

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 March 18, 2010

11 12:09 p.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BRESLIN: The  
3 Senate will come to order.

4 I ask all to rise and repeat with  
5 me the Pledge of Allegiance.

6 (Whereupon, the assemblage recited  
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BRESLIN: In the  
9 absence of clergy, may we bow our heads for a  
10 moment of silence.

11 (Whereupon, the assemblage  
12 respected a moment of silence.)

13 ACTING PRESIDENT BRESLIN: The  
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,  
17 Wednesday, March 17, the Senate met pursuant  
18 to adjournment. The Journal of Tuesday,  
19 March 16, was read and approved. On motion,  
20 Senate adjourned.

21 ACTING PRESIDENT BRESLIN:  
22 Without objection, the Journal stands approved  
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.

7 Senator Klein.

8 SENATOR KLEIN: Thank you,  
9 Mr. President.

10 On behalf of Senator Dilan, on  
11 page number 16 I offer the following  
12 amendments to Calendar Number 222, Senate  
13 Print Number 1083, and ask that said bill  
14 retain its place on Third Reading Calendar.

15 ACTING PRESIDENT BRESLIN: So  
16 ordered.

17 SENATOR KLEIN: On behalf of  
18 Senator Stachowski, on page number 11 I offer  
19 the following amendments to Calendar Number  
20 119, Senate Print Number 6434, and ask that  
21 said bill retain its place on Third Reading  
22 Calendar.

23 ACTING PRESIDENT BRESLIN: So  
24 ordered.

25 SENATOR KLEIN: On behalf of

1 Senator Parker, on page number 10 I offer the  
2 following amendments to Calendar Number 112,  
3 Senate Print Number 2274, and ask that said  
4 bill retain its place on Third Reading  
5 Calendar.

6 ACTING PRESIDENT BRESLIN: So  
7 ordered.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President,  
10 are there any substitutions at the desk?

11 ACTING PRESIDENT BRESLIN: The  
12 Secretary will read.

13 THE SECRETARY: On page 16,  
14 Senator Valesky moves to discharge, from the  
15 Committee on Finance, Assembly Bill Number  
16 10093 and substitute it for the identical  
17 Senate Bill Number 3195B, Third Reading  
18 Calendar 223.

19 ACTING PRESIDENT BRESLIN:  
20 Substitution ordered.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President, I  
23 believe there's a resolution at the desk by  
24 Senator Seward. I ask that the resolution be  
25 read in its entirety and move for its

1 immediate adoption and give Senator Seward the  
2 opportunity to speak on his resolution.

3 ACTING PRESIDENT BRESLIN:  
4 Senator Klein, has this resolution been deemed  
5 privileged and submitted by the office of the  
6 Temporary President?

7 SENATOR KLEIN: Yes, it has,  
8 Mr. President.

9 ACTING PRESIDENT BRESLIN: The  
10 Secretary will read.

11 THE SECRETARY: By Senator  
12 Seward, legislative resolution urging the  
13 New York State Congressional delegation to  
14 enact House Print 2156/Senate Print 971,  
15 "Jason's Law."

16 "WHEREAS, House Print 2156/Senate  
17 Print 971 would implement a pilot program to  
18 establish parking facilities to address the  
19 shortage of safe long-term parking for  
20 commercial vehicles on the national highway  
21 system; and

22 "WHEREAS, It is the position of  
23 this Legislative Body that House Print  
24 2156/Senate Print 971, also known as 'Jason's  
25 Law,' proposed by Congressman Tonko and

1 Senator Schumer, which would provide a  
2 long-term comprehensive plan to address safety  
3 issues that face our nation's truckers, should  
4 be supported by the New York State  
5 Congressional delegation; and

6 "WHEREAS, This law is in  
7 recognition of the tragic death of Jason  
8 Rivenberg of Schoharie County, who was killed  
9 at an abandoned gas station in South Carolina  
10 while following federal rest regulations for  
11 truck drivers, and who is survived by his  
12 wife, Hope, and their three children, Joshua,  
13 Hezekiah, and Logan; and

14 "WHEREAS, It is the intent of this  
15 Legislative Body to support the enactment of  
16 'Jason's Law,' in order to ensure that truck  
17 drivers have adequate facilities to enable  
18 them to comply with federal laws without risk  
19 to their personal safety; now, therefore, be  
20 it

21 "RESOLVED, That the New York State  
22 Congressional delegation be and hereby is  
23 respectfully memorialized by this Legislative  
24 Body to vote in favor of House Print  
25 2156/Senate Print 971, 'Jason's Law,' and be

1       it further

2                       "RESOLVED, that copies of this  
3       resolution, suitably engrossed, be transmitted  
4       to each member of the Congressional delegation  
5       from the State of New York."

6                       ACTING PRESIDENT BRESLIN:  
7       Senator Seward.

8                       SENATOR SEWARD:       Thank you,  
9       Mr. President.

10                      This resolution is urging the  
11       federal government and in particular our  
12       New York Congressional delegation to enact  
13       "Jason's Law."   This measure, that's being  
14       sponsored by Congressman Tonko and Senator  
15       Schumer, was prompted by a very tragic  
16       incident involving one of our mutual  
17       constituents -- that is, Jason Rivenberg, who  
18       was a truck driver from Schoharie County who  
19       was killed last year, just about a year or so  
20       ago, during a robbery as he sat in his rig at  
21       an abandoned gas station in South Carolina  
22       that was often used by truckers as a rest area  
23       because there was no other safe truck parking  
24       area available in that area.

25                      At the time of his death, Jason was

1 a mere 12 miles from his destination but was  
2 unable to make his delivery at that time  
3 because he was too early.

4 Now, this tragedy highlights the  
5 seriousness of the problem surrounding the  
6 lack of available safe, secure parking  
7 facilities for our nation's truckers. We rely  
8 on commercial trucks to transport goods and  
9 services that are necessary for our economic  
10 well-being and our everyday lives, and it is  
11 vital that we also ensure that truck drivers  
12 who are transporting these very essential  
13 products have safe places to rest while they  
14 are waiting for pending appointments or in  
15 order to comply with the federal hours of  
16 service regulations.

17 As many of you know, federal law  
18 mandates that drivers rest for 10 hours after  
19 driving for 11 hours straight, and federal law  
20 also prohibits them from driving more than  
21 60 hours in total over a seven-day period. So  
22 if we're going to require truckers to take  
23 regular breaks, it is imperative that we  
24 provide them with a safe place to rest.

25 This is a real problem, because



1       there is a severe shortage of such safe  
2       parking areas for motor carriers, forcing many  
3       drivers, like Jason that night, to park in a  
4       desolate, poorly lit area with little or no  
5       security.

6               Now, the federal legislation would  
7       authorize the federal government to work with  
8       the states and help fund pilot projects to  
9       expand and publicize parking options for  
10      commercial vehicles. The result would be a  
11      variety of improvements, including building  
12      new rest areas with adequate parking,  
13      expanding parking near truck stops at existing  
14      facilities, constructing turnouts along the  
15      highway system for commercial vehicles, as  
16      well as promoting and publicizing the  
17      available parking options in our highway  
18      system.

19             Now, Jason's family, who is joining  
20      us today in the chamber, have just returned  
21      from Washington, where they spent a number of  
22      days tirelessly lobbying members of Congress  
23      in support of "Jason's Law." And they have  
24      turned their personal tragedy into a real  
25      cause which is so important to us all.

1                   And joining us here today, and I  
2           want to recognize them, is Hope Rivenberg,  
3           Jason's wife, and their three children,  
4           Joshua, Hezekiah and Logan -- and Hezekiah and  
5           Logan are twins, and today is actually their  
6           first birthday. And they were born a few days  
7           after their father's death -- and Tim and  
8           Sandy Hardendorf, other family members, and  
9           Butch and Cathy Savage, as well as Chip  
10          Savage.

11                   And this family has been through a  
12          lot, and I hope that the passage of our  
13          resolution today will send a clear message to  
14          our representatives in Washington that  
15          "Jason's Law" must be enacted at the federal  
16          level so that we can prevent other families  
17          from going through the pain and agony that  
18          Jason's family has been forced to endure.

19                   So, Mr. President and my  
20          colleagues, thank you for your support of this  
21          resolution. And, Mr. President, I would  
22          invite all members of the body to join me as  
23          cosponsors should they wish to do so. This is  
24          an important issue for all of us.

25                   Thank you.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator Seward.

3                   The question is on the resolution.  
4     All those in favor please signify by saying  
5     aye.

6                   (Response of "Aye.")

7                   ACTING PRESIDENT BRESLIN:  
8     Opposed, nay.

9                   (No response.)

10                  ACTING PRESIDENT BRESLIN:     The  
11     resolution is adopted unanimously.

12                  And Senator Seward has asked that  
13     all of us will be on for cosponsorship unless  
14     someone comes to the desk and seeks an  
15     opposite position.

16                  Senator Klein.

17                  SENATOR KLEIN:     Mr. President, at  
18     this time can we please move to a reading of  
19     the calendar.

20                  ACTING PRESIDENT BRESLIN:     The  
21     Secretary will read.

22                  THE SECRETARY:     Calendar Number  
23     108, by Senator Maziarz, Senate Print 1055C,  
24     an act to amend the Banking Law, in relation  
25     to preauthorized electronic fund transfers.

1                   ACTING PRESIDENT BRESLIN:     Read  
2     the last section.

3                   THE SECRETARY:     Section 2.   This  
4     act shall take effect immediately.

5                   ACTING PRESIDENT BRESLIN:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 59.

9                   ACTING PRESIDENT BRESLIN:     The  
10    bill is passed.

11                   THE SECRETARY:     Calendar Number  
12    203, by Member of the Assembly Pretlow,  
13    Assembly Print Number 5873, an act to amend  
14    the Public Officers Law, in relation to  
15    location.

16                   ACTING PRESIDENT BRESLIN:     Read  
17    the last section.

18                   THE SECRETARY:     Section 2.   This  
19    act shall take effect immediately.

20                   ACTING PRESIDENT BRESLIN:     Call  
21    the roll.

22                   (The Secretary called the roll.)

23                   ACTING PRESIDENT BRESLIN:  
24    Senator DeFrancisco, to explain his vote.

25                   SENATOR DeFRANCISCO:     You know, I

1 had expressed a similar point of view on  
2 another piece of legislation that was brought  
3 in the past dealing with making assessors or  
4 tax collectors give a receipt when an  
5 application for a STAR program was requested.  
6 And there was no empirical evidence about that  
7 as to why it was really needed. There's no  
8 evidence that tax collectors or assessors  
9 didn't provide that when requested.

10 This is another bill -- and we've  
11 got so many serious issues here -- but this  
12 bill says public bodies shall make or cause to  
13 be made all reasonable efforts to ensure that  
14 meetings are held in an appropriate facility  
15 which can adequately accommodate members of  
16 the public who wish to attend such meetings.

17 Now, I would be shocked if there's  
18 any public body that would not take reasonable  
19 efforts to provide facilities, appropriate  
20 facilities so people can attend.

21 So once again, we've got so many  
22 different issues here that are so important --  
23 most importantly, the budget. I think this  
24 stuff really is not necessary. And it's  
25 almost a slap in the face of public bodies if

1       they're already complying and they're taking  
2       these reasonable steps.

3               So I'll vote yes to avoid a press  
4       release that says that I'm against adequate  
5       facilities. But I would hope that we'd  
6       concentrate on more substantial type of  
7       legislation.

8               Thank you, Mr. President.

9               ACTING PRESIDENT BRESLIN:     Thank  
10      you, Senator DeFrancisco.

11              Senator DeFrancisco will be  
12      recorded in the affirmative.

13              Announce the results.

14              THE SECRETARY:     Ayes, 59. Nays,  
15      0.

16              ACTING PRESIDENT BRESLIN:     The  
17      bill is passed.

18              THE SECRETARY:     Calendar Number  
19      212, by Senator Serrano, Senate Print 3332, an  
20      act to amend the Public Officers Law --

21              SENATOR KLEIN:     Lay the bill  
22      aside for the day.

23              ACTING PRESIDENT BRESLIN:     The  
24      bill is laid aside for the day.

25              THE SECRETARY:     Calendar Number

1       213, by Senator C. Johnson --

2               SENATOR KLEIN:       Lay the bill  
3       aside for the day.

4               ACTING PRESIDENT BRESLIN:       The  
5       bill is laid aside for the day.

6               THE SECRETARY:       Calendar Number  
7       214, by Member of the Assembly Latimer --

8               SENATOR KLEIN:       Lay the bill  
9       aside for the day.

10              ACTING PRESIDENT BRESLIN:       The  
11       bill is laid aside for the day.

12              THE SECRETARY:       Calendar Number  
13       223, substituted earlier today by Member of  
14       the Assembly Destito, Assembly Print Number  
15       10093, an act to amend the Public Officers  
16       Law, in relation to open meetings.

17              ACTING PRESIDENT BRESLIN:       Read  
18       the last section.

19              THE SECRETARY:       Section 3. This  
20       act shall take effect April 1, 2011.

21              ACTING PRESIDENT BRESLIN:       Call  
22       the roll.

23              (The Secretary called the roll.)

24              ACTING PRESIDENT BRESLIN:  
25       Announce the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT BRESLIN: The  
3 bill is passed.

4 Oh, excuse me. Senator Saland, to  
5 explain his vote.

6 SENATOR SALAND: I'm certainly  
7 not advocating that anybody vote against this  
8 bill. I am, however, concerned that this bill  
9 could be more specific in terms of what  
10 authority is granted to a local body in terms  
11 of how they shall govern the recording or  
12 telecasting of a particular meeting, giving  
13 them the right to impose reasonable  
14 limitations.

15 I mean, what would you do if 26  
16 people showed up in a town hall with the  
17 capacity of 50 people and they all wanted to  
18 be able to use their video cameras to record  
19 the events of the meeting or of the day?

20 And I would hope that the sponsor  
21 would take a look at the likelihood of  
22 providing perhaps some additional guidance,  
23 perhaps restrictions that will make this a bit  
24 more manageable for those who are going to be  
25 subject to this provision of the law.



1 Thank you.

2 ACTING PRESIDENT BRESLIN: Thank  
3 you, Senator Saland.

4 Senator Saland will be recorded in  
5 the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 60. Nays,  
8 0.

9 ACTING PRESIDENT BRESLIN: The  
10 bill is passed.

11 The Secretary will continue to  
12 read.

13 THE SECRETARY: Calendar Number  
14 224, by Member of the Assembly Gottfried,  
15 Assembly Print Number 1138, an act to amend  
16 the Social Services Law, in relation to  
17 authorizing.

18 ACTING PRESIDENT BRESLIN: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT BRESLIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BRESLIN:

1       Announce the results.

2                   THE SECRETARY:     Ayes, 60.

3                   ACTING PRESIDENT BRESLIN:     The  
4       bill is passed.

5                   THE SECRETARY:     Calendar Number  
6       229, by Member of the Assembly Sweeney,  
7       Assembly Print Number 8558, an act to amend  
8       the Environmental Conservation Law, in  
9       relation to creating an exemption.

10                  ACTING PRESIDENT BRESLIN:     Read  
11       the last section.

12                  THE SECRETARY:     Section 2. This  
13       act shall take effect immediately.

14                  ACTING PRESIDENT BRESLIN:     Call  
15       the roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT BRESLIN:  
18       Announce the results.

19                   THE SECRETARY:     Ayes, 60.

20                   ACTING PRESIDENT BRESLIN:     The  
21       bill is passed.

22                   THE SECRETARY:     Calendar Number  
23       230, by Senator Huntley, Senate Print 6682, an  
24       act to amend Part R2 of Chapter 62 of the Laws  
25       of 2003, amending the Mental Hygiene Law and

1 the State Finance Law.

2 ACTING PRESIDENT BRESLIN: Read  
3 the last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect immediately.

6 ACTING PRESIDENT BRESLIN: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BRESLIN:  
10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT BRESLIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 247, by Senator Aubertine, Senate Print 5486,  
16 an act to amend the Town Law and others, in  
17 relation to generic environmental impact  
18 statements.

19 ACTING PRESIDENT BRESLIN: Read  
20 the last section.

21 THE SECRETARY: Section 4. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT BRESLIN: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BRESLIN:

2       Announce the results.

3                   THE SECRETARY:     Ayes, 60.

4                   ACTING PRESIDENT BRESLIN:     The  
5       bill is passed.

6                   THE SECRETARY:     Calendar Number  
7       256, by Senator Valesky --

8                   SENATOR KLEIN:     Lay the bill  
9       aside for the day.

10                  ACTING PRESIDENT BRESLIN:     The  
11       bill is laid aside for the day.

12                  THE SECRETARY:     Calendar Number  
13       257, by Senator Klein, Senate Print 6212A, an  
14       act to amend the Real Property Tax Law and the  
15       Tax Law, in relation to the "Middle Class  
16       STAR" rebate program.

17                  SENATOR DeFRANCISCO:     Please lay  
18       the bill aside.

19                  ACTING PRESIDENT BRESLIN:     The  
20       bill is laid aside.

21                  THE SECRETARY:     Calendar Number  
22       259, by Senator Serrano, Senate Print 6883, an  
23       act to amend the Executive Law, in relation --

24                  SENATOR KLEIN:     Lay the bill  
25       aside for the day.

1                   ACTING PRESIDENT BRESLIN:     The  
2     bill is laid aside for the day.

3                   THE SECRETARY:     Calendar Number  
4     260, by Member of the Assembly Destito,  
5     Assembly Print Number 10196, an act to amend  
6     the Public Officers Law, in relation to  
7     enforcement.

8                   ACTING PRESIDENT BRESLIN:     Read  
9     the last section.

10                  SENATOR DeFRANCISCO:     Please lay  
11     the bill aside.

12                  ACTING PRESIDENT BRESLIN:     The  
13     bill is laid aside.

14                  THE SECRETARY:     Calendar Number  
15     261, by Senator L. Krueger, Senate Print 7109,  
16     an act to amend the Public Officers Law, in  
17     relation to publishing records.

18                  ACTING PRESIDENT BRESLIN:     Read  
19     the last section.

20                  THE SECRETARY:     Section 3. This  
21     act shall take effect on the 90th day.

22                  ACTING PRESIDENT BRESLIN:     Call  
23     the roll.

24                         (The Secretary called the roll.)

25                  ACTING PRESIDENT BRESLIN:

1       Announce the results.

2               THE SECRETARY:     Ayes, 60.

3               ACTING PRESIDENT BRESLIN:     The  
4       bill is passed.

5               That completes the reading, Senator  
6       Klein, of the noncontroversial calendar.

7               Senator Klein.

8               SENATOR KLEIN:     Mr. President,  
9       can we now move to a reading of the  
10      controversial calendar.

11              ACTING PRESIDENT BRESLIN:     The  
12      Secretary will read.

13              The Secretary will also ring the  
14      bell.  Members are all asked to come to the  
15      chambers for the controversial reading of the  
16      calendar.

17              Senator Klein.

18              SENATOR KLEIN:     Mr. President, I  
19      request that we start off the controversial  
20      calendar with Calendar Number 260, Senator  
21      Oppenheimer's bill.

22              ACTING PRESIDENT BRESLIN:  
23      Senator Oppenheimer's bill, Calendar Number  
24      260, will now be undertaken.

25              THE SECRETARY:     Calendar Number

1       260, by Member of the Assembly Destito,  
2       Assembly Print Number 10196, an act to amend  
3       the Public Officers Law.

4               SENATOR DeFRANCISCO:

5       Explanation.

6               ACTING PRESIDENT BRESLIN:     An  
7       explanation has been requested, Senator  
8       Oppenheimer.

9               SENATOR OPPENHEIMER:     Thank you.

10       Well, actually this is a bill that  
11       we passed last year unanimously and the  
12       Governor vetoed it. And the -- maybe I'll  
13       tell you briefly.

14       What the bill says is if a local  
15       municipal government debates the conditions of  
16       a piece of legislation before them in private,  
17       even though they may take the vote on it in  
18       public, that this violates our Freedom of  
19       Information laws.

20       So therefore, in the last bill --  
21       that we passed unanimously last year -- if  
22       that were to occur, then the court could  
23       determine a fine -- a fee -- a fine against  
24       the members of the council or the trustees.

25       And the Governor, I think rightly,

1       said that that really was not fair and that we  
2       would end up having great difficulty getting  
3       people to serve on our town councils or our  
4       village boards or our city councils if they  
5       thought they had to pay a fine because they  
6       inadvertently -- maybe inadvertently -- held  
7       their discussions in private before taking the  
8       vote in public.

9               So now we've taken out the fine and  
10       we've said that instead, if the court finds  
11       that this did happen, that then they would  
12       offer a reprimand, the issue would have to be  
13       discussed in public, and perhaps they might  
14       have to take a class, a little minicourse on  
15       how to do it properly so this thing would not  
16       occur again.

17              That's the sum and substance. It's  
18       a pretty simple bill. And it's taken out the  
19       fines, which had many of us concerned because  
20       we could see nobody wanting to run for our  
21       municipal governments.

22              ACTING PRESIDENT BRESLIN:       Thank  
23       you, Senator Oppenheimer.

24              Senator Winner.

25              SENATOR WINNER:       Thank you,



1 Mr. President. Will the sponsor yield for a  
2 question or two?

3 SENATOR OPPENHEIMER: Absolutely.

4 SENATOR WINNER: Thank you,  
5 Senator.

6 ACTING PRESIDENT BRESLIN: You  
7 may proceed, Senator Winner.

8 SENATOR WINNER: Thank you,  
9 Senator.

10 Senator, this legislation, as you  
11 indicated, was -- it was similar to a bill  
12 that was passed last year. However, this  
13 legislation was just introduced. Wasn't this  
14 legislation just introduced very recently, on  
15 March 9th, I believe?

16 SENATOR OPPENHEIMER: Yes.

17 SENATOR WINNER: And this is --

18 ACTING PRESIDENT BRESLIN: Would  
19 you like Senator Oppenheimer to continue to  
20 yield?

21 SENATOR WINNER: Thank you,  
22 Senator -- Mr. President. Appreciate it. If  
23 Senator would continue to yield for a  
24 question.

25 SENATOR OPPENHEIMER: Please.

1                   ACTING PRESIDENT BRESLIN:     Yes.

2                   SENATOR WINNER:     You know, this  
3     is Sunshine Week, and celebrating open  
4     government and transparency and the like. And  
5     I just am kind of curious, in the spirit of  
6     Sunshine Week, this bill was referred to the  
7     Committee on Investigations upon its  
8     introduction and I don't recall having any  
9     kind of vote on it or a meeting as it related  
10    to discussing this bill.

11                   Was there some exigent  
12    circumstances or something that had this bill  
13    reported out of committee without a vote?

14                   ACTING PRESIDENT BRESLIN:  
15    Senator Oppenheimer.

16                   SENATOR OPPENHEIMER:     You'll have  
17    to wait a moment for my response because I was  
18    not at the committee when this bill came up.

19                   I understand that the bill went  
20    through Rules.

21                   SENATOR WINNER:     Well, the bill  
22    was introduced in --

23                   ACTING PRESIDENT BRESLIN:  
24    Senator Winner, would you like Senator  
25    Oppenheimer to continue to yield?

1                   SENATOR WINNER:     Thank you,  
2     Mr. President.  If the Senator would continue  
3     to yield to a question.

4                   ACTING PRESIDENT BRESLIN:  
5     Senator Oppenheimer?

6                   SENATOR OPPENHEIMER:     Yes, I  
7     will.

8                   SENATOR WINNER:     Senator, the  
9     bill was referred to the Committee on  
10    Investigations.  Do you know whether that  
11    committee had a vote on this bill?  Or was it  
12    sort of done in the middle of the night?

13                  ACTING PRESIDENT BRESLIN:  
14    Senator Winner --

15                  SENATOR WINNER:     Yes,  
16    Mr. President.

17                  SENATOR OPPENHEIMER:     I'll be  
18    happy to respond.

19                  SENATOR WINNER:     One real  
20    question and one rhetorical.

21                  SENATOR OPPENHEIMER:     I'll be  
22    happy to respond to Senator Winner.  This  
23    bill, it seems that it's a rather simple and  
24    obvious bill, since we passed it unanimously  
25    last year, when it was much more onerous than

1       it is now.

2                   So it was -- you're right, it was  
3       put through Rules so that we would be able to  
4       pass it during the Sunshine Week.

5                   SENATOR WINNER:       Will the Senator  
6       continue to yield?

7                   ACTING PRESIDENT BRESLIN:       Would  
8       you continue to yield to Senator Winner,  
9       Senator?

10                  SENATOR OPPENHEIMER:       Certainly.

11                  ACTING PRESIDENT BRESLIN:       You  
12       may proceed, Senator Winner.

13                  SENATOR WINNER:       Senator, you  
14       said it was put through Rules. The bill was  
15       referred to Investigations. So when was there  
16       a meeting? Did you ask for the bill to be  
17       taken out of Investigations without a vote and  
18       put into Rules?

19                  SENATOR OPPENHEIMER:       I have not  
20       asked for it to be put into Rules and not into  
21       Investigations.

22                  But it seems to me that it's a  
23       pretty obvious bill. And going to Rules is  
24       not -- I know you want to make it into a very  
25       important thing, but this bill, while it is

1 something that is open government and is  
2 sunshine, and this is the week for it, it was  
3 expedited. It's as simple as that.

4 SENATOR WINNER: So the exigent  
5 circumstances is that it's Sunshine Week and  
6 so therefore we want to yank it out of the  
7 committee of reference into Rules so that it  
8 can be on the floor today?

9 ACTING PRESIDENT BRESLIN:  
10 Senator, even though it's been asked and  
11 answered, you may answer it again.

12 SENATOR OPPENHEIMER: I'm sorry  
13 that I didn't hear the question. But could  
14 you repeat it, please, Senator Winner?

15 SENATOR WINNER: Senator, it  
16 being Sunshine Week and Open Government Week,  
17 maybe I would ask this question. Have we had  
18 any open sunshine type of meetings on the  
19 budget this week?

20 ACTING PRESIDENT BRESLIN: Not  
21 germane.

22 SENATOR OPPENHEIMER: I don't  
23 feel that that's germane to this bill.

24 ACTING PRESIDENT BRESLIN: That's  
25 not germane to this proceeding. The question

1 out of order.

2 SENATOR OPPENHEIMER: But if I  
3 may respond, I'd like to say that --

4 ACTING PRESIDENT BRESLIN:  
5 Senator Oppenheimer, the question is out of  
6 order. It's not germane. We'll wait and see  
7 if there is another question to be asked.

8 SENATOR OPPENHEIMER: Well,  
9 actually --

10 SENATOR WINNER: Would the  
11 Senator yield to a germane question with  
12 regard to the bill before us?

13 ACTING PRESIDENT BRESLIN: Would  
14 you agree to answer a germane question,  
15 Senator?

16 SENATOR OPPENHEIMER: Yes, I'll  
17 agree to answer a germane question.

18 SENATOR WINNER: So is it your  
19 position that this bill was not properly  
20 referred to the Investigations Committee, or  
21 that there's a new rule that we have about  
22 bills that are simple and that don't need to  
23 be determined by a committee for whatever  
24 criteria we have here and then can immediately  
25 be taken out and put on the floor without any

1 committee review?

2 SENATOR OPPENHEIMER: Senator  
3 Winner, in response, from what I understand,  
4 there are thousands of bills, through the many  
5 years I've been here, that have come direct  
6 from Rules to the floor. So I think this is  
7 no exception.

8 And that has happened whether it's  
9 a majority or a minority bill, whether you,  
10 your side of the aisle or my side of the aisle  
11 has been in control of this chamber. So this  
12 is really not a very unusual circumstance.

13 ACTING PRESIDENT BRESLIN:  
14 Senator Winner.

15 SENATOR WINNER: Mr. President,  
16 on the bill.

17 ACTING PRESIDENT BRESLIN:  
18 Senator Winner, on the bill.

19 Thank you, Senator Oppenheimer.

20 SENATOR OPPENHEIMER: Thank you.

21 SENATOR WINNER: Mr. President,  
22 it's my understanding that the past practice  
23 of this house has been that when the  
24 committees have closed, then under those  
25 circumstances there have been referrals out of

1 the committee to the Rules Committee.

2 And certainly if there was some  
3 exigent circumstance -- the only exigent  
4 circumstance that I can see in this somewhat  
5 rather tortuous explanation of why we're not  
6 conducting any open meeting or committee  
7 process as it relates to this legislation is  
8 that we wanted to get it done today even  
9 though we've laid aside nearly every other  
10 bill that has any kind of real impact on open  
11 government and open meetings.

12 We have not had a particularly, I  
13 would guess, ambitious agenda in the spirit of  
14 sunshine or open government. In fact, it  
15 seems to be somewhat limited. So we had a  
16 committee meeting of Investigations on Monday.  
17 That bill certainly could have been on that  
18 committee agenda.

19 And it just seems to me a little  
20 bit ironic that we would have an open meetings  
21 violation -- or not a violation, but in the  
22 spirit of this Sunshine Week, so sort of  
23 cavalierly dealt with as it relates to our  
24 committee process here.

25 And so for those reasons,



1 Mr. President, you know, I express my concerns  
2 that we maybe ought to be a little bit more  
3 consistent with regard to our actions.

4 Thank you very much.

5 ACTING PRESIDENT BRESLIN: Thank  
6 you, Senator Winner.

7 Senator Ranzenhofer.

8 SENATOR RANZENHOFER: A couple of  
9 questions for the sponsor.

10 ACTING PRESIDENT BRESLIN:  
11 Senator Oppenheimer, do you yield to Senator  
12 Ranzenhofer?

13 SENATOR OPPENHEIMER: Sure.

14 SENATOR RANZENHOFER: Thank you.  
15 Through you, Mr. Chairman. You keep on saying  
16 that this is the same bill that we had last  
17 year, but in your memo you say that this is a  
18 new bill. So I'm a little unclear. Is this a  
19 new bill, as you indicate here, or is this not  
20 a new bill?

21 SENATOR OPPENHEIMER: Through  
22 you, Mr. President.

23 ACTING PRESIDENT BRESLIN:  
24 Senator Oppenheimer.

25 SENATOR OPPENHEIMER: This is a

1 new bill because we took out that part that  
2 had a fine for people who violated the law.

3 So this is indeed a new bill, but  
4 it's substantially identical except we have  
5 taken out that one provision that the  
6 Governor -- and myself, actually; I think it  
7 was a proper thing to take out.

8 ACTING PRESIDENT BRESLIN:  
9 Senator Ranzenhofer.

10 SENATOR RANZENHOFER: Through  
11 you, Mr. Chairman. Is another new part of the  
12 bill the fact that this training session is  
13 now required, or was that in last year's bill?

14 ACTING PRESIDENT BRESLIN: Do you  
15 continue to yield, Senator Oppenheimer?

16 SENATOR OPPENHEIMER: Yes.

17 ACTING PRESIDENT BRESLIN: You  
18 may answer.

19 SENATOR OPPENHEIMER: Thank you,  
20 Mr. President.

21 Senator, what we did was put in  
22 something that we felt was much less onerous  
23 than a fine, and that would be a training  
24 session. Because we felt the fine was  
25 burdensome and would make it difficult for us

1 to attract people to run for office. So in  
2 place of that, we put in the training session.  
3 Which we hope, when the training session is  
4 completed, we will never have to face that  
5 particular board again.

6 SENATOR RANZENHOFER: A couple  
7 more questions, Mr. Chairman, if the sponsor  
8 will continue to yield.

9 ACTING PRESIDENT BRESLIN:  
10 Senator Oppenheimer, do you continue to yield  
11 to Senator Ranzenhofer?

12 SENATOR OPPENHEIMER: Yes.

13 ACTING PRESIDENT BRESLIN: You  
14 may proceed.

15 SENATOR RANZENHOFER: In the  
16 bill, the fiscal impact, there's nothing  
17 there. How much is this going to cost  
18 municipalities?

19 SENATOR OPPENHEIMER: Pardon me,  
20 through you. Did you say how much will it  
21 cost?

22 SENATOR RANZENHOFER: Cost  
23 municipalities for these training programs for  
24 people that violate.

25 SENATOR OPPENHEIMER: The

1 training program is provided by the state.

2 The people who enforce the Freedom  
3 of Information Laws, they exist in our  
4 community, and they are there, particularly  
5 Robert Freeman, to assist us with any training  
6 that has to be done.

7 SENATOR RANZENHOFER: And who  
8 pays for that?

9 ACTING PRESIDENT BRESLIN:  
10 Senator Ranzenhofer --

11 SENATOR RANZENHOFER: I'm sorry.  
12 Through you, Mr. Chairman, will Senator  
13 Oppenheimer continue to yield.

14 ACTING PRESIDENT BRESLIN:  
15 Senator Oppenheimer, will you continue to  
16 yield to Senator Ranzenhofer?

17 SENATOR OPPENHEIMER: Yes.

18 ACTING PRESIDENT BRESLIN: You  
19 may proceed.

20 SENATOR OPPENHEIMER: Thank you,  
21 Mr. President.

22 SENATOR RANZENHOFER: Yes, who  
23 pays for that?

24 SENATOR OPPENHEIMER: I'm sorry.  
25 As I said, it is funded by the Department of

1 State. It is there for each of us to use as  
2 we choose to use it in our districts.

3 So you will find it available for  
4 any freedom of information issue that you may  
5 have within your Senate district. And it  
6 would be available in place of the fine for  
7 this particular case.

8 SENATOR RANZENHOFER: Okay, thank  
9 you.

10 ACTING PRESIDENT BRESLIN: Thank  
11 you, Senator Ranzenhofer.

12 Are there any other Senators  
13 wishing to be heard?

14 Hearing none, the debate is closed.  
15 The Secretary will please ring the bells.

16 The Secretary will read the last  
17 section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the 60th day.

20 ACTING PRESIDENT BRESLIN: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:  
24 Announce the results.

25 THE SECRETARY: In relation to

1           Calendar Number 260:   Ayes, 60.   Nays, 0.

2                    ACTING PRESIDENT BRESLIN:        The  
3   bill is passed.

4                    THE SECRETARY:        Calendar Number  
5   257, by Senator Klein, Senate Print 6212A, an  
6   act to amend the Real Property Tax Law and the  
7   Tax Law.

8                    ACTING PRESIDENT BRESLIN:  
9   Senator Libous.

10                   SENATOR LIBOUS:        Thank you,  
11   Mr. President.

12                    I believe we have two amendments at  
13   the desk, the first one by Senator Saland and  
14   Senator Little. And I would ask that you call  
15   upon Senator Saland and Senator Little in that  
16   order.

17                    ACTING PRESIDENT BRESLIN:  
18   Senator Saland.

19                    SENATOR SALAND:        Thank you,  
20   Mr. President.

21                    As Senator Libous pointed out,  
22   we've offered up the amendment, we would waive  
23   its reading and ask for the opportunity to  
24   explain the amendment.

25                    ACTING PRESIDENT BRESLIN:

1 Senator Saland, your amendment is here at the  
2 desk. Without objection, the reading is  
3 waived and you may speak on the amendment.

4 SENATOR SALAND: Thank you,  
5 Mr. President.

6 Mr. President, the amendment that  
7 we are proposing to the bill that is on the  
8 calendar, Senator Klein's bill, is an  
9 amendment which deals substantially with the  
10 very same items that you will find in Senator  
11 Klein's bill, and in fact even more  
12 expansively goes into some other areas that  
13 relate to real property tax relief.

14 And with your permission, I will  
15 briefly describe the major components, yield  
16 to my colleague Senator Little, who will go on  
17 at greater length with respect to one portion,  
18 and then perhaps to my colleague Senator  
19 LaValle, if he's so inclined, on yet another  
20 part.

21 This bill offers up both a real  
22 property tax rebate mechanism to reinstate the  
23 tax rebates that had been initiated several  
24 years ago. At the time of their initiation,  
25 it was an issue which I was very keenly

1 involved in and attempted to advance.  
2 Unfortunately, we've seen that these tax  
3 rebate checks have been stricken from this  
4 year's budget, last year's budget. And we  
5 would hope to be able to restore them and  
6 restore them for people with incomes of  
7 \$250,000 and below.

8 It would afford real property  
9 taxpayers the option of having the greater of  
10 their tax rebate check or the result of what  
11 they would be entitled to under the circuit  
12 breaker. The circuit breaker -- and again,  
13 I'm going to defer to Senator Little -- also  
14 has a \$250,000 household adjusted gross income  
15 cap on it.

16 We also propose, in this amendment,  
17 a senior citizen property tax freeze, optional  
18 on behalf of local governments, for those  
19 70 years or over, and very, very importantly,  
20 a property tax levy cap. And that property  
21 tax levy cap would be 120 percent of the CPI,  
22 or 4 percent, whichever is less -- numbers  
23 that we're all familiar with, having seen them  
24 in one form or another with regard to these  
25 issues over quite a period of time.



1                   It would provide, as does Senator  
2 Klein's bill, I believe, for being able to  
3 bank any unused tax levy, provide for an  
4 underride, provide for a petition to override  
5 a levy limit.

6                   In addition, we provide for mandate  
7 relief -- not mandate deferral, mandate  
8 relief, absolute and total mandate relief.  
9 And we say that no unfunded mandate shall be  
10 imposed upon another level of local  
11 government, be it a municipality or a school  
12 district. And we believe in these difficult,  
13 difficult times that should be an absolute  
14 ban.

15                   We do recognize that there are  
16 times, whether it be by way of court order,  
17 whether it be by way of some federal action  
18 and several other potential exceptions -- home  
19 rule request -- in which a mandate may in fact  
20 wind up being imposed, but not by any action  
21 of this Legislature or by any direct action of  
22 any regulatory authority.

23                   We look to save money through  
24 making greater use of regional cost-savers --  
25 regional transportation, regional collective

1 bargaining negotiations. And we also provide  
2 a means by which school districts can reach  
3 reserve funds that are currently unreachable,  
4 monies that have accumulated with regard  
5 certain anticipated employee benefits. I  
6 believe the Comptroller has ruled that the  
7 accumulation of these reserve funds was not an  
8 appropriate means for particularly our school  
9 districts to engage in, and these monies could  
10 be released to afford real property tax  
11 relief.

12 This is a measure whose time not  
13 only has come, it is desperately overdue.  
14 It's something that we introduced as  
15 legislation as our Republican Homeowners  
16 Protection Act.

17 And I will yield to Senator Little,  
18 who certainly has been instrumental in really  
19 initiating the entire focus on the  
20 circuit-breaker approach and is perhaps one of  
21 the foremost experts in either house on the  
22 subject of the circuit breaker.

23 ACTING PRESIDENT BRESLIN: Thank  
24 you, Senator Saland.

25 Senator Little.

1                   SENATOR LITTLE:     Thank you,  
2     Mr. President.   And thank you, Senator Saland.

3                   I'd also like to begin by thanking  
4     Senator Klein for putting forth this bill  
5     today, a circuit breaker.   And also Senator  
6     Liz Krueger, who has another version of a  
7     circuit-breaker bill that I believe I  
8     cosponsor with her, or I am on that bill.

9                   A circuit breaker is an important  
10    bill to help with property taxes.   The thing  
11    about property taxes is that property taxes  
12    are based on the value of your property, the  
13    value of your home, not on your ability to  
14    pay.   And a circuit breaker will help you when  
15    those property taxes reach a certain  
16    percentage of your income, when you more or  
17    less go into overload, similar to an electric  
18    circuit, and you can no longer do it.

19                  We've all had people call us and  
20    come to us whose property taxes are sometimes  
21    20, 25 percent of their income.   And who do  
22    they affect the most?   They affect people who  
23    have lived in their home a long time, who have  
24    seen the value of their home rise, who have  
25    not seen their income change -- or their

1 income, because they are retired, is actually  
2 less -- and they are being forced to move out  
3 of their home.

4 I became interested in a  
5 circuit-breaker bill when taxpayer groups came  
6 to me, many groups within the North Country,  
7 especially because we're in a resort area and  
8 people who have had a home on a lakeside  
9 property and have retired to that home have  
10 found that the value has quadrupled, a  
11 tremendous increase in value, and they can no  
12 longer afford to pay the property taxes and  
13 realize that they may no longer afford to be  
14 able to live there.

15 They formed a group called the  
16 Omnibus Consortium. And that is now  
17 statewide, from Essex County, Dutchess County,  
18 Cayuga County, and all the counties in the  
19 state I believe have members in this. In  
20 their opinion, a circuit breaker is the  
21 fairest, most meaningful, most cost-effective  
22 way to provide property tax relief.

23 So what does our amendment do? Our  
24 amendment adds the bill that we proposed last  
25 week or the week before, which has many of the

1 same proponents as Senator Klein's bill, but  
2 we believe that it is more helpful and it is  
3 simpler. What our bill would do would be a  
4 flat 6 percent of your income, up to the  
5 \$250,000 limit, and you would get a 70 percent  
6 credit on your property taxes.

7 So someone whose income is \$350,000  
8 and their property taxes are \$4200 -- which is  
9 not out of range when you think about even a  
10 \$100,000 house or an \$85,000 house in our  
11 areas -- our circuit breaker that we are  
12 amending this bill with would actually help  
13 that homeowner with \$840, whereas Senator  
14 Klein's circuit breaker would only be \$210.

15 When you get up to the \$200,000  
16 household income -- you know, you could have a  
17 principal and a teacher. We're certainly not  
18 out of middle-class at that range -- a  
19 two-career family, Senator Klein's bill, if  
20 their taxes were \$15,000, would not help,  
21 because you'd have to have taxes over \$18,000  
22 to get any help from that bill. Our bill,  
23 being 6 percent of that and 70 percent return,  
24 would help that person with \$2,100 of their  
25 \$15,000.

1                   We have estimated our bill to cost  
2                   about \$1.4 billion. We believe that through  
3                   many, many cuts in spending, cuts in areas  
4                   where we control our spending, institute a  
5                   spending cap for the state, that we would be  
6                   able to pay for this.

7                   And I would just encourage all of  
8                   you this is, I think, a more helpful bill an  
9                   simpler bill to understand. But in all  
10                  honesty, I'm just really pleased that we are  
11                  here today talking about a circuit-breaker  
12                  bill to help the taxpayers of New York State  
13                  before they're all gone.

14                  Thank you.

15                  ACTING PRESIDENT BRESLIN:       Thank  
16                  you, Senator Little.

17                  Senator LaValle.

18                  SENATOR LaVALLE:       Thank you,  
19                  Mr. President.

20                  Our conference, the Republican  
21                  conference, has for years made real property  
22                  taxes and the reduction of real property taxes  
23                  its number-one priority. Example, the STAR  
24                  program and the enhanced STAR program was the  
25                  basis, the beginning over a number of years,

1 of addressing the real property tax problem.

2 That was followed by the STAR  
3 rebate check that was an important component.  
4 And I think that people last year, almost in a  
5 knee-jerk way, went to their mailboxes on a  
6 daily basis in October and found that there  
7 was no rebate check.

8 The proposal that is being put  
9 forth here today is one that recognizes the  
10 differences in the state in what people pay in  
11 real property taxes and the income levels that  
12 they have. It allows people basically some  
13 choices. And the amendment was put together  
14 in a way that allows for a rebate check, if  
15 that works out in the best way, or the circuit  
16 breaker.

17 The circuit breaker has a long  
18 history. In 1977, I sponsored what is today  
19 in law. And one of the problems that we've  
20 had is to try and explain -- and I think  
21 Senator Little did a good job explaining, you  
22 know, the circuit breaker and the triggers.

23 In the current law, there are  
24 number of income levels and a number of  
25 triggers -- 3 percent to 7, 8 percent.

1 Senator Klein follows that suit in different  
2 income levels, using different triggers.

3 Our proposal really tries to  
4 simplify what is very, very difficult and  
5 simplifies it as one trigger, 6 percent, you  
6 get a check at the end, 70 percent of the  
7 overage. That simple. Not complicated.

8 The third component is there are a  
9 lot of senior citizens who, as they get older  
10 and find that Social Security checks have been  
11 frozen, they've lost money in their 401(k),  
12 they start to worry whether they can stay in  
13 their house because of the property tax. And  
14 so here we allow seniors 70 or older to be  
15 able to have a cap, be able to breathe easy,  
16 see some light at the end of the tunnel, and  
17 go on with their life.

18 As everyone here knows, when we  
19 went to the STAR program we were very, very  
20 careful to make sure that we didn't switch  
21 burdens from one class of taxpayer to another.  
22 And so in our proposal we reimbursed the  
23 school district dollar for dollar for what is  
24 being taken off the tax rolls in terms of an  
25 exemption.



1           I think it was mentioned the  
2       property tax cap that passed this house.  
3       Senator Klein's bill doesn't exactly replicate  
4       the measure that we passed in this house in  
5       2008. And there are a number of mandate  
6       relief proposals -- a ban, a ban on mandates  
7       for not only school districts but for  
8       municipalities.

9           There are other things that our  
10      conference and individuals -- Senator Bonacic,  
11      I could go around -- other aspects of the real  
12      property tax problem. A cap is very  
13      important. Choice is very important in trying  
14      to save the maximum amount of dollars for each  
15      taxpayer.

16           Senator Klein's bill also includes,  
17      as does the current law, renters. And of  
18      course that item, I mean, people who rent are  
19      very deserving of some sort of help. It will  
20      be interesting to see the fiscal impact just  
21      from that one component.

22           So I think our amendment has both  
23      history, passage in this house, and I think  
24      it's a very thoughtful approach to dealing  
25      with a very complex problem.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator LaValle.

3                   Are there any other Senators  
4     wishing to be heard?

5                   Hearing none, the question is on  
6     the motion to amend Calendar Number 257.  
7     Those Senators voting in support of the  
8     nonsponsor amendment please signify by raising  
9     your hands.

10                  Announce the results.

11                  THE SECRETARY:     Ayes, 29.   Nays,  
12     31.

13                  ACTING PRESIDENT BRESLIN:     The  
14     nonsponsor amendment fails.

15                  Senator Libous.

16                  SENATOR LIBOUS:     Thank you,  
17     Mr. President.

18                  I believe we have another amendment  
19     at the desk, by Senator LaValle.   And I ask  
20     that the title be read and you call on  
21     Senator LaValle, please.

22                  ACTING PRESIDENT BRESLIN:  
23     Senator LaValle, your amendment is here at the  
24     desk.   Without objection, the reading is  
25     waived and you may speak on the amendment.

1                   SENATOR LaVALLE:       Thank you very  
2       much, Mr. President.

3                   I believe the body just heard me  
4       speak about some of the differences and some  
5       of the components in the measure that we  
6       offered up. Senator Klein certainly has  
7       components in his bill, a circuit breaker --  
8       while we can disagree that it doesn't go far  
9       enough, the rebate check doesn't go far  
10      enough, the one thing he doesn't have in his  
11      bill that is critically important is to give  
12      some peace of mind to those seniors 70 or  
13      older who just find it intolerable to be able  
14      to live in their homes. And we certainly want  
15      to keep them in New York, keep them close to  
16      their grandchildren.

17                  So this bill is the component that  
18      I explained before. It caps the property tax,  
19      gives the senior that option, and also  
20      replaces any of the exemption, dollar for  
21      dollar, to the local school district. This is  
22      critically important and would be a critically  
23      important addition to the Klein bill.

24                  Thank you, Mr. President.

25                  ACTING PRESIDENT BRESLIN:    Thank

1       you, Senator LaValle.

2               Are there any other Senators  
3       wishing to be heard?

4               The question is on the second  
5       nonsponsor motion to amend Calendar Number  
6       257. All those Senators voting in support of  
7       the nonsponsor amendment please signify by  
8       raising your hands.

9               Announce the results.

10              THE SECRETARY:     Ayes, 29. Nays,  
11       31.

12              ACTING PRESIDENT BRESLIN:     The  
13       motion fails.

14              Senator Klein.

15              SENATOR KLEIN:     Mr. President, I  
16       ask that the roll be opened. Senator  
17       DeFrancisco has a very important commitment  
18       that he has to get to, and allow him to vote.

19              ACTING PRESIDENT BRESLIN:  
20       Senator DeFrancisco.

21              SENATOR DeFRANCISCO:     I would  
22       like to vote aye on the main bill.

23              ACTING PRESIDENT BRESLIN:     First  
24       of all, the Secretary will open the roll call  
25       on Calendar Number 257.

1 Read the last section.

2 THE SECRETARY: Section 12. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT BRESLIN: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BRESLIN:  
8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Aye.

10 SENATOR LIBOUS: That was with  
11 unanimous consent, Mr. President.

12 ACTING PRESIDENT BRESLIN: That  
13 was with unanimous consent. Thank you very  
14 much, Senator Libous.

15 The roll call is now withdrawn, and  
16 we are back on the bill.

17 Senator Klein.

18 SENATOR KLEIN: On the bill,  
19 Mr. President.

20 ACTING PRESIDENT BRESLIN:  
21 Senator Klein, on the bill.

22 SENATOR KLEIN: Thank you,  
23 Mr. President. On the bill.

24 I've spent some time with many of  
25 my colleagues on the issue of property tax

1 relief for New Yorkers. I know I've spoken to  
2 probably everyone here, even members of the  
3 minority conference, on what we need to do to  
4 provide property tax relief.

5 It's very, very clear that the  
6 voters of New York State are angry, and  
7 rightfully so. Their property tax keeps going  
8 up, but their income isn't going up at nearly  
9 the same pace.

10 So one of the things I tried to do  
11 is craft a property tax relief plan which I  
12 think allows us to pay for it -- because it's  
13 almost the exact number of the former rebate  
14 check that was taken out of last year's  
15 budget -- but at the same time I believe  
16 really provides a comprehensive plan for  
17 New Yorkers to save on property taxes.

18 First of all, I think one of the  
19 most important concepts of any property tax  
20 plan is that if you indeed have a circuit  
21 breaker, you must have a cap as well. They  
22 work well with one another. I think you can't  
23 just have a cap, you can't just have a circuit  
24 breaker.

25 One of the things that I've seen

1 over the years is the reason why the STAR  
2 exemption program has kind of grown out of  
3 control is because taxpayer dollars,  
4 rightfully so, are going into a pot of money  
5 to give property tax relief.

6 So if we constantly raise taxes and  
7 taxes increase on the local and school  
8 district level, we constantly have to put  
9 money into it to pay for it. So that's why  
10 having the 4 percent cap in my legislation --  
11 which would exclude capital costs -- I think  
12 will go a long way towards making sure that  
13 school districts live within their means.

14 You know, we're asking New Yorkers  
15 each and every day, especially now, during  
16 tough economic times, to balance their  
17 checkbooks, to live within their means, to do  
18 more with less. I do not think it is too much  
19 to ask our local school districts to do the  
20 same.

21 They have to, I think, learn to  
22 live within their means. And I think the way  
23 we're going to finally lower property taxes  
24 and make property taxes drop like a rock in  
25 New York State is a very, very important step

1 of actually having a cap in place.

2 Next is the circuit breaker. The  
3 circuit breaker would apply to anyone who  
4 earns under \$250,000 a year, their gross  
5 income, and it's broken into various brackets:  
6 \$120,000 or less, \$120,000 to \$175,000, and  
7 finally \$175,000 to \$250,000. The threshold  
8 percentages of property taxes are 7, 8 and  
9 9 percent. The circuit breaker tax credit is  
10 30 percent.

11 The reason why I had the bill at  
12 30 percent, as compared to I know Senator  
13 Little, who's worked on this issue for so many  
14 years, is a basic answer, cost. If we did the  
15 legislation that was proposed by the minority  
16 today in the form of their amendment, that  
17 circuit breaker would cost well over  
18 \$4 billion, including returning the STAR  
19 rebate check to everyone. I'd love to say we  
20 can do it during these fiscal times, but we  
21 just can't.

22 So I think the proposal at hand  
23 today is taking that \$1.5 billion -- well, I  
24 think the price tag here is closer to my  
25 circuit breaker of 1.2 -- and actually, I



1 think, providing meaningful property tax  
2 relief.

3 I believe a circuit breaker is a  
4 much fairer and progressive means of helping  
5 people, because we're finally going to take  
6 into account the percentage of someone's  
7 income that they pay in property taxes. The  
8 way we did it in the past, excluding the  
9 exemption, is to actually just give someone a  
10 check whether they needed that check or not.  
11 Our only proviso was making sure that they  
12 earned under \$250,000.

13 I believe that the people who truly  
14 need that check, regardless of whether or not  
15 they qualify for a circuit breaker, are senior  
16 citizens. So under my plan, we're going to  
17 have a circuit breaker in place but there  
18 won't be any double dipping. If a senior  
19 citizen actually qualifies for a circuit  
20 breaker, they don't get a check. If they  
21 don't qualify for a circuit breaker, they get  
22 the check. Everyone else has to actually fit  
23 into the categories that I laid out to be  
24 eligible for the circuit breaker.

25 I think that's going to be a plan

1       that's going to go a long way towards making  
2       sure that we finally not only have property  
3       tax relief but a fair property tax relief  
4       system.

5                   I just want to get back quickly to  
6       the cap. As I said, the way --

7                   ACTING PRESIDENT BRESLIN:       Excuse  
8       me, Senator Klein.

9                   Senator Flanagan, why do you rise?

10                  SENATOR FLANAGAN:       Mr. President,  
11       would Senator Klein yield?

12                  SENATOR KLEIN:       I actually will  
13       yield.

14                  ACTING PRESIDENT BRESLIN:  
15       Senator Klein will yield, Senator Flanagan.

16                  SENATOR FLANAGAN:       Senator Klein,  
17       I'm listening very carefully. I have a couple  
18       of basic questions. And I know you're coming  
19       back to the property tax cap. And you made  
20       comments about how school districts have to  
21       live within their means.

22                  And I don't doubt your sincerity or  
23       your efforts in this regard, but can you  
24       explain to me and to our colleagues, if it is  
25       such a good idea for school districts, why did

1       you not include a spending cap at the state  
2       level in this bill?

3               SENATOR KLEIN:       I think the way  
4       that we're going to do something about  
5       property taxes right now, for the voters of  
6       New York State and our constituents, is by  
7       having a property tax cap. I know the  
8       Governor floated a plan that if we had a  
9       spending cap, we may be able to pay for  
10      property tax relief next year in the form of a  
11      circuit breaker.

12             I do not believe that the taxpayers  
13      of New York State can wait another year. I  
14      think we need property tax relief now.

15             ACTING PRESIDENT BRESLIN:  
16      Senator Flanagan.

17             SENATOR FLANAGAN:       Would Senator  
18      Klein continue to yield.

19             ACTING PRESIDENT BRESLIN:       Do you  
20      continue to yield, Senator Klein?

21             SENATOR KLEIN:       Yes,  
22      Mr. President, I'll continue to yield.

23             SENATOR FLANAGAN:       Going back to  
24      the same point, so I'm gathering that you  
25      don't support the spending cap at the state

1 level at all, or just for this year?

2 SENATOR KLEIN: I don't support  
3 the spending cap as a means to get tax relief  
4 this year.

5 SENATOR FLANAGAN: Mr. President,  
6 would Senator Klein continue to yield.

7 ACTING PRESIDENT BRESLIN:  
8 Senator Klein, will you continue to yield?

9 SENATOR KLEIN: Yes,  
10 Mr. President.

11 ACTING PRESIDENT BRESLIN: You  
12 may proceed, Senator Flanagan.

13 SENATOR FLANAGAN: I'm looking at  
14 the bill and the memo -- and I appreciate your  
15 indulgence. In looking at the bill and the  
16 memo, I think I read correctly, you said the  
17 fiscal complications are to be determined.

18 Now, you offered an assessment of  
19 the amendment which we just put forward which  
20 is vastly different in terms of its quantity  
21 of money. You're saying it's at least  
22 \$4 billion, and yet this is \$1.2 billion.

23 Can you explain how you get to the  
24 \$1.2 billion and -- it is a two-part question,  
25 Mr. President -- how you pay for it? Because

1 I don't see anything in here. I think there  
2 may have been some press information as to how  
3 it would get paid for.

4 But, for example, on the renters  
5 piece, how much of that \$1.2 billion is the  
6 15 percent credit for renters? Because I  
7 would assume that there has been some  
8 quantification of just how many units we'd be  
9 talking about. So if you could, the 1.2, how  
10 that comes together, and then how you pay for  
11 it.

12 ACTING PRESIDENT BRESLIN:

13 Senator Klein.

14 SENATOR KLEIN: Well, first of  
15 all, the first part of your question was I  
16 guess the cost. The reason why the cost was  
17 higher under the minority plan is because you  
18 had your circuit-breaker tax credit at  
19 70 percent of overage. I lowered mine to 30,  
20 which substantially saved a lot of money as  
21 far as the cost of the circuit breaker.

22 I'm not sure, but I also put in a  
23 three-year residency requirement. I'm not  
24 sure if that was in your amendment as well.

25 SENATOR FLANAGAN: That was in

1 the amendment.

2 SENATOR KLEIN: Okay. That also  
3 lowered the cost substantially.

4 And in answer to your question as  
5 far as renters, they would account for  
6 \$150 million under my circuit-breaker plan.

7 ACTING PRESIDENT BRESLIN: Senat  
8 or Flanagan. And if you want me to get to the  
9 rest of how we.

10 SENATOR KLEIN: And I will -- if  
11 you want me to get to the rest of how we pay  
12 for it, I'll --

13 SENATOR FLANAGAN: Yes, please.

14 SENATOR KLEIN: Okay. The next  
15 portion, to answer your question on how we pay  
16 for it. One of the things that I think was  
17 very important, one of the things that I  
18 thought was very important we do this today,  
19 at the start of our conference committees and  
20 our budget process, is to sort of state out a  
21 tax savings plan, a property tax plan for  
22 New Yorkers that will be part of the budget.

23 And one of the things that we need  
24 to make sure to do is to come up with  
25 \$1.5 billion to pay for such a plan. I don't

1        want to get into, you know, a budget  
2        negotiation now, but I will mention just a  
3        couple of things which I think would be able  
4        to be used to pay for the circuit breaker that  
5        we have before us today.

6                First is cigarette tax money.  
7        There's no secret, I don't think, to anyone in  
8        this chamber, I've been someone that's been  
9        advocating of collecting the taxes on  
10       uncollected cigarettes. I wrote the law in  
11       2000 which bans the sale of cigarettes over  
12       the Internet, with Senator Chuck Fuschillo as  
13       the sponsor in this house. And one of the  
14       things that we found is unfortunately it's not  
15       being enforced.

16               Just today -- I think it was  
17       actually last night -- that the United States  
18       Congress passed a bill, which the Senate  
19       already passed, which now would ban the  
20       United States Postal Service from delivering  
21       cigarettes.

22               I personally believe we can now  
23       eliminate Internet sales. Which according to  
24       Crain's, who did an editorial -- and I'll be  
25       happy to present that to you -- last week, it

1        was rather comprehensive, and they put a price  
2        tag on how much we can generate in additional  
3        revenue -- and this is additional revenue, not  
4        a one-shot, but year after year up to a  
5        billion dollars. That's something that I  
6        think we have to take very, very seriously, as  
7        well as the issue of bootleg cigarettes.

8                So I think what happened in  
9        Congress yesterday is going to go a long way  
10       towards making sure that we finally get  
11       additional revenue. And I can't think of any  
12       better way to get this additional revenue than  
13       to give it back to homeowners, give it back to  
14       renters in the form of real relief through a  
15       circuit breaker.

16               Next is yesterday, a bill that I've  
17       introduced and passed the Senate last year --  
18       which was practically voted on unanimously --  
19       would expand electronic table games to racinos  
20       around the state as well as the expansion of  
21       hours. Our finance staff has put a price tag  
22       on that as far as additional revenue. And  
23       again, this is not a one-shot, it's recurring  
24       revenue, anywhere from \$100 million to  
25       \$150 million a year in additional revenue



1 earmarked specifically for education. So  
2 that's another area.

3 The other area members of --

4 SENATOR FLANAGAN: Mr. President,  
5 excuse me. Senator Klein, if you would suffer  
6 an interruption.

7 SENATOR KLEIN: I'm just getting  
8 to my third area.

9 SENATOR FLANAGAN: You're being  
10 very clear, but I think somewhat inconsistent.  
11 Because you just mentioned \$150 million based  
12 on --

13 ACTING PRESIDENT BRESLIN:  
14 Senator Flanagan, are you asking him an  
15 additional question?

16 SENATOR FLANAGAN: Yes, I am.

17 SENATOR KLEIN: I'd be happy a  
18 yield, Mr. President.

19 SENATOR FLANAGAN: Clarification,  
20 I would suggest.

21 You just mentioned \$100 million to  
22 \$150 million for the bill for yesterday, and  
23 you said it's going to go right to education.  
24 So this is part of my concern in fleshing some  
25 of these things out. Are we using all these

1 revenue sources to buy back a wide variety of  
2 things? If it goes for education, it can't go  
3 for this bill.

4 SENATOR KLEIN: I understand.  
5 That's why I was very reluctant to get into a  
6 full-blown budget debate. And that's why I  
7 thought it was important to get this bill  
8 passed today to sort of stake out our claim,  
9 and hopefully all of our claims, to make sure  
10 we have property tax relief.

11 Again, if we have additional  
12 revenue for education which we didn't have a  
13 year ago, that way we could figure out a way  
14 to sort of do more with less and have extra  
15 money for property tax relief. That's how our  
16 budget works.

17 I think the most important thing  
18 that we need to get across today is that we  
19 want to make sure that when we actually pass a  
20 budget -- on April 1st, hopefully -- we will  
21 have a property tax plan in place and the  
22 money to pay for it.

23 SENATOR FLANAGAN: Mr. President,  
24 would Senator Klein yield for one last  
25 question?

1                   ACTING PRESIDENT BRESLIN:     Would  
2     you yield for one last question, Senator  
3     Klein?

4                   SENATOR KLEIN:       Can I get to the  
5     third piece?

6                   SENATOR FLANAGAN:     Absolutely.

7                   SENATOR KLEIN:     The third part of  
8     the plan -- and again, I know members on both  
9     sides of the aisle are on a task force that  
10    Senator Sampson appointed me to on government  
11    efficiency. And one of the things that we  
12    found out very, very quickly is that the State  
13    of New York is spending an awful lot of money  
14    in overtime. Last year state agencies spent  
15    upwards of \$400 million in overtime.

16                   Again, I want to make sure that  
17    hardworking public employees continue to have  
18    their job, they work very hard to make sure we  
19    have services here in the State of New York.  
20    But I think we really have to take a good hard  
21    look. And I'm sure we can save a tremendous  
22    amount of money by reducing overtime, cutting  
23    it in half, and making sure we distinguish  
24    between what I would consider mandatory  
25    overtime versus discretionary overtime.

1                   SENATOR FLANAGAN:     Thank you.

2                   ACTING PRESIDENT BRESLIN:     He's  
3                   already yielded for the last question,  
4                   Senator.

5                   SENATOR FLANAGAN:     And I'm not  
6                   splitting hairs, but you mentioned in the  
7                   beginning when you first spoke that this would  
8                   cost \$1.2 billion.   Several minutes ago you  
9                   just used the number \$1.5 billion to pay for  
10                  the plan.

11                  So if we're going to talk about  
12                  numbers -- and let me parenthetically add I  
13                  think it's fabulous that we're having this  
14                  discussion.   And this may be the semblance of  
15                  a budget debate because, frankly, absent this,  
16                  there's not a darn thing going on relative to  
17                  the budget.   So your bringing this out may  
18                  engender some real discussion on the budget.  
19                  I certainly hope so.

20                  But is it \$1.5 billion, or is it  
21                  1.2?

22                  SENATOR KLEIN:     Under my plan, it  
23                  was 1.2.   I guess I should have expressed  
24                  myself a little more clearly.   What I was  
25                  saying is we're taking the money that was

1 previously used for the STAR rebate check and  
2 applying it to a circuit breaker. And  
3 according to our estimates, we came in even  
4 lower than the \$1.5 billion that was  
5 previously spent.

6 SENATOR FLANAGAN: Thank you,  
7 Senator Klein. Thank you, Mr. President.

8 ACTING PRESIDENT BRESLIN: Thank  
9 you, Senator Flanagan.

10 Senator Saland.

11 SENATOR SALAND: Will Senator  
12 Klein yield, Mr. President?

13 ACTING PRESIDENT BRESLIN: Do you  
14 yield for a question from Senator Saland?

15 SENATOR KLEIN: Yes,  
16 Mr. President.

17 SENATOR SALAND: Mr. President, I  
18 may have more than one question, but I'll  
19 obviously go through the chair.

20 ACTING PRESIDENT BRESLIN: Fine.

21 SENATOR SALAND: Senator Klein,  
22 I'd like to, if I could, call your attention  
23 to page 3 of your bill, beginning at line 26  
24 and running down through line 36. And I  
25 believe that's the language with regard to

1       which you calculate your rebate under your  
2       construct. Am I correct?

3               SENATOR KLEIN:       Yes.

4               SENATOR SALAND:       Could you  
5       explain to me what that particular paragraph  
6       says? Because I can't quite comprehend how it  
7       gets to where you say it gets.

8               SENATOR KLEIN:       What page? I'm  
9       sorry, Senator Saland, page 3 --

10              SENATOR SALAND:       Page 3, lines 26  
11       through 36. Yes, thank you.

12              SENATOR KLEIN:       I'm not  
13       following. The enhanced STAR exemption shall  
14       be determined --

15              SENATOR SALAND:       Yes. Yes. Yes.

16              SENATOR KLEIN:       Basically as far  
17       as the exemption program. We're not making  
18       any changes to the exemption program at all.

19              ACTING PRESIDENT BRESLIN:  
20       Senator Saland.

21              SENATOR SALAND:       I -- if the  
22       Senator would continue to yield.

23              ACTING PRESIDENT BRESLIN:       Would  
24       you continue to yield, Senator Klein?

25              SENATOR KLEIN:       Yes.

1                   SENATOR SALAND:     Your bill, as I  
2     understand it, provides for a 30 percent  
3     enhanced STAR rebate for seniors?

4                   SENATOR KLEIN:     Thirty percent to  
5     circuit breaker. And the enhanced rebate  
6     percentage is 30 percent as well.

7                   SENATOR SALAND:     Thank you.

8                   ACTING PRESIDENT BRESLIN:  
9     Senator Saland.

10                  SENATOR SALAND:     Thank you,  
11     Mr. President. I'm looking at this bill and  
12     desperately looking for something there that  
13     tells me that it's 30 percent. Because what I  
14     see is "such rebate base shall be computed by  
15     determining the exempt amount established for  
16     the segment for purposes of enhanced STAR  
17     exemption for the 2011 year. Such rebate  
18     basis shall be computed by multiplying that  
19     amount by the school district's tax rate  
20     applicable within that segment of the year as  
21     reported by the school districts and then  
22     multiplying the product."

23                  Well, multiplying the product by  
24     what? It doesn't tell me what you're  
25     multiplying it by. So I don't know how you

1 get there.

2 ACTING PRESIDENT BRESLIN:

3 Senator Klein.

4 SENATOR KLEIN: Senator Saland,  
5 I'm sorry, I'm just not understanding what  
6 your question is.

7 SENATOR SALAND: My question is  
8 if the essence of how you get to the 30,000 --  
9 unless there's another paragraph I should be  
10 looking at -- if the essence of how you get to  
11 the 30,000 is contained in this paragraph,  
12 there's nothing in here other than the  
13 reference that I'm looking at, particularly  
14 lines 33 through 36, that says you're going to  
15 multiply something by the product.

16 What are you multiplying it by?  
17 Are you multiplying it by a fraction? Are you  
18 multiplying by 2, by 3, by 7, by a percentage?  
19 I mean, how is it that we get there?

20 SENATOR KLEIN: It's my  
21 understanding that we're not changing anything  
22 to do with the enhanced STAR exemption. I  
23 think the reason why we put it back is because  
24 when the rebate check was taken out of last  
25 year's budget, we had to put the language back



1 in.

2 SENATOR SALAND: I would --

3 ACTING PRESIDENT BRESLIN:

4 Senator Saland, do you have an additional  
5 question?

6 SENATOR SALAND: I do.

7 ACTING PRESIDENT BRESLIN:

8 Senator Klein?

9 SENATOR SALAND: And I would  
10 merely make a comment prior to my additional  
11 question, with your permission. I would  
12 respectfully request that perhaps your staff  
13 take a look at that section --

14 SENATOR KLEIN: I will, Senator.

15 SENATOR SALAND: -- because there  
16 seems to be something lacking. We can't get  
17 to a number without going through a  
18 calculation, and you don't tell us here what  
19 that calculation is.

20 SENATOR KLEIN: Thank you,  
21 Senator Saland. I will take a look at that.

22 SENATOR SALAND: Now, both the --

23 ACTING PRESIDENT BRESLIN: Do you  
24 continue to yield, Senator Klein, to Senator  
25 Saland?

1                   SENATOR KLEIN:     Yes,  
2     Mr. President, I continue to yield.

3                   SENATOR SALAND:     Thank you,  
4     Mr. President. Thank you, Senator Klein.

5                   Both the measure which we  
6     introduced in the form of an amendment and  
7     have introduced in the form of a bill and the  
8     bill before us provide for a cap on the tax  
9     levy. Can you tell me whether your bill also  
10    provides for a cap on spending and whether or  
11    not it also provides for the continuation of a  
12    contingency budget?

13                  SENATOR KLEIN:     Just the tax  
14    levy, Senator Saland.

15                  SENATOR SALAND:     Well, I looked  
16    through your bill -- and granted, it was last  
17    night and it was difficult for me to do it  
18    comprehensively. But I didn't find any  
19    repealer on a spending vote, and I didn't find  
20    any repealer on a contingency budget vote.

21                  And we all understand that the cap  
22    on the tax levy is basically what's essential  
23    in order to enable the -- to define the  
24    confines within which a school district will  
25    have to live. So I would submit to you --

1                   SENATOR KLEIN:     I guess, to help  
2     you out, I know the tax cap is the identical  
3     tax cap to the tax cap that we passed in this  
4     house several years ago.

5                   SENATOR SALAND:     Yes, but I  
6     believe -- if the Senator will continue to  
7     respond --

8                   ACTING PRESIDENT BRESLIN:  
9     Senator Klein, do you continue to yield?

10                  SENATOR KLEIN:     Yes,  
11     Mr. President, I'll continue to yield.

12                  SENATOR SALAND:     I believe that  
13     our version clearly has a repealer for both  
14     the spending vote, the vote on spending, and  
15     the contingency budget, in recognition of the  
16     fact that the tax levy is going to basically  
17     establish what that school district and school  
18     board has to deal with.

19                  Senator Flanagan, in his questions,  
20     if you'll continue to yield --

21                  ACTING PRESIDENT BRESLIN:     Do you  
22     continue to yield, Senator Klein?

23                  SENATOR KLEIN:     Yes,  
24     Mr. President.

25                  SENATOR SALAND:     -- raised a

1 question with regard to renters. And you said  
2 that the amount was some \$150 million that you  
3 were allocating to that portion.

4 Do we have an idea of, first,  
5 perhaps through census data, how many renters  
6 there are in New York State versus how many  
7 residential homeowners there may be and what  
8 percentage of those renters would be affected  
9 by your legislation?

10 SENATOR KLEIN: In answer to your  
11 question, I don't have the specifics, but I do  
12 have some breakdowns which I'll be happy to  
13 provide of district by district.

14 And it's clear, just looking and  
15 reviewing the data, that districts that  
16 overwhelmingly have large amounts of  
17 homeowners as opposed to renters benefit much  
18 more from the circuit breaker. And their  
19 districts actually, you know, receive a lot  
20 more money for the circuit breaker.

21 The homeowners, according to the  
22 circuit breaker -- and I'll break it down --  
23 would be about \$900 million, thereabouts. As  
24 compared to the renters, as I said, was  
25 \$150 million.

1                   SENATOR SALAND:     Thank you,  
2     Senator Klein. I certainly will endeavor on  
3     my part to try and see if I can get access to  
4     the information upon which your comments and  
5     conclusions are based.

6                   And in your --

7                   ACTING PRESIDENT BRESLIN:     Do you  
8     have an additional question, Senator Saland?

9                   SENATOR SALAND:     Yes, I would.  
10    Thank you.

11                  ACTING PRESIDENT BRESLIN:  
12    Senator Klein, do you continue to yield?

13                  SENATOR KLEIN:     Yes,  
14    Mr. President, I continue to yield.

15                  SENATOR SALAND:     In your exchange  
16    with Senator Flanagan you pointed to three  
17    sources, and the one that -- three sources of  
18    revenue for your bill. And the one that you  
19    are apparently most heavily relying upon is  
20    the cigarette tax money. Am I correct?

21                  SENATOR KLEIN:     That happens to  
22    be the largest number.

23                  SENATOR SALAND:     And has the  
24    Governor booked in his budget any money for  
25    cigarette tax collections?

1                   SENATOR KLEIN:     I think  
2     \$250 million was allocated, I believe. Which  
3     I always thought was too low.

4                   And in light of the United States  
5     Senate and Congress passing the legislation I  
6     talked about before, banning the delivery of  
7     cigarettes through the United States Postal  
8     Service, I think now we can increase that  
9     number to a much larger number -- as I said,  
10    as high as a billion dollars.

11                  ACTING PRESIDENT BRESLIN:  
12    Senator Saland, additional question?

13                  SENATOR SALAND:     Thank you,  
14    Mr. President. No, if I may just go on the  
15    bill, Mr. President.

16                  ACTING PRESIDENT BRESLIN:  
17    Certainly. Senator Saland, on the bill.

18                  SENATOR SALAND:     Thank you,  
19    Senator Klein.

20                  I don't recall the Governor booking  
21    \$250 million. I thought that the Governor had  
22    indicated that it was going to take some time  
23    to get this up and running. And I certainly  
24    will be more than happy to stand corrected; I  
25    simply don't recall it.

1                   And the numbers which have been  
2           used over the course of the past several years  
3           for the cigarette tax have varied from  
4           anywhere as high as the \$1 billion mentioned  
5           here today by Senator Klein to as little as a  
6           couple of hundred or \$200 million.

7                   Regardless of the action by the  
8           U.S. Congress, I suspect, whatever the number  
9           is, it is. Whatever Indian sales are  
10          occurring and occurring, as we've attempted to  
11          distinguish in the past, to people who are not  
12          native to whatever reservation they may be  
13          being sold on or whatever Indian lands they  
14          may be sold on, that is a number which I don't  
15          think one way or the other is going to be  
16          impacted by the Congressional action, although  
17          it obviously will contribute to making  
18          collection easier.

19                   I would like, if I might, just to  
20          make a distinction and perhaps take issue as  
21          well at the same time with the financial  
22          calculations offered by Senator Klein with  
23          respect to the cost of the bill that was  
24          introduced as our amendment to Senator Klein's  
25          bill.

1                   We actually placed the cost of that  
2                   at some \$2.6 billion. And like Senator Klein,  
3                   we find some \$200 million or more in  
4                   efficiencies -- I think that's the term he  
5                   used -- dealing with overtime. We certainly  
6                   recognize that were we to enact a spending  
7                   cap, that sometime before the conclusion of  
8                   this year, were we to enact one, there would  
9                   be additional revenues available. And  
10                  certainly in the outyears, there would be even  
11                  more revenues available.

12                  The one thing that was  
13                  conspicuously absent in the explanation of  
14                  where revenues were to be derived was any  
15                  mention of the need to curb the ever-growing  
16                  and seemingly growing exponentially,  
17                  voraciously consuming Medicaid programs that  
18                  this state has. And our proposal would  
19                  support or be supported by any number of  
20                  efforts to curb some of that spending to deal  
21                  with some of the optional programs.

22                  It was recently reported, for  
23                  example, that actually someone was, for  
24                  nonmedical necessity, taking taxicabs from a  
25                  place in my district to Albany at \$300 a pop.



1 I mean, that's truly, truly beyond the pale.  
2 And that's a small example of one of the  
3 abuses of this system.

4 We would, among other things, go  
5 back to some of the eligibility requirements  
6 and screenings that had existed under prior  
7 law until avoided or repealed during the  
8 course of the past couple of years.

9 I mean, it's anticipated that over  
10 the next three years Medicaid is going to grow  
11 by 37 percent, some \$5.3 billion more. We're  
12 already paying a billion dollars a week to  
13 sustain that program. And yet, you know, no  
14 effort in any way, shape or form to use some  
15 of those dollars to provide property tax  
16 relief to the very same people who at the  
17 county level are footing the bill.

18 Any county executive will tell you  
19 that there's absolutely nothing that is more  
20 damning, more costly, does more to damage  
21 their budgets than their Medicaid expenses.

22 And, you know, there are other  
23 things that could be done and we propose to do  
24 that enable us to fund this \$2.6 billion  
25 proposal. And I certainly would hope at the

1       very least that this exchange, which I believe  
2       is an honest exchange, will be heard over in  
3       the other house. And that perhaps someday, if  
4       I live so long, I will get to see us engage in  
5       a conference committee that can hammer out  
6       some differences if the Assembly in fact ever  
7       takes up a similar bill.

8                   Thank you, Mr. President. And  
9       thank you, Senator Klein.

10                  ACTING PRESIDENT BRESLIN:     Thank  
11       you, Senator Saland.

12                  Senator Craig Johnson.

13                  SENATOR CRAIG JOHNSON:     Thank you  
14       very much, Mr. President.

15                  First let me commend the deputy  
16       majority leader, Senator Jeffrey Klein. Since  
17       I began my tenure here three short years ago,  
18       it seems that almost every policy debate that  
19       I've had with Senator Klein, both in  
20       conference and outside of the halls of the  
21       Capitol, center around what we can do for  
22       property tax relief, as both he and I  
23       represent suburban areas in New York State and  
24       both are facing the growing problem along with  
25       our constituents -- a property tax problem

1       that's been here not just yesterday or last  
2       week, but here for decades. Here for decades.

3               And so I want to thank you first,  
4       Senator Klein, for your leadership on this  
5       issue. I truly appreciate the vigorous debate  
6       that you have brought to this house. And I  
7       thank the Senators who have asked him some  
8       very important questions. I want to thank  
9       Senator Bonacic for joining us in supporting  
10      and serving as a cosponsor of this  
11      legislation.

12             You know, I sat and listened to  
13      Senator Saland and Senator Little, Senator  
14      LaValle, with their amendments. And just now  
15      it would have been great maybe to have heard  
16      Senator Saland, during the actual presentation  
17      of the amendment, explain how they were going  
18      to pay for this amendment.

19             And I tried to digest the 96 pages,  
20      just getting it, to try and see if I could  
21      support this amendment. And there are a lot  
22      of things in here that in principle I have  
23      supported and a lot of us have supported in  
24      the past and will continue to support in the  
25      future. And I think what's important today

1       and important about this debate is to be  
2       getting those ideas out on the table to  
3       support a piece of legislation, to pass a  
4       piece of legislation, like Senator Saland  
5       said, to make sure the other house as well as  
6       the occupant on the second floor hears the  
7       Senate loud and clear.

8               And so I'm hopeful that we can take  
9       ideas that have come out of this Senate, along  
10      with this piece of legislation that's going to  
11      pass today -- and I'm hopeful it's going to  
12      pass -- that we can move the bill forward and  
13      go into the budget debate. Because it's an  
14      important debate to have, not just today but  
15      over the next week or until the deadline of  
16      when the budget is due.

17             And it's important for our  
18      constituents to hear about the three  
19      components to this bill: the property tax  
20      cap, the circuit breaker, and the check for  
21      our seniors.

22             You know, when we talk about the  
23      circuit breaker and the cap, Senator Klein is  
24      absolutely correct, they do go hand in hand.  
25      You can make the analogy they're like peanut

1 butter and jelly or peanut butter and  
2 chocolate. You've got to have them both  
3 together. They're great one-on-one, but they  
4 work a lot better together, because it keeps  
5 the spending in check.

6 And it's a great idea for our  
7 constituents, especially now. Because what  
8 we've seen, not just in the real estate crisis  
9 but the economic crisis, is a number of our  
10 constituents all across the state are  
11 house-rich and cash-poor. And that's just not  
12 limited to Suffolk County or to Ulster County  
13 or Erie County, it's also in Queens and Staten  
14 Island. They're homeowners. They're  
15 homeowners too. And this bill provides real  
16 relief. It provides relief to renters as  
17 well.

18 So it's an important day. And we  
19 have to recognize, and I think it's important  
20 to recognize looking not just is that bill in  
21 the micro issue but the macro issue. Look  
22 across the river to the west, to New Jersey.  
23 Governor Christie, the new governor of  
24 New Jersey, campaigned on a promise that he  
25 was going to bring back the rebate checks for

1       the residents of New Jersey that were taken  
2       away. Just earlier this week, Governor  
3       Christie announced, You know what, I've got an  
4       economic problem, I'm putting that off for a  
5       year.

6                You know what? We've got an  
7       economic crisis. What Senator Klein is doing  
8       is recognizing we're providing property tax  
9       relief within the economic constraints that we  
10      are facing. His original bill had a  
11      \$2 billion price tag. We had to reduce it  
12      down. We've offered ways to pay for it. I've  
13      heard Senator Saland's ideas. I look forward  
14      to fleshing them out in conference committee.

15              One of the things -- and I wish he  
16      was on the committee, on the Investigations  
17      Committee, but he could have attended the  
18      hearing yesterday, is we had a hearing on  
19      Medicaid fraud. And Senator Golden and I  
20      grilled the representative from the Office of  
21      Medicaid Inspector General, because they're  
22      not doing enough about recipient fraud.

23              And so the example that Senator  
24      Saland talked about, the taxicab ride back and  
25      forth, those are problems that have to be

1       addressed. We have to do a better job. And  
2       there are other things that we can find within  
3       this budget, this \$130 billion budget. But  
4       we're going to have to work together.

5               And so I'm hopeful that today, in a  
6       bipartisan effort, we will start that process.  
7       And so that at the end of the day we will have  
8       property tax relief for our residents all  
9       across the state.

10              Again, I thank you, Senator Klein,  
11       for your leadership. Mr. President, I will be  
12       voting yes on the bill.

13              ACTING PRESIDENT BRESLIN:     Thank  
14       you, Senator Johnson.

15              Senator Savino, on the bill.

16              SENATOR SAVINO:     Thank you,  
17       Mr. President.

18              I want to thank Senator Klein for  
19       his leadership and his vision on this, and  
20       also my colleagues who mostly represent the  
21       suburban areas that have been hardest hit by  
22       property taxes. And of course Senator Sampson  
23       for making this a priority.

24              You know, I learned a long time ago  
25       in the labor movement that when you go into

1 negotiations, you never go in from a position  
2 of weakness. You have to start out strong.  
3 You have to lay your best case forward, with  
4 the greatest demands, knowing that at some  
5 point you're going to have to step back a  
6 little bit. But always know what your bottom  
7 line is.

8 We are about to go into the budget  
9 process where we're drafting our budget  
10 resolution, laying out the priorities for the  
11 New York State Senate, both parties, the  
12 entire house. And I think if we clearly and  
13 strongly say, as we go into this negotiation  
14 with the Assembly, that property tax relief  
15 must be a component of whatever budget we  
16 pass, we will achieve something for the  
17 thousands of homeowners all across the state,  
18 whether they be in my district -- and there's  
19 about 9,000 households that would benefit from  
20 this -- or Senator Lanza's district on Staten  
21 Island. He represents a few more homeowners  
22 than I do, but we'd bring real property tax  
23 relief to Staten Island or to Queens, where  
24 Senator Stavisky lives.

25 You know, I mentioned earlier today



1       that I grew up in Queens. You know, I was the  
2       second-generation grandchild of immigrants.  
3       And I remember watching my parents'  
4       generation, who were the first generation of  
5       immigrants, whose parents came from the Lower  
6       East Side tenements of Manhattan to the outer  
7       boroughs to live in better accommodations, but  
8       still in apartment buildings.

9               And I watched my parents'  
10       generation, who really wanted to move on and  
11       achieve the American dream, go out like  
12       pioneers to the suburbs. First they went to  
13       places like Nassau and to Westchester. And  
14       then they went out to Suffolk County and then  
15       to Putnam and to Rockland, and finally Orange  
16       County. And they went for the hope of the  
17       American dream of homeownership, a patch of  
18       land that they could call their own, and  
19       decent schools.

20              Thirty-five years later, after the  
21       great migration to the suburbs, those pioneers  
22       find themselves in an American nightmare.  
23       Their property taxes and their property tax  
24       payments are the higher than their mortgage  
25       payments in many ways. The communities that

1       they built and the schools that they built  
2       around them -- and the business community, and  
3       everything that was benefited by those  
4       pioneers who went out into the suburbs -- are  
5       jeopardized because the very people who stuck  
6       a claim in the ground in Nassau, Suffolk,  
7       Rockland, Westchester, Orange, and Putnam, are  
8       leaving in droves because they can't afford to  
9       stay there. Their children can't afford to  
10      buy a home there. And if they can't afford  
11      to buy the home, they can't afford to pay the  
12      property taxes.

13               We have an obligation to do  
14      something about that and correct it. We can  
15      maintain the good schools that drew people to  
16      the suburbs to begin with. We can put some  
17      fiscal stability on those communities. We can  
18      maintain that American dream. And we can do  
19      it by staking our claim in this budget.  
20      Remember, you never negotiate from a position  
21      of weakness. Because when you do, you don't  
22      get anything.

23               So I want to thank Senator Klein  
24      and Senator Johnson and Senator Foley and  
25      Senator Saland and Senator Marcellino and

1 Flanagan and all of those who represent -- and  
2 Senator Libous and Senator -- I'll be here all  
3 day if I start doing this. Everyone who took  
4 the time to educate a girl from Queens and now  
5 Staten Island about just how difficult it is  
6 to maintain that dream of homeownership for so  
7 many of the thousands of pioneers who built  
8 these communities.

9 Thank you.

10 ACTING PRESIDENT BRESLIN: Thank  
11 you, Senator Savino.

12 Senator Stachowski, on the bill.

13 SENATOR STACHOWSKI: Yes,  
14 Mr. President, briefly on the bill.

15 I just wanted to say that I agree  
16 with a lot of what Diane said, that we're  
17 staking out our position. I think it's very  
18 important. The people in New York State want  
19 property tax relief. It's been well  
20 documented how the combination of taxes in  
21 New York make living here difficult.

22 And so we thought that before the  
23 budget conversation started this year, in  
24 seriousness, that we should stake out our  
25 position that property tax relief is very

1 important to this body. Nobody can put a  
2 political tag on property tax relief; it's  
3 important to everybody.

4 And that this combination as put  
5 forth in this bill is reasonable considering  
6 our fiscal situation. Obviously, we'd like to  
7 make it bigger. But with today's economy,  
8 this is a reasonable start to head down the  
9 road of property tax relief to our people. A  
10 circuit breaker works very well for people  
11 because it limits your taxes to a certain  
12 portion of your income. Very much needed for  
13 a lot of people.

14 And for those seniors who would not  
15 qualify for this, getting that check is just  
16 as important to them as the property tax  
17 relief for the others.

18 So we think that this combination  
19 as laid out in this bill is a good combination  
20 now, it's affordable, it can fit in this  
21 year's budget plan, it's out there. We want  
22 to stake the Senate's position on that. And I  
23 want to congratulate Senator Klein for all the  
24 work he did in the back over the course of the  
25 last two years in putting this together.

1 Obviously, other people have worked on this  
2 long. We'd like to thank them for their help.

3 But something had to move now, and  
4 it had to be a part of this conversation. And  
5 hopefully we can convince the people in the  
6 other house and the people downstairs that  
7 this is an important situation, it's  
8 meaningful to everybody that lives in  
9 New York, it's something that should move  
10 forward now.

11 And I'm glad to be a cosponsor of  
12 this bill and someone helping to move this  
13 forward.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BRESLIN: Thank  
16 you, Senator Stachowski.

17 Senator Foley, on the bill.

18 SENATOR FOLEY: Thank you,  
19 Mr. President. Thank you for the opportunity  
20 to speak on what clearly is one of the  
21 signature issues facing the state and  
22 something that's very important to this  
23 conference and we hope to the Senate at large.

24 You know, a year and a half ago  
25 when I first ran for office for this

1 particular position, this issue captured the  
2 attention of more voters than any other issue  
3 that we spoke about. And I can vividly recall  
4 when I was walking particularly in the  
5 Trihamlet community of Shirley, Mastic Beach  
6 and Mastic, working-class, middle-class areas  
7 that love their communities, where we had both  
8 young families as well as seniors who wished  
9 to stay in the communities that in some cases  
10 they were there for generations.

11 Mr. President, this particular  
12 piece of legislation will enable families to  
13 stay in the communities that they've been part  
14 of in some cases for four generations. I had  
15 one particular example of a retiree whose  
16 family still lived in that greater community  
17 who would receive over a \$2500 property tax  
18 break with this kind of legislation. The joy  
19 on that particular's person's face when we  
20 spoke about this is something that I'll always  
21 remember. And I made a mental note at that  
22 time to bring it up to the floor when in fact  
23 we would debate this bill.

24 Coming from local government,  
25 Mr. President, and the kind of legislature,

1       and also as a supervisor of the Town of  
2       Brookhaven, I can tell you how property taxes  
3       is among the most regressive and crushing  
4       taxes that our localities pay. That's why  
5       it's very important that we put forward this  
6       legislation today.

7               And I want to commend Senator  
8       Klein, who has worked on this over a period of  
9       years. And I would say, for the record,  
10      respectfully but directly that Senator Klein's  
11      efforts on this behalf should have been  
12      listened to years back when this state was in  
13      a wash of billions of dollars of surplus  
14      funds.

15             But you know what? Even though  
16      we're not in surplus right now -- yes, we have  
17      a deficit, but it still remains important that  
18      we put this legislation forward today. And  
19      it's very timely as we go into budget  
20      negotiations. Because what we're saying, as I  
21      like to say, from Niagara Falls to Montauk  
22      Point is that we get it, we understand that  
23      property taxes is at the top of our public  
24      policy agenda, and that we're going to bring  
25      real change in that area here in the state

1 government, and in so doing bring a little bit  
2 more confidence to the public that we in the  
3 State Legislature are listening.

4 So I strongly support the bill.  
5 I'm also a cosponsor of it. And I think that  
6 it speaks volumes about where we are, that  
7 we're listening to the public and we want to  
8 bring real property tax relief.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BRESLIN: Thank  
11 you, Senator Foley.

12 Senator Aubertine, on the bill.

13 SENATOR AUBERTINE: Thank you,  
14 Mr. President. Thank you for allowing me to  
15 speak on the bill.

16 I certainly want to commend Senator  
17 Klein for staying the course with this  
18 legislation. It's certainly sorely needed.  
19 And I would certainly hope that it has  
20 bipartisan support at the end of the day to  
21 pass.

22 But one of the provisions that  
23 Senator Klein has included essentially takes  
24 the essence of a bill that I had before the  
25 Senate last year, and currently, 4451, which



1       would allow farmers here in New York State to  
2       do something they've not been able to do up  
3       till now, and that is to take their  
4       depreciation schedules and not use that, in  
5       fact, during their incomes. That would allow  
6       them to participate in this program.

7               So for that and all the work that  
8       Senator Klein has done, I certainly want to  
9       commending him for bringing this bill forward,  
10      and I certainly intend to support it.

11              ACTING PRESIDENT BRESLIN:     Thank  
12      you, Senator Aubertine.

13              Senator Valesky, on the bill.

14              SENATOR VALESKY:     Thank you,  
15      Mr. President.

16              I too want to thank my colleague  
17      Senator Klein for his efforts in bringing this  
18      bill to the floor. I know he spent many hours  
19      shaping and crafting a proposal that can bring  
20      real property tax relief to our constituents.

21              And I'm sure that my colleagues  
22      would agree that as we consider various pieces  
23      of legislation, we look at and see how they  
24      are beneficial to our specific Senate  
25      district. And the information that has been

1       made available as a result of this bill and  
2       through passage of this bill, and hopefully  
3       favorable consideration in the Assembly after  
4       this Senate approval, is that in my Senate  
5       district alone, over 15,000 households, under  
6       the circuit-breaker component of this  
7       legislation, over 15,000 households receiving  
8       real property tax relief. Average income tax  
9       credit of over \$716 per household. Renters in  
10      the 49th Senate district receiving an  
11      additional about almost \$5,000, in total, of  
12      property tax relief.

13               And certainly the enhanced senior  
14      STAR rebate check component of this  
15      legislation in the counties in central  
16      New York -- Cayuga, Cortland, Madison,  
17      Onondaga and Oswego -- almost 43,000 seniors  
18      would be receiving an enhanced senior STAR  
19      rebate check, with an average somewhere around  
20      a \$1000 each.

21               Mr. President, that is real, real  
22      property tax relief. I'll be supporting this  
23      bill today and certainly encourage my  
24      colleagues on both sides of the aisle to do  
25      the same.

1 Thank you.

2 ACTING PRESIDENT BRESLIN: Thank  
3 you, Senator Valesky.

4 Senator Diaz, on the bill.

5 SENATOR DIAZ: Thank you,  
6 Mr. President.

7 Mr. President, would the sponsor  
8 yield for a question or two?

9 ACTING PRESIDENT BRESLIN:  
10 Senator Klein, will you yield for a question  
11 from Senator Diaz?

12 SENATOR KLEIN: Yes,  
13 Mr. President, I'll be happy to yield.

14 ACTING PRESIDENT BRESLIN:  
15 Senator Diaz, the sponsor will yield.

16 SENATOR DIAZ: Senator Klein, as  
17 you know, I represent the 32nd Senatorial  
18 District. But I'm also the chairman of the  
19 New York State Senate Aging Committee. So I  
20 have two questions.

21 Before, let me talk about my  
22 district, the people that I represent. I have  
23 20,882 households in my district. You are  
24 telling me, you are telling me, Senator Klein,  
25 that when we vote for this piece of

1       legislation, we vote yes and it goes to the  
2       Assembly and the Assembly approves it and the  
3       Governor signs it into law, you're telling me  
4       that 3,920 households in my district will be  
5       able to get at least \$475 each?

6                SENATOR KLEIN:       That's only  
7       homeowners who would qualify for the circuit  
8       breaker. That's correct.

9                SENATOR DIAZ:       I mean, let me ask  
10      you this I don't know if I hear you okay,  
11      right. So 3,920 households in my district  
12      will be able to get about \$475 each?

13               SENATOR KLEIN:       That's correct,  
14      under the circuit-breaker provisions of the  
15      bill.

16               SENATOR DIAZ:       Under this bill?

17               SENATOR KLEIN:       Under this piece  
18      of legislation.

19               SENATOR DIAZ:       And you're telling  
20      me that under the circuit breaker, the people  
21      in my district will be getting about  
22      \$6 million?

23               SENATOR KLEIN:       Six and a half  
24      million, in total, of levels of property  
25      taxes.

1                   SENATOR DIAZ:     So the renters in  
2     Parkchester, in my district, will be able to  
3     benefit from this?

4                   SENATOR KLEIN:     Well, I think  
5     Parkchester is a condominium. And yes,  
6     condominiums would qualify for the circuit  
7     breaker. And I guess the ones who pay rent as  
8     well.

9                   ACTING PRESIDENT BRESLIN:     Would  
10    you like to ask an additional question,  
11    Senator Diaz?

12                  SENATOR DIAZ:     Yes,  
13    Mr. President.

14                  ACTING PRESIDENT BRESLIN:     Would  
15    you yield, Senator Klein?

16                  SENATOR KLEIN:     Mr. President,  
17    I'd be happy to yield.

18                  ACTING PRESIDENT BRESLIN:     You  
19    may proceed, Senator Diaz.

20                  SENATOR DIAZ:     And the people  
21    that rent in public housing, would they be  
22    able to benefit too?

23                  SENATOR KLEIN:     Senator, it  
24    depends on the proportion of their income that  
25    they spend in rent. So I would --

1                   SENATOR DIAZ:     Well, let me --

2                   ACTING PRESIDENT BRESLIN:     Do you  
3     have an additional question?

4                   SENATOR DIAZ:     Mr. President,  
5     would the sponsor continue to yield?

6                   ACTING PRESIDENT BRESLIN:     Do you  
7     continue to yield, Senator Klein?

8                   SENATOR KLEIN:     Yes.

9                   ACTING PRESIDENT BRESLIN:     You  
10    may proceed.

11                  SENATOR DIAZ:     Senator Klein, I  
12    am also the chairman of the Aging Committee,  
13    supposed to serve the whole state, not only my  
14    district.  You're telling me that under this  
15    piece of legislation, senior citizens  
16    throughout the state, senior citizens will be  
17    able to benefit from this piece of  
18    legislation?

19                  SENATOR KLEIN:     Yes, Senator.  
20    Because under the legislation, the STAR rebate  
21    check would go to senior citizens at previous  
22    levels who don't qualify for the circuit  
23    breaker.  And this legislation also restores  
24    the New York City PIT credit for seniors in  
25    New York City.  So yes.

1                   SENATOR DIAZ:     Mr. President,  
2     would the sponsor continue to yield?

3                   ACTING PRESIDENT BRESLIN:  
4     Senator Klein, will you continue to yield to  
5     Senator Diaz?

6                   SENATOR KLEIN:     Mr. President,  
7     I'll continue to yield.

8                   ACTING PRESIDENT BRESLIN:     You  
9     may proceed, Senator Diaz.

10                  SENATOR DIAZ:     I have a piece of  
11     information in my hands that says, Senator  
12     Klein, that every county that's upstate,  
13     that's somewhere upstate -- this is not in the  
14     South Bronx, every county is upstate --  
15     they're telling me here that the senior  
16     citizens in every county, New York seniors  
17     with \$40,000 in income and \$5,000 in property  
18     taxes will benefit from this?

19                  SENATOR KLEIN:     Yes, Senator.  
20     Actually, an Erie County senior with \$40,000  
21     income who pays \$5,000 in property taxes of  
22     course will continue to receive the enhanced  
23     STAR exemption. The net result for that  
24     individual, who would qualify for the circuit  
25     breaker, would be \$1,299 more in tax relief

1       than they got in 2009, and even \$386 more than  
2       they got in 2008 before the check was  
3       eliminated.

4                   ACTING PRESIDENT BRESLIN:  
5       Senator Diaz.

6                   SENATOR DIAZ:       Mr. President,  
7       will the sponsor --

8                   ACTING PRESIDENT BRESLIN:  
9       Senator Klein, will you continue to yield to  
10      Senator Diaz?

11                  SENATOR KLEIN:       Mr. President,  
12      I'd be happy to continue to yield.

13                  ACTING PRESIDENT BRESLIN:       You  
14      may proceed, Senator Diaz.

15                  SENATOR DIAZ:       I have, in the  
16      same piece of legislation, I have three other  
17      countries, like Oswego County, Westchester  
18      County senior citizens, and Suffolk County.  
19      In Oswego County, seniors with family with  
20      \$60,000 income and \$6,000 in property tax will  
21      benefit. In Westchester County, senior  
22      citizens with \$120,000 per year and \$12,000 in  
23      property taxes will benefit. And that the  
24      Suffolk County family with \$150,000 in income  
25      and \$50,000 in property tax would benefit from



1       this.

2                   So you're telling me that as the  
3       chairman of the Aging Committee, I could tell  
4       all the senior citizens in the state that this  
5       Senate, Republican and Democrats, under this  
6       the piece of legislation that Senator Klein is  
7       sponsoring, we are working very hard for them?

8                   SENATOR KLEIN:     Yeah, actually  
9       you can say that, Senator.   Because under the  
10      various categories and the various counties  
11      within our state -- Oswego, Westchester,  
12      Suffolk -- not only do seniors benefit, but  
13      they benefit more than they did in the past as  
14      far as just having the rebate check.   A  
15      circuit breaker provides more property tax  
16      relief, especially for a senior, than just  
17      having a rebate check.   So --

18                  SENATOR DIAZ:     Mr. President --

19                  SENATOR KLEIN:     -- your  
20      assumption is correct.

21                  SENATOR DIAZ:     -- just two more  
22      questions.

23                  ACTING PRESIDENT BRESLIN:  
24      Senator Klein, would you yield for two  
25      additional questions?

1                   SENATOR KLEIN:     Yes,  
2     Mr. President, I'll continue to yield.

3                   SENATOR DIAZ:     The first question  
4     is this.  Would I be able to say, Senator  
5     Klein, that anyone that votes against this is  
6     voting against senior citizens?

7                   SENATOR KLEIN:     Well, I will say,  
8     Senator, in answer to your question that  
9     certainly this is a piece of legislation that  
10    helps senior citizens.  Because even if a  
11    senior citizen, under this legislation, does  
12    not qualify for a circuit breaker, they still  
13    get their rebate check back.  And if they live  
14    in New York City and if they qualify for a  
15    circuit breaker, that's great.  But if they  
16    don't, they still get the New York City PIT  
17    credit under --

18                  SENATOR DIAZ:     Last question,  
19    Mr. President and Senator Klein, is this.

20                  ACTING PRESIDENT BRESLIN:  
21    Senator Klein has indicated he will yield.

22                  SENATOR KLEIN:     Yes,  
23    Mr. President, I'll be happy to yield.

24                  SENATOR DIAZ:     My question is  
25    this.  After all this information, after all

1       this help that we're giving to senior citizens  
2       and to people that pay property taxes and  
3       we're trying to do something for them, why are  
4       we continue talking and we don't vote for it?

5                SENATOR KLEIN:       I can't answer  
6       that question. But I know I continue to  
7       answer your questions, Senator.

8                SENATOR DIAZ:       Senator Klein,  
9       this is a bill that I am very proud of and  
10       honored to support it. I congratulate you and  
11       your staff and the members of the Senate that  
12       have put this together with you. This is  
13       something that really, really, really does  
14       something for senior citizens in the state.

15               As the chairman of the Aging  
16       Committee, I'm so proud, I'm honored to  
17       support this legislation.

18               SENATOR KLEIN:       Thank you very  
19       much, Senator.

20               SENATOR DIAZ:       And I ask everyone  
21       else that we should do something for senior  
22       citizens and to please talk no more and let's  
23       vote for it. Thank you.

24               SENATOR KLEIN:       Thank you.

25               ACTING PRESIDENT BRESLIN:       Thank

1       you, Senator Diaz.

2                   Senator Bonacic, on the bill.

3                   SENATOR BONACIC:     Thank you,  
4       Mr. President.

5                   I want to thank Senator Klein for  
6       bringing this bill forward. Property tax  
7       reform is something that has been a top  
8       priority with me for the last six years. The  
9       people in the mid-Hudson and the Catskill  
10      region, many of them have their houses  
11      underwater because the mortgages and the  
12      property taxes are just eating them up.

13                  And what I like about this  
14      particular bill is that it's not just a STAR  
15      rebate check, it has a cost-containment  
16      provision. We've seen how doing just STAR  
17      rebate checks, what happened. In good times,  
18      we gave more money at the state level for  
19      STAR, school budgets went through the roof,  
20      there wasn't cost containment, and it wasn't  
21      successful.

22                  And it wasn't successful -- and I  
23      want to share with you just an experience  
24      yesterday. In the Minisink Valley School  
25      District, where I live, they laid off 24

1 employees, immediately. And then they're now  
2 looking at laying off teachers at the end of  
3 June. After all the money we have given them,  
4 the State Legislature, over the last six years  
5 with the STAR rebate check.

6 So it's not a matter of just  
7 throwing money. We have to find a way of  
8 controlling costs and enhancing the  
9 educational opportunities.

10 The last point that I want to make,  
11 it started in 1993 with Senator Cook that  
12 wanted a property tax rebate. In 2006, 2007,  
13 and 2008, Senator Saland and I and this  
14 conference -- and you -- supported legislation  
15 that would eliminate school property taxes for  
16 primary residences. And that was a collective  
17 effort of the Senate.

18 Senator Krueger has now been an  
19 advocate for property tax reform and is  
20 working in the aspect of the tax-exempts,  
21 where there's a shifting of cost, and trying  
22 to eliminate those abuses. And I join her in  
23 that effort, and I hope that she comes forward  
24 shortly with comprehensive legislation in  
25 eliminating the abuses of tax-exempts.

1                   Last but not least, we have to be  
2                   united on this issue as the budget talks  
3                   start. In '93, the Assembly did nothing. In  
4                   2006, the Assembly did nothing. In 2007, the  
5                   Assembly did nothing. In 2008, the Assembly  
6                   did nothing. They cannot continue to sit on  
7                   their hands when people are losing their homes  
8                   because of escalating property taxes.  
9                   Homeowners should not have to choose between  
10                  whether I can stay in my home or whether my  
11                  children can have a quality education.

12                  So I look forward to conference  
13                  committees next week, and the budget process.  
14                  We should be one voice in this Senate to get  
15                  it done this year, together.

16                  Thank you, Mr. President.

17                  ACTING PRESIDENT BRESLIN:     Thank  
18                  you, Senator Bonacic.

19                  Senator Adams.

20                  SENATOR ADAMS:     Thank you,  
21                  Mr. President.

22                  And I'm happy I follow Senator  
23                  Bonacic, because he has been consistent on  
24                  this issue. As well as I want to commend  
25                  Senator Klein.

1                   You know, I think that all great  
2                   legislation that passed through this house,  
3                   many people outside the chamber are not aware  
4                   that it's not year one, it's just year after  
5                   year after year an individual is consistent  
6                   with the same tone and the same message. And  
7                   he's probably not only singing to the choir  
8                   when he talks about property tax relief, but  
9                   many of us probably wrote that song as well.

10                  So Senator Klein really needs to be  
11                  commended that during these challenging  
12                  economic times that we're talking about  
13                  something that impacts New Yorkers.

14                  And I believe there are three  
15                  sections of our society that we must come to  
16                  the rescue for. The first, of course, are our  
17                  children. The second are those who have  
18                  either physical or emotional special needs.  
19                  And the last are our seniors. And we are all  
20                  in a position where we should be willing to  
21                  give more to make sure those three sections of  
22                  our society that needs the greatest amount of  
23                  assistance get that assistance.

24                  We all were children one day, and  
25                  we all, if God permits, are going to be

1       elders. So those are groups of people that we  
2       are supposed to give them theirs off the top.  
3       And we need to find ways, as Senator Klein  
4       stated, we need to find ways to make sure that  
5       this is a reality.

6               And it also resonates another tone.  
7       the beauty of this chamber is the diversity of  
8       this chamber. And those outside this chamber  
9       will criticize the fact that we debate, will  
10      criticize the fact that we argue. But that's  
11      what we're supposed to do. We're changing  
12      laws that impact the lives of people. We're  
13      not supposed to walk in here and all be on one  
14      accord, because the state is not on one  
15      accord. What is needed in one part of the  
16      state may be different in another part of the  
17      state.

18             But we should always give each  
19      other the opportunity to debate, bring to the  
20      forefront those issues that each neighbor is  
21      talking about. And no matter where you go in  
22      this state, the question of property tax  
23      relief is a real issue. And we are in a  
24      win/win scenario because when we relieve the  
25      property tax issue and the rebate for our



1 seniors, we're covering the areas that we  
2 believe are important.

3 So one can articulate where you're  
4 going to find the money, but darn it, we  
5 better find the money, because it's a tone  
6 that's resonating throughout this state. So  
7 yes, we're the choir and we're singing that  
8 song, but we've got to have that song and the  
9 chorus of that song sung on the second floor  
10 and across in the other house. We must give  
11 property tax relief. That's what's being  
12 called for. And if we have to cut in other  
13 areas to obtain that, then let's cut in other  
14 areas to obtain that. Because that is the  
15 message that the people of the state has been  
16 stating.

17 And if we can't sing the same song  
18 of the people who sent us here, then we're in  
19 the wrong choir. This choir is saying  
20 property tax relief. And I commend Senator  
21 Bonacic and Senator Klein for being consistent  
22 with that message.

23 And if both sides of the aisle, if  
24 we put aside our philosophical differences, if  
25 we put aside our differences based on

1       geographical boundaries, if we put aside on  
2       what side of the aisle or what name is on the  
3       back of the chair or what role we are at the  
4       polling place, if we put all that to the side  
5       and leave here with one statement to the  
6       second floor and across in the other house,  
7       property tax relief, then everyone must get on  
8       board.

9               Because we're not the lower house,  
10       we're the upper house. And we need to set the  
11       tone for those people in our communities and  
12       neighborhoods from Bethpage to Brownsville  
13       that are stating, We need the rebate and we  
14       need property tax relief.

15               I support this bill, and I thank  
16       you, Senator Klein, for bringing it. Thank  
17       you, Mr. President.

18               ACTING PRESIDENT BRESLIN:     Thank  
19       you, Senator Adams.

20               Senator LaValle, on the bill.

21               SENATOR LaVALLE:     Thank you,  
22       Mr. President.

23               Will Senator Klein yield for one  
24       question?

25               ACTING PRESIDENT BRESLIN:

1 Senator Klein, will you yield for a question  
2 from Senator LaValle?

3 SENATOR KLEIN: Yes,  
4 Mr. President, I'd be happy to yield.

5 ACTING PRESIDENT BRESLIN: You  
6 may proceed, Senator LaValle.

7 SENATOR LaVALLE: Thank you,  
8 Mr. President.

9 Senator Klein, could you tell me  
10 how much the renters provision costs in the  
11 bill? Have you been able to cost that out?

12 SENATOR KLEIN: Yeah, it's  
13 \$150 million.

14 SENATOR LaVALLE: Statewide?

15 SENATOR KLEIN: Yes.

16 SENATOR LaVALLE: Okay. Thank  
17 you.

18 On the bill, Mr. President.

19 ACTING PRESIDENT BRESLIN:  
20 Senator LaValle, on the bill.

21 SENATOR LaVALLE: Certainly any  
22 effort that we make to reduce real property  
23 taxes on the people that we represent is a  
24 good thing. But this problem is so acute, I  
25 think in each of our districts people are

1 calling out for help. The pain that they feel  
2 is enormous. This bill really doesn't go far  
3 enough.

4 Our young people, you know, we've  
5 talked, I've talked about those seniors who  
6 are 70 or older. There are a lot of young  
7 people. That's why the STAR rebate program  
8 covers all households regardless of age.  
9 Senator Klein's bill limits that. If we look  
10 at the circuit breaker, income of \$50,000 and  
11 you have taxes of \$3500, you get no help. At  
12 \$75,000 in income, your taxes \$5,250, you get  
13 no help. If your income is \$100,000 and your  
14 taxes are \$7,000, you get no help.

15 And I want to tell you, there are a  
16 lot of people in various parts of the state at  
17 that \$100,000 who are paying \$7,000 in taxes  
18 and won't get any help. And \$120,000, with  
19 taxes \$8400, no help; \$175,000, with \$12,800  
20 in taxes, you get no help.

21 So we have young people not getting  
22 help. We've got people in these income  
23 categories in various parts of the state who  
24 will get, really, no help. And that's why the  
25 choice set up of the rebate, the circuit

1       breaker, and the freeze or the cap for those  
2       over 70, that kind of synergy works from one  
3       end of the state to the other.

4                   Thank you, Mr. President.

5                   ACTING PRESIDENT BRESLIN:     Thank  
6       you, Senator LaValle.

7                   Senator Larkin.

8                   SENATOR LARKIN:     Thank you,  
9       Mr. President.   On the bill.

10                  ACTING PRESIDENT BRESLIN:     On the  
11       bill.

12                  SENATOR LARKIN:     We've heard a  
13       lot of talk here today.   Some of you are not  
14       as old as LaValle or Volker or Georgie Winner  
15       over here.   But in 1980 there was a bill put  
16       together by Senator Cook and Assemblyman Bill  
17       Larkin, and we went around the state with it.  
18       Here we are, 2010, and we're still talking  
19       about.

20                  Now, I heard Senator Klein say we  
21       can't talk about the money.   But let's talk  
22       about the money.   You have to.   We're saying  
23       we're going to wait for a budget?   I think  
24       that we have to make sure what we're talking  
25       about.   I mean, this is a very important bill

1       today. Look at all the empty chairs. Look at  
2       all the empty chairs.

3               Some of you might remember a couple  
4       of weeks ago, in Washington, Congressman  
5       Kennedy nearly went wild -- maybe he lost his  
6       pills -- but he screamed that nobody was  
7       paying attention.

8               This is serious. Where is the  
9       money? I don't hear anybody say it. I hear  
10      them saying, Oh, we're going to do this.  
11      Let's look at it: \$129 million for the  
12      license plates. That's a dead issue. The  
13      Speaker said this morning the soda tax is  
14      gone. That's \$450 million. And wine in the  
15      grocery stores, that's another. Now you're  
16      talking a billion dollars.

17              And we don't know where this is  
18      going. We're saying we'll do it when the  
19      budget comes. I don't know whether you're  
20      paying attention to some of your people at  
21      home, but they're saying "Where is the money?"

22              And, you know, the thing that  
23      amazes me from that side of the aisle is when  
24      they say We're going to do something about the  
25      STAR. I saw letters come out: Join me with a

1 letter to the Governor, change it before he  
2 does his 21 days. Now I see it here. You  
3 would have never been here talking about it  
4 today if one year ago one person from that  
5 side of the aisle said "Hold it." Because,  
6 you know, somebody may be taking your picture  
7 and say "This was you last year when you were  
8 smiling. This is you this year when you're  
9 crying."

10 There is a great opportunity, but  
11 somebody better start saying where the money  
12 is coming from.

13 Most people are going to vote for  
14 this because conceptually it's a good item.  
15 But where were you last year? You weren't  
16 here. Why? Because it wasn't popular. I got  
17 news for you. It's been popular for the  
18 30 years I've been here. The will to do it  
19 just wasn't there. But when somebody gets up  
20 here and says "Support my bill" and I say  
21 "Where's the money?" -- "Oh, by the time we  
22 get to the budget."

23 We don't have a sponsor in the  
24 other house. I checked with it; there is no  
25 sponsor from the Assembly. I don't see any

1 letters. The only one I see is from NYSUT.

2 They don't support you. So I think we're --

3 ACTING PRESIDENT BRESLIN: Excuse  
4 me, Senator Larkin.

5 Why do you rise, Senator Craig  
6 Johnson?

7 SENATOR CRAIG JOHNSON: Will  
8 Senator Larkin yield for a question, please?

9 SENATOR LARKIN: Yes, I would.

10 SENATOR CRAIG JOHNSON: Thank you  
11 so much.

12 Senator Larkin, I appreciate your  
13 comments that you're saying. But are you  
14 aware that Assemblyman Englebright in the  
15 Assembly has the same-as legislation for  
16 Senator Klein?

17 SENATOR LARKIN: Pardon me, I  
18 couldn't hear you. My ears are not working.

19 SENATOR CRAIG JOHNSON: I  
20 apologize, Senator Larkin. Are you aware that  
21 Steve Englebright, an Assemblyman from Suffolk  
22 County, is the Assembly sponsor for the  
23 same-as legislation --

24 SENATOR LARKIN: I didn't see it  
25 yesterday when I was trying to find it. So I



1 accept that, and I apologize to Senator Klein.

2 SENATOR CRAIG JOHNSON: Just for  
3 purpose of clarification. Thank you very  
4 much, Senator Larkin.

5 ACTING PRESIDENT BRESLIN: Thank  
6 you, Senator Johnson.

7 You may proceed, Senator Larkin.

8 SENATOR LARKIN: I'm glad, but I  
9 haven't seen anything, as I said.

10 But the point of the matter is if  
11 we got a bill, it's sponsored in both houses,  
12 why are we afraid to come up and say this is  
13 the money for this, and this is it? The  
14 reason we don't is we don't have an agreement.  
15 And, you know, we're talking to the choir and  
16 trying to tell them that we're doing something  
17 for them.

18 Now, last but not least, when  
19 somebody tells me it's only \$150 million for  
20 the renters, I think somebody better be part  
21 of the Census. Because I'll bet you it's  
22 going to be closer to \$250 million, not  
23 \$150 million.

24 So good bill. I'd like to see the  
25 check that's going to pay for it.

1                   ACTING PRESIDENT BRESLIN:     Thank  
2     you, Senator Larkin.

3                   The debate is closed.

4                   The Secretary will ring the bell.

5                   Read the last section.

6                   THE SECRETARY:     Section 12.   This  
7     act shall take effect immediately.

8                   ACTING PRESIDENT BRESLIN:     Call  
9     the roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT BRESLIN:  
12     Senator Liz Krueger, to explain her vote.

13                  SENATOR LIZ KRUEGER:     Thank you  
14     very much.

15                  I have some concerns, as I've heard  
16     my colleagues say, about making sure that this  
17     bill moves into budget negotiations.   And  
18     that's where we're going to go next.

19                  So while there can be a million  
20     different issues raised -- and with respect to  
21     my colleagues on the other side of the aisle's  
22     hostiles, they would have doubled the cost.  
23     And realistically, we all know we're in a very  
24     difficult budget year where we are trying  
25     desperately to get a budget done on time,

1 knowing we're going to make difficult cuts.

2 But I am pleased to be able to  
3 stand with my colleagues and vote for this  
4 bill today, because I do know that a priority  
5 of the Senate Democrats is to make sure that  
6 we address property tax relief concerns this  
7 year.

8 I vote aye. Thank you.

9 ACTING PRESIDENT BRESLIN:  
10 Senator Krueger will be recorded in the  
11 affirmative.

12 Senator Robach, to explain his  
13 vote.

14 SENATOR ROBACH: Yes,  
15 Mr. President, very quickly.

16 I would just rise to support this,  
17 but I would associate my comments very much  
18 with Senator Bonacic.

19 One thing Senator Klein said that  
20 was on point, people are angry. People in my  
21 district are beyond angry, they're screaming.  
22 And part of what they're screaming about is  
23 what was done in last year's budget where part  
24 of the STAR check was taken away, on  
25 party-line vote, by my colleagues on the

1 Democratic side of the aisle. So I'm glad  
2 we're moving in a different direction.

3 Now I'm going to make no bones  
4 about it. I'm frustrated too. I like the  
5 amendments we did. I like the Republican  
6 plan. And I think if people voted on their  
7 own volition, they would have voted for those  
8 too. Because it doesn't cost more, it gives  
9 more relief, and that's what people are  
10 screaming for.

11 And then lastly I'll say while I'm  
12 happy that we're moving in this direction --  
13 and I'll applaud Senator Klein as well that  
14 we're doing this bill today -- before anybody  
15 breaks their arm patting themselves on the  
16 back, we're all going to have to use a little  
17 political capital to get this done in the  
18 other house. Which is exactly what John  
19 Bonacic said. It has languished for years  
20 with no attention to the public, whether it's  
21 downstate New York, suburban Long Island, or  
22 certainly not in upstate New York. And this  
23 is serious stuff.

24 The work isn't done because we've  
25 had a press conference. We've really got to

1       get this done. And whether it's stand-alone  
2       or part of the budget, quite frankly, the  
3       people I represent don't care, they want a  
4       result. So I'll vote for this to move towards  
5       that result. But make no mistake, our work is  
6       far, far from done.

7                   ACTING PRESIDENT BRESLIN:

8       Senator Robach will be recorded in the  
9       affirmative.

10                  Senator Oppenheimer, to explain her  
11       vote.

12                  SENATOR OPPENHEIMER:     Thank you.

13                  I'll be voting yes because there's  
14       much in this bill that I do like very, very  
15       much, particularly my Senate district, which  
16       certainly is exceedingly overburdened. We  
17       have the highest property taxes, in  
18       Westchester County, of any place in the  
19       United States. So obviously I am very  
20       supportive of that part of the bill.

21                  The part of the bill that I have  
22       difficulty with -- even though I am supporting  
23       the bill, because generally I do think the  
24       bill is good. But I believe that individual  
25       school districts should have the authority and

1 ability to decide their own fate.

2 And to think that citizens are not  
3 aware of their budgets is foolhardy, because I  
4 can assure you the citizens in the district  
5 that I represent scrutinize their school  
6 budget budgets. And, you know, as we all  
7 know, this is the only place where voters can  
8 take out their frustrations. And it is on the  
9 school budget that they take their  
10 frustrations out on.

11 But one would think that if this  
12 cap was such a good thing that we ought to be  
13 able to cap those other budgets, like  
14 municipal and county. We should be able to  
15 cap them too, because in a way we can't even  
16 vote on those budgets. So a lot of  
17 frustration is taken out on the only area  
18 where it is possible to vote.

19 I'd also like to say that just  
20 judging from what I hear in my Senate  
21 district, there is absolutely no school budget  
22 that seems to be above 2, maybe 2 1/2 percent.  
23 Because we all recognize that there is a great  
24 deal of frustration and anger with the  
25 property tax, and that therefore we have to

1       restrain it even though it does mean in many  
2       cases enormous layoffs of teachers. Which  
3       means it will be difficult to maintain the  
4       excellent education programs that we have just  
5       finally put in place in the last few years.

6               So I'll be voting yes, but I must  
7       say I have always been and will always be  
8       against caps.

9               ACTING PRESIDENT BRESLIN:

10       Senator Oppenheimer will be recorded in the  
11       affirmative.

12               Senator Fuschillo, to explain his  
13       vote.

14               SENATOR FUSCHILLO:     Thank you  
15       very much, Mr. President. Just quickly; this  
16       has been a long discussion.

17               I agree with Senator Robach that  
18       last year direction's in the state budget by  
19       reducing STAR and taking away the rebate and  
20       increasing taxes and fees sent the state in  
21       the wrong direction. But this is a start in  
22       the right direction. And I want to compliment  
23       Senator Klein for his efforts, because he did  
24       truly reach out, I know to myself -- I met  
25       with him, we had numerous phone calls on this

1 issue -- and also my colleagues.

2 There isn't a day that goes by that  
3 I don't hear from constituents in my district  
4 that they're choking to death on property  
5 taxes. And if we don't do something that's  
6 real and meaningful, then we fail the people  
7 of the State of New York. This is a step in  
8 the right direction. Shame on the Assembly if  
9 they don't do anything. I proudly support  
10 this bill.

11 ACTING PRESIDENT BRESLIN:

12 Senator Fuschillo will be recorded in the  
13 affirmative.

14 Senator Marcellino, to explain his  
15 vote.

16 SENATOR MARCELLINO: Thank you,  
17 Mr. President. I appreciate you recognizing  
18 me to explain my vote.

19 I intend to support this bill, and  
20 I congratulate Senator Klein for his efforts  
21 in bringing this bill forward. He's got many  
22 good things in the bill. There are some  
23 things I would have added, like the two  
24 amendments I thought would have enhanced the  
25 bill, made it even better and even stronger.



1                   However, a good first step. Let's  
2                   continue the process. I agree with my  
3                   colleagues who have just said we need results.  
4                   Talk is cheap. Taxes are high. And my  
5                   constituents want tax relief, property tax  
6                   relief.

7                   And I agree with what Senator  
8                   Fuschillo just said. Shame on the other house  
9                   if they don't do something like this. If they  
10                  don't bring this bill forward, if they don't  
11                  carry this bill forward and give us real  
12                  property tax relief in this state, then we  
13                  will have a real problem here. And I think we  
14                  have to address that.

15                 This bill is a first step. I think  
16                 we have to do more. However, I'll take it.  
17                 I'm going to support it. And I'm more than  
18                 willing to work with anyone -- Senator Klein,  
19                 anybody -- if we can get to the other house  
20                 and get them to pass this legislation and make  
21                 this property tax relief for real for a  
22                 change. Not just talk, a real bill.

23                 Thank you, Mr. President. I vote  
24                 aye.

25                 ACTING PRESIDENT BRESLIN:

1 Senator Marcellino will be recorded in the  
2 affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to  
5 Calendar Number 257, recorded in the negative:  
6 Senator Perkins.

7 Absent from voting pursuant to  
8 Rule 9, Senator Hassell-Thompson.

9 Ayes, 58. Nays, 1.

10 ACTING PRESIDENT BRESLIN: The  
11 bill is passed.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President, is  
14 there any further business at the desk?

15 ACTING PRESIDENT BRESLIN:  
16 Senator Klein, the desk is clear.

17 SENATOR KLEIN: There being no  
18 further business, Mr. President, I move that  
19 we adjourn until Monday, March 22nd, at  
20 3:00 p.m., intervening days to be legislative  
21 days.

22 ACTING PRESIDENT BRESLIN: There  
23 being no further business, on motion, the  
24 Senate stands adjourned until Monday,  
25 March 22nd, at 3:00 p.m., intervening days

1       being legislative days.

2                   (Whereupon, at 2:36 p.m., the  
3       Senate adjourned.)

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25