

MOVING NEW YORK FORWARD



Dear Constituents,

Spring is upon us and so is a new state budget. The Governor's proposed 2018-19 budget calls for \$168.2 billion general fund spending. His budget also identifies a \$4.4 billion gap between revenues and proposed spending. He has suggested several steps to close this gap.

The Assembly and Senate have been reviewing the Executive proposed budget and have conducted joint hearings on every aspect of this budget. We have also monitored the federal government's budget negotiations. The federal actions are important as it provides New York State with 36% of the budget.

Additionally, the federal tax reform of 2018 impacts our state by eliminating the deductibility of our state and local taxes. In that regard, the Governor would like to modify the NYS tax structure in order to address the loss of (SALT) deductibility.

With all of these factors at play, we must still ensure the proper funding for the things necessary for our city, communities, and families. Health care, education, senior and youth services, public safety, and libraries all need to be adequately funded in order to secure a just future for us all.

My priority for all the people of the 35th Assembly District is a budget which provides opportunity in 2018-19. The budget deadline is April 1st. It is my hope that we will meet this deadline.

It is my pleasure to represent the 35th Assembly District.

Jeffrion L. Aubry
Member of Assembly
Speaker Pro Tempore

MINIMUM WAGE INCREASED AGAIN

The sweeping changes in the state's minimum wage laws help lift working families up – because far too many people are struggling just to get by.

As the minimum wage increases continue, many New Yorkers can expect to see a bump in their pay. On December 31, 2017, the minimum wage in New York City increased to \$13, and for workers employed by small businesses with 10 or fewer employees, it increased to \$12. The minimum wage in Nassau, Suffolk, and Westchester counties increased to \$11, while upstate New York saw the minimum wage increased to \$10.40. And that isn't the last of it – workers will continue to see increases for the next few years.

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NY ABLE SAVINGS ACCOUNT PROGRAM



The NYS Office of the State Comptroller continues to make progress with the establishment of a savings account program for individuals with disabilities authorized by the NYS Achieving a Better Life Experience (ABLE) legislation. Open enrollment began in August 2017. The NY ABLE program encourages people with disabilities and their families to save private funds in individual accounts to meet disability-related expenses. These funds are intended to supplement, but not supplant, benefits provided through Medicaid, supplemental security income, and other sources. In addition, ABLE account earnings are exempt from taxes, as long as the funds are used to pay for qualified disability expenses.

Information about the program is available through the NY ABLE website (www.mynyable.org) and a toll-free hotline (1-855-5NY-ABLE).

BAIL REFORM

The current bail system in New York State has failed New Yorkers. Each year, thousands of New Yorkers are incarcerated prior to a criminal trial simply because they cannot afford to pay bail, a situation that is clearly the criminalization of poverty. Even though the vast majority of defendants return to court and do not reoffend when released on their own recognizance, poor New Yorkers who are accused of a crime are often still incarcerated for the length of their trial or, more often, until they agree to plead guilty. Regardless of actual guilt, defendants who are subject to pre-trial detention for as little as 48 hours experience an increased likelihood of re-arrest, in addition to work, custody, housing, and immigration consequences. Additionally, there is no correlation between being able to afford bail and returning to court and not reoffending. There is no public safety rationale for maintaining our current bail system. The Assembly has introduced legislation that would end cash bail in New York State.

NY PAID FAMILY LEAVE PROGRAM

Starting January 1, 2018, New York's Paid Family Leave Program provides job-related paid leave to employees who need time off from their jobs to bond with a new child or

care for a family member with a serious health condition. The plan may also be used to help ease the burden placed on families when earners are called into active military service.

Almost all private and non-profit sector employees are covered, regardless of employer size, citizenship, or immigration status, and whether employed full or part time. Employees working at least 20 hours or more a week will be eligible after 26 weeks of employment, and part-time employees working less than 20 hours a week will be eligible after 175 days worked. Domestic workers, such as nannies and housekeepers, are covered if they work full time for their employer. Unionized public sector workers can be covered if their employer negotiates to opt in. Government workers not represented by a union can be covered if their employer opts in. Independent contractors are eligible if they have opted in and purchased paid family leave insurance coverage. (Certain categories of workers, excluded under New York State's temporary disability insurance law, are also excluded from paid family leave.)

Employees are guaranteed their job (or a similar position) when they return to work. Employer-provided health insurance continues while on leave, but an employee must continue to make any normal contributions.

The program is funded entirely through a small payroll deduction from each employee.

For more information, visit <https://www.ny.gov/programs/new-york-state-paid-family-leave>.

ASSEMBLY PASSES BILL TO HELP "DREAMERS" ATTEND COLLEGE



My colleagues and I recently passed the NYS Development, Relief, and Education for Alien Minors (DREAM) Act to expand access to higher education for the children of immigrants. In his State of the State, Governor Cuomo expressed his commitment to make this type of legislation the law of the land. We are working hard for the next generation of newcomers to have an opportunity to earn a college degree, begin successful careers, and give back to our communities.

WOMEN'S HISTORY MONTH CELEBRATES PROGRESS

This March – Women's History Month – we pay tribute to the women who marched ahead and shattered glass ceilings to



prove society wrong and forge brighter paths for us all. Most recently, the #MeToo movement, created by Queens native Tarana Burke, founder of Just Be Inc. and senior director of the Brooklyn-based non-profit Girls for Gender Equity, has added renewed energy to the fight for equality. The solidarity campaign has brought attention to sexual assault and harassment issues that have plagued our society for far too long.

ASSEMBLY PASSES SIGNIFICANT GUN LEGISLATION



In March, I helped pass legislation to prevent and reduce gun violence in New York. The legislative package includes measures to ban bump stocks, prevent individuals determined to be a danger to themselves or others from possessing or purchasing firearms, and establish a longer waiting period before delivery of a purchased firearm to a person who has not cleared a background check. We need to do more to combat gun violence. No parent should have to bury their child because someone who shouldn't have had a gun got one. Let's stand together and say enough is enough.

SPEEDY TRIAL REFORM



Kalief Browder spent three years jailed at Riker's Island on a charge for which he was never tried or convicted. He was released in March 2013, having spent more than 700 days in solitary confinement. On

June 5, 2015, Kalief committed suicide, a final and permanent indictment of New York's "speedy trial" statute. Under current statute, prosecutors are allowed to declare readiness for trial by simply stating they are ready. At the very next court date, the People can declare themselves "not ready" and ask for an adjournment. As a 2014 *New Yorker* article pointed out, "Every time a prosecutor stood before a judge in Browder's case, requested a one-week adjournment, and got six weeks instead, this counted as only one week against the six-month deadline." I will continue to advocate for the reduction of undue delay by requiring the court to rule on the number of days that should be included for speedy trial purposes.

LAVERN'S LAW ENSURES MORE PATIENTS CAN SEEK JUSTICE



I believe that misdiagnosing or failing to diagnose cancer isn't simply a mistake, it's a matter of life and death. New Yorkers should be able to trust that their doctors and hospitals are correctly identifying the cause of their pain or illness. Lavern's Law, signed into law by Governor Cuomo on January 31, 2018, addresses cases involving a failure to diagnose cancer or a malignant tumor, and gives patients and their families 2 ½ years to file malpractice claims from the time the victim discovers the failure to diagnose-rather than at the time of the negligent act-but within seven years of the alleged malpractice. The law also provides a six-month window to file an action or claim for people where the statute of limitations expired within the last 10 months.

The law is named in memory of Lavern Wilkinson, a mother who died in 2013 of a treatable form of lung cancer.

GOOD NEWS ABOUT WIC

WIC can help many low-income women and their young children obtain healthy foods, counseling on breast-feeding, and nutrition and referrals to other services. Pregnant women, mothers, with infants and some mothers with children up to 5 years are eligible to apply to WIC.

A recent court decision has made it mandatory for WIC to grant a Fair Hearing to applicants whose application has been declined or to recipients whose benefits have stopped. For more information on eligibility, go to the Department of Health's website, https://www.health.ny.gov/prevention/nutrition/wic/income_guidelines.htm.

To ask for a Fair Hearing, call 800-522-5006, email nyswic@health.ny.gov, fax (518) 402-7348, or write to WIC Program Director, NYSDOH, Riverview Center, Room 650, 150 Broadway, Albany, NY 12204.

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DISCOVERY REFORM



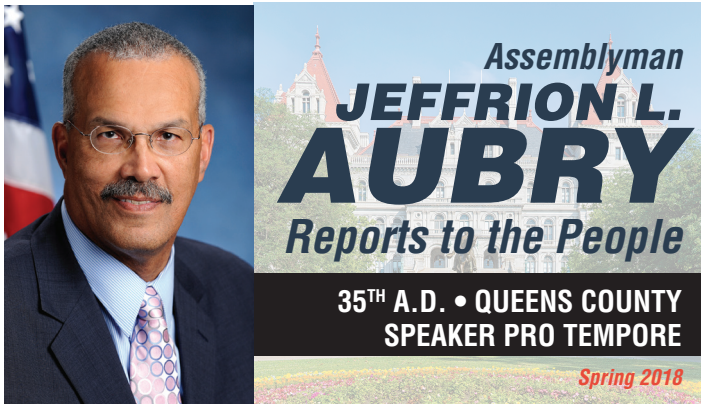
The Assembly has also introduced legislation that would modernize and make New York State's criminal discovery rules fairer. It calls for the repeal of our current flawed discovery rules. It requires both the prosecution and the defendant to provide the opposing party with extensive discovery early in the case. It eliminates unduly burdensome requirements of routine discovery paperwork. It includes a mechanism for prosecutors with legitimate concerns about the safety of their witnesses to withhold or redact any evidence and to move for a protective order. These procedures for discovery in criminal cases have worked successfully in the cities of Los Angeles, San Diego, Chicago, Detroit, Philadelphia, and Newark.

CLOSE THE CARRIED INTEREST LOOPHOLE



Currently, the Carried Interest Tax Loophole in the federal tax code allows hedge fund investment managers and private equity billionaires to declare as carried interest a percentage of their investment fee to get a lower tax rate. The returns from these fees typically qualify as long-term capital gains and are taxed at a much lower rate than ordinary income. This is fundamentally unfair. This year, I will continue to advocate for my proposed legislation to close the Carried Interest Tax Loophole on the State level by taxing the Carried Interest Income of hedge fund and private equity investors as traditional ordinary earned income.

New York State Assembly, Albany, New York 12248



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GRANTS ACTION NEWS

I encourage my constituents to visit the Grant Action News website, grants@nyassembly.gov, which offers information on state, federal, and private grants. This is a monthly publication that is also available on the NYS Assembly website.