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*Dear Neighbor,*

*Now that we have completed our regular 2012 legislative session, I want to report to you on some of what we accomplished. In this newsletter, I will highlight (1) budget-related issues, and (2) reform of the system of State- operated and State-regulated residential and day facilities for people with disabilities.*

*Revenues remained stable. We continued last year's income tax rates on millionaires and cut them for everyone else.*

*Expenditures - overall, we held the budget's growth to 2%. We rearranged spending from the Executive Budget proposals to provide services needed by the people in our communities. We increased spending for education 4% and public assistance 10%. We preserved low-income working-family child care subsidies and continued juvenile justice reform. We redirected new education monies to school aid and community college student aid. We rejected proposals to make it more difficult for people with special needs to access health and mental health services. We restored tobacco control monies.*

*The budget contains some disappointments which we will have to address next year. However, it is a responsible budget for the people of New York State.*

*If I may be of any assistance to you, please don't hesitate to contact my office.*



*Assemblyman Abinanti confers with Majority Leader Ron Canestrari.*

*Assemblyman Abinanti discusses health care with nursing students.* ▶

*Assemblyman Abinanti speaks at a rally to preserve funding for special education schools.* ▼



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# 2012 LEGISLATIVE SESSION

## TAXES – ECONOMIC DEVELOPMENT – JOBS and MINIMUM WAGE

### Assembly Reforms Taxes and Funds a Better Future

*In his second year in the state legislature, Assemblyman Abinanti worked with other legislators to reform the allocation of the state's taxes, maintain our infrastructure, stimulate jobs and help insure that those who work can live on their wages.*

### MILLIONAIRES TAX

At the urging of Assemblyman Abinanti and other Assembly members, New York's high income tax surcharge was extended for another two years, producing \$1.2 billion per year.

The surcharge, a modified version of the tax that expired in 2011, is a true "millionaires tax" applying to individual incomes over \$1 million dollars - less than 1% of all New Yorkers. Without this "millionaires tax," New York's wealthiest 1% would be in the same tax bracket as individuals earning \$20,000 and families of four earning \$40,000 a year—an \$85,000 tax break added to the Bush federal tax cuts averaging \$128,000 per millionaire annually.

### ECONOMIC DEVELOPMENT

The final budget provided \$794.6 million to fund various projects through the Empire State Development Corporation to promote business growth, job creation and community revitalization throughout the state. Some \$10 million has already been allocated to projects in Greenburgh and Mount Pleasant. The budget provided another \$2.6 million to help minority- and women-owned businesses.

### MTA PAYROLL TAX CUT

In December, the Legislature permanently eliminated the MTA payroll tax for small businesses with annual payrolls of less than \$1.25 million and for self-employed New Yorkers who earn less than \$50,000 per year. The final budget also exempted public and private schools. (Assemblyman Abinanti introduced legislation – not yet acted on - to exempt libraries.)

### TAX CUT FOR NY'S 99%

The Legislature reduced tax rates for 4.4 million New Yorkers, a tax cut of \$690 million for middle and working class families - paid for by the continuation of the millionaires tax.

### SALES TAX EXEMPTION

Beginning April 1st, New York restored its exemption from the 4 percent state sales tax on clothing, footwear and related items sold for less than \$110 each.

### INFRASTRUCTURE/JOBS

Recognizing the importance of repairing and improving infrastructure, the final budget included \$1.6 billion for the rebuilding of parks, roads and bridges through New York Works.

### MINIMUM WAGE

To help low-income New Yorkers, the Assembly voted for a minimum wage increase from \$7.25 to \$8.50. Eighteen other states (including neighbors Vermont, Connecticut and Massachusetts) have minimum wages higher than New York. The State Senate has not yet acted.



▲ Assemblymen Abinanti and Gary Pretlow (rear) meet with some Westchester teachers in Assembly Chambers.



◀ Assemblyman Abinanti meets Westchester residents who work for Westchester municipalities.

## STATE BUDGET – ON TIME and RESPONSIBLE

### Assembly Again Betters Budget

*In his second state budget, Assemblyman Abinanti worked with other legislators to pass an on-time budget with no new taxes. This year's \$132.6 billion dollar state budget closed the state's \$3.5 billion deficit, while continuing the lowest middle class income tax rate in over 50 years. This year, the Assembly again improved the proposed Executive Budget to enhance funding critical to Westchester residents.*

### EDUCATION AID INCREASE

After years of cuts, the final budget increased state school aid by \$805 million (4%) over last year, raising aid to \$20.4 billion. This included a \$111.5 million increase in Foundation (Operating) Aid, a \$400 million increase in Gap Elimination Adjustment restoration, and a full restoration of \$239 million for expense based aids (building, transportation, special education and BOCES). The Executive Budget had proposed diverting \$250 million to competitive grants; the Legislature restored most money to direct aid, leaving \$125 million for competitive grants over a two-year period.

### HEALTH CARE INCREASE

The final state budget increased health care spending by 4%. The budget includes funding for: home and personal care worker benefits, tobacco prevention and control programs, family planning services, school based health centers and the Breast Cancer Network.

### EPIC FUNDING RESTORED

The final budget restored \$30.6 million to the Elderly Pharmaceutical Insurance Coverage (EPIC) program which was not included in the Executive Budget. EPIC provides co-payment assistance to nearly 300,000 low- and moderate- income seniors.

### COUNTY MANDATE REDUCED

The state will absorb the local share of Medicaid cost growth through a three-year phase in, saving counties \$1.2 billion over the next 5 years.

### LOCAL MANDATE REDUCED

At the urging of Assemblyman Abinanti and other suburban legislators, the Legislature authorized villages, school districts and special districts to continue using lever voting machines in their elections for two more years. While state law generally requires electronic voting machines, their cost and unavailability poses a problem for a number of suburban communities.

### SCHOOL MANDATE REJECTED

Again due to the strong opposition of Assemblyman Abinanti and other suburban legislators, the final budget rejects the Executive Budget's proposed shift of the cost for pre-school special education programs onto local school districts.

### HIGHER ED AID INCREASE

At the urging of the Legislature, the final budget significantly increased financial support for the SUNY/CUNY system, including community colleges, and increased aid for on-campus child care centers.



▲ Assemblyman Abinanti meets with Westchester residents about preserving budget funds for homeless housing.



◀ Assemblyman Abinanti meets with firefighters in his Albany office.

## NEW LAW TO PROTECT PEOPLE WITH SPECIAL NEEDS



*Assemblyman Abinanti speaks at a press conference with his colleagues promoting reform of special needs services (above). Abinanti meets with Michael Carey, father of Jonathan (pictured), who was killed in a residential facility.*



Legislative public hearings have documented serious allegations of widespread abuse and neglect in facilities operated or licensed by the state to care for people with disabilities. Last year, the Assembly passed a comprehensive package to mandate immediate reporting of crimes, create a notification/data system to prevent employees with a history of abuse from working with patients, standardize provider training, ensure investigations continue even after an employee leaves, limit direct-care workers to a 60-hour week and require unannounced independent monitor inspections. Unfortunately, the package was not passed by the Senate.

This year, the Governor's proposed "Protection of People with Special Needs Act" focused attention on this terrible systemic problem. Thanks to efforts by Assemblyman Abinanti, several other As-

sembly members and staff, the Legislature passed and the Governor signed a significantly improved version.

The new law reforms the system serving over one million people with special needs in state operated or regulated (OPWDD, OMH, OASAS, OCFS, DOH and SED,) residential facilities and day programs.

The law creates uniform definitions, reporting processes and safeguards to protect against abuse and neglect. It creates a new "Justice Center" with a special prosecutor and inspector general to appear at disciplinary proceedings and to buttress lo-

cal district attorneys in investigating and prosecuting criminal abuse and neglect. The Justice Center is charged with conducting background checks of all employees, promulgating a code of conduct and developing standards for investigator training and incident response.

The law requires a statewide hotline/database for abuse and neglect reports to identify patterns and ensure corrective action. It requires immediate notification to law enforcers

of a suspected crime. It strengthens whistleblower protection and permits anonymous reporting. It strengthens criminal statutes that make abuse of vulnerable persons a crime and requires that non-state providers disclose records relating to abuse and neglect. It requires that employees found to have committed serious abuse or neglect be fired and banned from future positions that

have contact with people with special needs.

The law provides for a new independent non-government non-profit agency to conduct protection, advocacy and client assistance functions and to investigate and pursue any needed legal remedies.

The law does have shortcomings that need to be addressed. It takes some steps – but not enough – to prevent abuse and neglect by enhancing the role of families, improving living conditions at the facilities and fostering better care by bettering working conditions for direct-care workers.

***“When families entrust their loved ones with disabilities for care, they need to be sure that their loved ones will be safe from abuse and neglect.”***

**—Assemblyman Tom Abinanti**