

# KOLB'S KEY

JUNE 2010

## in this issue:

- > GOING "ON-THE-RECORD" TO FIX NY'S BROKEN STATE GOVERNMENT
- > THE CAYUGA INDIAN NATION IS NOT ABOVE THE LAW
- > MOVEMENT FOR A PEOPLE'S CONVENTION ROLLS ON

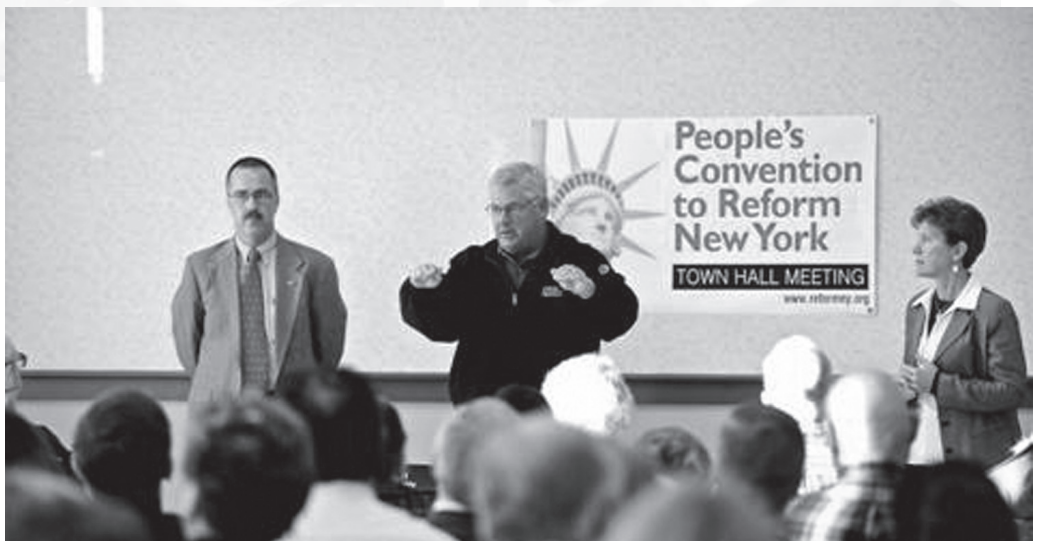
Assembly Minority Leader  
Brian M. Kolb  
607 W. Washington St.  
Suite 2  
Geneva, NY 14456  
(315) 781-2030  
kolbb@assembly.state.ny.us

Albany Office:  
933 LOB  
Albany, NY 12248  
(518) 455-3751

facebook:  
Assemblyman Brian Kolb

follow Brian Kolb on twitter.

web: [www.assembly.state.ny.us/mem?ad=129](http://www.assembly.state.ny.us/mem?ad=129)



Dear Neighbor,

Have you had enough? A broken state government that taxes, spends and borrows too much of our money. A state budget with a \$9.05 billion deficit that, at press time, is two months late, stiffing construction contractors of their paychecks and threatening the layoffs of thousands of workers who are just trying to do their jobs.

All this while more than 800,000 New Yorkers are out of work and over 1 million people have left our state since 2000 due to skyrocketing taxes on homes and businesses.

Clearly, enough is enough! I recently participated in a public forum called "Albany On-The-Record" and talked about how our Assembly Minority Conference and I are working to bring real reform and greater fiscal responsibility and accountability to fix our broken state government so it starts working again.

This month in Kolb's Key, I outline how we can build on the "Albany On-The-Record" model to empower more taxpayers to take their state government back. I discuss the impact of a recent court decision on collecting sales tax revenues from the sale of cigarettes by Native Americans to non-Native Americans. I also update you on the progress of our movement to enact a People's Convention to Reform New York.

As always, please don't hesitate to contact my district office at (315) 781-2030, or e-mail me at [kolbb@assembly.state.ny.us](mailto:kolbb@assembly.state.ny.us) on how, together, we can bring New York back.

Sincerely,

Brian M. Kolb  
Assembly Minority Leader

# GOING “ON-THE-RECORD” TO FIX NY’S BROKEN STATE GOVERNMENT

*“The Assembly Minority Conference has been for reform long before it was cool.”*



My travels statewide have confirmed the fact that people believe New York is on the wrong track and the time for reform – fiscal, governmental, budgetary and ethical – is now. On each of these fronts, our Assembly Minority Conference and I have been leading the charge to clean up the scandals, corruption and financial mismanagement that have come to define Albany. Simply stated, our Conference and I have been for reform long before it was cool.

This is why I gladly accepted an invitation to address “Albany On-The-Record,” a first-of-its-kind public forum on reforming state government sponsored by New York’s leading good-government groups: the New York Public Interest Research Group, the New York State League of Women Voters, Common Cause, the Brennan Center for Justice, Citizens Union, Reinvent New York and over a dozen other organizations.

Among the invited speakers were myself, Governor Paterson, Assembly Speaker Silver, Senate Minority Leader Skelos, Senate Majority Leader Sampson, Comptroller DiNapoli and Attorney General Cuomo. As the leaders of state government, each of us was supposed to go “on-the-record” and discuss our solutions to fix Albany and give taxpayers the honest, ethical and responsive government they deserve. The first question was what could leaders in state government do to restore the faith and confidence of taxpayers? I made a strong case for the reforms necessary to get New York’s economy and government back on track. These reforms include:

## **Government Reform**

- Convene a non-partisan, grassroots “People’s Convention To Reform New York” to empower citizens to take back their state government (Assembly Bill A.9157);
- Establish an independent Legislative Redistricting Commission (Assembly Bill A.6721); and
- Enact initiative, referendum and recall (Assembly Bill A.6815).

## **Ethics Reform**

- Create an independent ethics watchdog commission (Assembly Bill A.8930);
- Abolish salary and pension benefits for any elected public official convicted of a felony related to employment (Assembly Bill A.1057); and
- Enact four consecutive two-year term limits for Legislative Leaders (A.5631).

## **Fiscal Reform**

- Cap state government spending to the average rate of inflation of the three previous calendar years (Assembly Bill A.9061);
- Ban “backdoor borrowing” (Assembly Bill A.4133); and
- Require any ballot proposition that authorizes state debt to include information on both the principal and interest incurred by taxpayers (Assembly Bill A.8450).

## **Budget Reform**

- Require the General Budget Conference Committee to convene by March 15 and hold public meetings, prohibit consideration of non-budget bills after April 1 until the state budget is adopted, and provide a Plain Language Summary of the budget 48 hours prior to a vote (Assembly Bill A.5743);
- Prohibit recess until a state budget is adopted (Assembly Bill A.5742); and
- Require that the previous year’s budget be put in place no later than 72 hours after the start of a new fiscal year to ensure an “on-time budget” (Assembly Bill A.5729).

I was proud to take part in Albany On-The-Record and outline our Conference’s strong support – and proven track record – of advocating for reform to fix New York’s broken state government. This could be the start of something special. However, it must not be the last word on reform. We need more of these public forums that will empower taxpayers to join the fight to take back their state government and push policymakers to make real reform happen.



## **THE CAYUGA INDIAN NATION IS NOT ABOVE THE LAW**

In the United States, no one is above the law – nor is anyone below it. The fair, impartial application of the law without fear or favor is one of the most bedrock concepts of our entire legal system. This is reflected in the age-old expression “justice is blind.” While justice may be blind, it also can be imperfect.

A clear example of this was the May 11th ruling by the State Court of Appeals that the Cayuga Indian Nation could continue operating above the law and refuse to collect the taxes on cigarettes sold on Native American lands to non-Native American Indians. I, and many other New York taxpayers, strongly disagreed with their decision (read the decision at: [www.courts.state.ny.us/ctapps](http://www.courts.state.ny.us/ctapps)).

### **Ruling Continues An Unfair Playing Field For Small Businesses**

Year after year, mom-and-pop convenience stores across Central and Western New York have been at a tremendous financial disadvantage as they have been competing on a playing field that is unfair and unequal. Many stores have gone out of business because the disadvantage of their having to collect the sales taxes, while others did not, was simply too much to overcome. A growing coalition of citizens and businesses who believe in the rule of law have been calling for the collection of these taxes for well over a decade, only to have our pleas fall on deaf ears. The total state revenue that could be generated through the lawful collection of taxes on cigarette and gasoline sales made on Native American lands to non-Native Americans could total upwards of \$600 million for cash-strapped New York State.

When you consider that New York is facing a cash crunch and a \$9.05 billion budget deficit, you quickly realize that if the state actually enforced the collection of these taxes, it would go a long way toward reducing its fiscal shortfall. This is unfair to local small businesses and it's costing taxpayers \$600 million a year.

The Majorities in both houses of the state Legislature are avoiding the tough budgetary decisions that need to be made. Imposing more job-killing taxes, hiking government spending or billions more in new borrowing are not the answers to New York's fiscal challenges. In fact, more taxing, spending and borrowing will make our problems worse.

Instead, New York State should enforce the law and collect the taxes on cigarettes and gasoline sales on Native American lands to non-Native American Indians. Doing so would generate \$600 million, a new revenue stream that our state genuinely needs to close a massive \$9.05 billion budget gap. Wouldn't it make more sense for state government to enforce the law and collect the taxes? Clearly it would, which is why a few months ago I called on the Governor to ensure regulations were in place to allow the collection of these taxes to move forward. The Governor said the necessary regulations would be enacted by July and I am going to hold him to that promise!

### **Collecting the Taxes Could Generate \$600 Million in Revenue**

While taxpayers and businesses may have lost this round, this is far from over. We will redouble our efforts and increase public pressure on the Governor to put state regulations in place by July to collect taxes on cigarettes, motor fuel, and other items sold on Native American lands to non-Native Americans. I am co-sponsoring bi-partisan legislation (Assembly Bill A.10128-A) to direct all cigarette wholesalers to sell only tax-stamped cigarettes to everyone, unless presented with an Indian tax exemption coupon. Doing so would help generate \$600 million in lost state revenue. New York desperately needs this money and our Assembly Minority Conference and I have identified it as one of the many real solutions to close our state's multi-billion dollar budget deficit. This fight is not over. Justice may be blind, but justice will ultimately prevail.

Bottom line? New York State has an obligation to enforce the law and collect taxes on cigarettes and gasoline sold on Native American lands to non-Native American Indians. This issue is not just about dollars and cents -- it's about right and wrong. Let's enforce the law and collect the taxes.



*“This is unfair to local small businesses and it's costing taxpayers \$600 million a year.”*

# MOVEMENT FOR A PEOPLE'S CONVENTION ROLLS ON



As you know, the People's Convention to Reform NY is a grassroots, non-partisan reform effort to empower citizens so they can take back their state government and, in the process, chart a positive new direction for New York. The political conflict in Albany indicates why we need a People's Convention, now more than ever. "The People's Constitutional Convention to Reform New York Act," Assembly Bill A.9157, would put the question of whether New York should convene a constitutional convention on the 2010 ballot. This bi-partisan legislation, which has co-sponsors from both parties, prohibits elected officials and lobbyists from serving as delegates.

## TELL ALBANY WE NEED A PEOPLE'S CONVENTION, NOW MORE THAN EVER

You can help reform our broken state government and start making it work, for a change. Call your state Assembly member at 518-455-4100 and ask them if they are for reform and to bring A.9157 — the People's Constitutional Convention to Reform New York Act — to a vote before the full legislature. Visit our website, [www.reformny.org](http://www.reformny.org), and sign the online petition calling for a People's Convention. Over 2,200 New Yorkers already have signed the petition. What about you? Join me and local Assembly Minority Conference members for one of our upcoming People's Convention Town Hall Meetings!



## Upcoming People's Convention Town Hall Meetings:

### June 10 ♦

Vernon-Verona-Sherrill Middle School Gymnasium  
5275 State Rt. 31, Verona, NY • 6:30-8:00 PM

### June 11 ♦

Penn Yan Middle School Auditorium  
515 Liberty St., Penn Yan • 7:00-8:30 PM

### June 17 ♦

Edward Hubbard Auditorium in Tioga County Office Building  
56 Main St. Owego • 7:00-8:30 PM

### June 24 ♦

Hamilton Hall, Elmira College, Elmira • 6:00-7:30 PM

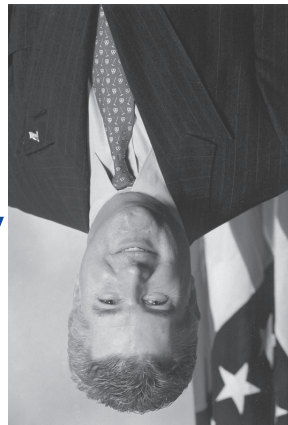
### June 30 ♦

Westchester County Center, 198 Central Ave.,

NEW YORK STATE  
ASSEMBLY MINORITY LEADER

**BRIAN**  
**KOLB**

A legislative  
update



New York State Assembly • Albany, NY 12248

PRSRST STD.  
US Postage  
PAID  
Albany, NY  
Permit No. 75