

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 18, 2010

11 12:09 p.m.

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13
14 REGULAR SESSION

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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.)

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