

ASSEMBLY REPUBLICAN REVIEW COMMITTEE

2022 Legislative Agenda



ASSEMBLY REPUBLICAN LEADER

Will Barclay

ARRC CHAIRMAN

Robert Smullen



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Assembly Republican Review Committee

MEMBER BIOGRAPHIES



WILL BARCLAY

Assembly Republican Leader

Assembly Republican Leader Will Barclay was first elected as a member of the New York State Assembly on November 5, 2002. He currently represents the 120th Assembly District, which includes much of Oswego County, and parts of Onondaga and Jefferson counties. Mr. Barclay was unanimously elected to serve as Assembly Republican Leader on January 7, 2020. Previously Leader Barclay served as the Ranking Minority Member of both the Insurance and Ways and Means Committees. As Assembly Republican Leader, he works closely with Assembly Republican Members to put forward statewide public policies that reflect the legislative priorities of the Conference.



ASSEMBLYMAN ROBERT SMULLEN

ARRC Chairman

Assemblyman Robert Smullen was elected to the New York State Assembly on November 6, 2018 to represent the 118th New York State Assembly District. His district includes Fulton, Hamilton and parts of Herkimer, Oneida and St. Lawrence counties. He is currently the Ranking Republican Member of the Environmental Conservation Committee, and serves on the Banks; Economic Development, Job Creation, Commerce and Industry; Higher Education; and Social Services Committees.



ASSEMBLYMAN KEVIN BYRNE

Assemblyman Kevin Byrne was elected to the New York State Assembly on November 8, 2016 to represent the constituents of the 94th New York State Assembly District. His district includes parts of Putnam and Westchester counties. He is currently the ranking Republican member of the Health Committee, and chairs the Assembly Republican Program Committee. Assemblyman Byrne also serves on the Governmental Operations; Insurance; Labor; Transportation; and Ways and Means Committees.



ASSEMBLYMAN BRIAN MANKTELOW

Assemblyman Brian Manktelow was elected to the New York State Assembly on November 6, 2018 to represent the 130th New York State Assembly District. His district includes all of Wayne County, the towns of Aurelius, Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling and Victory in Cayuga County and the towns of Hannibal, Minetto and Oswego in Oswego County. He serves on the Banks; Environmental Conservation; Local Governments; Small Business; and Veterans' Affairs Committees.



ASSEMBLYMAN BRIAN MILLER

Assemblyman Brian Miller was elected to the New York State Assembly on November 8th, 2016 to represent the 101st New York State Assembly District. His district is comprised of parts of Oneida, Herkimer, Otsego, Delaware, Ulster, Sullivan, and Orange counties. He is currently the Ranking Republican Member of the Real Property Taxation Committee and serves on the Agriculture; Consumer Affairs and Protection; Environmental Conservation; and Transportation Committees.



ASSEMBLYWOMAN MELISSA (MISSY) MILLER

Assemblywoman Melissa L. Miller was elected to the New York State Assembly on November 8, 2016 to represent the 20th New York State Assembly District. Her district includes parts of Nassau County. She is currently the Ranking Republican Member of the People with Disabilities Committee and serves on the Aging; Children and Families; Education; Health; and Mental Health Committees. She also serves on the Legislative Women's Caucus.



ASSEMBLYMAN ANGELO MORINELLO

Assemblyman Angelo Morinello was elected to the New York State Assembly on November 8, 2016 to represent the 145th New York State Assembly District. His district includes parts of Niagara and Erie counties. He is currently the Ranking Republican Member of the Codes Committee and serves on the Economic Development, Job Creation and Industry; Labor; Tourism, Parks, Arts and Sports Development; and Veterans' Affairs Committees. He also serves as Chair of the Assembly Republican Steering Committee, and on the Commission on Toxic Substances and Hazardous Wastes.

**ASSEMBLYMAN MIKE NORRIS**

Assemblyman Mike Norris was elected to the New York State Assembly on November 8, 2016 to represent the 144th New York State Assembly District. His district includes parts of Niagara, Erie and Orleans counties. He currently serves as the Ranking Republican Member of the Election Law Committee. Assemblyman

Norris also serves on Judiciary; Rules; Transportation; and Ways and Means Committees.

**ASSEMBLYMAN DOUGLAS M. SMITH**

Assemblyman Douglas M. Smith was elected to the New York State Assembly on April 24, 2018 to represent the 5th New York State Assembly District. His district spans the townships of Brookhaven and Islip and includes Holbrook, Holtsville, Ronkonkoma, Lake Ronkonkoma, Lake Grove, Centereach, Selden, Farmingville, as well

as parts of North Patchogue, Islandia, and Stony Brook. He is currently the Ranking Republican Member of the Education Committee and serves on the Aging; Energy; Higher Education; and Housing Committees.

**ASSEMBLYMAN CHRIS TAGUE**

Assemblyman Christopher Tague was elected to the New York State Assembly on April 24, 2018 to represent the 102nd New York State Assembly District. His district consists of all of Greene and Schoharie counties, along with parts of Delaware, Columbia, Albany, Otsego and Ulster counties. He is currently the Ranking

Republican Member of the Committee on Agriculture and serves on the Election Law; Environmental Conservation; Real Property Taxation; and Tourism Parks, Arts and Sports Development Committees.



Introduction

The Assembly Republican Review Committee (ARRC) is a member-elected body tasked with overseeing the creation of our Legislative Agenda. Over the past year, the nine members of ARRC, led by Chairman Robert Smullen, worked to review legislation submitted by members of the Assembly Republican Conference and develop new ideas designed to address the concerns of our constituents and all New Yorkers.

This agenda includes a roadmap for making New York State economically competitive, a public safety strategy for ensuring safe communities, and legislation that will support our veterans and first responders. ARRC members also worked to support ideas that will combat corruption, protect your private health insurance, and reduce taxes and mandates that have made it difficult for families to afford to live in New York.

ARRC is proud to present our 2022 Legislative Agenda, and will continue to work with Assembly Republican Leader Will Barclay and all of our Assembly Republican Members throughout the year to design new policies that will move the Empire State in a new direction.





Economic Development, Energy, and Agriculture

There is no denying that the COVID-19 pandemic has been devastating to New York families, small businesses, and the entire State economy. A March 18, 2021 report from the New York State Comptroller highlighted that 78 percent of surveyed New York small businesses “reported an overall negative impact on their business in the first week of March 2021,” according to the U.S. Census Bureau.¹ While this is less than the 94 percent of New York’s small businesses that reported the same conditions in April 2020, this number has been “consistently higher than the national average, which has also declined more quickly.”² Unfortunately, the economic situation in New York still has not improved when compared to the rest of the country, as New York had the third worst unemployment rate (7.1%) ahead of only California and Nevada (both at 7.5%).³

It is important to note that the pandemic, while creating some new problems, also served to accentuate problems that have existed in New York for well over a decade:

- New York has the third worst business tax climate in the nation, ahead of only New Jersey and California.⁴
- According to the Mercatus Center at George Mason University, with 22 states currently analyzed, “New York has the most regulatory restrictions in its administrative code, with more than 300,000 restrictions.”⁵
- Looking at the December 31, 2018 increase in the minimum wage to \$15 in New York City, the American Enterprise Institute (AEI) referenced a recent article that stated, “about 75 percent of the more than 300 respondents operating full-service restaurants reported they’ll reduce employee hours this year because of the new wage increases, while 47 percent said they’ll eliminate jobs.”⁶
- In fact, AEI states that recent numbers from the Bureau of Labor Statistics showed an annual decline of 3,000 restaurant jobs in New York City from December 2017 to December 2018, and that “the 2.5 percent annual decline in March 2018 was the worst annual decline since the sharp collapse in restaurant jobs following 9/11 in 2001.”⁷

1 <https://www.osc.state.ny.us/reports/impact-covid-19-march-18-2021>

2 <https://www.osc.state.ny.us/reports/impact-covid-19-march-18-2021>

3 <https://www.bls.gov/web/laus/laumstrk.htm>

4 <https://taxfoundation.org/2021-state-business-tax-climate-index/>

5 <https://www.mercatus.org/publications/state-and-local-regulations/mapping-regulatory-restrictions-us-states>

6 <https://www.aei.org/carpe-diem/whod-a-thunk-it-the-nyc-minimum-wage-hikes-to-15-an-hour-are-causing-pain-for-many-of-the-citys-restaurants/3/>

7 <https://www.aei.org/carpe-diem/whod-a-thunk-it-the-nyc-minimum-wage-hikes-to-15-an-hour-are-causing-pain-for-many-of-the-citys-restaurants/3/>

In order to address the long-running economic issues in New York State, the Assembly Republican Conference supports the following legislation:

Conference-Approved Legislation

Small Business and Manufacturing Support in a Post-Pandemic New York

New York Business Emergency Relief Act – Directs the Governor to reallocate unused settlement funds for small business relief purposes [Part A]; creates the Restart New York Grant Relief Program for businesses deemed non-essential by Executive Order [Part B]; and authorizes the Governor to repurpose certain monies as needed for the Restart New York Grant Relief Program [Part C] (**A.4692, Norris**).



**Assembly Republican Leader
Will Barclay**

New York First – Shop Local Program – Provides immediate assistance to small businesses impacted by the COVID-19 pandemic by providing grants of up to \$10,000 to support online marketing campaigns, social media strategies, and provide valuable business assistance to locally-owned businesses (**A.4419, Ra**).

Small Business Infectious Disease Tax Credit – Establishes a small business tax credit of up to \$5,000 for actions taken to improve the taxpayer's facility in an effort to reduce the spread of infectious diseases (**A.3566, Ashby**).

Manufacturing Company Tax Credit – Creates a tax credit for manufacturing companies that have one established place of business in the State and relocate a minimum of fifty employees from outside New York into the State. Provides that manufacturing companies shall be allowed a credit in the amount of 2.5 percent of the average salaries of newly created manufacturing jobs multiplied by the number of new jobs brought to the State (**A.3863, Norris**).

Manufacturer Real Property Tax Credit Increase – Increases the Manufacturer Real Property Tax Credit from 20 percent to 100 percent (**A.5497, Palmesano**).

Minimum Wage Reimbursement – Expands the eligibility to receive the Minimum Wage Reimbursement Credit to employers who pay the minimum wage plus fifty cents to certain employees and extends the credit to January 1, 2022 (**A.3845, Norris**).

Legislative Approval of Wage Board Orders – Requires legislative approval of minimum wage increases authorized through wage orders (**A.5063, Palmesano**).

21st Century Regulatory System

Division of Regulatory Review and Economic Growth (D-RREG) –

Establishes a division, led by a commissioner who has a fixed term, to review and make binding recommendations for the elimination of burdensome regulations (**A.4717, Barclay**).

Streamline the State Environmental Quality Review (SEQR) – Makes the Department of Environmental Conservation the lead agency if a permit process is to be carried out or approved by two or more State agencies, reducing the timeline allowed for certain steps of the SEQR and State Pollutant Discharge Elimination System (SPDES) permitting processes, and clarifying which areas are eligible for inclusion on the State Register of Historic Preservation to clearly show businesses which locations may be subjected to an archaeological survey during the SPDES process (**A.5233, Barclay**).

Infrastructure Investment: Realign Private Capital Investment with Historical Norms

Dedicated Highway and Bridge Trust Fund – Dedicates a portion of gasoline sales tax revenues into the Dedicated Highway and Bridge Trust Fund to ensure revenues are used on road and bridge repair (**A.4944, Palmesano**).

Dedicated Highway And Bridge Trust Fund Reform Act – Ensures that money deposited into the Dedicated Highway and Bridge Trust Fund is spent for construction purposes and not DOT and DMV operational activities (**A.5790, Palmesano**).

Increased Reimbursement Rates For Repairing State Arterials

– Increases reimbursement rates paid by the State to cities for repair and maintenance of State arterials; the rate would be raised to \$1.80 from \$0.85 per square yard of the pavement area that is included in the State highway system and an additional \$0.20, up from \$0.10, per square yard of such pavement area where such pavement area is located on any elevated bridge (**A.4931, Palmesano**).

City Reimbursement For State Highway Construction – Raises the amount of reimbursement from the current rate of not more than \$.85 per square yard of the pavement area to a new rate of not more than \$1.80 per square yard of the pavement area (**A.5078, Palmesano**).

Addressing Water Contamination – Requires the Department of Health and Department of Environmental Conservation to establish a maximum contaminant level of 0.35 parts per billion for the presence of 1,4-Dioxane in public supplies of potable water, ground water, and runoff water from a wastewater treatment plant or water supply treatment plant (**A.3541, Ashby**).

Identify and Address Immediate Energy Cost Drivers

Reduce Energy Assessment – Reduces the amount a utility can be assessed, for costs and expenses of the Department of Public Service and the Public Service Commission, from one percent to one-third of one percent (**A.5717, Hawley**).

Ratepayer Transparency and Disclosure Act – Requires annual reporting on State mandated energy programs (**A.5518, Palmesano**).

Cost-Benefit Analysis – Directs the Public Service Commission to conduct a full cost-benefit analysis of the technical and economic aspects of any future actions by the Climate Leadership and Community Protection Act (**A.7524-A, Palmesano**).

SUNY and CUNY CO₂ Competition – Creates a competition among SUNY and CUNY schools with prizes going to the schools that produce the most cost-efficient method of reducing CO₂ emissions (**A.4427, Ra**).



LEGISLATIVE SPOTLIGHT

Inflation Relief & Consumer Assistance Plan

Over the past year, prices have dramatically increased in the United States. According to the Bureau of Labor statistics, the “all items index rose 6.2 percent for the 12 months ending in October, the largest 12-month increase since the period ending November 1990.”⁸ These cost increases have been spread among some of the most necessary items to everyday New Yorkers. Some of the specific cost increases seen in the past year include:

- Gas Prices – up 49.6%
- Energy Prices – up 30%
- Food away from home – up 5.3%
- Housekeeping Supplies – up 1.7%
- Paper Products – up 6.5%⁹

At the same time that New Yorkers are struggling, the State has been seeing tax revenue far exceeding original projections. According to the State Comptroller, State tax receipts have exceeded the May estimates by \$7.2 billion through the end of September 2021.¹⁰ While the Comptroller cites these tax collections by the State as “an encouraging sign of economic recovery,”¹¹ the Assembly Republican

8 <https://www.bls.gov/news.release/cpi.nr0.htm>

9 <https://www.bls.gov/news.release/pdf/cpi.pdf>

10 <https://www.osc.state.ny.us/press/releases/2021/10/dinapoli-state-tax-receipts-exceed-initial-projections-72-billion-through-first-six-months>

11 <https://www.osc.state.ny.us/press/releases/2021/10/dinapoli-state-tax-receipts-exceed-initial-projections-72-billion-through-first-six-months>

Conference believes hardworking New Yorkers would disagree and would rather see immediate relief to deal with the increasing costs that are straining their own budgets.

As a result, the Assembly Republican Conference introduced the “Inflation Relief & Consumer Assistance Plan” (**A.8481, Barclay**), which would eliminate sales taxes on dozens of everyday items for two years. Items that would see immediate price reductions in New York include gasoline, personal care products, housekeeping supplies, prepared foods, and many others.

The Assembly Republican Conference believes the State should act now to help reduce the impacts of runaway inflation on New York families, and believes this proposal is deserving of bipartisan support.



NY Food Insecurity, Farm Resiliency and Rural Poverty Initiative:

While New York State boasts a sizeable agricultural sector that employs nearly 200,000 workers and is worth more than \$5.75 billion in direct economic activity each year,¹² the farming community and agro-business sector have spent years struggling with increased costs and associated labor requirements. More recently due to mandatory shutdowns and capacity limitations related to New York’s COVID-19 response, farmers were forced to dump millions of gallons of dairy products. This wasted product cost farmers millions of dollars in potential profit and brought into focus the issues of food insecurity in times of crisis. While food banks were serving their communities during the pandemic, food that could have otherwise helped those in need was unfortunately lost due to poor access to necessary refrigeration and transportation needs.

In order to address these issues, the Assembly Republican Conference, led by Assemblyman Chris Tague, introduced the NY Food Insecurity, Farm Resiliency and Rural Poverty Initiative in order to connect farmers with excess product to food banks while simultaneously providing farmers with grants and regulatory relief to help them expand and sustain their operations.

“This comprehensive package of legislation is the product of farmers, agricultural entrepreneurs, and members of nonprofit and community organizations coming together to



Assemblyman Chris Tague

¹² <https://www.nyfb.org/about/about-ny-ag>



connect the dots between food banks and our agricultural industry.”¹³ Specifically, the NY Food Insecurity, Farm Resiliency and Rural Poverty Initiative:

- Establishes the Permanent Agricultural Purchasing Assistance Program to provide \$10 million in annual funding for food banks to purchase agricultural food products from New York farmers. During times of declared state of emergency, the annual funding will increase to \$20 million.
- Creates the Meat, Fiber and Dairy Processing Incentive Program to increase the available processing capacity for meat, fiber, and dairy products in New York. Furthermore creates a study commission tasked with examining the logistical, legal, economic, and regulatory challenges faced by meat, fiber, and dairy processing industries in New York.
- Creates the Personal Service Cost Assistance Program to provide \$2 million annually to offset increased hiring costs for expanded food bank operations.
- Establishes funding for a number of programs designed to assist New York farmers including:
 - Beginning Farmers Grant Program;
 - Farm Infrastructure & Equipment Grant Program;
 - Commercial Real Estate & Warehousing Grant Program;
 - Cold Storage Equipment Grant Program;
 - Cold Storage Transportation Grant Program;
 - Transportation Fuel Reimbursement;
 - FarmNet Program.
- Establishes the Hunger Prevention and Nutrition Assistance Program to award contracts to non-profit organizations: City Harvest, Inc. and Island Harvest, Ltd.
- Increases the tax credit allowed to qualified farmers for donating food to any eligible food pantry from 25% to 50% of the fair market value.
- Increases the value of the estate livestock exemption.
- Repeals the Farm Labor Laws signed into law in 2019.
- Provides a \$35.7 million appropriation to the Department of Agriculture & Markets to fund the Initiative (**A.6391, Tague**).

¹³ <https://nyassembly.gov/mem/Chris-Tague/story/95113>

Regional Broadband Expansion and Access Program



Following the September 11, 2001 attacks, New York State realized that the communication network used by emergency responders had failed miserably. As a result, the State entered into a multi-billion dollar contract with M/A COM to create the Statewide Wireless Network (SWN), which was intended to create a statewide public safety communications system that would link first responders across the State.

After multiple testing failures that showed a single statewide system would be difficult to implement, the State canceled the contract with M/A COM and implemented the Statewide Interoperable Communications Grant (SICG); a new program similar to an idea originally proposed by the Assembly Republican Conference.¹⁴ The SICG allows counties to work together and create regionally-focused systems “for public safety use among two or more counties supporting multi-jurisdictional and multi-discipline, including State agencies.”¹⁵ By recognizing the State could not provide one single system, and allowing counties to take the lead, New York State has been able to establish a bottom-up program that is more flexible and able to identify what will and what will not work.



ARRC Chairman Robert Smullen

As the COVID-19 pandemic has ushered in a new “remote world,” where the economy and our healthcare/education systems are dependent on a reliable broadband infrastructure, we have seen a situation develop that is similar to what happened with SWN. In 2015, the State established a \$500 million New NY Broadband program that was intended to bring high-speed internet access to areas defined as unserved (less than 25 Mbps download speeds) and/or underserved (download speeds between 25 Mbps and 99 Mbps).¹⁶ One thing became clear as many New Yorkers were unable to access necessary services due to a lack of internet access: the top-down strategy has failed. Now that access to broadband is needed in order to access necessary services, it is the government’s responsibility to design a program that will provide this access.

The Assembly Republican Conference is proposing to completely restructure the State’s strategy for delivering adequate broadband service and speeds to underserved areas. Similar to how the State altered course when the execution of the SWN contract failed to deliver expected results, the Regional Broadband

¹⁴ <https://nyassembly.gov/leg/?bn=A09777&term=2009>
¹⁵ <http://www.dhSES.ny.gov/oiec/grants/2013/RFA-Round3-SICG-Application.doc>
¹⁶ <https://nysbroadband.ny.gov/about>



Expansion and Access Program (**A.8447, Smullen**) would decentralize the current “New NY Broadband” process and allow localities to work together and design regionally-based plans to ensure internet access to every citizen in their designated area.

Specifically, eligible counties may create regional consortia to design plans that would guarantee broadband coverage to every resident in a consortium region. The consortia would be able to enter into contracts with Internet Service Providers to design plans that work for their own region. State funding, utilizing existing or new State/federal funds, would be available for:

- Costs of contracting with Internet Service Providers to install or strengthen broadband infrastructure;
- Temporary access programs for citizens to bridge existing gaps (including Mobile Hot Spots);
- Expanding 5G Wireless into underserved areas;
- Installing fiber optic or cable broadband infrastructure (including last-mile lines into homes);
- Providing cost-assistance to low-income residents to pay for access to broadband or wireless services; and
- Additional unanticipated costs deemed necessary to expand broadband access.



Assemblyman Angelo Morinello

The State would provide any technical assistance to regional consortia while designing their plans, and would help to define adequate broadband speeds. It is understood that “adequate broadband speeds” would be different based on numerous variables, however the speeds and reliability must be enough to ensure each New Yorker can participate in necessary remote-based services such as education, telehealth, and remote meetings. The Public Service Commission (PSC) would also be authorized to waive any regulatory or statutory

barrier to implementing a regional consortium plan, and local governments would ensure federal regulatory and statutory requirements are followed.

As the federal government has enacted numerous funding streams for broadband expansion since the start of the COVID-19 pandemic, including \$65 billion in the recently passed Infrastructure Investment and Jobs Act,¹⁷ New York State could

¹⁷ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>

enact the Regional Broadband Expansion and Access Program at little to no cost to the State.

Decentralizing Delivery of Economic Development Assistance: The County Economic Revitalization and Transformation (CERT) Initiative



Since the Regional Economic Development Councils (REDCs) were announced in 2011, the Executive Branch awarded nearly \$7 billion through these REDCs with the Governor’s Office having final decision-making authority. This does not take into account numerous other capital pots of money like the Economic Development Fund, which includes a few hundred million dollars every year. While the idea of local/regional plans for economic development is one our Conference would generally support, in practice, the former Governor exerted complete control over what received funding in each region.

On almost every level, from corruption to performance, New York’s economic development strategy has failed. However, the 2021-22 Enacted Budget doubled-down on the high-tax, high-spend, and centralized decision-making that has plagued New York for over a decade. ARRC believes a new strategy must be implemented that uses our well-designed system of government to give counties and local institutions the ability to make final decisions on economic development funding.

After examining these issues, the Assembly Republican Review Committee is putting forward a new idea that would take the final decision-making process out of the hands of State agencies in Albany. ARRC proposes ending the “REDC Awards Show,” and providing existing economic development money to directly fund county- or regionally-developed plans that they decide are best for their locality/ area. The Governor’s Office will no longer be the determining factor on how regions build a welcoming economic environment. It is time to get Albany out of your business.

Specifics of ARRC’s County Economic Revitalization and Transformation (CERT) Initiative include:

- Allowing counties, either individually or in concert with regional partners, to develop economic development funding plans that are no longer subject to approval by the Governor.
- Following the passage of the annual budget, counties would work with businesses organizations, organized labor, workforce development entities, education institutions, and local governments (etc.) to create economic development funding plans within 60 days.



- The Comptroller and the Attorney General would be required to review each plan to ensure no conflicts of interest exist, and to certify or deny each plan within 30 days of receipt.
- The current State agencies that have had complete autonomy over what businesses were allowed to stay open during the pandemic have had complete authority on making funding decisions, and have completely failed to create a welcoming economic development environment, would be redesigned to provide technical assistance to regions when needed, certainly while they develop their plans.
- A certain percentage of funding must be dedicated to infrastructure projects, may be required to be allocated to small businesses based on the percentage of jobs that are provided by small businesses in each county/region.

Jump-Start New York: A Plan for Economic Recovery

While the COVID-19 pandemic ravaged New York State, the Assembly Republican Conference began to look at how New Yorkers were going to rebuild on the other side of quarantine. Businesses and small business owners have seen unprecedented and life-altering losses, and need the freedom from overregulation to survive. New Yorkers saw what businesses and workers were able to accomplish in the face of added government mandates.

- Restaurants adapted to new social distancing norms by shifting their services to accommodate indoor and outdoor dining.
- Grocery stores developed better cleaning techniques to keep their patrons as safe as possible.
- Office workers transitioned to a work-from-home lifestyle and succeeded.
- New Yorkers showed flexibility in order to access remote education and telehealth services.

Despite all of this, the State has doubled down on the failed techniques to “stimulate” the economy that landed us in this position in the first place. Harsh regulations that stifled business before the pandemic have been maintained after the pandemic. High earners in New York State, the most mobile population, are being taxed more than ever and are moving because of it. Recently, Goldman

Sachs announced that they were moving 100 key employees from NYC to Palm Beach, Florida. While it is true these are employees earning over \$1 million,¹⁸ it is also true that these impacts will trickle down to maintenance workers who care for the offices, food vendors relying on this population for income, and New Yorkers relying on this tax revenue for needed social services.



Every day, working class citizens are worried about keeping the lights on and food on the table. Burdening the working class with making up lost revenue from high earners leaving the State will become an economic reality if we continue on our present course. It is time for New York to make a return to responsible governing and begin listening to the citizens who had to fight to survive for the past 15 months. That is why at the height of the pandemic, the Assembly Republican Conference presented “***Jump- Start New York: A Plan for Economic Recovery***” (Jump-Start NY), which included ideas and legislation to get New Yorkers back on their feet. The Assembly Republican Conference will continue to listen to and learn from the New Yorkers trying their best to make this new world work for them.

For a copy of the JUMP-START-NY Report Visit:
<https://bit.ly/jumpstartny>

¹⁸ <https://nypost.com/2021/06/17/exodus-of-the-rich-to-florida-threatens-disaster-for-nyc/>



Assemblyman Doug Smith



Public Protection

Over the past two years in Albany, the Democrat Majorities have been laser focused on granting more rights to criminals than providing justice to victims. From eliminating cash bail in most instances to placing burdensome discovery laws on district attorneys, an environment has been created that has begun to reverse decades of low violent crimes. Often touted as having the “Strongest in the Nation Gun Laws,”¹⁹ cities across the State have seen a dramatic increase in gun crimes and victims:

New York City				
OFFENSE	2021 (1/1-11/28)	2020 (1/1-11/28)	2019 (1/1-11/28)	2021 vs 2019 % change
Shooting Victims	1725	1724	858	+101%
Shooting Incidents	1438	1404	718	+100%

SOURCES:

<https://compstat.nypdonline.org/2e5c3f4b-85c1-4635-83c6-22b27fe7c75c/view/89>

Albany				
OFFENSE	2021 (1/1-11/30)	2020 (1/1-11/30)	2019 (1/1-11/30)	2021 vs 2019 % change
Shooting Incidents/Injury	64	96	45	+42%
Shooting Victims	92	124	49	+88%
Killed by Gun Violence	16	11	2	+700%

SOURCES:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/GIVE%20Monthly.pdf>

<https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf>

¹⁹ <https://www.ny.gov/new-york-students-against-gun-violence/new-yorks-strongest-nation-gun-laws>

Syracuse

OFFENSE	2021 (1/1-11/30)	2020 (1/1-11/30)	2019 (1/1-11/30)	2021 vs 2019 % change
Shooting Incidents/Injury	120	138	72	+67%
Shooting Victims	140	166	83	+69%
Killed By Gun Violence	21	22	11	+91%

SOURCES:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/GIVE%20Monthly.pdf>
<https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf>

Rochester

OFFENSE	2021 (1/1-11/30)	2020 (1/1-11/30)	2019 (1/1-11/30)	2021 vs 2019 % change
Shooting Incidents/Injury	330	246	143	+131%
Shooting Victims	397	307	157	+153%
Killed by Gun Violence	52	37	19	+174%

SOURCES:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/GIVE%20Monthly.pdf>
<https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf>

Buffalo				
OFFENSE	2021 (1/1-11/30)	2020 (1/1-11/30)	2019 (1/1-11/30)	2021 vs 2019 % change
Shooting Incidents/Injury	285	282	139	+105%
Shooting Victims	337	336	163	+107%
Killed by Gun Violence	56	43	33	+70%

SOURCES:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/GIVE%20Monthly.pdf>

<https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf>

Although the Assembly Republican Conference immediately called for repealing and replacing the criminal justice reforms implemented by Democrats, and issued a report with solutions to the problems,²⁰ these numbers have served to strengthen our resolve to reverse these violent trends and support the law enforcement officials who put their lives on the line every day to keep us safe. That is why on June 1, 2021, the Assembly Republican Conference introduced the “Restore Order” package of anti-crime bills to reverse measures included in the flawed criminal justice reforms and promote public safety.²¹ The legislation included in the package has been included in the ARRC Legislative Agenda.

The Assembly Republican Conference supports the following legislation to once again ensure that New York is one of the safest states in the United States:

Conference-Approved Legislation

Bail and Parole Reform

- **Make “Hate Crime” a Qualified Offense** – Makes a “hate crime” a qualified offense for purposes of bail issuance and denying pre-trial (**A.3986, M. Miller**).
- **Judicial Discretion** – Restores judicial discretion to allow judges the ability to determine whether a violent criminal poses a dangerous threat to the community and can be held without bail (**A.5265, Reilly**).

²⁰ <https://mailchi.mp/d31451db1393/assembly-senate-minority-conferences-join-law-enforcement-professionals-to-rally-in-capitol-for-repeal-of-criminal-justice-reforms?e=4b6d0621fb>

²¹ <https://mailchi.mp/d45b411433ab/assembly-gop-introduces-restore-order-anti-crime-bills-as-violence-criminals-wreak-havoc-in-new-york-state?e=4b6d0621fb>

- **Ensure Punishment for Gun Crimes** – Removes all gun crimes from the no-bail list of offenses Democrats established in 2019 (**A.7066, Barclay**).
- **Parole Reform** – Requires a unanimous vote of at least three parole commissioners to grant a prisoner early release. Also allows a majority vote of the Legislature to remove a commissioner from the Parole Board (**A.5737, Barclay**).
- **“Paula’s Law”** – Prevents the parole of anyone who sexually assaults and murders a child under 18 years of age (**A.6017, Lawler**).
- **Three Strikes & You’re In** – Authorizes life in prison without parole for persistent violent felony offenders (**A.5334, Brabenec**).

Addressing Gun Violence

- **Firing into a Crowded Space** – Makes it a Class B violent felony to fire into a crowded space with the intent to harm (**A.4259, Jensen**).
- **Additional Penalties for Committing Crimes with a Firearm** – Provides for an additional five-year term of imprisonment for committing a felony while possessing a loaded firearm (**A.4762, Mikulin**).

Supporting Law Enforcement

- **Police Safety Equipment Grant Program** – Establishes the police safety equipment grant program within the Division of Criminal Justice Services and makes an appropriation (**A.4758, Smith**).
- **School Resource Officer and DARE Grant Program** – Establishes a \$30 million grant program for the cost of school resource officers or costs related to the Drug Abuse Resistance Education (DARE) Program (**A.5051, Montesano**).
- **Killing a Police Animal** – Elevates killing a police work dog or police work horse from a class E felony to a class D felony (**A.5342, Brabenec**).
- **Menacing a Police Officer** – Establishes the offenses of menacing a police officer or peace officer in the first degree and menacing a police officer or peace officer in the second degree (**A.6578, Montesano**).

- **Increased Penalties for Crimes During a Riot** – Enhances the penalties for crimes committed during a riot (**A.5121, Reilly**).
- **Obstructing a Police Officer** – Creates the class E felony offense of Obstructing a Police Officer when a person intentionally interferes with, inhibits, or attempts to interfere with or inhibit a police or peace officer from performing their official duties (**A.4804, Smith**).

Additional Public Protection Legislation

- **Contraband Screening At Correctional Facilities** – Requires the Department of Corrections and Community Supervision (DOCCS) to establish a contraband screening plan in correctional facilities (**A.5058, Palmesano**).
- **Lifetime Parole Supervision for Sex Offenders** – Requires lifetime parole supervision for violent felony sex offenders after they complete their sentences and prohibits early release from prison for these offenders (**A.5014, Barclay**).
- **Sex Offender Voting Location Restrictions** – Prohibits level two or three sex offenders from voting at a school or facility for children (**A.3885, Norris**).
- **“Clara’s Law”** – Requires hospitals and healthcare facilities to report incidents of sexual offense against a patient by a healthcare practitioner to the Department of Health and the Department of Education (**A.5011, Gallahan**).
- **Increased Penalties for Passing School Buses** – Increases penalties for individuals who cause injury or death to a person while overtaking and passing a stopped school bus (**A.5507, Palmesano**).
- **Strengthen Penalties for Crimes Against Children** – Addresses current statutes pertaining to child abuse, child sex abuse, and murder by strengthening child endangerment laws, strengthening penalties for those who sexually abuse children, and clearly defining depraved indifference (**A.5754, Barclay**).
- **Arson While Manufacturing a Controlled Substance** – Defines a person as guilty of arson in the first degree who while manufacturing or attempting to manufacture a controlled substance destroys or causes to be burned, in whole or part, a building or person (**A.4965, Palmesano**).
- **Penalties for Methamphetamine Possession or Sale** – Amends the penal law so that the penalties for the possession and/or sale of methamphetamine are similar to those of the penalties for possession and/or sale of heroin and cocaine (**A.5797, Palmesano**).

- **Manufacturing Methamphetamine Penalties** – Increases the penalties for the crimes of criminal possession of methamphetamine manufacturing material and unlawful manufacture of methamphetamine (**A.5800, Palmesano**).
- **“Bella’s Law”** – Calls for an investigation into possible domestic violence or abuse for persons who have been accused of animal abuse (**A.3985, M. Miller**).
- **“Todd’s Law”** – Increases the punishment by one category when a person is convicted of petit larceny or grand larceny and the property stolen is necessary for the daily living of a physically disabled or elderly individual (**A.4701, Smith**).
- **Landowner Liability Protection** – Grants landowners protection from liability if an individual is injured on their property by providing for a general exemption from liability for “other recreational activities” (**A.6134, Friend**).



Assembly Republican Leader Will Barclay

Taxes and Mandate Relief

For far too long, New York State has been one of the most expensive places to live in the United States. With tax burdens only serving to make the situation worse, nearly 1.6 million New Yorkers have moved to other states.²² If we continue on this path, we will only continue to lose more.

In a March 23, 2021 letter to Democrat leaders in Albany from business leaders of companies that employ more than 1.5 million New Yorkers, it was made clear that the new realities of the pandemic combined with high taxes will force more New Yorkers to other places. They stated, “only about 10% of our colleagues are in the office and prospects for the future of a dense urban workplace are uncertain. Many members of our workforce have resettled their families in other locations, generally with far lower taxes than New York, and the proposed tax increases will make it harder to get them to return.”²³ As they pointed out, “This is what happened to New York during the 1970s, when we lost half our Fortune 500 companies, and it took thirty years to recover.”²⁴

Looking at the following statistics, it is clear we have to make wholesale changes to make New York more competitive:



Assemblyman Kevin Byrne

- New Yorkers had to work until May 3rd before they earned enough money to pay all of their combined taxes. This ranked worst in the nation.²⁵
- According to the 2021 State Business Tax Climate Index by the Tax Foundation, New York ranks as follows:
 - 48th in the country in overall business tax climate;
 - 48th in the country for individual income tax;
 - 43rd in the country for sales tax; and
 - 45th in the country for property tax.²⁶
- According to Kiplinger, New York State was the fifth-worst state for taxes in 2021.²⁷

²² <https://www.empirecenter.org/publications/nys-population-outflow-continued-in-year-leading-to-pandemic/>

²³ <https://pfnyc.org/news/250-of-nys-large-employers-and-small-business-leaders-challenge-need-for-state-tax-increases/>

²⁴ <https://pfnyc.org/news/250-of-nys-large-employers-and-small-business-leaders-challenge-need-for-state-tax-increases/>

²⁵ <https://taxfoundation.org/publications/facts-and-figures>

²⁶ <https://statetaxindex.org/state/new-york/2>

²⁷ <https://www.kiplinger.com/taxes/state-tax/601614/least-tax-friendly-states-for-middle-class-families>

- Between 2001 and 2021 the Assembly voted 223 times to pass unfunded mandate legislation with the fiscal impact totaling over \$145 billion.²⁸

The Assembly Republican Review Committee submits the following legislation to begin moving New York into a new, more affordable direction.

Conference-Approved Legislation:

Helping Working Families

- **Earned Income Tax Credit (EITC) Increase** – Expands the New York State value of the EITC from 30 percent to 45 percent of the federal amount (**A.5291, Barclay**).
- **Installment Payments for EITC** – Provides individuals receiving the State EITC installment payments instead of a lump sum when filing their income taxes (**A.5024, Goodell**).
- **Private Pension Taxes** – Makes the first \$100,000 of a private pension non-taxable (**A.4764, Barclay**).
- **Mobile Tax Freedom Act** – Eliminates the State sales, compensating use, and excise taxes on mobile telecommunications services. Also, authorizes local governments to eliminate their sales and compensating use taxes on mobile telecommunications (**A.5539, Barclay**).
- **Water Purification Tax Credit** – Creates a tax credit of \$500 for households or businesses that install a water purification or filtration system (**A.3562, Ashby**).
- **Teacher Tax Credit** – Provides a \$500 tax credit to teachers who contribute and/or purchase supplies, pay for field trip costs, and help with student expenses (**A.4977, Palmesano**).

Tax Fairness: Prevent Tax Increases and Examine the Elimination of Loopholes to Lower Tax Rates Across the Board

- **Tax Simplification and Fairness Study** – Establishes a study to examine the current tax system to see if there is a benefit to eliminating existing tax credits and simplifying the tax code by taxing individuals at the same, lower rate (**A.7142, Smullen**).

28 New York State Assembly Minority Ways and Means

- **Legislative Requirement for Tax Increases** – Constitutional Amendment that requires a 2/3 majority vote of both the Assembly and the Senate to increase, impose, or extend any State tax (**A.5788, Palmesano**).
- **Legislative Approval for Fees, Surcharges, or Taxes** – Prohibits State departments, offices, agencies, and authorities from imposing any fees, surcharges, or taxes that have not been approved by the State Legislature (**A.6131, Friend**).
- **Landlord Rental Income Tax Credit** – Provides a tax credit to landlords for any loss of rental income due to any actions taken to suspend rent as a result of COVID-19 (**A.6630, Barclay**).

Mandate Relief to Reduce Property Taxes

- **Unfunded Mandate Moratorium** – Places a permanent moratorium on unfunded mandates and requires fiscal notes on bills detailing estimated annual costs to localities (**A.5723, Barclay**).
- **Three-Year Moratorium on Unfunded Mandates** – Places a three-year moratorium on unfunded mandates, requires detailed fiscal notes on legislation that imposes an unfunded mandate, and reinstates the mandate relief council (**A.4382, Ra**).
- **State Funding for Mandates on Local Governments** – Enacts a Constitutional Amendment to require the State to fund the costs that result from any special or general law mandating a new program or increasing the level of service of an existing program by a local government. Also requires the Legislature to establish procedures for the allocation of funds among the local governments (**A.6102, Friend**).
- **County Medicaid Opt-Out** – Allows counties to opt out of providing optional Medicaid services to new enrollees. Also requires the Commissioner of Health to apply for a federal waiver to implement this provision (**A.4830, Barclay**).
- **Medicaid Fraud Detection Software** – Reimburses counties that have purchased or will purchase Medicaid fraud detection software (**A.4876, Palmesano**).



Assemblyman Brian Manktelow



Government Reform

For decades, public corruption has plagued New York State. This past year was no exception, with several infamous and high-profile cases spotlighting this unfortunate and all too common issue. The agencies that have been charged with investigating and combating these various issues have failed to do so. Likewise, due to these agencies being unfairly stacked by the State Legislature and the governor, they have struggled to effectively address and balance conflicting interests. In essence, these investigative agencies have continuously proven to be ineffective.

Now, more than ever, it is evident that New York State needs a complete overhaul of how the State government operates, and how we deal with bad actors in the public sector. That is why the Assembly Republican Review Committee endorses the following legislation designed to reimagine your State government and make it more responsive to the needs of the people.

Conference-Approved Legislation

Ethics and Governmental Operations

- **Department of Oversight and Investigation** – Abolishes the investigative agencies in New York State, including the Joint Commission on Public Ethics (JCOPE), and creates one politically-neutral agency to investigate criminal activity, fraud, waste, abuse, and wrongdoing by all State employees and those people doing business with the State (**A.6602, Giglio JM**).
- **State Contract Sunlight Act** – Requires the Comptroller to establish a public, searchable statewide database of all contract bids and final contracts. Specific requirements of each bid or contract include job creation and investment, project timeline, funding sources, return on investment to the State, and claw-back provisions for when projects do not meet deadlines or fulfill requirements (**A.3784, Norris**).



Assemblyman Mike Norris

- **Elections to Fill Vacancies of Comptroller and Attorney General** – Requires elections to fill the vacancies of Comptroller and Attorney General to take place at the next scheduled general election following a vacancy. Allows the Legislature to appoint vacancies in the office of Comptroller and Attorney General only until the first general election following a vacancy in either office (**A.6297, Hawley**).
- **New York State Thruway Authority Accountability Act** – Merges the day-to-day operations of the Thruway Authority with the Department of Transportation and names the Commissioner of the Department of Transportation as the Chair of the Thruway Authority Board (**A.5564, Barclay**).

Operations of the Legislature

- **Message of Necessity** – Limits the use of messages of necessity to situations involving a state of emergency (**A.3915, Byrne**).
- **Office of Policy Research and Analysis** – Creates a nonpartisan “Office of Policy Research and Analysis” designated to provide nonpartisan and confidential information on the impact of current and proposed legislative policy to any member of the Assembly or the Senate (**A.4383, Ra**).
- **Legislative Approval of Wage Board Orders** – Requires legislative approval of minimum wage increases authorized through wage orders (**A.5063, Palmesano**).
- **State Agreement Enabling Legislation** – Requires the State to pass enabling legislation before entering into any compact, program, or other legal agreement with any other state (**A.6129, Friend**).

Budget Reforms

- **Settlement Money Designated for Debt Service** – Requires five percent of any settlement over \$1 million to go directly into the State’s General Debt Service Fund (**A.5015, Ra**).
- **State Spending Cap** – Caps State spending to the average rate of inflation of the three previous calendar years, and increases the maximum capacity of the rainy day fund (**A.5550, Barclay**).
- **Itemization in the State Budget** – Requires each section of the budget bills to clearly reference an appropriation to ensure budget negotiations are focused on fiscal issues (**A.4834, Ra**).

Education, Higher Education, and Workforce Development

New York State taxpayers have invested more money per pupil than any other State in the nation, and we have not seen the return on investment that should be expected. According to preliminary data from the Census Bureau, New York State spent \$25,520 per pupil in 2020, which was almost \$3,000 more than the next closest area (Washington D.C.).²⁹ However, even with that amount of spending, New York consistently ranks just below the national average with regard to graduation rates.³⁰ Making matters worse, the COVID-19 pandemic made it clear that there was uneven access to remote learning based on geographic and economic factors. Democrats in Albany cannot continue to expect New Yorkers to spend so much on their children's education while at the same time watch their children struggle to attain an education that will prepare them for the future. It is vital that all schools in New York provide their students with both a safe and quality education.

Students looking to invest in their higher education have also struggled. The average published in-state tuition and fees for public four-year colleges increased by \$120 from \$10,440 in 2019-20 to \$10,560 in 2020-21.³¹ While tuition prices continue to rise, New Yorkers leaving college in 2019 were already burdened with an average of \$31,155 in student loan debt.³² Now, these students are faced with paying off this debt while inflation has, in effect, given the average worker a 2% pay cut.³³ More must be done for students and young adults trying to make a living in New York.

The cost of living continues to rise, coupled with a post COVID-19 economy, and students and parents are looking for more control over their learning and for new pathways to a meaningful career beyond just going into debt for a college degree. That is why the Assembly Republican Review Committee has worked to craft common sense education, higher education, and workforce development legislation to assist the next generation of New Yorkers.

Conference-Approved Legislation

- **Enhanced Tuition Awards Study** – Directs the Commissioner of Education to study the impact of Enhanced Tuition Awards on the cost of private college and the effect the program has on non-recipient students (**A.3887, Byrne**).

29 https://www2.census.gov/programs-surveys/school-finances/tables/2020/secondary-education-finance/20elsec_prelim.xlsx

30 https://nces.ed.gov/programs/digest/d20/tables/dt20_219.46.asp

31 <https://research.collegeboard.org/pdf/trends-college-pricing-student-aid-2020.pdf>

32 <https://ticas.org/interactive-map/>

33 <https://www.cnn.com/2021/07/27/wages-are-rising-but-has-inflation-given-workers-a-2percent-pay-cut.html>

- **TAP Awards for Graduate Students** – Allows graduate programs to qualify for the state tuition assistance program (**A.6917, Tannousis**).
- **Increased Income Threshold for TAP Awards** – Increases the minimum tuition assistance program award from \$500 to \$1000, and increases the maximum parental income amount to \$110,000 (**A.7071, Ra**).
- **Student Loan Payment Adjustment** – Reduces taxable income by both interest and principal payments of student loans. Single filers can receive up to \$4,000, head of household filers can receive up to \$6,000, and married filers can receive up to \$8,000 (**A.5879 of 2020**).
- **College Supplies Tax Deduction** – Establishes college supplies as a tax deductible expense (**A.5301, Barclay**).
- **Learning for Work Program** – A three-part plan to accelerate career readiness and reduce the burden of student loan debt:
 - Youth Apprenticeship Program: Creates a one- or two-year program beginning in 11th or 12th grade that combines academic classroom coursework with mentored on-the-job training in a specific occupational area.
 - Enhanced Regents Professional Degree: Students who enroll in the Youth Apprenticeship Program would earn this degree with a designation in their career field of choice.
 - Any student who is not offered or who decides not to seek employment in their field of choice will be awarded a minimum of 15 credit hours at any SUNY or CUNY institution.
 - Youth Apprenticeship Tax Credit: Establishes a \$1,500 per apprentice tax credit for businesses that take part in the Youth Apprenticeship Program (**A.8426, Walczyk**).
- **High School Diploma Eligibility** – Allows a student who has obtained the necessary credits and passed either a Regents competency test or certain Regents examinations to be eligible for a high school diploma (**A.3257, Walsh**).
- **Hunting, Fishing, and Outdoor Education** – Allows a public secondary school, upon request of ten or more students, to establish a curriculum for hunting, fishing, and outdoor recreation (**A.4942, Palmesano**).
- **“Jacobe’s Law”** – Requires school administrators to contact the parents or guardians of students when bullying or harassment has occurred (**A.3027, Walsh**).

First Responders, Volunteers, and Veterans

New York State is the home of heroes. Our first responders, volunteers, and veterans have sacrificed and served for us, and the Assembly Republican Conference believes it is our obligation to provide for these selfless men and women choosing to call this State their home:

- As of 2019, there were 718,000 veterans living in New York State, which is a decrease of about 58,500 since 2017.³⁴
- In 2020, there were 62,998 full and part-time sworn-in law enforcement personnel in New York State.³⁵
- In 2021, New York State had 1,667 registered fire departments.³⁶
- 94.4 percent of fire departments in New York State are either mostly or entirely made up of volunteers.³⁷

The Assembly Republican Conference supports the following proposals to provide for those who sacrificed and continue to serve on our behalf:

Conference-Approved Legislation

- **Independent Veterans Services Agency** – Directs the Division of Veterans’ Services to conduct a study on converting the Division of Veterans’ Services to an administrative agency independent of the executive department (**A.3725, Ashby**).
- **New York Homes for Heroes Plan** –
 - **Home Loan Guarantee** – Expands the Federal Home Loan Guarantee to provide a tax credit for National Guard and Reserve veterans equal to the extra .75% active duty veterans receive (**A.6288, Hawley**).
 - **Affordable Home Ownership for Disabled Veterans** – Makes the Affordable Home Ownership Development Program available to service-related disabled veterans (**A.5949, Hawley**).

³⁴ <https://veterans.ny.gov/sites/default/files/annual-report-2019.pdf>

³⁵ <https://www.criminaljustice.ny.gov/crimnet/ojsa/2020-le-personnel.pdf>

³⁶ <https://apps.usfa.fema.gov/registry/summary#c>

³⁷ <https://apps.usfa.fema.gov/registry/summary#h>

- **Veterans Home, Rehabilitation and Land Ownership Assistance Loans** – Authorizes the State Housing Finance Agency to provide home purchase and rehabilitation assistance loans of up to 20% of the value of the home to veterans (**A.6421, Hawley**).
- **Veterans Assisted Forward Commitment Mortgages** – Authorizes SONYMA to purchase veterans assisted forward commitment loans from banks with low down payments and at favorable interest rates (**A.2233, Hawley**).
- **Veteran Nursing Home Study** – Directs the Department of Health to conduct a study on opening three new veterans’ nursing homes in New York State (**A.3596, Ashby**).
- **Wage Tax Credit for Hiring Veterans and Emergency Services Personnel** – Creates a wage tax credit for employers who employ New York National Guard men and women, reservists, volunteer firefighters, and EMS personnel (**A.3681, Hawley**).
- **Free State Park Access for Injured or Disabled Veterans** – Allows veterans with a service-connected disability or Purple Heart free use of parks and campsites; provides that such disability shall be 10 percent service-connected or greater (**A.3584, Ashby**).
- **Military Pay Income Tax Exemption Extension** – Extends the State Personal Income Tax exemption that is currently for active duty troops stationed overseas to include New York residents stationed within the U.S. (**A.5070, Hawley**).
- **College Tuition for Family Members of Fallen Military Personnel** – Allows the surviving dependent family members of New York State military personnel who have died while on active duty to receive free tuition, room, and board at SUNY or CUNY institutions (**A.3549, Hawley**).
- **Green Alert System For Missing Military Members** – Establishes a statewide green alert system for missing military members who have elected to join the system and who suffer from a mental illness, including post-traumatic stress disorder or a traumatic brain injury (**A.3585, Ashby**).
- **Veteran Housing Discrimination** – Adds those who hold a veteran status to the protected classes in order to defend against unlawful housing discrimination (**A.3561, Ashby**).
- **Omnibus Emergency Services Volunteer Incentive Act** – Provides a \$400 tax credit to volunteer firefighters and ambulance workers, exempts registration and use taxes for vehicles used in the performance of duty, creates a loan forgiveness program, and provides some other benefits (**A.5793, Palmesano**).

- **New York State Volunteer Fire Protection Emergency Reimbursement Account** – Diverts monies collected from the Public Safety Communications Surcharge into a newly created New York State Volunteer Fire Protection Reimbursement Account to be used to reimburse volunteer departments and emergency medical services for expenses incurred related to procuring personal protective equipment (PPE). Monies collected and deposited into the account may be used to reimburse volunteer fire departments and emergency medical services for lost revenue due to either municipal budget cuts or the cancellation of public events such as fundraisers or charity events (**A.3783, Norris**).
- **Volunteer Firefighters Training** – Allows volunteer firefighters to attend training without being penalized by their employer; and creates tax incentives for employing volunteer firefighters (**A.3843, Norris**).
- **EMS and Volunteer Firefighters Income Tax Exemption** – Provides a State income tax exemption for qualifying volunteer firefighters and volunteer ambulance workers (**A.6310, Tague**).
- **Volunteer Firefighter Scholarship Program** – Creates a scholarship for those who become volunteer firefighters in an amount of up to four times the current tuition rate at a State University of New York College (**A.4272, Norris**).

No Surrender Veteran Initiative: Making PTSD a Priority

On Veterans Day 2021, Assembly Republican Leader Will Barclay and Assemblyman Jake Ashby announced the “No Surrender” Veteran Initiative to address the issue of Post-Traumatic Stress Disorder (PTSD) facing veterans and first responders. The goal of the Initiative was to hold a series of roundtable events to discuss the growing problem of PTSD and advocate for the allocation of resources for mental health care.

The roundtable events aimed to grow support for legislation calling for the Division of Veterans’ Affairs to be made into its own independent State agency (**A.3725, Ashby**), as well as legislation requiring the Office of Mental Health to conduct a study related to using therapeutic PTSD techniques (**A.8377, Giglio, JM**).

Additional Assembly Republican Conference proposals seeking to address mental health and further support veterans, first responders, and health care professionals include:

- **Peer-to-Peer Mental Health Support Program** – Establishes a peer-to-peer mental-health support program modeled after the successful Joseph P. Dwyer Program for frontline healthcare workers; provides confidential,



VETERANS’ LEGISLATIVE SPOTLIGHT



peer-to-peer assistance for individuals struggling with depression, anxiety, or PTSD (**A.3501, Ashby**).

- **PTSD Line of Duty Sick Leave** – Allows first responders who are diagnosed with post-traumatic stress disorder to request line of duty sick leave (**A.4646, Ashby**).
- **Green Alert System For Missing Military Members** – Establishes a statewide green alert system for missing military members who have elected to join the system and who suffer from a mental illness, including PTSD or a traumatic brain injury (**A.3585, Ashby**).
- **“New York’s Own Combat Veterans Health Care Choice Program Act** – Establishes tax-free savings accounts to pay the healthcare costs of certain combat veterans until covered by the federal government (**A.4999, Ashby**).
- **New York State Volunteer Fire Protection Emergency Reimbursement Account** – Diverts monies collected from the Public Safety Communications Surcharge into a newly created New York State Volunteer Fire Protection Reimbursement Account to be used to reimburse volunteer departments and emergency medical services for expenses incurred related to procuring personal protective equipment (PPE). Monies collected and deposited into the account may be used to reimburse volunteer fire departments and emergency medical services for lost revenue due to either municipal budget cuts or the cancellation of public events such as fundraisers or charity events (**A.3783, Norris**).
- **Behavioral Health Website** – Requires the Office of Mental Health, Office of Alcoholism and Substance Abuse Services, and the Department of Education to create a behavioral health website which shall provide information on various behavioral health issues such as depression, eating disorders, anxiety, schizophrenia, post-traumatic stress disorder, and bipolar disorder (**A.5103, Reilly**).
- **Leave of Absence for Military Spouses** – Expands leave of absence for military spouses by removing the requirement that leave be used when a person’s spouse is on leave while deployed to a combat theater or combat zone of operation (**A.3506, Hawley**).
- **Omnibus Emergency Services Volunteer Incentive Act** – Provides a \$400 tax credit to volunteer firefighters and ambulance workers, exempts registration and use taxes for vehicles used in the performance of duty, creates a loan forgiveness program, and provides some other benefits (**A.5793, Palmesano**).

- **Veterans' Clearinghouse** – Creates a veterans' clearinghouse for purposes of identifying veterans eligible for benefits (**A.4846, Miller, B**).
- **Veterans' Organization Capital Costs** – Relates to capital costs of construction, improvement, rehabilitation, or reconstruction of facilities owned by veterans' organizations; allows for state grants to be used for VFWs, American Legion Posts, etc. (**A.7483, Ra**).



Assemblyman Brian Miller



Health and Human Services

Health

The Assembly Republican Conference believes it is our duty as legislators to be a voice for the most vulnerable inhabitants of New York. Throughout the COVID-19 pandemic, Assembly Republicans fought tirelessly to bring nursing home deaths and the policies that caused them to light.³⁸ Our Conference vows to continue speaking out to ensure all New Yorkers receive the necessary care and attention they deserve, and to ensure our healthcare system is affordable and accessible.

Unfortunately, recent mandates imposed on hospitals and other healthcare facilities have created a growing need for qualified nurses and practitioners in New York State. “We can’t graduate nurses fast enough, but even when they do graduate, they are often not prepared to provide the level of care that’s most needed right now,” said Dr. Katie Boston-Leary, Director of Nursing Programs at the American Nurses Association.³⁹ Providing help to the heroic workers who have been on the front line against COVID-19 must be a priority in Albany. By streamlining licensing requirements and assisting in tuition for healthcare professionals committed to serving New Yorkers we may begin to create an environment where healthcare professionals can live and thrive in New York.

The Assembly Republican Conference offers the following legislation in hopes of strengthening our healthcare system to better ensure the quality of life expected by all New Yorkers.

Conference-Supported Legislation

- **Freedom of Choice in Health Care Act** – Ensures it is the policy of New York that its citizens can enter into private contracts with healthcare providers and purchase private healthcare coverage. In addition, the State cannot impose a penalty or fine against any New Yorker who chooses not to participate in any healthcare system or plan (**A.3896, Byrne**).
- **The New York State of Health Transparency Act** – Mandates insurance companies participating in the New York State of Health Marketplace to share the following information to consumers in a clear manner for use in comparing plans, plan coverage, and plan premiums: healthcare practitioner availability, exclusions from coverage, medication

38 <https://www.timesunion.com/news/article/Cuomo-must-be-subpoenaed-over-nursing-home-GOP-15936737.php>

39 <https://www.nytimes.com/2021/08/21/health/covid-nursing-shortage-delta.html>

deductible fees/payments, the specific price or percentage for co-pays, the availability of specific medications, the process of reversing a denial of a health plan decision, and details on out-of-network coverage (**A.3779, Byrne**).

- **“Emergency or Disaster Preparedness Act”** – Requires the Health Department to submit a plan to establish regional step-down facilities to temporarily care for individuals who have been discharged from a hospital after receiving treatment for COVID-19, or any other sickness related to a pandemic, to a nursing home, adult care facility, or assisted living residence where such individual resides until it is safe for them to return (**A.3839, Byrne**).
- **Off-Label Drug Coverage** – Prevents a pharmacy benefit manager from excluding coverage for an off-label use of a drug if the drug is recognized for treatment of the indication in one of the standard reference compendia in the medical literature or has been successfully used for treatment previously by the insured for the same indication (**A.3935, M. Miller**).
- **Mental Health Provider Waivers** – Allows the Commissioners of the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office for People with Developmental Disabilities to waive rules and regulations of their respective offices to remove barriers to collaboration such as medical assistance reimbursement, service procedures, care coordination, and direct-care worker training (**A.3952, M. Miller**).
- **Developmental Disability Training For Medical Professionals** – Requires that certain medical professionals complete a training program on the treatment of those with intellectual and developmental disabilities and chronic illness (**A.3983, M. Miller**).
- **Developmental Disability Transportation Study** – Directs the Commissioner of Transportation, in consultation with the Commissioner of the Office for People With Developmental Disabilities, to conduct a statewide study and review of the transportation of individuals with developmental disabilities (**A.5543, Palmesano**).
- **Essential Group Home Aide** – Provides the right for group home residents to designate an essential person who would be permitted to be present and provide aid to a resident at a group home with unrestricted access; provides for regular testing of such essential persons during COVID-19 (**A.6109, M. Miller**).
- **New York State Nursing Shortage Correction Act** – Provides tuition assistance to individuals looking to become a nurse and who commit to working in New York for the same length of time as the degree or program takes to complete (**A.5080, Palmesano**).

- **Regents Physician Loan Forgiveness Program Expansion** – Expands the Regents Physician Loan Forgiveness Program to include medical malpractice insurance rate relief to eligible physicians who practice in designated physician shortage areas (**A.5050, Palmesano**).
- **Interstate Medical Licensure Compact** – Enacts the Interstate Medical Licensure Compact, provides a streamlined process that allows physicians to become licensed in multiple participating states, thereby enhancing the portability of a medical license and ensuring the safety of patients (**A.5540, Palmesano**).
- **Health Care Worker Peer Support Program** – Provides grants to eligible entities for the purpose of establishing peer-to-peer mental health programs for healthcare workers (**A.3501, Ashby**).



Assemblywoman Melissa “Missy” Miller

Human Services

Our Conference also believes in the need to provide a safety net to individuals who lose their job and need help providing for their families. The New York State Constitution includes language that requires public support for those struggling in poverty. Specifically, the language states, “The aid, care, and support of the needy are public concerns and shall be provided by the State and by such of its subdivisions, and in such a manner and by such means, as the Legislature may from time to time determine.” In 2020, the United States saw record numbers of citizens losing their jobs due to the COVID-19 pandemic, and New York was no exception. Unfortunately, more must still be done to help those who have lost jobs and even worse, those who are stuck in a perpetual state of poverty.

- New York still faces a poverty rate of over 14 percent.⁴⁰
- As of July nearly 2.8 million people were receiving SNAP benefits.⁴¹
- 791,913, or 19.6 percent of New Yorkers living in poverty are children under the age of 18.⁴²

This is evidence of the constant need to improve the systems our most vulnerable rely on in their hardest moments. The Assembly Republican Conference offers the following legislation to assist those most in need while they fight to take back control of their lives.

Conference-Supported Legislation

- **Unemployment Insurance Reform** – Allows individuals to collect unemployment while working part time by reducing the amount of the unemployment benefit by 50 percent of the part-time earnings. This enables claimants to increase their overall net income by one-half of their part-time employment costs while reducing the cost of unemployment to the former employer by one-half of the part-time income (**A.4943, Goodell**).
- **Office of Temporary and Disability Assistance (OTDA) Appeals** – Allows appeals to OTDA to be conducted by telephone or videoconference (**A.4872, Goodell**).

40 https://nyscaa.memberclicks.net/index.php?option=com_content&view=article&id=43:poverty-reports&catid=20:site-content&Itemid=142

41 <https://www.governor.ny.gov/news/governor-hochul-announces-200-million-additional-food-assistance-new-yorkers-september>

42 https://nyscaa.memberclicks.net/index.php?option=com_content&view=article&id=43:poverty-reports&catid=20:site-content&Itemid=142

- **Successful Participation in Employment or Training Opportunities by Welfare Recipients** – Allows local social services districts, at their option, to immediately contact a welfare recipient who fails to comply with job training or work experience requirements, provide the recipient with a verbal notice of the failure to comply with a written confirmation letter (rather than a ten day written notice), and to immediately conduct a verbal conciliation effort to resolve any good faith issues needed to re-engage the recipient in job training or work experience with a minimum of delay (**A.4859, Goodell**).
- **Public Assistance Benefit Wanted Status** – Requires the Division of Criminal Justice Services to check the wanted felon status of people applying for public assistance (**A.6352, Barclay**).



ARRC Chairman Assemblyman Robert Smullen



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