

TAX UPDATE:

The efforts over the past several years to focus our legislators attention on the key problems facing those of us in upstate New York is finally being heard. Through the efforts of concerned individuals and ad hoc citizen committees our legislators now recognize the significant burden local school funding with its over dependence on property tax is now seen as one of the top issues to be dealt with.

While there is generally agreement that the funding of education must transition to full state funding, the devil is in the details. Any decrease in property taxes and transition to full state funding must be accompanied with reforms in medicaid, caps on spending at all levels, and reforms in both Wicks and Taylor laws which control public employees and construction contracts. The good news is that these issues are now on the table and being debated by State gubernatorial candidates.

There are multiple bills in both the Senate and Assembly proposing options to address school funding and property tax reform. Senator Betty Little and Assemblywoman Teresa Sayward have taken leadership roles in developing property tax reform proposals. The details of some of the key bills can be reviewed on either the Senate or Assembly sites.

<u>BILL NUMBER</u>	<u>SPONSER</u>	<u>FOCUS</u>
SENATE		
S1265	LaValle	Education finance reform
S8039	Little	Property tax blue ribbon committee
S5982B	Little	Property tax cap as a % of Income
S8360	Saland / Bonacic	School property tax reduction
ASSEMBLY		
A08069	Cahill	State funds all education eliminating dependency on property tax
A9458	Sayward	Property tax cap as a % of Income
A11551	Galef / (Sayward)	Caps property tax as a % of income
A05796	Casale	State funds all education eliminating dependency on property tax
A08091	Hooker	Establishes education finance reform taskforce
A11656	Galef	Property Tax blue ribbon committee

“WHEN YOU WISH UPON A STAR”

The STAR program (School **T**Ax **R**elief) was established in 1997. The exemption falls into two categories: Basic STAR and Enhanced STAR.

Basic STAR applies to all primary resident homeowners. There is no limit on either assets or income and it applies to any age property owner.

Enhanced STAR applies to seniors 65 and older with incomes less than \$66,050.

These exemption result in savings of \$350.00 +/- for the tax year.

Proposed increases in STAR will do little to relieve any real tax burden of the middle class and seniors.

SUMMARY:

Incremental enhancements on STAR will not provide the relief that we need in order to manage our property taxes to an affordable level and should be rejected in favor of real school funding and property tax reform. In the final analysis, STAR should be abolished, or at a minimum means tested, and the financial savings applied to offset a real reform package.

The ideas reflected in the referenced Senate and Assembly bills reflect a reasonable starting point for real reform. We should encourage and demand bi-partisan participation to bring forward a reform strategy with the proper supporting legislation.

I have attached copies of several bills either introduced or passed by the legislature for reference. Contact your legislators and show your support.

Thanks.

Dick Gladu, Hague New York



Monday, June 26, 2006

Bill Summary - A11551

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[See Bill Text](#)

A11551 Summary:

BILL NO A11551

SAME AS Same as S 5982-B

SPONSOR Galef

COSPNSR Paulin, Lafayette, Eddington, Sayward, Walker, Finch, Burling,
Errigo
McDonough, Stephens

MLTSPNSR Bacalles, Weisenberg

Amd S606, Tax L

Establishes a personal income tax credit for a portion of a taxpayer's residential real property taxes which exceeds a certain percentage of the taxpayer's household gross income; provides that the taxpayer shall have resided in such residential real property for not less than 10 years; provides that such credit shall not apply to taxpayers whose household gross income exceeds \$200,000 or who have received the school tax relief exemption on such real property.

A11551 Actions:

BILL NO A11551

05/25/2006 referred to ways and means

A11551 Votes:

A11551 Memo:

BILL NUMBER: A11551

TITLE OF BILL :

An act to amend the tax law, in relation to establishing the maximum residential real property, personal income tax credit

PURPOSE OR GENERAL IDEA OF BILL :

To place a limit on the real property tax for certain property owners

and provide a personal income tax credit for certain property taxpayers.

SUMMARY OF SPECIFIC PROVISIONS :

SECTION 1: Adds a new subsection (oo) to section 606 of the tax law to provide for a real property tax credit. The credit will be based on the income of the household and the percentage that said household pays for real property taxes. For a household with an adjusted gross income of \$100,000 or less - real property taxes paid in excess of 6% of said income can receive a personal income tax credit of 70% of the overage; for households with over \$100,000 but less than or equal to \$150,000 the threshold is 7% of said income on real property taxes; for households over \$150,000 but less than or equal to \$200,000 the threshold is 8%. There is no credit for households over \$200,000.

To qualify, the taxpayer must have resided in the home for not less than ten years and must forfeit any benefit from the STAR program. The credit will equal seventy percent of the taxes paid over the allowed percentage cap as provided in the bill.

SECTION 2: Contains the effective date.

JUSTIFICATION :

With the increased reliance on the real property tax for local government revenue, some homeowners are facing skyrocketing real property tax bills as a result they are often faced with the serious threat of defaulting on their property taxes and/or seriously consider selling their homes. This legislation seeks to establish a cap on the maximum real property tax paid for New Yorkers who have a household adjusted gross income of \$200,000 or less. This proposal is a viable alternative response to the serious problem of high real property taxes.

PRIOR LEGISLATIVE HISTORY :

New legislation.

FISCAL IMPLICATIONS :

To be determined. Local fiscal implications are none.

EFFECTIVE DATE :

January 1st after which this legislation has been signed into law.

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Monday, June 26, 2006

Bill Text - A11551

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S T A T E O F N E W Y O R K

11551

I N A S S E M B L Y

May 25, 2006

Introduced by M. of A. GALEF -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing the maximum residential real property, personal income tax credit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 606 of the tax law is amended by adding a new
2 subsection (oo) to read as follows:
3 (OO) MAXIMUM RESIDENTIAL REAL PROPERTY TAX CREDIT. (1) DEFINITIONS.
4 FOR THE PURPOSES OF THIS SUBSECTION:
5 (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE WHO
6 OWNS THE RESIDENTIAL REAL PROPERTY IN WHICH HE OR SHE RESIDES, AND HAS
7 RESIDED IN SUCH RESIDENTIAL REAL PROPERTY FOR NOT LESS THAN TEN YEARS.
8 (B) "HOUSEHOLD" MEANS THE TAXPAYER OR TAXPAYERS AND ALL OTHER PERSONS,
9 NOT NECESSARILY RELATED, WHO ALL RESIDE IN THE RESIDENTIAL REAL PROPERTY
10 OWNED BY THE TAXPAYER OR TAXPAYERS, AND SHARE ITS FURNISHINGS, FACILI-
11 TIES AND ACCOMMODATIONS; PROVIDED THAT NO PERSON MAY BE A MEMBER OF MORE
12 THAN ONE HOUSEHOLD AT ONE TIME.
13 (C) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS INCOME
14 OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR; PROVIDED THAT SUCH
15 TERM SHALL ONLY INCLUDE ALL SUCH INCOME RECEIVED BY ALL MEMBERS OF THE
16 HOUSEHOLD WHILE MEMBERS OF SUCH HOUSEHOLD.
17 (D) "NET REAL PROPERTY TAX" MEANS THE REAL PROPERTY TAXES ASSESSED ON
18 THE RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY THE TAXPAYER OR
19 TAXPAYERS AFTER ANY EXEMPTION OR ABATEMENT RECEIVED PURSUANT TO THE REAL
20 PROPERTY TAX LAW.
21 (2) CREDIT. A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE
22 TAXES IMPOSED BY THIS ARTICLE, EQUAL TO SEVENTY PERCENT OF THE AMOUNT
23 WHICH THE TAXPAYER'S NET REAL PROPERTY TAX EXCEEDS THE TAXPAYER'S MAXI-
24 MUM REAL PROPERTY TAX, AS DETERMINED BY PARAGRAPH THREE OF THIS
25 SUBSECTION. IF SUCH CREDIT EXCEEDS THE TAX FOR SUCH TAXABLE YEAR, AS

26 REDUCED BY THE OTHER CREDITS PERMITTED BY THIS ARTICLE, THE QUALIFIED
27 TAXPAYER MAY RECEIVE, AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE OF
28 THE DEPARTMENT, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, ANY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
{ } is old law to be omitted.

LBD13711-07-6

A. 11551

2

1 EXCESS BETWEEN SUCH TAX AS SO REDUCED AND THE AMOUNT OF THE CREDIT. IF A
2 QUALIFIED TAXPAYER IS NOT REQUIRED TO FILE A RETURN PURSUANT TO SECTION
3 SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, A QUALIFIED TAXPAYER MAY NEVER-
4 THELESS RECEIVE AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE
5 DEPARTMENT, SHALL PAY AS AN OVERPAYMENT THE FULL AMOUNT OF THE CREDIT,
6 WITHOUT INTEREST.

7 (3) MAXIMUM REAL PROPERTY TAX. A QUALIFIED TAXPAYER'S MAXIMUM REAL
8 PROPERTY TAX SHALL BE DETERMINED AS FOLLOWS:

9	HOUSEHOLD GROSS INCOME	MAXIMUM REAL PROPERTY TAX
10	ONE HUNDRED THOUSAND	SIX PERCENT OF THE
11	DOLLARS OR LESS	HOUSEHOLD GROSS INCOME
12	MORE THAN ONE HUNDRED	SEVEN PERCENT OF
13	THOUSAND DOLLARS, BUT	THE HOUSEHOLD
14	LESS THAN OR EQUAL TO	GROSS INCOME
15	ONE HUNDRED FIFTY	
16	THOUSAND DOLLARS	
17	MORE THAN ONE HUNDRED	EIGHT PERCENT OF
18	FIFTY THOUSAND DOLLARS,	THE HOUSEHOLD
19	BUT LESS THAN OR EQUAL	GROSS INCOME
20	TO TWO HUNDRED THOUSAND	
21	DOLLARS	
22	MORE THAN TWO HUNDRED	NO LIMITATION.
23	THOUSAND DOLLARS	

24 (4) EXCLUSIONS FROM ELIGIBILITY. NO CREDIT SHALL BE GRANTED UNDER THIS
25 SUBSECTION:

26 (A) IF THE QUALIFIED TAXPAYER'S HOUSEHOLD GROSS INCOME EXCEEDS TWO
27 HUNDRED THOUSAND DOLLARS; OR

28 (B) THE QUALIFIED TAXPAYER RECEIVED THE SCHOOL TAX RELIEF EXEMPTION,
29 PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX
30 LAW, DURING THE TAXABLE YEAR.

31 S 2. This act shall take effect on the first of January next succeed-
32 ing the date on which it shall have become a law, and shall apply to
33 taxable years commencing on or after such date.

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STATUS:

S5982-B LITTLE

Tax Law

TITLE....Establishes a personal income tax credit for portion of residential real property taxes which exceeds a certain percentage of the household gross income

09/26/05 REFERRED TO RULES
01/04/06 REFERRED TO LOCAL GOVERNMENT
03/30/06 AMEND AND RECOMMIT TO LOCAL GOVERNMENT
03/30/06 PRINT NUMBER 5982A
05/30/06 AMEND AND RECOMMIT TO LOCAL GOVERNMENT
05/30/06 PRINT NUMBER 5982B

SUMMARY:

LITTLE, ALESİ, GOLDEN, MALTESE, WRIGHT

Amd S606, Tax L

Establishes a personal income tax credit for a portion of a taxpayer's residential real property taxes which exceeds a certain percentage of the taxpayer's household gross income; provides that the taxpayer shall have resided in such residential real property for not less than 10 years; provides that such credit shall not apply to taxpayers whose household gross income exceeds \$200,000 or who have received the school tax relief exemption on such real property.



John J. Bonacic



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SENATE VOTES TO CHANGE THE WAY EDUCATION IS FUNDED

Legislation Takes Property Tax Burden off of Homeowners

Thursday, June 22, 2006

The State Senate today passed a bill (S.8360) to permanently change the way schools are financed. The legislation is the first substantive real property tax reform legislation passed in more than a decade. The legislation would allow voters in each school district to vote to phase out the property tax on homeowners, for the operating costs of local school districts. The phase out would take place at a rate of 20% a year, for the next five years.



Senator Bonacic meeting with students from Sullivan County

The legislation was developed jointly by State Senators John Bonacic and Stephen Saland, who respectively Chair the Senate Committees on Housing and Education. "Voters should not have to choose between the cost of home ownership and a quality education for their children. It is an untenable choice and one which Senate Republicans have chosen to end," Bonacic said.

Statewide, nearly 90% of school budgets passed last month. At the same time, more than 60% were defeated in Ulster and Dutchess Counties. Various taxpayer groups across the region are calling for school property tax reform. Bonacic has led the effort in the Senate for years to change our school tax system. In the past three years he has held a series of public hearings on property tax reform. This legislation was developed after studying the results of those hearings.

The last significant real property tax proposal to pass either the Senate or the Assembly, passed the Senate in 1994. Despite strong bipartisan support for that legislation, the bill was never considered by the Assembly.

Under the bill which passed the Senate today, voters in each school district could opt into a system where State financing would replace property taxes which are now levied on people's home and which currently fund the local share of school operating costs. In those Districts whose voters opt in, the property tax levy would phase out for that local share over the next five years.

Bonacic said, "Starting next September, if the Assembly doesn't procrastinate and make excuses, school property tax bills will do something they haven't done since the first year of STAR - **they will go down.** The message to Assembly Democrats is simple: no more excuses - pass this bill or pass your own bill we can take to conference committee. The burden of ending the property tax nightmare is now squarely on the shoulders of the Democrats who control the State Assembly."

"The STAR program, once beneficial, has not worked the way it was intended. The tax credit enacted this year, while modestly helpful, is not a solution. We do not need more tinkering with STAR. We do not need a band-aid approach; we need fundamental change. The Senate has voted for fundamental change," Bonacic said.

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SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S8360

SPONSOR: SALAND

TITLE OF BILL: An act to amend the education law and the real property tax law, in relation to the school property tax reduction act

PURPOSE: This bill will provide over \$9 billion in school property tax relief to primary homeowners across the State of New York.

SUMMARY OF PROVISIONS:

Section 1: This section provides the title of the act.

Section 2: This section creates a process by which individuals may begin a petition process to a local school board, trustees or the chancellor of a city school district. The petition relates to placing a proposition on the ballot at the annual meeting (third Tuesday .in May) asking voters if the school district should enter into the "optional system for State funding for school district expenses". This section requires that the petition be signed by 25 percent of the voters of the last school budget vote or for cities with greater than 125,000 inhabitants 25 percent of the voters at the last general election.

Section 3: This section provides for definitions utilized in the "optional system for State funding for school district expenses". In addition a five year phase in transition period for those districts that opt into the state funded system to eliminate property taxes for primary residential homeowners is outlined as follows:

Year	Percent Reduction In Primary Residential Real Property Tax Levy From Initial Year
1	20%
2	40%
3	60%
4	80%
5 (and thereafter)	100%

School districts are required to reduce the school property taxes by the prescribed amount each year for primary residential homeowners in order to receive this State aid.

Section 4: Provides a limit on school property tax rates for those citizens who turn 70 and who have previously qualified for the enhanced STAR exemption. "Capped real property school tax rate" shall mean the lower of: (i) the real property school tax rate established on the taxable status date immediately following the date on which an eligible person attains the age of seventy years, or (ii) the real property school tax rate established on any taxable status date after an eligible person attains the age of seventy years which is lower than the rate previously established by this section. The exemption is provided after the local board adopts a resolution for such purpose.

Section 5: Provides for an immediate effective date.

JUSTIFICATION: The real property tax is a burdensome form of taxation. Under the current system, ability to pay is not the main factor in calculating property tax liability. Rather, the present system relies on a system of property tax assessment that may not bear relation to household income. The collection of local property taxes constitutes the majority of local education funding for public school districts throughout the state. In the 2005-06 school year over \$21 billion, forty-seven percent of all school funding, was derived from local taxes. Other financing mechanisms could be used to replace funds which are currently collected from real property taxpayers. While certain school districts are partially funded by local income taxes, sales taxes, and utility taxes real property taxes constitute the vast majority of local revenue raised to support public school systems. This bill provides overburdened hardworking taxpayers with the opportunity to phase-out the use of property taxes on primary residential properties.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

This bill has no fiscal impact in the 2006-07 or the 2007-08 State fiscal year. It is unknown how many districts will have petitions submitted and how many will ultimately be supported by a majority of the qualified voters of a school district. If all of the school districts in the state opted into this program the fiscal impact in the final year of the transition period is \$9 billion.

EFFECTIVE DATE:

Immediately.



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SENATE PASSES BILL TO ESTABLISH PROPERTY TAX REFORM COMMISSION

Little proposes 'Blue Ribbon' Commission to examine alternatives, offer recommendations

Thursday, June 22, 2006

The New York State Senate today approved legislation sponsored by Senator Betty Little (R,C,I-Queensbury) that would create a Blue Ribbon Commission to examine alternatives and make recommendations to reform the real property tax system that funds local governments and public schools.

"No one should be taxed out of their home," said Little. "But, in my district, increased assessments and rising expenses have combined to force people to make this very painful 'kitchen-table' type of decision. It seems everyone agrees the property tax system is broken, that it's outdated and doesn't reflect one's ability to pay. There are many proposals in the Legislature, but no consensus. The commission's purpose is to examine this issue in-depth statewide, to identify the factors contributing to this growing crisis and to offer substantive recommendations that will have a lasting, positive impact."

The blue ribbon commission will be composed of nine members: five appointees of the governor, two of the Senate and two from the Assembly. The legislation requires that appointments made by the governor include experts in the fields of municipal and education finance, a representative of the school boards association, a representative of a statewide business association and an expert on assessment administration.

The commission will be asked to evaluate the existing ad valorem real property tax system and consider its impact on residential and commercial taxpayers. They will weigh and evaluate alternatives for financing local governments and public schools and determine the potential impact of any recommendations offered.

The commission will be required to conduct public hearings and will have at their disposal resources and data available through any state agency, board, bureau or commission that may be needed to ensure a complete evaluation.

A final report of the commission's findings and recommendations, including any legislative proposals, will be due to the State Legislature on or before December 1, 2006.

The bill was delivered to the Assembly.

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LITTLE VOTES FOR MEDICAID REFORM PLAN

Anti-fraud proposal projected to save more than \$2 billion annually

Wednesday, June 14, 2006

The New York State Senate today approved a comprehensive proposal to prevent the loss of billions of dollars in Medicaid expenditures annually, according to Senator Betty Little (R,C,I-Queensbury), a member of the Senate Medicaid Reform Task Force.



"The quickest, most effective way to rein in Medicaid costs is to prevent the fraud and abuse which is costing billions of dollars needlessly," said Little. "New York State is lagging far behind other states in fighting fraud. Taxpayers are paying a heavy price."

Last year, the U.S. General Accounting Office (GAO) estimated that a minimum of 10 percent of New York's \$46 billion in Medicaid expenditures are lost through fraud and abuse. According to a report released last month by the Federal Department of Health and Human Services Centers for Medicare and Medicaid Services, "New York's overall commitment to program integrity has lagged behind the growth of the program. As the single largest Medicaid program in the nation, New York's antifraud efforts over the last several years have not been proportionate to its vulnerability. In the final analysis, the Centers for Medicare and Medicaid Services believes that New York must do more to meet its program integrity obligations."

The Medicaid Fraud Prevention and Recovery Reform Act of 2006 (S.6872-B) includes the following:

- **Office of Medicaid Inspector General:** The legislation consolidates the Administration's Medicaid program integrity responsibilities and staff from each of the six involved state agencies into a new Office of Medicaid Inspector General within the Department of Health. While the Office must remain within the Department of Health to receive federal matching funds and maintain access to the necessary claims information, its operations will be completely independent. The Inspector General would function independently and report directly to the Governor.

The Office will focus on three main functions: compliance, investigation and recoupment/sanctions. To this end, it will review all Medicaid expenditures and investigate those identified as suspected fraud or abuse. It will have the power to withhold payment until the claim is determined to be appropriate (up to 30 days under federal law), impose administrative sanctions and pursue civil recoveries and third-party recoveries, i.e., coordination of benefits with health insurers.

For those fraudulent claims determined to be criminal, the Office will serve as the investigative entity for provider fraud prosecutions initiated by the Attorney General's Medicaid Fraud Control Unit (MFCU) or, should the MFCU not accept a referral, local district attorneys and recipient fraud prosecutions initiated by the Welfare Inspector General and district attorneys.

- **Improved Technology:** The Senate bill authorizes and directs the Department of Health to contract with vendors for upgraded information technology necessary to detect Medicaid fraud, conduct utilization review and coordinate third-party benefits (health plans). Improved technology would improve accountability in Medicaid expenditures throughout the process and coordinate benefits with health plans to ensure Medicaid is the payor of last resort.
- **New Medicaid Fraud Offenses and Penalties:** The Senate bill incorporates tougher civil and criminal penalties on people who commit Medicaid fraud, but limits the applicability to Medicaid.
- **Local share for certain Medicaid recoveries:** The bill would enable local social services districts to receive up to 15 percent of the total amount collected from a fraud investigation if the district participates in the identification, investigation or development of a Medicaid fraud case. A local social services district could also receive some of the funds recovered for referring a potential fraud case to the Medicaid Inspector General.
- **Health Insurance Fraud Report:** The Senate bill requires the State Insurance Department to annually submit a report detailing its investigation of health insurance fraud cases submitted by health plans. Currently, SID is investigating 2.9 percent of all such cases—far below levels for other types of suspected insurance fraud.
- **Corporate Compliance Program:** As a prerequisite for Medicaid eligibility, the Senate bill requires larger Medicaid providers to implement Sarbanes-Oxley style corporate compliance and internal controls programs designed to prevent improper and inaccurate billings and fraud.

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