

Assemblyman / Asambleísta
JEFFRION L. AUBRY
 Reports to the People
 Informa al pueblo

35TH A.D. • QUEENS COUNTY
 CHAIR, ASSEMBLY STANDING COMMITTEE ON CORRECTION

Summer 2012

SESSION 2012...AN OVERVIEW

Dear Constituent:

I am reporting to you now about the success of the Legislature this term in delivering an on-time budget for the SFY 2012-2013. This budget closes the state's \$3.5 billion budget deficit without the addition of any new taxes and also demonstrates our commitment to investing in key job-creating programs, education and health care. This budget spends a total of \$132.6 billion dollars.

This budget includes funding for economic-development initiatives across New York State. We will spend \$795 million this year to help promote business growth and job creation, leading to revitalized communities throughout the state. This budget commits \$1.6 billion to repairing and rebuilding our state's parks, roads, and bridges. When we invest in our infrastructure, we are not only strengthening our economy, we are also creating jobs. Job creation and positive business growth will help our economy grow and rejuvenate New York State.

It is a pleasure to inform you that the legislature has kept its promise to invest in education. We have passed a budget that increases school aid by \$805 million and increases community college base aid for the first time in five years. The quality of the education we provide is due in no small part to the hard work of the teachers in the classroom; this budget restores \$10 million to teacher resource and training centers to ensure that New York State teachers will have what they need to provide the best education possible. The education of our children is critical to the success of our state and this budget demonstrates our commitment to this success.

This year's budget restores critical funding to the Elderly Pharmaceutical Insurance Coverage (EPIC) program. \$30.6 million has been restored to EPIC in order to assist with Medicare Part D co-payments. Beginning in 2013, seniors will once again pay no more than a \$20 co-payment for each prescription. As the cost of living continues to rise during this difficult economic time, it is important that we do not abandon the health and well-being of our senior citizens. By restoring the funding to EPIC we are helping our most vulnerable residents afford life-saving prescription drugs.

It is an honor to be the representative for the 35th Assembly District and I look forward to seeing all the benefits of this budget for our district and state throughout the year.

Sincerely,

Jeffrion L. Aubry
 Member of the Assembly
 35th A.D. Queens County

Estimados constituyentes:

Les incluyo información sobre el éxito logrado por la Legislatura estatal durante esta sesión al aprobar un presupuesto puntual para el año fiscal 2012-2013. Este presupuesto cierra el déficit presupuestario del estado de \$3.5 mil millones, sin añadir nuevos impuestos, y demuestra nuestro compromiso de invertir en los programas principales de creación de empleos, educación y servicios de salud. Este presupuesto gasta un total de \$132.6 mil millones.

Este presupuesto incluye fondos para iniciativas de desarrollo económico en todo el estado de Nueva York. Este año, aprobamos \$795 millones para ayudar a promover el crecimiento empresarial y la creación de empleos, encaminado a la revitalización de comunidades en todo el estado. Este presupuesto asigna \$1.6 mil millones a la reparación y reconstrucción de puentes, carreteras y parques en nuestro estado. Cuando invertimos en nuestra infraestructura, no sólo fortalecemos nuestra economía sino que también creamos empleos. La creación de empleos y el crecimiento empresarial positivo ayudará a que nuestra economía crezca y a que el estado de Nueva York se rejuvenezca.

Es un placer informarles que la Legislatura estatal ha mantenido su promesa de invertir en la educación. Hemos aprobado un presupuesto que aumenta la ayuda escolar por \$805 millones, al igual que aumenta la ayuda

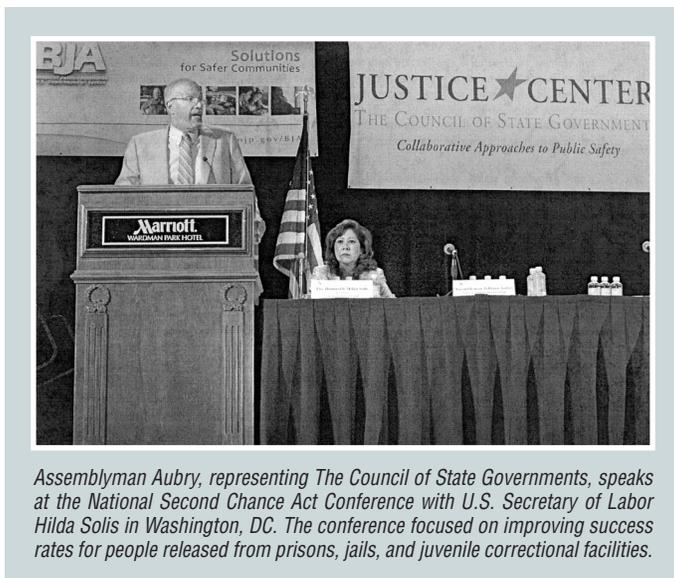
base de los colegios comunitarios por primera vez en cinco años. La calidad de la educación que proveemos se debe en gran parte al arduo trabajo de los maestros en el salón de clases; este presupuesto restaura \$10 millones en recursos y centros de capacitación para asegurar que los maestros del estado de Nueva York tengan los recursos que necesitan para proveer la mejor educación posible. La educación de nuestros niños es fundamental para el éxito de nuestro estado y este presupuesto demuestra nuestro compromiso para lograr dicho éxito.

El presupuesto de este año restaura fondos importantes para el programa EPIC de Cubierta Farmacéutica para Ancianos. Se restauraron \$30.6 millones al programa EPIC con el fin de ayudar a los beneficiarios con los copagos del Medicare Parte D. Comenzando en el 2013, los envejecientes una vez más pagarán no más de \$20 en co-pagos por cada medicamento recetado. Debido a que el costo de vida sigue aumentando durante estos tiempos económicos difíciles, es muy importante que no abandonemos la salud y el bienestar de nuestros mayores. Al restaurar los fondos al programa EPIC ayudamos a nuestros residentes más vulnerables a pagar los medicamentos que les pueden salvar la vida.

Es un honor poder representar al Distrito 35 de la Asamblea y espero ver el resultado de todos los beneficios provistos en este presupuesto para nuestro distrito y estado durante el año. Si les gustaría recibir una copia de este noticiario en español, favor de comunicarse con mi oficina.

Atentamente,

Jeffrion L. Aubry
 Miembro de la Asamblea
 Distrito 35, Condado de Queens



Assemblyman Aubry, representing The Council of State Governments, speaks at the National Second Chance Act Conference with U.S. Secretary of Labor Hilda Solis in Washington, DC. The conference focused on improving success rates for people released from prisons, jails, and juvenile correctional facilities.

2012-13 STATE BUDGET INCREASES SCHOOL AID BY \$805 MILLION

Community college base aid rises for the first time in five years

The Assembly has passed a 2012-13 state budget that increases school aid by \$805 million and increases community college base aid for the first time in five years (A.9057-D).

■ KEEPING THE PROMISE: INVESTING IN EDUCATION

The final budget includes:

- Restores \$10.2 million to teacher resource and training centers;
- Increases non-public school aid by \$7 million, for a total of \$123.6 million;
- Increases aid to public libraries by \$3.9 million, providing \$82.9 million in total funding;
- Increases adult literacy education by \$1 million for a total of \$5.2 million;
- **Provides \$3 million in additional payments to New York City for the transportation costs of students who remain at school until 5 p.m. or later for regularly scheduled academic programs;** and
- Provides \$1 million for the Missing Children Program.

Success starts in the classroom. By increasing school aid, something the Assembly Majority has led the fight on and promised to do, we provide our children with the best possible education, better preparing our students for the jobs of the future and enabling them to thrive for years to come.

The final budget authorizes school districts to use excess Employee Benefit Accrued Liability Reserve (EBALR) funds to maintain educational programming. Additionally, it rejects a proposal to shift costs for the Preschool Special Education program onto local school districts.

■ PRESERVING HIGHER EDUCATION FUNDING

It's imperative that we protect the value of a community college education. Community colleges are where many bright students get started on the path to workforce success, so we need to keep that opportunity within reach of hardworking families.

Additionally, the 2012-13 state budget restores:

- \$27.8 million to be distributed equally among the three SUNY teaching hospitals;
- Nearly \$3.5 million to the Higher Education Opportunity Program (HEOP), providing \$24.3 million;
- \$1.7 million to Liberty Partnerships, providing \$12.5 million;
- \$1 million to the Science and Technology Entry Program (STEP), providing \$10.8 million; and
- \$778,000 to the Collegiate Science and Technology Entry Program (CSTEP), providing \$8.2 million.

New York's public colleges and universities offer a quality education with an affordable price tag—giving hardworking families the best of both worlds. With these vital increases in funding, we ensure that our public college system remains the best bargain in the country.



Assemblyman Aubry and the representatives of The Coalition for Asian American Children and Families and Asian Americans for Equality meet to discuss their Legislative Agenda for this Session.



Assemblyman Aubry meets with Librarians representing the Queens Borough Public Library to discuss funding issues.

TAX CUTS FOR 99 PERCENT OF NEW YORKERS

The Assembly announced a 2012-13 final state budget. The \$132.6 billion budget closes the state's \$3.5 billion deficit and restores critical funding for education and health care, funds important job-creation and infrastructure programs, while continuing the lowest middle-class tax rate in 58 years, which cut taxes for 99 percent of New Yorkers in December.

In addition, as of April 1, New York State has again exempted the state's 4 percent sales tax on clothing, footwear and related items sold for less than \$110 each so working families can save more of their hard-earned dollars.

This year's on-time state budget brings much-needed relief to hardworking families, with no new taxes, fees or gimmicks. By investing in job creation and increasing aid to our schools and health care system, this year's budget addresses the needs of New Yorkers, while holding spending under 2 percent growth and strengthening our state's economic recovery.

■ KEEPING THE PROMISE: INVESTING IN EDUCATION

The final budget increases school aid 4 percent—or \$805 million. That includes a \$111.5 million increase in Foundation Aid, a \$400 million increase in the Gap Elimination Adjustment restoration and a full restoration of \$239 million for expense-based aids. In addition, \$125 million will be available through a competitive grant process. The key to a successful future for our children starts in the classroom. That's why I fought to increase school aid, making sure our children have access to the quality education they deserve.

■ DELIVERING HIGHER EDUCATION FUNDING

Recognizing the critical role that community colleges play in job training and retraining, the

Assembly Majority promised to increase state support to the state's public community colleges. The final budget increases support to \$2,272 per-FTE student for a total of \$22.1 million for SUNY community colleges **and \$9.1 million for CUNY community colleges**. The base aid increase is \$150 per-FTE student, the first community college base aid increase in five years.

In addition, the budget provides \$1.6 million to SUNY child-care centers, a \$653,000 restoration, and **\$1.3 million to CUNY child-care centers, a \$544,000 restoration**. The spending plan also restores \$27.8 million to be distributed equally among the three SUNY teaching hospitals.

As many families are still struggling to make ends meet, we cannot let our children miss out on a college education simply because they can't afford it. By protecting the valuable role community colleges play in our area, we can provide affordable education to families and better prepare our children for their future careers.

■ LENDING A HELPING HAND TO OUR MOST VULNERABLE

The final state budget includes \$16 million for full implementation of the 10 percent public-assistance grant increase. It will increase 5 percent on July 1, 2012, and an additional 5 percent on Oct. 1, 2012. This tough economy has wreaked havoc on our state's poorest residents. By increasing the public-assistance grant, we can help ensure that hardworking families who are struggling get the financial assistance they need to put food on the table, pay bills and clothe their children.

■ EPIC RESTORATIONS FOR CO-PAYMENT ASSISTANCE

The 2012-13 state budget restores \$30.6 million to the Elderly Pharmaceutical Insurance Coverage (EPIC) program—helping reinstate co-payment

assistance for approximately 300,000 EPIC enrollees. Currently, seniors enrolled in the EPIC program are forced to pay 25 percent of the cost of each prescription drug. With the co-payment assistance restored, enrollees will return to paying no more than a \$20 co-payment for each prescription. As the cost of living continues to rise, many seniors on fixed incomes can hardly afford to put food on the table, let alone pay for the staggering cost of medication. By restoring this vital funding to EPIC, we can help our most vulnerable residents afford life-saving prescription drugs, protecting their health and well-being during this tough economic time.

■ HELPING THE UNEMPLOYED

The state budget appropriates \$6.5 billion for unemployment insurance benefits. This amount reflects an increase of \$2.25 billion over the executive budget proposal due to federal extensions passed in February.

We must make sure that unemployed New Yorkers still have access to essential emergency insurance benefits. It's imperative that we continue to invest in programs that prevent our most vulnerable residents from slipping through the cracks.

■ INCREASING HEALTH CARE SPENDING, REDUCING UNFUNDED MANDATES

The final budget increases health care spending by 4 percent, making our state a healthier, more secure place to live. The plan also includes a provision for the state to take over the local share of the costs of Medicaid growth, to be phased in over three years, saving local governments \$1.2 billion over the next five years. Currently, all growth over 3 percent is paid by the state. Additionally, the budget provides for the state to relieve local gov-

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ernments from Medicaid administrative burdens. These measures provide mandate relief to local governments and municipalities – providing them the opportunity to cut property taxes.

The budget also includes \$34.3 million to maintain the right for spousal refusal, ensuring that seniors with ailing spouses who are in need of long-term care services are protected against losing assets that are critical to their well-being.

In addition, the final budget includes funding for the following:

- Home and Personal Care Worker Benefits (\$10 million);
- Tobacco Prevention and Control Program (\$5 million);
- Public health and wellness programs at SUNY teaching hospitals (\$2 million);
- Additional funding for infertility programs (\$2 million);
- Family Planning Services (\$750,000);
- School Based Health Centers (\$557,000);
- HIV/AIDS Community Service Programs (CSP) (\$525,000);
- HIV/AIDS Multi Service Agencies (MSA) (\$525,000);
- NORC and Neighborhood NORC programs (\$458,000); and
- Breast Cancer Network (\$50,000).

In an effort to relieve some of the financial burden on local governments, this year's budget provides municipalities mandate relief from heavy Medicaid costs. This measure gives local governments the chance to provide property tax relief for hard-working families.

■ HELPING BUSINESSES CREATE AND RETAIN JOBS

The 2012-13 final budget provides \$794.6 million to various Empire State Development Corporation (ESDC) projects to help promote business growth, leading to job creation and revitalized communities throughout the state.

Now more than ever, we need to invest in programs that create good-paying jobs for families. By getting more people back into the workforce, we can grow and strengthen our economy, making New York State a better place to live and do business.

■ FUNDING FOR CAPITAL PROJECTS

The final budget includes funding for capital projects, helping to rebuild our state's crumbling infrastructure and putting people back to work:

- Repairing and rebuilding parks, roads and bridges through New York Works (\$1.6 billion);
- SUNY College of Nanoscale Science and Engineering (\$250 million);
- A second round of Regional Economic Development Council grants (\$220 million);



Representatives from The Plaza Del Sol Family Health Center of Corona, NY visit Assemblyman Aubry at the Capitol during the Urban Health Plan Advocacy Day.

- New York Works Economic Development Fund, as part of the New York Works Initiative (\$75 million); and
- Empire State Economic Development Fund (\$20 million).

Infrastructure projects to rebuild our roadways and bridges play a vital role in rebuilding New York's economy. Through this funding, we can help spur job creation and revitalize our communities hit hardest during this economic downturn.

■ HELPING STRUGGLING FAMILIES GET BY

The final state budget includes \$16 million for full implementation of the 10 percent public assistance grant increase. It will increase 5 percent on July 1, 2012, and an additional 5 percent on Oct. 1, 2012.

This tough economy has wreaked havoc on our state's poorest residents. By increasing the public-assistance grant, we can help ensure that hardworking families who are struggling get the financial assistance they need to put food on the table, pay bills and clothe their children.

Additionally, \$16.7 million is allocated to the following Temporary Assistance for Needy Families (TANF) programs:

- ATAIN Technology Training (\$3 million);
- Child Care subsidies (\$2 million);
- Nurse Family Partnership (\$2 million);
- Child Care Facilitated Enrollment (\$1.3 million);
- Non-Residential Domestic Violence Services (\$1.2 million);
- Settlement Houses (\$1 million);
- Wage Subsidy Program (\$950,000);

- ACCESS – Welfare to Careers (\$800,000);
- Career Pathways (\$750,000);
- Preventive Services (\$610,000);
- Displaced Homemakers (\$546,000);
- Advantage Schools (\$500,000);
- Emergency Homeless Needs (\$500,000);
- Child Care SUNY/CUNY (\$334,000);
- Educational Resources (\$250,000);
- Food Pantry Initiative (\$250,000);
- Strengthening Families through Stronger Fathers (\$200,000);
- Bridge (\$102,000); and
- Caretaker Relative/Kinship (\$51,000).

It is critical that we lend a hand to those having trouble making ends meet, especially as the economy continues to leave too many of our hardworking families behind. By providing adequate funding for these programs, we can help struggling New Yorkers get back on their feet.

■ PROVIDING CAREER ASSISTANCE & DEVELOPING OUR COMMUNITIES

The final budget earmarks funding for many additional programs aimed at protecting our young people, supporting our communities and putting New Yorkers back to work, including:

- Workforce Development Institute (\$2.3 million);
- Youth Development and Delinquency Prevention/Special Delinquency Prevention Program (\$1.9 million);
- Department of Labor Workforce Initiatives (\$1.8 million);
- Community Reinvestment (\$1.8 million);
- Safe Harbour (\$1.5 million);
- Caseload Ratio Program (\$757,200);

- 2-1-1 New York (\$750,000);
- Child Advocacy Centers (\$750,000);
- New York State Alliance of Boys & Girls Clubs (\$750,000);
- NYCOSH (\$350,000);
- Runaway and Homeless Youth Program (\$214,456); and
- Vietnam Veterans of America – NYS Council (\$25,000).

We must not lose sight of our duty to help those who may not be able to help themselves. The state budget I helped pass reflects a commitment to protecting the health and well-being of the most vulnerable New Yorkers.



Assemblyman Aubry and members of The Nurses Association discuss the importance of their legislation regarding health care issues.

■ PROTECTING THE HOMELESS AND DISABLED

The 2012-13 final budget allocates \$1.5 million for the New York State Supportive Housing Program (NYSSHP) and \$1.5 million for the Solutions to End Homelessness Program (STEHP). Additionally, \$250,000 will go toward the Disability Advocacy Program (DAP).

With the ever-increasing cost of living, those who are homeless or disabled can feel like they're fighting a constant, uphill battle. These programs provide critical services to give them a chance to get ahead.

■ GIVING IMMIGRANTS A HELPING HAND

The state budget establishes the Office for New Americans and provides \$102,000 for the refugee resettlement program. Additionally, \$250,000 has been allocated for English as a Second Language/Adult Basic Education (ESL/ABE) classes.

By providing assistance to those who are trying to make a new start here, we can help give everyone a fair chance at achieving the American Dream.

ASSEMBLY ANNOUNCES VITAL EPIC CO-PAYMENT ASSISTANCE RESTORED IN STATE BUDGET

While the economy is starting to rebound, many New Yorkers are still struggling, particularly the most vulnerable among us. Seniors especially need our help in these tough economic times. That's why we passed a restoration of co-payment assistance for EPIC enrollees in the 2012-13 budget (A.9056-D). The budget provides \$30.6 million to support the restoration of co-payment assistance that was eliminated on Jan. 1, 2012. This allows EPIC enrollees to pay no more than \$20 as a co-pay when filling a prescription. Currently, seniors may have to make co-payments as high as 25 percent of the cost of the drug, a huge burden. Seniors should not have to worry about being able to afford the medication they need to survive. EPIC helps low- and moderate-income seniors pay for medication costs that are not covered by Medicare. Seniors will see a savings in the new year when they once again pay between \$3 and \$20 for each prescription. We were also able to restore drug co-payment assistance for the many unfortunate seniors with very high prescription costs, more than \$6,600 per year. These seniors are currently required to pay 5 percent of their drug costs, which can be a substantial burden for individuals on a fixed income. The budget also caps co-payments for these seniors at \$20.

PUBLIC PROTECTION HIGHLIGHTS

Creation of an All-Crimes DNA Database

The passage of the SFY 2012-2013 budget will make New York the first state in the country to have an "all-crimes DNA" data base. DNA samples will be collected from anyone convicted of any felony or penal law misdemeanor, with the exception of first-time offenders with B misdemeanors for marijuana possession. Law enforcement officials can access the DNA database when they are investigating crimes in order to match crime scene evidence containing DNA against the samples in the database. Police groups and district attorneys from around the state pressed hard for an expansion of the database and expect it will help them apprehend criminals in cases that might otherwise remain unsolved. Up until now, only people convicted of penal law felonies and certain misdemeanors in New York were required to give a DNA sample for the state database.

The bill also contains measures to provide access to the database for some criminal defendants. It is anticipated that the new law will help prevent wrongful convictions by giving criminal defendants the ability to apply to the court for DNA testing to prove their innocence. In addition, it establishes a process to permit people who have been convicted of crimes, either after trial or after a guilty plea, to test evidence for DNA if it might exonerate them.

Counting Prisoners as Residents of their Home Districts

In 2010, the Legislature passed a law requiring prisoners to be counted as residents of their home addresses at the time of conviction, rather than as residents of the towns where they are incarcerated, for the purpose of drawing state legislative district lines. As the latest census count wrapped up, there was still some confusion about identifying home addresses for the more than 58,000 people in prison at the time of the federal decennial census. Some prisoners were homeless when they were arrested, others were from out of state and still others provided addresses that did not show up in the census software. After more than a year of research and adjustment, approximately 46,000 New York state prisoners have now been counted in their home districts instead of the prisons where they were incarcerated. Approximately half of state prisoners come from the five boroughs of New York City.

The decision to count prisoners at home will not affect federal funding allocations or other governmental functions based on the decennial census. However, reallocating prisoners for the purpose of drawing state legislative district lines to the communities from which they came will keep towns hosting prisons from having outsized influence in the weighted votes of state legislators who will no longer be able to count prisoners as their constituents while attempting to enact laws against their best interests. Further, it will put an end to the practice of local county governments upstate claiming a minority population when in fact that population is a captive population that neither uses local services nor interacts with



Assemblyman Aubry and representatives of (PEF) Public Employees Federation AFL-CIO discuss their legislative priorities on issues including employment, community supervision, and public safety.

the local population other than people working in the prisons. More than anything else, the reallocation of prisoners is a victory for civil rights.

Close to Home Juvenile Justice Initiative

Part of the Governor's budget calls for adjudicated juvenile delinquents from New York City who are not a high security risk to be placed in juvenile justice programs within the city to minimize their displacement from their families. The city will provide juvenile justice treatment and program options for all non-secure and limited-secure juvenile offenders, receiving state funds for the care of the juveniles. The programs, which may be provided by approved agencies under contract with the local social services districts, will be under supervision of the Office of Children and Family Services. The aim of the legislation is to build on positive interactions between the adjudicated youths and their home communities while providing the continuum of diversion, confinement, treatment, programming, and supervision needed for juvenile delinquents in the least-restrictive environment compatible with public safety.

Raising the Age of Criminal Responsibility

Assembly members Aubry, Lentol and Weinstein have sponsored Bill Number A-9424 to raise the age of criminal responsibility in New York from 16 to 18 so that youth who are charged with a crime will be treated in a more age-appropriate manner. While the bill would give a needed break to most troubled young people, it also provides that some teenagers may be tried as adults when the circumstances of an individual case so warrant. New York is one of only two states left in the country that routinely treats 16- and 17-year-olds as adult offenders.

Research has long shown that teenagers do not have fully developed adult brains until after the age of 18 and do not go through the same kind of decision-making processes or have the same kind of understanding of the consequences of their actions as adults. For many of these kids, alternatives to incarceration are both appropriate and cost-effective, allowing teenagers to finish their education while obtaining needed supervision. Additionally, placement in adult prisons can be very deleterious to troubled youth, sometimes causing them to adopt a lifetime of criminality that might be avoided by more appropriate placement in a juvenile facility providing treatment, rehabilitation and education. It is very likely that the state will save money by keeping these kids out of prison and allowing them to avoid the stigma of criminal convictions at an early point in their lives. Giving troubled teenagers a chance to grow up before subjecting them to adult penalties and consequences should help many of them escape a life of incarceration and recidivism.

ASSEMBLYMAN / ASAMBLEÍSTA JEFFRION L. AUBRY

35TH ASSEMBLY DISTRICT • QUEENS COUNTY • CHAIR, ASSEMBLY STANDING COMMITTEE ON CORRECTION

My offices are here to serve you. If you have a question, problem or an idea, please do not hesitate to call or drop by and we will do our best to try to assist you. *Mis oficinas están aquí para servirles. Si tienen alguna pregunta, problema o idea, llámennos o visítannos y nosotros haremos todo lo posible por ayudarlos.*

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