NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 7, 2007

3:33 p.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT WINNER: The invocation today will be given by the Reverend Peter G. Young, Mother Theresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

The wisdom of God is beyond imagining, and God's goodness a bountiful and boundless treasure. You, O Lord, unfailingly enlighten our minds to open up new and better means of sharing with each another here in this Senate chamber, for our constituencies, information, ideas and aspirations.

The discoveries of technology can be of great assistance to our citizens of New York, and it can bring them too, in times

of need, for our assistance of resources and the quality of our life. We pray that our creativity will give them assistance and love.

In Your name now and forever, amen.

ACTING PRESIDENT WINNER: Thank you very much.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 6, the Senate met pursuant to adjournment. The Journal of Saturday, May 5, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT WINNER: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you,

Mr. President.

On behalf of Senator Morahan, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause. That's 5061 and 5062.

ACTING PRESIDENT WINNER: So ordered.

SENATOR FARLEY: Mr. President, amendments are offered to the following Third Reading Calendar bills:

On behalf of Senator Volker, page 34, Calendar Number 531, Senate Print 3844;

Also for Senator Volker, on page 34, Calendar Number 532, Senate Print 3845;

And for Senator Maltese, Mr. President, on page 45, Calendar Number 696, Senate Print 5374.

I offer the amendments and I ask that the bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bills shall retain their place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a substitution at the desk. If we could make it at this time.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: On page 20, Senator Padavan moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5658 and substitute it for the identical Senate Bill Number 2492, Third Reading Calendar 176.

ACTING PRESIDENT WINNER: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT WINNER: Immediate meeting of the Rules Committee in the Senate Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 3:46 p.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I would ask that it be read at this time.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading: Senate Print 5734, by Senator LaValle, an act to amend the Education Law.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

ACTING PRESIDENT WINNER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER:

Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules Committee report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar and take up Calendar Number 828, by Senator LaValle.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 828, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 7950 and substitute it for the identical Senate Bill Number 5734, Third Reading Calendar 828.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 828, by Member of the Assembly Glick, Assembly Print Number 7950, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator LaValle, to explain his vote.

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

Just very briefly, many of the members asked didn't we pass this bill, and we did. But this bill has some of the technical amendments that I talked about the other day. And we decided, rather than passing one bill in the Assembly, one in the Senate, and then do a chapter amendment, we thought we would do a unibill that incorporated the changes.

Some of the changes that were made were people were worried that where we had bank officers who also were trustees of a college board, whether there would be a conflict, whether they would be disallowed participation. I think we clarified that.

Senator Farley brought up a

question dealing with the definition of educational loans, and we covered that, Senator Farley, on page 2, Section 620, paragraph 4, in the definitions of educational loans, so that those are specifically for educational purposes.

And there were other things that we wanted to make sure that we did not have an unintended effect either on individuals or lending institutions who, for charitable purposes, give contributions to colleges, that that was not a conflict. And that we covered that, and we tightened that up a little bit.

This is a really great bill. The Attorney General did good work, staffs in both houses and the Attorney General's staff worked very, very hard to accommodate all of the input that we had from colleges and universities, lending institutions.

So we will have protected, the first state in the nation to protect students, and students and their parents can enter into a loan understanding that there's transparency, disclosure and that there will no longer be relationships between lending

institutions and our colleges and universities that place question marks on the loans that students take and the fact that an institution is on the preferred lender list and there were some shenanigans going on. All of that ends with this bill.

And also this house should be very proud that with passage of this -- and of course Governor Spitzer, I would imagine, will sign this -- will lead to federal legislation so that students throughout this nation will benefit. Right now, with passage and this as law, New York State students and institutions will really lead the nation and will give -- there will be trust between the lending institutions, the university, and the students taking the loans out.

I vote yes, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator LaValle.

Senator Farley, to explain his vote.

SENATOR FARLEY: Thank you very much, Mr. President.

I applaud Senator LaValle for

sponsoring this legislation that protects students and families in these conflicts of interest between colleges and lenders.

This is another example of Senator LaValle -- who was my classmate -- again, his leadership in higher education. He's been there.

I had one question about this final bill in regard to the definition of educational loan. The bill includes a reference to any private loan issued by a lending institution for the purposes of paying or financing higher education expenses. Some parents may pay for their children's tuition by tapping into home equity lines, or they may put it on their credit card. In those cases the lender would not even be aware of the borrower's intended use of it.

I asked Senator LaValle about this, and he confirmed that the bill is not intended to apply to any of these loans a borrower might decide to use for educational purposes. Instead, the legislation is intended to apply only to those federal and private loans which are intended by the lender for financing

higher education.

This is an important bill. As a former professor at the University of Albany, I'm pleased to vote in favor of this bill. And I congratulate the sponsor.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Farley.

Senator Skelos.

SENATOR SKELOS: Mr. President, I too congratulate Senator LaValle on this legislation.

And I notice that all members of the Senate have sponsored it, and I'm glad that everybody is voting for it today. So congratulations to my colleagues in the Minority for sponsoring a bill and this week supporting it.

So congratulations.

ACTING PRESIDENT WINNER: Thank you, Senator Skelos.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Local Government Committee in the Majority Conference Room.

ACTING PRESIDENT WINNER: The Local Government Committee will be meeting in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:53 p.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Elections Committee in the Majority Conference Room, and the Senate will stand at ease.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Elections Committee in the Senate Majority Conference Room, and the Senate stands at ease.

(The Senate continued to stand at ease.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Higher Education Committee in the Senate Majority Conference Room.

The Senate still stands at ease.

(The Senate continued to stand at ease.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room, and the Senate will stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT WINNER: Thank you, Senator Skelos.

There will be an immediate meeting of the Rules Committee in the Senate Conference Room.

The Senate stands at ease.

(The Senate continued to stand at

ease.)

(Whereupon, the Senate reconvened at 4:28 p.m.)

ACTING PRESIDENT WINNER: The house will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could again return to reports of standing committees, there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 5028, by Senator Bonacic, an act to amend Part O-1 of Chapter 109 of the Laws of 2006;

5673, by Senator Saland, an act to amend the Education Law;

5742, by Senator Bruno, an act to amend the Real Property Tax Law and the Tax Law;

And Senate Print 5755, by Senator Bruno, an act in relation to the date for the 2007 primary.

All bills are ordered direct to third reading.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT WINNER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules Committee report is accepted.

Senator Skelos.

SENATOR SKELOS: If we could continue on the noncontroversial reading of the calendar, regular order.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 128, by Senator Saland, Senate Print 1092A, an act to amend the Executive Law and the General

Business Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this bill is a response to a tragedy that occurred in my Senate district a couple of years ago in which a 2-1/2-year-old child, Matthew Lentz, strayed out into his neighbor's yard, and a fence which was a temporary fence, which should have been replaced by a permanent fence after a period of time, was in disrepair, easily penetrable, and this young child made his way through this fence that certainly did nothing to secure the pool and fell into the pool and was -- and lost his life by reason of the failure to have had that permanent fencing.

And this bill is an attempt to address that problem. We've passed this bill before. I'm hopeful that we can get the Assembly to respond similarly. And it basically requires a reasonably expedited process to ensure that temporary fencing will be replaced by permanent fencing, and in turn ensuring that tragedies such as befell this poor child, Matthew Lentz, will not befall others.

Thank you, Mr. President. And I certainly vote in the affirmative.

ACTING PRESIDENT WINNER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 176, substituted earlier today by Member of the Assembly Markey, Assembly Print Number 5658, an act to amend the General Municipal Law and the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Padavan, to explain his vote.

SENATOR PADAVAN: Thank you, Mr. President.

Firefighters and police officers in this state stand between our citizenry and terrible tragedies. And unfortunately, all too often, from time to time we pick up the paper and read about one firefighter or one police officer who lost his life, as we did just a week ago.

In 1979 the Legislature enacted a statute that provided a cost of living increase or index to the widows and children of these brave men and women. Unfortunately, that increase, that cost of living adjustment, has not changed since then. And as we know, the cost of living has gone up certainly at an increased percentage over a period of that many years.

And so what this bill will do is raise that cost of living increase to 3 percent. It's not going to overcome all of the past injustices, and certainly it's not going to bring back the loved one and it's not going to pay all the bills. But it's certainly going to help.

And so I believe this bill is long overdue and something we should enact and send to the Governor quickly.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Padavan.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 390, by Senator Wright, Senate Print 2695B, an act to amend the New York State Defense Emergency Act.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 446, by Senator Larkin, Senate Print 2895, an act to amend the --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 447, by Senator Larkin, Senate Print 2939, an act to amend the General Municipal Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 449, by Senator Bonacic, Senate Print 462, an act to amend the Administrative Code of the City of New York.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 496, by Senator Padavan, Senate Print 3825, an act to amend the Real Property Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 500, by Senator DeFrancisco, Senate Print 4037, an act to amend the New York City Civil Court Act.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

514, by Senator Flanagan, Senate Print 836, an act to amend the State Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Leibell, Senate Print 3648, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 530, by Senator Golden, Senate Print 3765, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator Little, Senate Print 2758, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Valesky recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 594, by Senator Larkin, Senate Print 423, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 609, by Senator Klein, Senate Print 2284, an act to amend the Tax Law.

SENATOR SKELOS: Lay the bill aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 614, by Senator Larkin, Senate Print 4060, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 638, by Senator Fuschillo, Senate Print 4442, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator Lanza --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 669, by Senator Saland, Senate Print 1466, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 670, by Senator Saland, Senate Print 3577, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 673, by Senator Morahan, Senate Print 243, an act to amend the Executive Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 674, by Senator Alesi, Senate Print 266, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 674 are Senators Duane, Montgomery and Perkins.

Ayes, 57. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 675, by Senator Alesi, Senate Print 274, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 675 are Senators Montgomery and Perkins.

Ayes, 58. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 679, by Senator Skelos, Senate Print 3614 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 680, by Senator Skelos, Senate Print 3713, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 681, by Senator Golden, Senate Print 3718, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 683, by Senator Skelos, Senate Print 4332, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 705, by Senator Golden, Senate Print 456, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Well, there are going to be several other bills on the noncontroversial calendar, Mr. President.

But if we could stand at ease, please.

ACTING PRESIDENT WINNER: Thank you, Senator Skelos.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:40 p.m.)

(Whereupon, the Senate reconvened at 4:47 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT WINNER: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Can we at this time return to the noncontroversial calendar and take up Calendar Number 829.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 829, by Senator Bruno, Senate Print 5742, an act to amend the Real Property Tax Law and the Tax Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

SENATOR BRUNO: Mr. President,

can we at this time take up this bill on the controversial calendar.

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 829, by Senator Bruno, Senate Print 5742, an act to amend the Real Property Tax Law and the Tax Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT WINNER: An explanation has been asked for, Senator Bruno.

SENATOR BRUNO: Mr. President, are we calling members to the chamber? I see a lot of empty seats, and we have important things to discuss. It would be nice if we would be joined by our colleagues. Can we do that?

ACTING PRESIDENT WINNER: The bell is being rung at this moment, Senator.

SENATOR BRUNO: Thank you for being here, Senator Diaz and my colleagues. This is critically important.

Mr. President.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: I think you and our colleagues here recognize and understand that providing property tax relief for the overburdened, overtaxed property owner here in New York State has been a priority and is a priority. Consequently, this bill. And this bill corrects a problem that was created in the budget.

The Governor in his wisdom proposed $1.5 billion in relief intended to go through STAR. We came to an agreement that the property tax rebates that we put together, the Senate and the Assembly, over the last several years would continue, but that we would double -- double -- the amount of the rebates, approximately. But the Governor in the negotiations rethought the billion and a half and changed the number to a billion-three, shorting -- and I hope inadvertently on the Governor's part, because we were trying to get a budget done and as close to on time as it could be done. So we agreed, in the context of the 120-plus billion, to get things done on

the billion-three.

And what happened was that seniors -- seniors like me, like maybe one of you, or maybe two, or maybe three -- would get shorted in the billion-three. They didn't get the same amount, the doubling effect in the budget that they should have received.

Now, we're all very conscious of cash flow and a balanced budget. And at that time the question was we had additional revenue that we agreed on, three ways, of $575 million, I think the number was, that created additional revenue.

So the concern was how do you fund the whole billion and a half with the records that we were breaking in school aid? That was the specific discussion by conference committees, by staff.

Mr. President, it turns out -- and Senator Nozzolio, I know that you are aware, because I can hear you -- you are aware that we ended up, in the closeout of the year, do you know how much more than the $575 million number came into the state? Who knows? $331 million more than had been budgeted, more

than had been anticipated.

So we are recommending, through passage of this legislation, that I hope on behalf of the deserving seniors who are trying to live in their homes, trying to pay their bills, trying to pay for the escalating costs of healthcare, trying to help their children and their grandchildren -- and I have specific numbers, and you should have a copy of the effect this has in each and every district, what they're going to get versus what they will get with this $200 million additional refund.

And by coincidence I just happen to have Rensselaer County, my district, goes from $289 to $664. Buys a lot of groceries, buys a lot of prescriptions, buys a lot of what seniors need to have a quality of life.

In Monroe County, with Senator Robach's help and persuasiveness, goes from $307 to $660, more than doubling. How great is that? In Onondaga, from $297 to $652.

Now, I could go on. Nassau County, $500 to $820. The point is substantial increases. And the money is there. How do we

know it's there? Because we closed out the year, the end of the budget, March 31st, and came close to a billion instead of the 575.

So the money is there. The need is there. The precedent is there, because we did this last year and the year before, but just in lesser amounts.

So I would hope -- we did a bill earlier that passed unanimously in this house. I would hope that we could send this worthwhile legislation for property tax rebates for seniors to the Assembly in a unanimous way.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Bruno.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise to commend Senator Bruno for his leadership on this issue. This is an extremely important issue in my district. I've been home since we had the press conference last week, been home in the district and talking to residents in various

settings. The number-one issue is property tax relief, there is no doubt about that. Number-one issue.

And for many senior citizens, the difference between staying in their home and leaving are their property taxes. With costs on every level rising -- gasoline, home heating fuel, you name it, everything is going up -- when property taxes also increase and there is no limit and there is no way of relieving it, then the senior citizens have to make a distinction and a choice. And in many cases that may be leaving the community that they helped to build.

They are the history of our community, they are the backbone of our community, they helped create our communities, and they're being driven out by extraordinary costs. Property tax relief is an imperative to them.

Nassau County, as the Senator just said, would see a doubling from about $500 to about $850 in property tax relief for senior citizens. Suffolk County would also see a doubling of their senior citizen levy.

This is an important issue to them. That money in their pocket will help them make choices that they have to and will give them the relief so that they don't have to make those critical choices of do I go buy the medicine, do I take my prescription drugs, do I take on the various food that I require. Those kind of choices should never have to be made. But in many cases, in some cases, our senior citizens are forced to make those choices.

So again, thank you, Senator Bruno, for recognizing and picking up on the fact that we have extra money in the budget, extra money that came to us and that we want to put back into the pockets of our senior citizens so that they get the relief that they so sorely require.

I urge that we pass this bill, send it on to the Assembly, and I urge that they pass it as well. The Governor should sign this bill. It is a major piece of legislation and extremely important to the people of my district and to all of our constituents throughout the State of New York.

I intend to vote aye on this very important piece of legislation and urge everyone in the chamber to do the same.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Marcellino.

Senator Robach.

SENATOR ROBACH: Yes. Mr. President, I too want to applaud Senator Bruno and the Majority for this bill.

As Senator Marcellino said, there's no question, whether it's been surveys or when I've held budget hearings, while people do like programming, one of the things that people talk about, the most onerous, especially in upstate New York, is their property tax. Especially senior citizens, who are dealing with a host of issues from fixed incomes, perhaps loss of one income, losing a spouse, a number of issues.

And so I think this is the right thing to do. But I also think it's good because we are a body that does not collect or get any revenue from property tax, but yet we're taking our surplus or money left over,

and while we do have a lot of great programming, taking that and giving it back to senior citizens in the way they say they want to get it back, relief of their property tax, what they find the most onerous.

I hope this bill will pass unanimously and become law. There is no question that this is what we're here to do, be responsive to the people that elected us. I can't think of anything more responsive to senior citizens on a fixed income than getting this check back directly to them in a large number, and urge all my colleagues to support this important legislation.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Robach.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. Speaker. Will the sponsor yield for a question?

ACTING PRESIDENT WINNER: Senator Bruno, Senator Craig Johnson would like to ask you to yield for a question.

SENATOR BRUNO: Yes,

Mr. President.

I'm sorry for being on the phone. I'm supposed to be down at the Crowne Plaza speaking to the firemen who are assembled there, on behalf of the Senate. But we have to deal in priorities this afternoon.

ACTING PRESIDENT WINNER: Senator Johnson, Senator Bruno yields.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. I will be brief.

My question is, when talking about providing this relief to senior citizens -- and I agree with the members who have already spoken and will be voting in the affirmative. I want to get a clarification. This is property tax relief for seniors who qualify for the enhanced STAR program; it's not for all senior citizens, it's simply the seniors on enhanced STAR. That's my question I wish to get a clarification and answer to.

ACTING PRESIDENT WINNER: Is there a question, Senator Johnson?

SENATOR CRAIG JOHNSON: Yeah, the question is, who does this property tax rebate apply to? All senior citizens throughout

New York State, or simply seniors who qualify and receive the enhanced STAR property tax relief?

SENATOR BRUNO: Mr. President and Senator, it is the enhanced people who qualify for the enhanced STAR. They are the ones specifically that participate. It's the middle- and lower-income seniors.

SENATOR CRAIG JOHNSON: Thank you very much.

I also rise to support this very critical piece of legislation, like Senator Marcellino, who I'm sure visited his district over the past couple of days and has been talking to seniors and talking to residents, as have I. We've got school budget votes coming up in a week, budget votes all throughout Long Island.

You saw the newspapers where they talked about how, notwithstanding the great property tax relief we provided across this state, school districts all across the state are still asking for more from our residents, asking for more from our senior citizens to help support our school districts.

And it's this relief that we need to provide, because it is our senior citizens who qualify and who receive the enhanced STAR who need that little extra and who will use this money to pay for the prescriptions, who will help to offset the cost of living that is going up so quickly in Nassau County, in Rockland County, in Erie County.

So I urge all the members here, and I especially urge the Assembly to get on board, to put forth this bill -- and get it passed unanimously would be great -- so we can get it to the Governor so the Governor can sign it and provide the property tax relief that our citizens not only require but need.

Thank you very much.

ACTING PRESIDENT WINNER: Thank you, Senator Johnson.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor yield, please?

ACTING PRESIDENT WINNER: Senator Bruno, Senator Duane would like you to yield for a question.

SENATOR BRUNO: With great pleasure, Mr. President.

ACTING PRESIDENT WINNER: Senator Duane, Senator Bruno yields.

SENATOR DUANE: Thank you, Mr. President.

I am wondering if the sponsor could just expound a little bit further on why this issue was not accomplished during the budget process.

SENATOR BRUNO: Thank you. Thank you, Senator Duane. And thank you, Mr. President, for this opportunity to expand a little bit.

We in the Senate passed property tax rebates to the tune of $6 billion over two years -- $2.6 billion in the first year, $3.4 billion in the second year. Part of our budget, part of what we passed here. But the Governor had submitted a budget with $6 billion over three years to flow through STAR. Not a property tax rebate as we had done previously over two years, we and the Assembly, which was signed by the previous Governor. So what would have happened was

that seniors who got checks -- three, four, five, six hundred dollars -- would have had no checks. It would have gone into school systems in STAR.

So during the negotiations, we brought this up. And together, we, with the Assembly, were able to convince the Governor that it made a lot more sense to give people back checks. Because we in New York State have something like 53, 56 percent higher property tax per household than the national average. And that's unfortunate. And that's what's moving people out of their homes, seniors.

So during the negotiation we made this point, and we did it in a well enough fashion so that the Governor and all of the people negotiating understood clearly that this was a better way to help people in this state maintain their quality of life, keep their homes. And he agreed.

But he made the point, Look, we are putting more and more money into education. With your cooperation, we added $400 million to the billion-four submitted by the Governor.

So the Governor made the point, in the debate and in the discussions: Where's the other 400 million going to come from?

We said there's plenty of revenue coming into this state, based on the good work that we have done previously over the years before you were Governor, and that the cash will flow.

But the Governor insisted that $200 million has to come off the billion-five, because the money may not be there.

So what would you do? That's a rhetorical question. We decided it's more important to get a budget on behalf of the people of this state, send the billion-eight in education, the increases, keep the hospitals open, keep the nursing homes functioning, provide home care, do all the other good things that we did in the budget. We thought that was much more important than holding up the budget.

Why? Because we were convinced the cash would flow, the revenue would flow. And, Senator Duane, lo and behold, we were right. Think about it. We again were right on the

projections.

So with the closeout, there was an extra $331 million over and above what had been budgeted. So true to our thoughts, in the spirit of what's right for people, especially seniors, we revisit, Mr. President. Based on what? Based on the $331 million that the closeout showed.

So we did the budget, we had to at the time close with the Governor. And, Senator Duane, we did. But we shorted, in the cash flow back to the property tax owner, $200 million from the Governor's own budget proposal. A billion-five proposed in his budget, a billion-three passed, $200 million short. Find another $331 million.

What better place for that money to go? I see Senator Robach shaking his head in agreement and many of you shaking your heads in agreement. Right? Right. And Senator Craig Johnson shakes his head in agreement.

So, Senator Duane, with all -- and Senator Diaz, thank you. As former chair of Aging in the city, you have the best interests at heart, and we applaud you for that and we

thank you for that. And I'm sure that your colleagues are going to recognize your meritorious thinking. Is that correct? Your good thinking. That's grammatically incorrect, but you know what I mean.

On the merits, Senator Diaz, the seniors will applaud you. I applaud you. I think Senator Duane in his heart applauds you. Senator Smith, do you applaud him? Yes, you do. So we all applaud you for your good thinking and your good judgment.

Now, Senator Duane, have I answered your question?

(Laughter.)

ACTING PRESIDENT WINNER: Senator, that's another rhetorical question.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor continue to yield?

ACTING PRESIDENT WINNER: Senator Bruno, do you yield to Senator Duane?

SENATOR BRUNO: Mr. President, if Senator Duane is certain of his request, I would be happy to yield.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: Thank you, Mr. President. And in anticipation of my applause, I did have a few more things I wanted to just clear up.

It was my understanding that all six parties to the budget negotiation actually agreed together on a budget, on a revenue forecast. Is that correct?

SENATOR BRUNO: Mr. President, that is correct.

Our number was closer to a billion. The Assembly's was somewhere near here. And the Governor had a different number. But by way of compromising working, together, partnering on behalf of the people of this state, we accepted the lower number. So yes, there was six-way agreement.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator Bruno, do you yield?

SENATOR BRUNO: Yes,

Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: Mr. President, just in the spirit of the porridge being too hot or too cold, I would be remiss if I didn't mention in premise to my question that the Senate Minority projection was actually the projection that everyone ended up with.

That said, Mr. President, I still don't understand why -- well, let me ask it a different way. Is there a companion Assembly piece of legislation?

SENATOR BRUNO: Mr. President, is that a question?

ACTING PRESIDENT WINNER: Senator Bruno, that is a question.

SENATOR BRUNO: Presently there is not. But tomorrow there will be.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator Bruno, do you yield?

SENATOR BRUNO: Yes,

Mr. President.

SENATOR DUANE: Has the Governor said that he would sign this legislation with the unnamed, unnumbered Assembly companion legislation?

SENATOR BRUNO: We have not engaged in that very specifically.

But the Governor is on record in support of property tax rebates and wanted to direct them to the middle-income, lower-income people of this state. So I would be amazed if this Governor didn't sign the legislation when it lands on his desk.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: Thank you. Has the Comptroller endorsed this particular piece of legislation?

SENATOR BRUNO: Well, Mr. President, in situations like this -- passage unanimously in the Senate; goes to the Assembly, where it passes; the Governor signs it -- and then the Comptroller weighs in, basically says that makes a lot of sense or we may have a problem.

But I believe it's the cart and the horse and the chicken and the egg. So we have to get this done and send it to the Governor and get it signed, and then the Comptroller can tell us what he thinks.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator Bruno, do you yield?

SENATOR BRUNO: Mr. President, I will.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: Thank you, Mr. President.

Before my eggs are scrambled, I was wondering if anyone had actually reached out

to the Comptroller just to get his point of view whether or not he approved it or not.

ACTING PRESIDENT WINNER: The Senator wants to know whether his eggs have been scrambled, Mr. President.

(Laughter.)

SENATOR BRUNO: Mr. President, I prefer mine once over lightly. But to each his own.

The very learned colleague and the Deputy Majority Leader, Senator Skelos, has reminded me that the Comptroller certified the budget that we sent him as balanced and correct, and that included the extra $331 million that hadn't been budgeted originally or submitted.

So I would guess, by way of an umbrella sort of recommendation and approval, if you wanted to, you could accept that. But if you didn't want to, we would then have to submit it, and then he can make the judgment.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator

Bruno, do you yield to another question from Senator Duane?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: If we acknowledge that the yoke was not broken on the over-easy eggs, then I'm curious to go all the way full circle again to find out why this wasn't done as part of the budget process. If everything was so perfect and magnanimous then, why was this not included at that time?

SENATOR BRUNO: Well, Mr. President, Senator Smith, in all due respect, was not able to convince the Governor that his revenue number was right. And because he couldn't convince the Governor, the Governor didn't accept it, consequently said we might have a potential problem with cash flow.

So we had to find out after we had agreements on the closeout, Senator, that Senator Smith indeed was right with his estimates. So we now revisit it based on the

additional dollars that you said were there, that are there, that we now want to use in this most appropriate way. This is a priority for the middle-income, lower-income seniors of this state.

Mr. -- well, I'm still here, so -- I was going to ask a question. I was going to ask, Mr. President, if I might, Senator Duane, do you agree with that, that this should be a priority for seniors to return this overage of $331 million or some part of it? Do you agree with that? Doesn't it make sense to prioritize property tax rebates?

Through you, Mr. President, if Senator Duane would yield and answer.

ACTING PRESIDENT WINNER: Senator Duane, you have the floor.

SENATOR DUANE: Yes, Mr. President. And thank you.

Though let me answer that in this way. I --

ACTING PRESIDENT WINNER: Senator Duane, are you asking Senator Bruno to yield to a question?

SENATOR DUANE: Even though we've

sort of gotten a little bollixed up, as my mother would say, I feel like I'm going to answer the Senator's question and then proceed beyond that just in the interests of civility and collegiality and the wonderful atmosphere that has been created in this chamber.

ACTING PRESIDENT WINNER: When you get ready to answer the question, then put it through me, if you would.

SENATOR DUANE: Through you, Mr. President, I'm going to respond to the question.

ACTING PRESIDENT WINNER: Thank you, Senator Duane.

SENATOR DUANE: I strongly believe that budget issues should be accomplished during the budget.

And while I may very well end up agreeing with the intent of this legislation, I am certainly going to withhold my applause until I see it -- I mean, there could be a polite applause if it passes here, and maybe more polite applause, because there are more hands, if it passed the Assembly, if they introduce a bill. And if the Governor were to

sign it, there might be a rousing cheer and a standing ovation, perhaps.

But I think that it's more appropriate for this to be part of the budget process. Call me out there, but that's just what I believe.

And, Mr. President, if I may speak on the bill at this point.

ACTING PRESIDENT WINNER: Senator Duane, on the bill.

SENATOR DUANE: Thank you, Mr. President.

Sadly, the business of government and particularly when we're in session is always a sacrifice for -- well, it certainly is for me. I don't mean to speak for all of the members here, but I have heard other members raise the issue of things that they miss in their home districts while we're here in session and things that we've missed in the Capital District while we're here doing the people's business.

And I'm not complaining about that in any way, but there is some amount of bittersweetness about us having to work

through events that we might perhaps rather attend than be here. But I guess that's why they call it work.

One of the things that I'm always concerned about -- and again, I don't want to speak for all of my colleagues, but I think that the majority of us feel that the best way to go about our budgeting process, both the spending side and the revenue side, is with as much prudence as possible. And it's interesting that the Majority Leader raised the issue of missing out on speaking with the firefighters.

On my schedule, sadly, I also had PBA people that I was going to meet with later on. And I say that with much sadness, as the Senator that represented the World Trade Center on 9/11. If anything, my esteem for the firefighters and police officers has grown exponentially -- though high already, is even more so than that.

And the other thing that at that time made it so difficult was the tremendous revenue shortfall that we experienced as a result of that terrible tragedy. In fact,

that year it was one of the things that made, I think, our coming to agreement on budgeting most difficult then and thereafter, to the point that one year we actually never really even had a budget.

So, honestly, my concern about how this came about has as much to do with my fears for what can happen to us in this country for the future, having lived through a tragedy in the past. And of course the fiduciary issues are, you know, terrible. But they paled in comparison to the horrible sadness and the debilitating effect it had on all of us who lived in New York City and in fact lived in New York State and I'd like to believe remains across this country.

So my questioning on this issue sincerely only had to do with does it fall within the realm of us being as fiduciarily responsible as we possibly can, knowing that tragedy could strike at any moment and our expectations could be dashed.

Thank you, Mr. President. I think some of my other colleagues have questions for the sponsor.

ACTING PRESIDENT WINNER: Thank you, Senator Duane.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I want to applaud Senator Bruno for bringing this very important piece of legislation to the floor. And actually I also want to say that, Mr. President, I agree with Senator Duane that under normal circumstances when the budget is being negotiated, this is the time when you're supposed to work these things out.

And I know that earlier this year we passed budget reform in this house. And when we passed that budget reform, it called for conference committees and a meeting of the general conference committee. And, Mr. President, I believe that the day this was discussed at the general conference committee, no one in the Assembly or, in all due respect to my colleagues on the other side of the aisle, anyone from the other side of the aisle showed up, not only for that session but several other sessions.

And under the bill that was passed by this house by members here -- and, by the way, was passed by the other house and signed by the Governor -- it said that the budget was supposed to be negotiated in an open session. In one of those sessions, Mr. President, we discussed this very important proposal. And had you been there or had a representative there, we would have talked about why this is so important to all of the seniors in New York State.

And, Mr. President, I like to reflect on that moment because I remember telling a story that day. And I told a story about a woman who was 100 years old who lived in Endicott, New York. And I told a story about how I went to her birthday party and she talked to me about how important it was that she could still live with great dignity in her home and how it was very nice, at a hundred years old, she had more energy than probably most of the people in this room, and that she gardened, she still gardened, and she still took care of her house.

And the one thing she said to me

was that "I couldn't do it without the STAR program."

And certainly enhanced STAR, this proposal that we have on the floor today, is going to help her even further, because it means in Broome County the average senior's check will go from $331 to $728.

Now, I can't speak for all of you, because we have various costs of living in different parts of the state and I know that there's always issues here about salary adjustments and what it costs to live on Long Island or in the city versus other parts. But I can tell you this, that a senior on a fixed income in Broome County, New York, can buy an awful lot with that $728.

And this woman who celebrated her 100th birthday will be able to continue to live with great dignity in her home. Because again, as Senator Bruno mentioned, Mr. President, there's a surplus.

And, you know, Senator Duane, you're right: In most cases it's always good if you can kind of get the fiscal responsibilities done around budget time.

But, you know, our job is 24/7. Our job -- well, our sessions sometimes runs out in June. I've been here in December, I've been here in September, been here, you know, all year long.

And I think we have a responsibility that when we have a surplus -- because as Senator Bruno mentioned, the good work that this house has done over the years -- that that surplus in this case needs to be returned to the taxpayers. Because it's not our money, it's their money. And we sometimes forget that. We sometimes get carried away and we spend the money as if it's our money. But it's their money.

And in this case we're going to give it back to those seniors that spent their lives and dedicated their lives to our communities and in this case Broome, Tioga and Chenango County, where I represent, and I think it's only fitting.

So, Mr. President, while we sometimes wonder why things can't get done during the budget process -- and as Senator Bruno mentioned, it is a process of give and take, and we don't always get everything we'd

like to do for our constituents. And I'm sure our colleagues on the other side of the aisle don't always agree with some of the things that come out. But at the end of the day, we did agree, and we voted and the Governor signed it and it went on to the Comptroller and he certified it.

But indeed, when you have extra revenue -- because we've had a good year -- I think this is the thing to do, to give the money back to those who deserve it most.

ACTING PRESIDENT WINNER: Thank you, Senator Libous.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. Would Senator Bruno yield for a question?

ACTING PRESIDENT WINNER: Senator Bruno, do you yield to Senator Morahan for a question?

SENATOR BRUNO: With great pleasure, Mr. President.

ACTING PRESIDENT WINNER: Senator Morahan, Senator Bruno yields.

SENATOR MORAHAN: Thank you,

Mr. President.

Senator, since I've been here, each year revenue projections have been put forth by the Assembly, the Senate, and the Executive branch. Am I correct in recalling that in each of those budget years the Senate projection was more on target than either of the other two players?

SENATOR BRUNO: Your memory serves you correctly, Senator. We were almost right on almost every year over the last twelve years, including this particular year.

SENATOR MORAHAN: That was my next question, if you would continue to yield.

With this year here, our projection that was made earlier, before March 31st, before we had an almost-on-time budget, was also correct?

SENATOR BRUNO: Yes, Senator, absolutely correct. In fact, we specifically talked about the 575 being closer to a billion. And if you add the 575 with the 331, it's almost right on. So you're right again.

SENATOR MORAHAN: Thank you, Senator.

Mr. President, could I now ask if Senator Duane would yield for a question?

ACTING PRESIDENT WINNER: Senator Duane, do you yield to Senator Morahan for a question?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR MORAHAN: Senator, on the assumption that again this year, with the new revenue projections coming in at the close of the fiscal year, that the Senate projections as originally projected are correct, how would you spend that money?

SENATOR DUANE: Through you, Mr. President -- through you, if -- I am going to answer the question now, Mr. President.

I may very well end up voting for this bill. But I would be remiss if as an Irish person -- and I hope Senator Morahan feels the same way, it would be an aberration of Irish people -- that I'm a glass-half-empty kind of guy. And I just want to be careful, because feeling the glass is half full is

sinful in Irish -- no matter what's in the glass. Because a half-empty glass of something stronger than water is what we look forward to. Rarely do we feel that we get enough of the other stuff in our glasses.

But anyway, so that's -- I just wanted to question with caution towards our fiscal reality. And as I say, I may very well end up voting for this piece of legislation.

SENATOR MORAHAN: Thank you, Mr. President. Will Senator Duane continue to yield?

ACTING PRESIDENT WINNER: Senator Duane, do you yield to Senator Morahan?

SENATOR DUANE: I guess I'd better say sadly, yes.

SENATOR MORAHAN: Senator, I'm sure you're aware that after this bill would pass here, and with the Assembly's agreement to pass it in that house, and that the Governor would sign this particular piece of legislation, then the Comptroller would verify that the revenue projections as given at the outset with this bill are correct and that the state budget remains in balance.

Is that your understanding of the process?

SENATOR DUANE: Through you, Mr. President, again, that's such a cheery spin on what happens around here. Often the Assembly doesn't pass what we pass, and often we don't pass what they pass. And sometimes we pass what they pass but we add something on to it that they don't want in theirs, and sometimes they don't want to pass something, they want to add something on.

I harken back to the great joy I feel when into this house comes Quick Draw combined with the Loft Law renewal. One never knows around here, Mr. President, in what form a bill will go from house to house and ultimately to the Governor's desk for signature and the imprimatur, if you will, of the Comptroller.

ACTING PRESIDENT WINNER: The scrambled-eggs approach?

SENATOR DUANE: As best as I can.

SENATOR MORAHAN: Mr. President, would Senator Duane continue to yield?

ACTING PRESIDENT WINNER: Senator

Duane, do you continue to yield?

SENATOR DUANE: Absolutely, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR MORAHAN: Senator, would you agree with me that for anything to get done it has to start someplace, it has to start in one house or the other or be a program bill by the Governor?

SENATOR DUANE: Through you, Mr. President, sometimes it does start in the house here, but often it starts with the grassroots or a phone call to a legislator from a constituent. And a brilliant idea may grow from that, and the egg may hatch. And as an Irish person, I often like to eat my eggs with a side of blarney.

SENATOR MORAHAN: Mr. President, I tend to stay away from the ethnic humor that may be put forth here by Senator Duane. But it seems to me this is a very, very serious piece of business, especially for our senior citizens, homeowners in the State of New York, who are very hard-pressed, as Senator Bruno

outlined in his opening remarks.

And I want to congratulate Senator Bruno for starting the process of returning money that we have collected from our taxpayers back to those taxpayers so they can deal with escalating school taxes, they can deal with escalating pharmaceutical prices, so they can deal with life. And I want to commend Senator Bruno for that, and support this bill, and I look forward to your affirmative vote, Senator Duane.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Morahan.

Senator Little.

SENATOR DUANE: Mr. President, just a point of personal privilege, because I was mentioned in the previous Senator's remarks. I would just like to take a moment to respond, and to respond by saying I believe I actually --

ACTING PRESIDENT WINNER: Senator Duane, I don't believe that that's in order at this time. If you'd like to be recognized at a later date for the purposes of a response,

we'll be glad to give you that opportunity.

SENATOR DUANE: You can count on it, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Duane.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I'd like to stand in support of this bill and this piece of legislation and congratulate Senator Bruno on putting it forth. Because at the end of the budget process, when I looked at the STAR program -- which is very, very important to my district -- only to discover that some of our seniors who have, you know, in many ways some of the lower incomes in the district, who are were not getting an increase in their rebate check as we were hoping everyone would. So to have found there is a surplus of money and to see that this surplus of money will be returned to the taxpayers and go to our seniors.

These are the seniors who are in the enhanced program. And as you know, I

represent an area of the state that has a lot of second homes and a lot of high property values and increasing property values. So if you're a senior living in a home that you may have paid $40,000, $60,000, $80,000 for, you could now find your assessment at $240,000 up to $300,000, and yet even though your assessment has doubled, tripled, quadrupled, your income has not.

So to be able to help these seniors meet their tax obligation is very, very important to me. And I know it's very important to the people in my district. And I'm very pleased that we are able to put this measure forth, and I hope that the Assembly will join us in doing this so that we can help some of the people in our state who really and truly would benefit by staying in their own home, who want to stay in their own home, and who find themselves in circumstances, due to the high taxes and lower income, that they just cannot do it.

So thank you very much, and I certainly support this legislation.

ACTING PRESIDENT WINNER: Thank

you, Senator Little.

Senator L. Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

If through you the sponsor would yield for a question, please.

ACTING PRESIDENT WINNER: Senator Bruno, Senator L. Krueger would like to ask you if you would yield to a question.

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Senator Bruno earlier today in his statement said that low-income and middle-income senior homeowners were the most deserving taxpayers in the state.

I just want to ask that as a question. Is that your statement, Senator Bruno, that the middle- and low-income seniors who would receive this enhanced STAR program are the most deserving in the state?

SENATOR BRUNO: I don't know,

Mr. President, my specific words. But a great need exists for middle-income and lower-income people. That was my intent. I'm not sure how I articulated that.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if through you the sponsor would continue to yield, please.

ACTING PRESIDENT WINNER: Senator Bruno, do you yield to another question from Senator Krueger?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

What about renters who are senior citizens who have incomes below $67,850? Because my data shows me that the majority of low-income seniors and middle-income seniors in the State of New York actually are not homeowners but in fact are renters. And it's my understanding that no matter whether we call it the STAR program, the enhanced STAR program, a rebate check, a deduction from

their taxes, they don't see the money from this proposal.

SENATOR BRUNO: Mr. President, I am being refreshed that during the budget we enhanced the PIT, personal income tax, in the city as an offset for what we were doing with proposals in STAR that the Governor submitted and what we responded with this legislation.

So I believe there's equity and there's balance that we have tried to maintain with the rest of the state and the city, Mr. President, because we understand there is a need with city dwellers and we understand there's low-income, middle-income people there. So we believe that with the Governor, with the Assembly, with our colleagues here that we have addressed that.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill. Thank you.

And I want to thank the sponsor for his answers. And he highlighted something in his last answer to me. Yes, we did some minimal adjustment to the personal income tax offset during the STAR negotiations during the

budget.

I go back to my colleague Senator Duane's point earlier, we did a budget very recently and we made some changes to the STAR program. We did some small enhancements to the personal income tax for renters in the City of New York. We did a budget, we did tax expenditures, we did revenue projections, we spent money. That's where big tax cut bills should go, within the budget negotiations. As Senator Bruno just pointed out, as we did in this chamber a very short time ago.

We shouldn't do freestanding tax-cut bills without an ability to explain how we're going to pay for the lost revenue or what the trade-offs are for any additional changes in lost revenue or new expenditures for the State of New York. Those bills, those discussions should take place within negotiations of the budget for exactly the reason and the debate we're having here today.

If you were to ask the question mathematically who are the seniors in the State of New York who actually pay the highest taxes and conceivably are most deserving of

any excess revenue we might or might not have in the State of New York, I would propose to you that the math would not show it is simply and only homeowners with incomes below $67,000 a year.

And though of course Senator Bruno is correct when he talks about the higher property taxes for homeowners in some parts of the state than others, when you add the income tax, as he pointed out, we have in New York City, when you add the impact of excise and sales taxes on people of different incomes, we would actually find, if we took a look and we did our homework, that in fact while certainly senior citizens with incomes below $67,850 a year with their own homes have a real concern with the rate of taxes they pay, they are not the lowest-income seniors in the state, they are not the seniors with necessarily the most disproportionately high tax bill when you add all the costs together.

And yet again as we expand STAR, if we expand STAR, what we find is that the five largest cities in the state of New York, because of the disproportionately large number

of people who are renters, end up yet again seeing more of the revenue in the state budget move to other than them. The STAR program has always been a program that was imbalanced in where the revenue flows to. And so in fact in a STAR enhancement rebate program, we see yet again an imbalance of who gets and who doesn't.

And I would argue that any decisions made by this house as far as if there's, if there's extra revenue -- and I don't think it's yet really been proved -- if there is extra revenue to be returned to the taxpayers, I would argue that that should be done in a broad-based equitable manner that does not disproportionately impact only the subuniverse of people who are homeowners outside of specific areas of the state of New York.

So one of my colleagues before pointed out that if you're a senior living, I believe, in Broome County and you're going to get another $728 rebate check, that that goes a long way in Broome County. I agree. But if you're a low-income senior renter in the City

of New York in my district and you see your rent go up 7.5 percent per year, year in, year out, even as a rent-controlled tenant -- and it's your home. It's your home just as much as if you're a 100-year-old woman who owns her own home. If you're a 100-year-old woman who's lived in the same apartment for the last 50 years and your rent is going up, by statute, 7.5 percent each and every year, and you're on the same fixed income as that elderly woman in Broome County, you are hurting badly. And your costs for all of your taxes are hurting you badly.

And so I would argue not against the argument that these are people who deserve both our respect and our analysis of how we decide to give back surplus revenue if we have it -- and again, I have to keep saying "if" because I just voted for a budget that said that this was an agreed-upon revenue projection, and that we basically spent the money and committed some money to rainy day funds and we know that we've got out-year holes in our budget projections that we have to plan for.

So I don't disrespect that this is one model of putting revenue back in the hands of one subuniverse of low-and-middle-income seniors throughout the state of New York, but I would argue it's an inequitable model. And it's an inequitable model for us to say that today, after the budget is done, as a one-house bill we're going to promise a tax cut to a subuniverse of the population.

And the fact is that as every STAR bill disproportionately is unfair to the five big cities of the State of New York and disproportionately is unfair to renters in the State of New York, I will vote against this bill. Because we keep moving down a road with STAR of expanding the inequities, and we are trying to turn one group of deserving seniors as if they were a universe of a fight against another group of seniors who are somehow undeserving or less deserving because they spend their lives living in rented homes as opposed to owned homes, and I think that's wrong.

So I will vote against this bill because it is inequitable, even when you

analyze the universe of who are low- and middle-income seniors. It's inequitable in how the money falls out because of the modeling of STAR as a program against the large cities of the state, and particularly the City of New York. And I will vote against this bill because tax cuts should be done within the discussion and the debate and the rubric and the parameters of a revenue fight and an expenditure fight within the budget. And we just did that, and we didn't do this.

So I will vote no. Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Leibell.

SENATOR LEIBELL: Thank you very much, Mr. President.

And this has been a very interesting discussion and debate to listen to. Senator Bruno, I want to thank you for bringing this to the floor, because I believe this will be one of the most important pieces of legislation that we will address during this session.

We had the chance last week to

speak to some of the media and speak with them about this issue, and if I could recap for you my comments at that time. I represent a district in the Hudson Valley where my constituents pay some of the highest taxes not just in the State of New York but in the country. And for our senior citizens it's been a particularly difficult burden.

And to respond to Senator Krueger, I would note that in an area such as mine, there is a sparsity of rental units that are available. And in fact when someone owns a home, that is frequently the best choice and maybe the only choice that they actually could have.

But ownership of a home where you're paying very, very high property taxes, as you get older and you're on a fixed income, it can be a saga that ends only in defeat, because you'll be forced to leave that home. And I've seen that repeatedly now, not scores of times but hundreds of times over the course of years that I've been here.

And one of the saddest things you'll see is when you go into a community and

realize that a family has been there, brought up their children, been active in the community -- frequently been volunteer firefighters, emergency service personnel -- who, because they're older now and living on a fixed income, these high taxes are a noose around their necks. It will in fact force them to leave those homes that they've had and they've raised their families in. That's one of the saddest things you can see as a legislator or as a neighbor.

So I'm very pleased to support this legislation. I believe Senator Bruno is keeping a commitment that he made during the budget process to continue working in this area, to make sure that our seniors not only are not forced to leave New York State but in fact will be allowed to stay in their homes.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

When I got elected and I campaigned to get elected, I promised the people in my

district that I would vote my conscience and that I would do the best of my ability to support and to protect my constituents and the people in the State of New York.

So Senator Bruno, I am not going to ask you is the Governor going to sign this bill. I'm not going to ask you that. I'm not even going to ask you if the Assembly has a bill or is the Assembly going to pass it. I'm not going to ask you that.

I just want to tell you congratulations. Because really, when it comes to senior citizens, when it comes to the protection of senior citizens, I have spent my last ten years working and fighting for senior citizens. And anything that anybody do for senior citizens, does for senior citizens, I appreciate.

If the Governor doesn't want to sign this bill, if the Governor, Senator Bruno, doesn't want to sign this bill, shame on him. Shame on him. If the Assembly, my colleagues, don't want to take this bill and protect senior citizens, shame on them.

I didn't get elected to come here

to vote for a Democratic Governor or for a Democratic side or to vote for a Republican side. That was not the purpose of me getting elected. The purpose of me getting elected was to deliver services to the people in my community.

I understand that the people in my community, the senior citizens in my district -- I don't know if I could find one senior citizen in my district, I don't know if I could find one that makes $67,000 a year. I don't even know if I could find one, or above that. My senior citizens are poor, low-income.

So anything that we could do -- the only thing that I regret in this bill, Senator Bruno, the only thing that I regret -- and I'm praising you for the bill, and I'm supporting this bill. And if the Assembly doesn't want to pass it, that is their loss. The only thing that I regret is that the City of New York is not getting more money. They should be getting more money, the senior citizens from the City of New York.

Saying that, saying that, a bill

like this, to be here four hours or two hours or one hour questioning Senator Bruno or questioning the purpose or the intent of this bill when we all know that it's a good bill and at the end we are going to vote for it -- and Senator Johnson, Craig Johnson, I congratulate you because you are seeing the light of the day in this bill and you are protecting senior citizens. And I hope that the senior citizens in your district in Long Island know that they have a champion here protecting the senior citizens.

So, Mr. President, through you, I want to congratulate Senator Bruno, a Republican, doing this for senior citizens in my district. That's something to be, you know -- thank you, Senator Bruno. Thank you again. And the seniors in my district will be more than happy with me for me supporting this bill. And not only the seniors in my district, I think that the seniors in the whole State of New York will be more than happy with me supporting the bill.

And this is not a Republican bill, this is not a Democratic bill, this is a

people's bill. And people should be supported by everyone. So count my in the yes column again.

Thank you, Mr. President. And thank you, Senator Bruno.

ACTING PRESIDENT WINNER: Thank you, Senator Diaz.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

Several speakers, beginning with Senator Duane, made mention of the fact that there was a budget negotiated based on certain revenues and we should stick to that and not go beyond it. I believe that was the essence of their comment.

But those of us who have been around for a while will recall -- and this has happened many years, not every year -- we'd have a supplemental budget, we'd have a deficiency budget, we'd have special budget bills. We passed a couple today. One of them was a bill I spoke to earlier about increasing the pension benefits for the widows and families of firefighters. There's a fiscal

implication; it's $2.5 million. That was not in the regular budget, but we passed it unanimously.

So there's nothing hard and fast about the revenue estimate of April 1st or thereabouts. Because something happens on April 15th; people start sending in their payments. They pay their taxes. Corporations, certain corporations pay their revenues. And about this time, if not a little earlier, we've got a very good idea of what the state revenues are.

And as the Majority Leader stated very specifically, we made an estimate that turned out to be almost right on the button. And that's now a fact. It's not an estimate any longer, it's not a supposition, it is a matter of reality.

Last week we had a bill on the floor and I said to Senator Duane, who's over there chatting with Senator Morahan, that he was the only honest member of his side of the aisle, because he got up and he said, "I made a mistake, I shouldn't have sponsored the bill, and I'm going to correct it by voting

against it."

Well, the Governor made a mistake. He should have accepted our estimate. And then we would have done then what we are doing now. And that would have been perhaps far more appropriate and certainly beneficial, and we wouldn't be spending this time discussing this issue.

But hopefully the Governor, like Senator Duane did last week, will admit he made a mistake and, when this bill comes to him with the revenues that are now in place, he will see the efficacy of our initiative that began earlier in the budget process and sign it into law.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Padavan.

Senator Farley.

SENATOR FARLEY: Thank you very much, Mr. President.

I appreciated what you had to say, Senator Diaz. Good for you.

Let me just say this, that my daughter has a co-op in metropolitan New York

City. She gets STAR. And all those seniors there, there are a lot of co-ops and condos and, incidentally, three-family units where a person lives there, they get STAR. So there's a lot of them that are going to be affected in the metropolitan area.

But let me just say that as we passed the largest budget in the history of the State of New York, where we did a lot of good things for a lot of people, my office was absolutely inundated and stunned by the number of seniors that called and said, "Gee, things are going so well, how come STAR has been decreased?"

And I applaud Senator Bruno and this Majority for trying to address this. Because in much of my district, a lot of my district, they're very low income people that really expected to see STAR enhanced and so forth, and it wasn't. This is something that we're about to correct, and I applaud everybody in this chamber for addressing it. It is a very important issue to a lot of little people.

And when we go forward with this

budget, there's no question about it, we have the money to send this back to the people who need it the most.

That's why I think it's a great thing. And I think I would urge every one of my colleagues that really care about what I consider one of the most sensitive and threatened people in our society, the low-income seniors and so forth, that they're able to get a STAR that is really significant. I urge you to all vote yes on this bill.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Farley.

Any Senators wishing to be heard?

The debate is closed.

Oh, sorry. Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President. I thought I was on the list. And I apologize for interrupting, but I do believe that this measure cannot have enough said about it.

Senator Bruno, we appreciate very much you bringing to the floor today an issue that impacts every one of our seniors in this

state and particularly in the areas that we serve that have skyrocketing property tax assessments where property is increasing in value, citizens of the senior citizen status have to make very important decisions, and those decisions result in sacrifices -- sacrifices as to whether those seniors will choose to pay for their groceries, their electric bill, their prescription medicine, or their property taxes.

That this STAR program has been the greatest program on behalf of seniors, but to have Senator Bruno's legislation that will enhance STAR and provide necessary assistance to those who need it the most is something that we should champion. Each and every member of this chamber should join and support Senator Bruno's legislation because our seniors need that relief, our overburdened property taxpayers demand that relief, and that that's the least that we can do to provide that.

Our responsibilities as Senators and as representatives do not end when the budget is enacted. We need to continue to

press policies that will make sense for our citizens, and this measure makes dollars and cents for our senior citizens.

Thank you, Mr. President. I rise in support of this measure and urge its passage.

ACTING PRESIDENT WINNER: Thank you, Senator Nozzolio.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I rise with some concern because I think while the intention of this legislation is good, I'm skeptical as to its future. I would much rather see us be considering legislation I have that has an Assembly sponsor, which would forestall property tax pavements of all senior citizens if they so choose until the estate paid them or until they moved out of the boundaries of the state of New York. That would guarantee seniors wouldn't lose their homes because they'd have that option not to lose their homes based on a property tax payment.

So once again, in doing this,

perhaps this body should have hearings on this, on the issue of property taxes for senior citizens, because if we did that perhaps we'd find out that people did have real concerns about losing their homes no matter what the cost of their property tax were.

You know, some people are on a very fixed income. Some are down to Social Security. And if we give people the option of forestalling their tax, as in the bill Assemblyman Lafayette and I carry, we wouldn't be in this position of having to worry about whether they'd lose their homes. We would guarantee they wouldn't.

So while this may be laudable legislation and I may wind up voting for it -- of course I don't vote for everything that I necessarily put my name on -- but I would like to see real consideration to a broad approach to this that would guarantee that seniors would never lose their home based on a property tax bill.

Thank you.

ACTING PRESIDENT WINNER: Any

Senators wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I appreciate this debate, and I wish we had more opportunities to debate fundamental issues before we get to this point.

I must say that I agree with the points made by Senator Krueger and Senator Diaz about the concern that the City of New York now subsidizes the rest of the state by something on the order of $13 billion or $14 billion a year, and yet our seniors do not get their fair share of benefits of bills like this. And that is a concern of mine.

But listening to the rest of this debate, especially the insightful and extraordinarily passionate appeal of Senator Craig Johnson, the advocate for seniors in Nassau County, I will be voting in support of this bill.

Thank you.

ACTING PRESIDENT WINNER: Senator Schneiderman will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 829 are Senators L. Krueger and Perkins.

Senators absent from voting: Senators Breslin and Seward.

Ayes, 56. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to the noncontroversial calendar and take up Calendar Number 830.

ACTING PRESIDENT WINNER: The

Secretary will read.

THE SECRETARY: Calendar Number 830, by Senator Bruno, Senate Print 5755, an act in relation to the date for the 2007 primary.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4 --

SENATOR SABINI: Mr. President, point of order.

ACTING PRESIDENT WINNER: Senator Sabini, state your point of order.

SENATOR SABINI: I don't think we've got these bills on our desks.

ACTING PRESIDENT WINNER: Senator Sabini, I'm informed that the bills are in your book.

SENATOR SABINI: They came out of Rules Committee today, and I don't believe they were put in the book. No one's opened my book since I've been here.

ACTING PRESIDENT WINNER: Senator Sabini, I am informed that the bills were put in before session began.

SENATOR SABINI: Mr. President, I

find that rather curious, since we just passed them in committee.

ACTING PRESIDENT WINNER: Senator Sabini, are you stating a point of order?

SENATOR SABINI: Yes, I am.

ACTING PRESIDENT WINNER: And what are you curious about?

SENATOR SABINI: Why were they put in the book before session if they just passed in committee?

ACTING PRESIDENT WINNER: Senator, your point of order is not well taken. The bills were printed and placed on the desk on May 3rd of 2007.

SENATOR SCHNEIDERMAN: The bill says May 4th on the print.

SENATOR SABINI: The bill says May 4th on the print.

(Laughter.)

SENATOR SABINI: And I believe it's the tradition of the house that when the bills come off the floor of committee, which we shouldn't be having in the first place, they're placed on our desks after the committee votes on them and they're not

given -- that's the tradition that's been here since I've been here.

Mr. President, if I could just get it clarified -- I'm willing to withdraw my objection. I'd just like to get it clarified as to what the procedure is.

ACTING PRESIDENT WINNER: Senator Sabini, it is my understanding that the bill is on your desk.

SENATOR SABINI: Can I ask, then, how it gets calendarized without coming out of committee? If the bill was on my desk with a calendar number on it, how did it achieve that calendar number if it hadn't come out of committee?

ACTING PRESIDENT WINNER: Senator, when they're introduced, they're placed in the book. Your point of order is not well taken.

SENATOR SABINI: Mr. President, how are they placed in the book if they haven't come out of committee? They're not on the floor yet.

Mr. President, I understand we don't get these calendar numbers until we come

out of committee. So unless someone came in and stamped all these on the floor, and I didn't see anyone running around with a rubber stamp, I think my point is well taken. I would just like to know what the general procedure is.

Mr. President, can I just offer to solve this and have someone tell me it was the wrong procedure and we can move on? Because the bills are clearly calenderized now. But I just don't understand how they got there with a calendar number, and I just want to make sure we're following the right procedure.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Just by way of information, I believe this went through Elections, went to Rules -- which happens many, many times -- to the floor, has a calendar number. This is a unibill with the Assembly, identical form.

So I don't know if we're talking procedure or if the Senator wants to talk about the merits of this legislation.

SENATOR SABINI: I hadn't gotten

to the merits yet, Mr. President. I was just trying to figure out how this got here with a calendar number.

SENATOR BRUNO: Well, that's how it got here, Mr. President. Through Elections, through Rules, to the floor.

ACTING PRESIDENT WINNER: The calendar number was assigned in anticipation of the bill being reported from the floor.

The fact that the bill was stamped on May 3rd instead of May 4th was an error. The bill should have been stamped on May 4th.

SENATOR SABINI: And so we often do things here in anticipation? It's like professional wrestling, we give the number ahead of time because we know it's going to pass?

(Laughter.)

ACTING PRESIDENT WINNER: Senator, your point of order now is not well taken. So if you wish to withdraw it, as you indicated, and speak on the merits, feel free.

SENATOR SABINI: The point of order may be wrong, but the analogy was really on target, I think.

(Laughter.)

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Maziarz recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 798.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 798, by Senator Bonacic, Senate Print 5028, an act to amend Part O-1 of Chapter 109 of the Laws of 2006.

ACTING PRESIDENT WINNER: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up Calendar Number 827.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 827, by Senator Saland, Senate Print 5673, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Bruno, that completes the

noncontroversial supplemental reading of the calendar.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time go to the controversial calendar and take up Number 798, by Senator Bonacic.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 798, by Senator Bonacic, Senate Print 5028, an act to amend Part O-1 of Chapter 109 of the Laws of 2006.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT WINNER: Senator Duane asks for an explanation, Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

First of all, this is a home rule bill. It's authorizing the Town of Sidney, in Delaware County, to issue serial bonds in relation to extending such authorization.

What had happened is this town had

owned a hospital, and there was tremendous debt on this hospital and they didn't know whether they were going to lose the hospital to bankruptcy or not. What happened was there was an infusion of $2 million to help save this hospital. But in addition, to make up the deficit that this town owed, they floated bonds which were going to be paid by the property taxpayers of Sidney to help keep their hospital.

The expiration ended in April. We want to extend it to July 15th of '07. That's the purpose of the legislation.

ACTING PRESIDENT WINNER: Any other Senator wishing to be heard?

SENATOR DUANE: Explanation acceptable, Mr. President.

ACTING PRESIDENT WINNER: The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could lay the rest of the bills aside for the day.

Is there any further business at the desk?

ACTING PRESIDENT WINNER: Yes, Senator Skelos, we have a motion.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

On page number 34 I offer the following amendments to Calendar Number 522, Senate Print Number 3440, on behalf of Senator Golden, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Tuesday, May 8th, at 3:00 p.m.

ACTING PRESIDENT WINNER: On motion, the Senate stands adjourned until Tuesday, May 8th, at 3:00 p.m.

(Whereupon, at 6:18 p.m., the Senate adjourned.)