

Buffalo Niagara Partnership State Legislature Candidate Questionnaire 2008

Candidate Name Assemblyman Robin Schimminger

District 140th Assembly District

E-mail Address schimmr@assembly.state.ny.us

PLEASE COMPLETE AND RETURN TO:

Buffalo Niagara Partnership
665 Main Street, Suite 200
Buffalo, NY 14203
(716) 852-7100
Fax – (716) 852-2761
Email – garonow@thepartnership.org
www.thepartnership.org
Attn: Glenn Aronow
Director, Government Relations

This document is necessary for consideration of support by the Partnership and may be used for future voter education purposes.

Campaign Information

Campaign Manager Thomas Fischer
Campaign Address PO Box 65, Tonawanda, NY 14151-0065
Campaign Phone (716) 536-7354
Campaign Fax n/a
Campaign Committee Name Citizens for Schimminger
Communications Director Sandra Marchione
Web Site Address robinschimminger.com
Party Affiliation Democratic
Party Endorsements Received Democratic, Independence, Conservative

Candidate Information

Current employment New York State Assemblyman

Name of employer (if applicable) n/a

Employer address: 3514 Delaware Ave., Kenmore, NY 14217

Have you ever been elected or appointed to public office?

Yes No

If yes, years of service and office(s) 1974-76, Erie County Legislature;

1977-Present, New York State Assembly

If no, have you ever run for an elected office?

Yes No

Election year and office(s) _____

If you are (re) elected to office, list your top three priorities for your first/next term and why:

1. Enact a state revenue limitation constitutional amendment.

2. Oppose and avoid tax increases.

3. Amend the 2008 Wicks Law provisions to decouple PLA and apprenticeship provisions from Wicks exemption.

What is the top issue employers in your district are facing? _____

The cost of doing business in New York State.

If elected, on which committees would you most like to serve?

1. Economic Development, Job Creation, Commerce and Industry (current chairman)

2. Ways and Means Committee (current member)

Please see attached addendum for comments re questions.

NYS REGULATIONS		
Do you support legislation repealing or reforming NYS's Scaffold Law to allow juries to consider an employee's comparative negligence? If (re) elected, would you sponsor legislation repealing or reforming Scaffold Law? Comments: _____ _____	<input checked="" type="radio"/> YES	NO
Do you support legislation reforming NYS's Taylor Law to make a municipality's ability to pay the primary determining factor? If (re) elected, would you sponsor legislation to reform the Taylor Law? Comments: _____ _____	<input checked="" type="radio"/> YES <input checked="" type="radio"/> YES	NO NO
Do you support repealing NYS's Wicks Law? If (re) elected, would you sponsor legislation to repeal Wicks Law? Comments: _____ _____	<input checked="" type="radio"/> YES YES	NO <input checked="" type="radio"/> NO
FISCAL ACCOUNTIBILITY		
Do you support a cap on school property taxes at 4% or 120% of inflation, whichever is higher? Comments: _____ _____	<input checked="" type="radio"/> YES	NO
Do you support a cap on state spending? Comments: _____ _____	<input checked="" type="radio"/> YES	NO
Do you support Governor Paterson's efforts to cut state spending by \$2.6B in FY 2008 and 2009? Comments: _____ _____	<input checked="" type="radio"/> YES	NO
ECONOMIC DEVELOPMENT		
Do you support linking wage and apprenticeship requirements to economic development incentives? Comments: _____ _____	YES	<input checked="" type="radio"/> NO

<p>Do you support maximizing replacement and expansion power generated at the Niagara Power Project for use within a 30-mile radius of the NPP for economic development purposes? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>Do you support the use of Tax Increment Financing (TIF) as a means to spur brownfield remediation and redevelopment? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>Do you support the state's renewal of the Empire Zone program when it is due to expire in 2011? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>TAX REFORM</p>		
<p>Do you support changing the standard deduction for people 18-25 to encourage young NYers to stay in NY? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>Do you support legislation allowing student loan interest to be deducted from taxable income statewide? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>HEALTH CARE</p>		
<p>Do you support allowing self-employed individuals to deduct health care premiums from payroll taxes? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>Do you support allowing tax incentives for the purpose of health insurance? Comments: _____ _____</p>	<input checked="" type="radio"/> YES	<input type="radio"/> NO
<p>Do you support requiring employers to provide health coverage to their employees? Comments: _____ _____</p>	<input type="radio"/> YES	<input checked="" type="radio"/> NO
	<input type="radio"/> YES	<input checked="" type="radio"/> NO

<p>Do you support using a payroll tax or employer "fair share" fee to finance a health care insurance program/plan? Comments: _____ _____</p>		<p><u>NO</u></p>
LEGAL REFORM		
<p>Do you support tort reform legislation to protect small businesses from frivolous lawsuits? Comments: _____ _____</p>	<p><u>YES</u></p>	<p>NO</p>
LABOR ISSUES		
<p>Do you support lowering or eliminating the small business exemption (50 employees) to the Family and Medical Leave Act? Comments: _____ _____</p>	<p>YES</p>	<p><u>NO</u></p>
<p>Do you support legislation requiring employers to pay for employee sick leave? Comments: _____ _____</p>	<p>YES</p>	<p><u>NO</u></p>
<p>Do you support legislation requiring unions to notify its membership of their right to refuse to pay for union political activities? Comments: _____ _____</p>	<p>YES</p>	<p>NO</p>
<p>Do you support allowing family-time (comp-time) that gives private sector employees the ability to choose time off instead of overtime pay? Comments: _____ _____</p>	<p>YES</p>	<p>NO</p>

undecided

undecided

OTHER		
<p>UB2020 is the Partnership's #1 economic development advocacy priority for the job creation and business investment potential it brings to the Buffalo Niagara region. Will you support the state policy changes and allocation of resources necessary to help UB2020 accomplish its goals?</p> <p>Comments: _____</p>	YES	NO
<p>Do you support the "Millionaire's Tax"?</p> <p>Comments: _____</p>	YES	NO
<p>If (re) elected would you support legislation allowing a referendum for a state constitutional convention?</p> <p>Comments: _____</p>	YES	NO
<p>If (re) elected, would you sponsor such legislation?</p> <p>Comments: _____</p>	YES	NO
<p>Do you support expanding the "Restore New York" program to recognize smaller communities and communities that have experienced high levels of population loss and higher proportions of vacant and blighted property?</p> <p>Comments: _____</p>	YES	NO
<p>Do you support recapitalization of the NYSDEC Environmental Restoration Program?</p> <p>Comments: _____</p>	YES	NO
<p>Do you support reducing cities' reliance on state aid by allowing utilization of revenue opportunities that do not burden taxpayers, such as authorization for a red light camera system and elimination of the state practice of sharing certain locally generated revenue streams, for example, motor vehicle moving violations, marriage licenses and handicapped parking fees?</p> <p>Comments: _____</p>	YES	NO

List two reasons employers should support your campaign:

1. I measure every issue in Albany based on its positive or negative impact on our job creation climate.
2. My opponent is affiliated with and is the endorsed candidate of the Working Families Party.

If (re) elected, what specifically will you do to help increase private sector investment and jobs in Buffalo Niagara?

(Please feel free to attach additional pages)

In addition to my positions outlined throughout this
questionnaire, please see comments in the attached
addendum.

Signature of Candidate

9/29/08
Date

I understand that the Buffalo Niagara Partnership considers the responses to this questionnaire to be formal policy positions and maintains the right to disclose responses for education purposes.

Buffalo Niagara Partnership State Legislature Candidate Questionnaire 2008

Comments Addendum

Assemblyman Robin Schimminger

NYS REGULATIONS

Scaffold Law: I am the prime sponsor of A.3020 which establishes a comparative negligence standard as provided in CPLR §1411 with respect to actions for personal injury, property damage or wrongful death arising under Labor Law §240/241 for occurrences outside of the City of New York. I am also co-sponsoring A.2528 to enact the same reforms throughout the entire state.

Taylor Law: I am the prime sponsor of A.5958 to require a public arbitration panel to consider *above all other factors* the financial ability of the public employer to pay.

Wicks Law: The downsides of the Wicks Law, over time, have come to outweigh its upsides. Recent revisions have disadvantaged Upstate New York and enacted a Hobson's choice for public construction projects, especially Upstate. All legislative efforts should be focused on fixing the recent revisions to Wicks and enacting equitable exemption thresholds. I am the prime sponsor of A.11397, which would repeal §222 of the Labor Law which includes a total exemption from the Wicks Law where a project labor agreement (PLA) is implemented and where contractors and subcontractors on such projects participate in certain NYS Labor Department approved apprenticeship training programs. I voted against the Wicks "reform" package (A.9204 of 2007) when it was first passed by the Assembly as a free-standing bill last year due to the inclusion of the §222 provisions and the lower exemption threshold for Upstate.

FISCAL ACCOUNTABILITY

School property tax cap: I support the Governor's proposal and voted against the "circuit breaker" alternative embodied in A.11838 when it was passed by the Assembly during the recent special session.

State spending cap: I am the prime sponsor of A.2360 which would enact a constitutional amendment limiting the annual growth of state revenue.

Spending cut: Hopefully, the paradigm in Albany has changed from how much more can be spent to how and where can cuts be made.

ECONOMIC DEVELOPMENT

Wage & apprenticeship linkage: As noted above, I am the prime sponsor of A.11397 which would repeal the new Wicks Law provisions regarding PLAs and apprenticeship requirements.

I also consistently have voted against so-called IDA “reform” legislation that contains prevailing wage and apprenticeship mandates, such as S.8672/A.8703-A of 2008.

Expansion power: As chair of the WNY Assembly Delegation, I have spearheaded a request of our joint Delegation to Governor Paterson to direct the New York Power Authority to enter into immediate negotiations to extend Replacement Power and Expansion Power contracts for industrial customers throughout our region. I would note that I was the only member of the Assembly or Senate on either side of the aisle to vote against the 2005 law that sent up to 70 megawatts of low-cost unallocated replacement power to a Central New York dominated pool.

TIF: I am the prime sponsor of A.2358 which would allow for the inclusion of a school district’s real property taxes in the allocation of taxes available to pay bonds authorized and issued under the Municipal Redevelopment Law to expand the purposes for which proceeds of such bonds may be applied, to provide alternative sources for the payment of tax increment finance (TIF) bonds, and to clarify the process of allocation of taxes.

Empire Zone: Thousands of New York companies have relied on this program to survive and grow.

TAX REFORM

Standard deduction: I support such efforts to encourage young people to stay, work and raise their families here in New York State. But I must emphasize that my top tax reform priority is to reduce the cost of doing business in New York State.

Student loan interest: See previous comment.

HEALTH CARE

Self-employed health care premiums: I am the prime sponsor of A.6439-A which provides a personal income tax deduction for the cost of health insurance paid by the taxpayer during the taxable year for him/herself, his or her spouse if filing jointly, and each dependent of such taxpayer(s) under the age of 18 years. Also see following comment.

Health insurance tax incentives: I am the prime sponsor of A.2359 which would provide tax credits for small businesses providing health insurance benefits to employees. Specifically, it would give a credit of ten dollars per covered employee per month of the health insurance expense incurred by the taxpayer and would also allow for a reduction to the gross income by the amount of premiums paid by self-employed persons with respect to small business health insurance policies.

Mandated health coverage: Our state’s businesses are already struggling with costs that their competitors in other states do not face. Although health insurance is an important commodity in today’s world, mandating private companies to provide health coverage for employees is an

unwise use of the state's authority. That is why I sponsor legislation to provide incentives to businesses (see above comments) which choose to provide health care coverage in order to ease the financial burden of providing such coverage. I am also the prime sponsor of A.2356 which would create the Small Business Health Insurance Act to enable small businesses with fewer than 50 employees to offer a relatively low-cost, basic plan of health insurance that would cover basic and essential health services. Such a plan would be exempt from most of the coverages and services that New York State currently requires be included or made available in all group health plans purchased in this state. Included in the basic mandatory coverage under this bill would be maternity care, newborn care and emergency medical services, among others.

“Fair share” fee: I have consistently voted against measures reported by the Assembly Health Committee in recent years (e.g. A.7354 of 2007-08) that would establish a mandated health care insurance program in New York State financed by a payroll tax or employer “fair share” fee.

LEGAL REFORM

Tort reform: I support meaningful tort reform and have co-sponsored measures in recent years to enact comprehensive civil justice reform. I am the prime sponsor of A.3139 which would reform the CPLR in relation to medical liability by providing a mechanism for removing frivolous claims from the dockets of New York's court rooms by adding the requirement of an affidavit of merit, signed by a physician, and providing a judge with the tools to remove a malpractice claim for failure to comply with this provision. To bring down the amount of judgements in medical malpractice claims, the bill establishes statutory language for “noneconomic damages” and “actual economic damages” in order to implement a \$250,000 cap on noneconomic damages. Additionally, the bill links a defendant's monetary liability to their equitable share in accordance with their relative culpability and expands the information in regard to expert witnesses and their testimony, including identity, which a party must disclose upon request.

LABOR ISSUES

Small business exemption re Family & Medical Leave Act: Federal issue – no comments.

Mandatory paid sick leave: I have repeatedly broken party ranks to vote against legislation that has been passed by the Assembly in recent years mandating that employers provide paid family leave for employees to care for a new child or sick family member. The current version of the legislation, A.9245, did not come to a vote this year.

Union political activities: need more information

Family-time options: need more information

OTHER

UB2020: The current fiscal crisis and resultant pressures to reduce spending will likely impact the state's ability to allocate resources for the immediate future. Campus resources should be proportionate to campus generated tuition revenue.

Millionaire's Tax: I was one of two members of the Assembly Majority to vote against A.11838 which would have imposed a "millionaire's tax" by increasing the personal income tax rate from 6.85% to 7.85% on annual income over \$1 million and to 8.6% for those earning more than \$5 million. It also would have implemented a property tax "circuit breaker" in lieu of the Governor's proposed property tax cap.

Constitutional Convention: a.) The NYS Constitution does provide that the question of convening a constitutional convention must be submitted to the voters every 20 years. The question was defeated the last time it was on the ballot in 1997. Nevertheless, I would vote to put the question before the voters again.

b.) Our immediate and overriding goal must be to improve our competitiveness now by budgetary and statutory actions.

Restore New York: I fully support the Restore New York Communities Initiative program and am the prime sponsor of A.9128 which would increase funding for the Restore NY program by an additional \$50 million.

NYSDEC Environmental Restoration Program: Funded through the 1996 Clean Water/Clean Air Bond Act, this program has been an important tool for helping to remediate and redevelop brownfields and should be recapitalized.

Cities' reliance on state aid: Reliance on "bounty-aid" raises another set of issues. However, I would be very interested to hear if the City of Buffalo is truly ready to accept less state aid as the question implies.

List two reasons employers should support your campaign:

1. I measure every issue in Albany based on its positive or negative impact on our job creation climate.
2. My opponent is affiliated with and is the endorsed candidate of the Working Families Party.

If re-elected, what specifically will you do to help increase private sector investment and jobs in Buffalo Niagara?

1. Measure every issue based on its positive or negative impact on our job creation climate.

2. Continue to oppose increases in taxes (e.g. “Nay” votes cast on A.11590 of 2008 re “windfall profits tax” on petroleum companies and on A.11838 of 2008 re so-called “millionaire’s tax”).
3. Limit state revenue increases, return overages to taxpayers and build a state “rainy day fund” (A.2360).
4. Work to reduce the state corporate franchise tax (A.2361) and estate tax (A.2957).
5. Oppose efforts to compromise or impede economic development programs like Empire Zones and industrial development agencies (IDAs).
6. Strengthen programs like tax increment financing to allow localities to assist in business growth (A.2358).
7. Allow start-up companies to trade unused net operating loss credits to established companies in exchange for capital infusions (A.3022).
8. Support the Partnership’s Regional Agenda and the Unshackle Upstate Policy Agenda.