals and nursing homes located within an area declared a disaster area. **PBH**

Superfund – Allows personal injury actions arising from exposure to chemicals or other substances contained within an area to be commenced within three years of that site’s designation as a state or federal superfund site. **LAW**

Organ Donation – Requires that applicants for health insurance offered through the State Health Benefit Exchange be provided space on their application for such insurance to register for organ, eye and tissue donations. **LAW**

Lauren’s Law – Extends for an additional 4 years, the provisions of Lauren’s law that allows driver’s license applicants to elect to register in the Donate Life Registry for organ and tissue donation. **LAW**

Age of Consent – Allows New Yorkers age 16 or older who wish to consent to donate the ability to enroll in the New York State Donate Life Registry, while preserving the parent’s ability to give final authorization should the under aged individual be considered for organ, eye or tissue donation. **PBH**

CRIME

Business Crime Prevention – Establishes the Small Business Crime Prevention Services Program to provide small businesses with information on strategies, best practices, training and assistance in prevention of crimes in and around the premises of small businesses or otherwise affecting small businesses. **PA**

Missing Children – Clarifies provisions that authorize faster access to child abuse records when the child is missing and authorities believe a parent, guardian or sibling may be involved. **LAW**

DWI/BWI – Improves highway and marine vehicle safety by requiring judges to take into account prior convictions for Driving While Intoxicated (DWI) when sentencing someone convicted of Boating While Intoxicated (BWI). **PBH**

Child Abuse – Allows students to self-report abuse if they are being abused and requires the child abuse hotline in schools. **LAW**

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OTHER

School Aid – Provides \$24.8 billion in school aid statewide, the highest amount ever. **LAW**

Veteran Services – Requires the State Division of Veterans Affairs to establish, operate and maintain a free mobile app for accessing veteran benefit information. **PBH**

Veteran Fact Sheet – Mandates the State Division of Veteran Affairs to create a fact sheet listing all contact information for state and federal integrated veterans' service programs. **LAW**

GEA Elimination – Fully eliminates the gap elimination adjustment, a fiscal gimmick that reduced state aid to school districts. **LAW**

Military Spouses – Provides for the expedited review and licensing of military spouses with out-of-state professional licenses in equivalent occupations. **PBH**

Raffles – Increase the amount that may be awarded by raffle from one to three hundred thousand dollars for single prizes and from two to three million dollars in the aggregate during a licensing period. **PBH**

Buffalo Parking – Allows the City of Buffalo, upon adoption of a local law or ordinance, to provide for a residential parking permit system in the vicinity of the Buffalo Niagara Medical Campus. **LAW**

Research Animals – Requires publicly funded animal research facilities to seek adoption for those research dogs and cats not required to be euthanized when testing is complete through private placement or a non-profit animal rescue and shelter organization. **PBH**

Legislation Addresses 'Zombie' Properties

We've all heard of the phrase "zombie property." It refers to a home that is stuck in limbo. Perhaps a foreclosure has been initiated by a mortgage holder, but it hasn't been completed. Because no one's taking care of it, not the original homeowner or the lending institution, it's considered a "zombie." There were 16,701 zombie properties in the state, as of data collected in 2014, and nearly 800 in Erie County alone.

Maybe you live near one of these properties. They're often unkempt, an eyesore for the whole neighborhood. These homes are sometimes boarded up and occasionally even inhabited by squatters. When a vacant and abandoned property is not maintained for an extended period of time, there can be a decline in the community's real estate market and property tax base. Additionally, there is an increased likelihood of crime in and around the property.

New state legislation we adopted, now signed into law by the governor, is intended to fight zombie properties in municipalities statewide. The new law requires lenders to take quicker action to identify, secure and maintain abandoned homes. It is intended to help community residents and municipalities throughout the state better address the growing problem of vacant and abandoned residential properties.

This legislation creates a statewide registry of the properties, managed by the state Department of Financial Services, and requires banks and mortgage lenders to report them. It requires periodic inspections to determine whether properties have been abandoned. It also creates a new fund to provide aid to municipalities in their enforcement of the act. It requires financial institutions to maintain properties that are in this process, with a fine of up to \$500 per

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Ethics Reform Package Aims to Bring Transparency, Trust to Albany

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opted a joint resolution I co-sponsored to amend the state's Constitution that would require this pension forfeiture if any legislator or policymaker is convicted of a crime related to their public office, regardless of when the policy maker entered service or when the legislator was elected to office. This constitutional amendment requires a second passage next year and approval by the voters in November of 2017.

This agreement also includes provisions to overhaul the state's lobbying, ethics and public officer's law. It will strengthen disclosure requirements for lobbyists and increase penalties for lobbying violations by requiring lobbyists to relinquish profits earned from illegal contingency fee arrangements.

The package requires 501(c)(4) organizations, entities that can engage in unlimited lobbying, to disclose financial support and in-kind donations from 501(c)(3) organizations, which are not permitted to engage in political activity. This reform prevents such organizations from corrupting the political process and using funds that are not intended for political purposes. It also requires 501(c)(4) organizations to disclose their sources of funding if they engage in activities to influence electoral politics using issue advocacy.

A major disappointment, however, was the failure to come to an agreement on closing the LLC loophole. Several years ago, the state Board of Elections ruled that LLCs (limited liability companies) are subject to the same campaign contribution limits as individuals, rather than the much lower limits that apply to corporations. In May, the governor proposed an eight-point legislative package to close this LLC loophole for contributions to candidates for various combinations of statewide and state legislative offices.

We in the Assembly had already passed an LLC loophole closure bill last year. This year, we incorporated this legislation into our proposed one-house budget for 2016-17 that we passed in March, and we again passed our freestanding LLC loophole closure bill on June 16. As a co-sponsor of this measure, I remain hopeful that the Senate will follow suit and also pass this much-needed reform during next year's session.



LOOK MA' NO HANDS!

Assemblyman Schimminger enjoys "driving" a fully automated SUV recently at one of the University at Buffalo's North Campus parking lots. The vehicle was provided by Southwest Research Institute, a nonprofit headquartered in San Antonio, Texas, that develops

automated vehicle technology for military and civilian applications. The UB School of Engineering and Applied Sciences hosted the event, and, in addition to experiencing the state-of-the-art vehicle technology first hand, the assemblyman also toured the Engineering School's new motion simulation laboratory.

Funding Secured for District Municipalities, Organizations

During the past year, I have been able to secure several state legislative capital grants for municipalities and organizations in the 140th Assembly District for various purposes. I am always happy when I can facilitate funding for local governments and nonprofits in our community.

The City of Tonawanda received two legislative grants, including \$410,000 to purchase a new fire truck and \$125,000 to replace other outdated equipment. The first Assembly grant will allow the city to replace an existing fire truck, which was purchased in 1979. The additional state legislative grant for \$125,000 will be used for a number of new equipment purchases. These include the following: \$18,000 for a new Bobcat skid steer loader; \$29,000 for a new Department of Public Works fork lift; \$30,000 for a new Parks and Recreation Department vehicle; \$15,000 for an upgraded security system at the Niawanda Park Pavilion; and \$33,000 for 16 sets of new personal protective equipment for the Fire Department.

The Town of Tonawanda received another \$500,000 that will be used for a variety of equipment purchases and facility upgrades throughout the town. The Police Department will be using \$88,000 of the funds to purchase a backup computer system for body cameras that will be worn by police officers, a necessity to the implementation of the cameras, which were acquired through another grant I secured. Additionally, four console units will be purchased at a cost of \$86,000, including installation, for the department's emergency

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Legislation Addresses 'Zombie' Properties

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property per day for those that don't. It also authorizes municipalities to enforce the maintenance provisions of the law. Additionally, a toll-free hotline (1-800-342-3736) is in place to allow the public to report on and request information on these homes.

Under the law, courts will provide homeowners in foreclosure with a consumer bill of rights, ensuring homeowners are aware of their right to continue living in their homes until the foreclosure is finalized. It also strengthens homeowners' protections during court proceedings and imposes financial sanctions against lenders who do not make good faith efforts to resolve mortgage foreclosure actions.

Together, these safeguards will help stabilize our communities, prevent zombie homes from lowering neighborhood property values and provide key protections for homeowners facing foreclosure.

Funding Secured for District Municipalities, Organizations

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dispatch system. In addition, Sheridan Park will be seeing improvements through the funding. The park's ball diamonds will be receiving new backstops, fencing, dugouts and warm up boxes at an estimated cost of \$39,000. Also planned is the demolition of two small shelters at Aqua Lane Park so that one large shelter can be constructed, a project estimated to cost \$26,000.

Lastly, the Town of Tonawanda Highway Department will be hiring a contractor to replace a number of sidewalks within town right-of-ways. The sidewalks, many of which have been damaged by tree roots, are a hazard to pedestrians. New sidewalks will make the town safer for pedestrians and encourage residents to use them. This project is estimated to cost \$261,000.

Other funding I've secured includes the following: \$140,000 for building renovations at the Boys and Girls Clubs of the Northtowns' Town Club and Newnan Family Club facilities; \$125,000 for new entrance doors and brick restoration work at The Riviera Theatre; \$255,000 for the Village of Kenmore's Elmwood Avenue sidewalk/bike path project and Department of Public Works equipment; \$150,000 for improvements at the Riverside Park football field; \$250,000 for the renovation of a surgical suite at Kenmore Mercy Hospital; and \$250,000 for the renovation of special care unit rooms at DeGraff Memorial Hospital.

MINGLING WITH CONSTITUENTS

The assemblyman talks with constituents after a recent ceremony at Kenney Field honoring resident combat veterans of the Iraq, Afghanistan and Gulf Wars. He is pictured with Lori Clunie, who accepted certificates on behalf of her two sons,

Joseph Michael Clunie, now deceased, a lieutenant commander who served with the Navy in Iraq, and Thomas Patrick Clunie Jr., who served as a captain with the Air Force. To the assemblyman's right are residents Sally Maglietto and Donna Browning. At the ceremony, thirty-nine veterans were honored with certificates given by town officials.



Fall 2016

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SPECIAL VISITORS

Assemblyman Schimminger regularly meets with a mix of people in his Albany office. Here he is pictured with Buffalo resident Darryl Williams, the Northtowns Boys & Girls Clubs Youth of the Year honoree. Also pictured are Erica Ross, left, who works for Brookdale West Side Rochester, and standing are Kathryn Burzynski-Barracough, of Brookdale Senior Living in Kenmore, and Amy Rist, of Brookdale Senior Living in Brockport.