

January 30, 2011

## **Cuomo Files Tax-Cap Bill, Surprising Assembly**

By **NICHOLAS CONFESSORE** and **THOMAS KAPLAN**

In a surprise move, Gov. **Andrew M. Cuomo** has submitted his proposal to limit local property taxes to the State Senate for a vote on Monday, a tactic that seems designed to isolate Democratic lawmakers in the Assembly who have qualms about the measure.

The 74-page bill was sent to the Senate late Friday, the last possible time to allow for a Monday vote. Republicans, who narrowly control the chamber and overwhelmingly support a cap on property tax growth, welcomed the measure, saying they would seek action immediately.

“New Yorkers need and deserve relief from high property taxes, and the Senate Republicans are working with the governor and others to put a cap in place as soon as possible,” said Scott Reif, a spokesman for the Senate Republicans. “We expect to take up and pass Governor Cuomo’s property tax cap program bill tomorrow.”

The bill is expected to draw bipartisan support. Senate Democrats “passed the property tax cap twice last year and are ready to pass the governor’s bill now,” said their spokesman, Austin Shafran.

But Assembly Democrats, who control that chamber and who said they had had only preliminary talks with Mr. Cuomo about the cap, were taken by surprise and did not see the bill until Saturday, a day on which the Assembly speaker, **Sheldon Silver**, an Orthodox Jew, observes the Sabbath.

Mr. Cuomo did not warn Assembly leaders that the bill was coming, officials said, despite Mr. Silver’s pledge to work with Mr. Cuomo to pass a cap, the new governor’s top policy priority.

While Senate Republicans had signaled that they would hold a vote on a property tax cap this week, many lawmakers had expected Mr. Cuomo to include a version of a cap as part of his executive budget on Tuesday.

“The speaker stated at the State of the State that the Assembly is committed to passing a property tax cap bill,” said Sisa Moyo, a spokeswoman for Mr. Silver. “We look

forward to working with the governor and our colleagues in the Senate on this issue in the upcoming budget.”

Teachers’ union officials said the measure appeared to be somewhat stronger than Mr. Cuomo’s campaign proposal, which would cap local tax increases at 2 percent or the rate of inflation, whichever was lower. As written, they said, the bill could lead to zero-growth tax rates for many school districts.

“All along, we’ve been saying that we would work with the governor’s proposal to try to get to a place that was fair to education,” said Richard C. Iannuzzi, the president of New York State United Teachers. “This bill, as we’re reading it, moves in the opposite direction and is going to make achieving something fair more difficult.”

“When you do a one-house bill,” he added, “it is flexing muscle in the old style of Albany, which is everything that Governor Cuomo opposes and we oppose as well.”

Under the proposal, school districts would hold a vote on their tax levy each year, instead of their overall budget. If a levy failed to pass twice, districts would be locked into assuming the same levy as the year before.

The bill did not include any proposal for reducing costs or liberating municipalities and school districts from state mandates, elements that even some supporters said were critical to ensuring that a cap did not bankrupt local governments.

The significance of the expected Senate vote on Monday may ultimately be more symbolic than practical. Assembly lawmakers are unlikely to approve the bill as written, and Mr. Cuomo is likely to accept at least some concessions to secure final passage.

Aides to Mr. Cuomo said the Senate and the Assembly have had a draft of the bill since the middle of December. They also suggested that the new legislation simply turned Mr. Cuomo’s campaign proposal into a proper bill — which the governor has been promising since the day he took office.

For his first program bill, Mr. Cuomo certainly managed to avoid attracting attention. Some lawmakers in the Assembly learned of the bill only when called by a reporter on Sunday night.

Upon learning of the bill's introduction, Assemblyman Rory I. Lancman, a Democrat of Queens, said, "Every conversation has to start somewhere, and I guess the conversation is starting."