ALBANY, NEW YORK

July 5, 1993

4:42 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The Senate will come to order. Please rise with me for the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Today in the absence of visiting clergy, we'll bow our heads for a moment of silent prayer.

(A moment of silence was observed.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, July 4th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Saturday, July 3rd, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business:

Presentation of petitions.

Messages from the Assembly. We have a message from the Assembly. Secretary will read the message from the Assembly.

THE SECRETARY: The Assembly returned Senator Mega's bill, Senate Bill Number 1937, with an Assembly Reprint Number of 30,002, an act to amend the Court of Claims act, in relation to settlement of claims, with amendments.

ACTING PRESIDENT FARLEY: We concur in the amendments without objection, and it's restored to third reading.

Messages from the Governor.

Reports of standing committees. We have a report, Senator Present. May we read it?

SENATOR PRESENT: You may.

ACTING PRESIDENT FARLEY: Secretary will read.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 317-B, by Senator Halperin, an act to amend the Education Law;

1193, by Senator Lack, Real Property Tax Law;

2366, by Senator Saland, Real Property Tax Law;

2932-B, by Senator Johnson, General Business Law;

3397-A, by Senator Lack, an act to amend the Labor Law;

3598-B, by Senator Velella, General Municipal Law;

4197-A, by Senator Bruno, Economic Development Law;

4241-B, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

4756-A, by Senator Daly, Public Authorities Law;

4837, by Senator Tully, an act to amend the Insurance Law;

5513-A, by Senator Tully, an act to amend the Public Health Law;

5772, by Senator Velella, an act to amend the Family Court Act;

5789-A, by the Committee on Rules, Administrative Code of the city of New York;

5880-B, by the Committee on Rules, Temporary Task Force on Health Insurance;

6057, by Senator Saland, Public Health Law;

6115, by the Senate Committee on Rules, an act to amend the Public Health Law;

6116, by the Committee on Rules, authorize the participation of local government units;

6127-A, by the Committee on Rules, General Municipal Law and the Public Authorities Law;

6129, by Senator Larkin, Real Property Tax Law;

6130, by Senator LaValle, apportionment of state aid for certain capital expenditures; and

6138, by the Committee on Rules,

Public Health Law, in relation to the supplementary low income payment adjustment.

All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions. We have some motions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Holland, I wish to call his bill 3656, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Holland, Senate Bill 3656, an act to amend the Social Services Law.

SENATOR LIBOUS: Mr. President, I

now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

SENATOR LIBOUS: Mr. President, I offer up the following amendments.

ACTING PRESIDENT FARLEY: Amendments received; bill will retain its place.

SENATOR LIBOUS: Mr. President, also on behalf of Senator Holland, I offer up the following amendments to Calendar Number 1255, Senate Print 5678, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Sears, would you remove the sponsor's star on Calendar 1514, Senate Print 4047-B.

ACTING PRESIDENT FARLEY: 1514, the star is removed at the request of the sponsor.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On page 9, I offer the following amendments to Calendar Number 588, Senate Print 3539-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, bill will retain its place.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. Calendar 366, my bill, Senate Print Number 1851-A, would you star that bill.

ACTING PRESIDENT FARLEY: Star the bill.

Are there any motions on the floor? We have some substitutions.

Secretary will read the substitutions.

THE SECRETARY: On page 8 of today's calendar, Senator Lack moves to

discharge the Committee on Rules from Assembly Bill Number 3952-B and substitute it for the identical Third Reading 528.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 9, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 4614-B and substitute it for the identical Third Reading 603.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 19, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 8428-A and substitute it for the identical Third Reading 907.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 30, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 6732-A and substitute it for the identical Third Reading

1516.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 32, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 8458-A and substitute it for the identical Third Reading 1545.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 41, Senator Sears moves to discharge the Committee on Rules from Assembly Bill Number 8403-A and substitute it for the identical Calendar Number 1514.

ACTING PRESIDENT FARLEY: Substitution ordered.

Any other motions on the floor?

Senator Present, what's your pleasure?

SENATOR PRESENT: Let's take up the non-controversial calendar, please.

ACTING PRESIDENT FARLEY:

Non-controversial, the Secretary will read.

SENATOR GOLD: One second, one second.

ACTING PRESIDENT FARLEY: You all set, Senator? Non-controversial.

THE SECRETARY: On page 4, Calendar Number 168, by Senator Stafford, Senate Bill Number 441-B, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: There's a local fiscal impact note here at the desk. You can read the last section. This is page 4, regular calendar, 168.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 6, Calendar Number 317, by Senator Libous, Senate

Bill Number 2060-A, an act to amend the Public Health Law.

SENATOR LIBOUS: Mr. President, can we please lay that bill aside for one day assuming we will be here another day.

ACTING PRESIDENT FARLEY: Good assumption. Lay the bill aside for the day.

SENATOR LIBOUS: Thank you.

THE SECRETARY: Calendar Number 381, by Senator Holland, Senate Bill Number 48-C, an act to amend the Education Law, in relation to physical therapy assistants.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 7,

Calendar Number 395, by member of the Assembly Parment.

SENATOR PRESENT: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Laid aside for the day.

THE SECRETARY: On page 7, Calendar Number 470.

SENATOR PRESENT: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: On page 9, Calendar Number 537, by Senator LaValle, Senate Bill Number 1432-A, an act to amend the General Municipal Law and the Voluntary Ambulance Workers' Benefit Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR JONES: Mr. President.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes, could I have unanimous consent to abstain from voting on that?

ACTING PRESIDENT FARLEY: Without objection, on the ambulance -- Senator Jones, without objection. Senator Jones, that's 537?

SENATOR JONES: Right.

THE SECRETARY: Calendar Number 547, by Senator Larkin, Senate Bill Number 2737-B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 563, by Senator Mega, Senate Bill Number 3004-A, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Senator Mega has a local fiscal impact note here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 603, substituted earlier today, by member of the Assembly Lafayette, Assembly Bill Number 4614-B, an act to amend the Insurance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 625.

ACTING PRESIDENT FARLEY: The bill is high. Laid aside.

THE SECRETARY: Calendar Number 648, by member of the Assembly Schimminger, Assembly Bill Number 5737-B.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 663, by Senator Stavisky, Senate Bill Number 426-A, an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 682, by member of the Assembly Graber, Assembly Bill Number 3999-B, Highway Law and the State Finance Law.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 844, by Senator Larkin, Senate Bill Number 4354-B, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 855, by Senator Velella, Senate Bill Number 1993-A, Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 905, by member of the Assembly Colman, Assembly Bill Number 1994-A, Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 907, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8428-A, an act to amend the Public Health Law and the Insurance Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2 -

SENATOR GOLD: Hold on.

ACTING PRESIDENT FARLEY: 907, by Senator Volker. It's not high. The bill was substituted earlier today.

SENATOR GOLD: No, no, no.

THE SECRETARY: An act to amend the Public Health Law and the Insurance Law, in relation to referrals of patients for pharmacy

services.

SENATOR VOLKER: Mr. President. I think, Mr. President -- can I explain to Senator Gold? I think I know what his problem is.

Mr. President, what happened here is that there was confusion as to the title of this bill because apparently some bills were printed with the wrong title, and we had a problem because some people had titles different than the Assembly bill, different from the Senate bill, but the computer kept running this as "same as", but every once in a while the computer would show they weren't same as.

We have now -- we have now checked with both, and we've straightened it out.

SENATOR GOLD: Thank you.

SENATOR VOLKER: Thank you, Senator.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 954, by the Assembly Committee on Rules, Assembly Bill Number 8510, Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1094, by Senator Daly, Senate Bill Number 5200-B, Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1193, by Senator Wright, Senate Bill -

SENATOR WRIGHT: Lay aside for the day, please.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 1251, by Senator Lack.

SENATOR PRESENT: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Laid aside for the day.

THE SECRETARY: Calendar Number 1338, by -

SENATOR PRESENT: Lay that aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number

1371.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1405, by the Senate Committee on Rules, Senate Bill Number 6000-A, an act to amend the Civil Service Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1416.

ACTING PRESIDENT FARLEY: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number

1444.

ACTING PRESIDENT FARLEY: The bill is high. Laid aside.

THE SECRETARY: Calendar Number 1516, substituted earlier today, by member of the Assembly Lafayette, Assembly Bill Number 6732-A, an act to amend Chapter 746 of the Laws of 1988, amending the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 1, Senator Saland recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1528, by the Senate Committee on Rules, Senate Bill Number 6142, Executive Law, in relation to security guard advisory council.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays one, Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1533, by member of the Assembly Gottfried, Assembly Bill Number 6708-A, relation to franchises for street surface railroads in a city having a population of one million or more.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1534, by member of the Assembly -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1535.

SENATOR GOLD: Lay aside (inaudible).

ACTING PRESIDENT FARLEY: Lay aside 1535 and 1536.

SENATOR GOLD: And 1537.

ACTING PRESIDENT FARLEY: 1535, I'm sorry and 1536, and 1537.

THE SECRETARY: Calendar Number 1541, by the Assembly Committee on Rules, Assembly Bill Number 7929-B, an act to amend the Tax Law and the Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Tully, Senate Bill Number 5596-C, Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

1546, by the Assembly Committee on Rules, Assembly Bill Number 8404-A, Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1548.

SENATOR PRESENT: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Laid aside for today.

THE SECRETARY: Calendar Number 1549, by the Assembly Committee on Rules, Assembly Bill Number 8448-A, Insurance Law, in relation to prescribed flood insurance notice.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR DOLLINGER: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1551, by Senator Padavan, Senate Bill Number 6083, Alcoholic Beverage Control Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44, nays one, Senator Spano recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1561, by the Senate Committee on Rules, Senate Bill Number 6126, amends Chapter 537 of the Laws of 1976.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside. Go on?

Read the last section.

SENATOR GOLD: 1561.

ACTING PRESIDENT FARLEY: That's what it is.

SENATOR GOLD: Yeah, last section.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR SEWARD: Lay aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 1562.

SENATOR GOLD: Laid aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1563, by the Assembly Committee on Rules, Assembly Bill Number 8685, amends Chapter 817 of the Laws of 1992, amending the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1565, by the Senate Committee on Rules, Senate Bill Number 6147, amends a chapter of the laws of 1993, as proposed in Legislative Bill Number 6085.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Daly.

SENATOR DALY: I withdraw my objection to Calendar Number 1561.

ACTING PRESIDENT FARLEY: Call up 1561, if it's Senator Present's pleasure.

THE SECRETARY: Calendar Number 1561, by the Senate Committee on Rules, Senate Bill Number 6126, amends Chapter 537 of the Laws of 1976.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR LEICHTER: What are we doing?

ACTING PRESIDENT FARLEY: 1561.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Did you

get the results? Senator Leichter.

SENATOR LEICHTER: Yeah. Could -- could you hold 1565 at the desk, please?

ACTING PRESIDENT FARLEY: Yeah, but it's already gone. Results on 1561. See, we went back. Negatives raise your hands for 1561. Pataki is already -

THE SECRETARY: Ayes 44, nays one, Senator Libous recorded in the negative.

ACTING PRESIDENT FARLEY: I think Senator Pataki had voted. O.K. O.K. The bill is passed.

Senator Present, that's the first time through on the non-controversial.

SENATOR PRESENT: Mr. President, let's take up the controversial first time.

ACTING PRESIDENT FARLEY: Take up controversial. Secretary will read.

Senator Present, we have two messages. Might we have those?

Senator Pataki.

SENATOR PATAKI: Yes, Mr. President. I'd like unanimous consent to be

recorded in the negative on the bill by Senator -

ACTING PRESIDENT FARLEY: 1561?

SENATOR PATAKI: 1561.

ACTING PRESIDENT FARLEY: Senator Pataki will be in the negative.

SENATOR PATAKI: Thank you.

THE SECRETARY: On page 7 -- on page 7, Calendar Number 470, by member of the Assembly Lasher.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 625, by Senator Libous, Senate Bill Number 3815-E, an act to amend the General Business Law.

ACTING PRESIDENT FARLEY: We have a -

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT FARLEY: There is a message of necessity at the desk.

SENATOR PRESENT: I move we accept the message. All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. You can read the last section on 625.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 648, by member of the Assembly Schimminger, Assembly Bill Number 5737-B, General Obligations Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

The concept behind this bill is relatively simple. It's a bill that amends Section 5-326 of the General Obligations Law to essentially legitimize written liability waivers for racetracks, race track participants in the state of New York.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: He just gave you the explanation.

SENATOR GOLD: I mean the real one. Well, what does the bill do? What does the bill do?

ACTING PRESIDENT FARLEY: Senator Gold, do you have a question?

SENATOR GOLD: Yes. Will the Senator yield to a question?

ACTING PRESIDENT FARLEY: Senator Kuhl, would you yield to a question?

SENATOR KUHL: Certainly.

SENATOR GOLD: Senator, would you tell us what the bill does?

SENATOR KUHL: As I said, Senator, this is a bill which adds an exclusion in the General Obligations Law which gives credibility to immunity waivers which are entered into by race track participants.

Currently, in the state of New York, we have a major race track facility at Watkins Glen, New York. They require that the drivers who participate in those races sign waivers, liability statements.

There has been a recent court decision which has essentially said that that waiver may not hold up. This particular section legitimizes those waivers and says they are able to, in fact, require those. It's an absolute essential necessity if this race track is to be able to maintain its viability and its existence and its operations in the years to come.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Gold.

SENATOR GOLD: Yeah. I'd like to point out that there is a memorandum in opposition by the New York State Trial Lawyers' Association. Basically, they point out that apparently there was a holding in the Court of Appeals, and that this section attempts to clarify that holding, and the case involved a pit mechanic who signed a release as part of his NASCAR application.

The objection of the Trial Lawyers is basically that, and I'll read this one paragraph: Allowing that there was a level of risk assigned to race car driving, it is bad public policy to condone negligent exacerbation of that risk. By excluding liability for ordinary negligence, the Legislature would be creating a class of unprotected users of the facility. It is highly preferable that there be no tinkering with 5-326 and that there be no release of a track owner from his common law duty.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Ayes 45, nays one, Senator -- wait a minute. Ayes 47, nays 2, Senators DeFrancisco and Solomon recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 682.

SENATOR PRESENT: Lay that aside.

ACTING PRESIDENT FARLEY: Laid aside temporarily.

THE SECRETARY: Calendar Number 844.

SENATOR STACHOWSKI: Will you

hold it one second?

ACTING PRESIDENT FARLEY: Hold it up.

844.

THE SECRETARY: Calendar Number 844, by Senator Larkin, Senate Bill Number 4354-B, Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Will Senator Larkin yield to a question?

SENATOR LARKIN: Yes.

SENATOR GOLD: Any particular question you want to yield to? Senator, my notes indicate that the state Education Department opposed the original print and we now have a "B" print.

SENATOR LARKIN: Yes.

SENATOR GOLD: Does the "B" print address the objections of the state Education Department?

SENATOR LARKIN: Yes, it does, Senator, and that's why we're back here today.

SENATOR GOLD: All right. Would you tell us what those objections were and how you handled them?

SENATOR LARKIN: Well, the critical thing was that these distant learning courses would be certified by the SED and that's why we have -

ACTING PRESIDENT FARLEY: We're having a little trouble hearing you, Senator Larkin, and that's why -

SENATOR GOLD: He's better off. Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

1094, by Senator Daly, Senate Bill Number 5200-B, Environmental Conservation Law.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT FARLEY: Senator Daly, would you yield for a question?

SENATOR DALY: Just a minute, Senator. I'll be glad to.

SENATOR GOLD: First of all, Senator, I'd be remiss if I didn't comment that you look very Lincolnesque today.

Senator Daly, there is a department memorandum strongly in opposition on the original print. This is a "B" print. Do you deal with them, with their problems?

SENATOR DALY: Are they still opposed to the bill, are you asking me?

SENATOR GOLD: No, no. I have nothing other than a comment which says that they are opposed on the original print.

SENATOR DALY: M-m h-m-m.

SENATOR GOLD: And I was wondering if the "B" print addressed any of the

problems of the department?

SENATOR DALY: We have taken care of some of the problems, Senator. There's two we haven't taken care of as far as they're concerned.

One, DEC argues that, if it in advertently fails to notify a landowner of a violation -

SENATOR GOLD: I can't hear you.

SENATOR DALY: DEC is still opposed to the bill on the basis that, if DEC inadvertently fails to notify a landowner of the violation, the violator will use the violation as to the intent of the underlying charges.

SENATOR GOLD: Senator Daly -- on the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill, Senator Gold.

SENATOR GOLD: Yeah. Mr. President, you've really, very very perplexed us because DEC filed a memo on the original bill which says that they strongly oppose but don't explain why, and since this is a "B" print and I

have nothing to compare it against, I really can't tell what to do with it, Senator Daly, so I guess I'll have to go with you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Hannon.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar 1371.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1416, by Senator Daly.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT FARLEY: There is a message of necessity at the desk.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message of necessity, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. The Secretary will read the title of the bill.

THE SECRETARY: An act to amend the State Finance Law, the Executive Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1534, by member of the Assembly Crowley, Assembly Bill Number 6321, Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

Senator Stafford.

SENATOR STAFFORD: Mr. President, this is, in effect, approval of a system and protocol for data processing and communication in pari-mutuel wagering, and the purpose of the legislation is to provide for the board and commissioner of tax and finance shall approve all systems, both the wagering board -- pari

mutuel wagering board, and also the Department of Taxation and Finance.

All systems used for data processing and communications in the pari-mutuel betting which are established by regulations, uniform protocol to be employed for the merger of wagers deposited with one pari-mutuel operator with the wagers deposited with another.

Obviously, it's just regulating the computerization. Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1535, by Senator Stafford, Senate Bill Number

4189, to repeal subparagraph (e) of paragraph 2 of the Administrative Code of the city of New York.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Stafford.

SENATOR STAFFORD: This will be good on a day like this. We have to attempt to be light even though we're considering important legislation.

This is legislation that won't affect me, at least so far. It's the withholding -- we'll all be withholding. Now, today, with a thousand dollars or over, the income tax is withheld.

ACTING PRESIDENT FARLEY: Senator Stafford, can't hear you.

SENATOR STAFFORD: Cancels all the withholding from the larger winnings.

SENATOR ONORATO: Right.

SENATOR STAFFORD: Right, a thousand and over.

SENATOR STACHOWSKI: Can I ask, -- can I ask the Senator: It's still taxable, though?

SENATOR STAFFORD: Yes, by all means and, my Lord, remember that, and I would also caution people it's amazing how they know who wins stakes. They are the enforcers.

ACTING PRESIDENT FARLEY: Senator Stafford, will you speak in the microphone?

SENATOR ONORATO: Mr. President, will Senator Stafford yield to a question, please?

ACTING PRESIDENT FARLEY: Senator Onorato.

SENATOR ONORATO: You mentioned a figure of a thousand dollars, a return of a thousand dollars. Is that on a two dollar bet?

SENATOR STAFFORD: Pardon me?

SENATOR ONORATO: Is the thousand dollar return on a two dollar bet or three dollar bet; is it an exotic betting?

SENATOR STAFFORD: It is.

SENATOR ONORATO: If I win a

thousand dollars on a three dollar bet, do I pay the tax on it immediately?

SENATOR STAFFORD: Yes, and also I'd like to go with you sometimes when you bet $2 and get a thousand dollars. I know some friends of mine do it, but today -

SENATOR ONORATO: You can on a triple.

SENATOR STAFFORD: Yeah, I know, and today your income tax is withheld just like with your wagers. It will not be after this bill.

SENATOR ONORATO: O.K. Thank you.

SENATOR JONES: Mr. President.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Would Senator Stafford yield to a question, please?

Not knowing anything about wagering, I guess I'm a little concerned. I thought the purpose of the state was to get taxes wherever we can get it and as soon as we

can get it. Who is benefiting from this?

SENATOR STAFFORD: This is very interesting, because when I didn't know anything about it, I would wonder some of these things. I still don't know that much. The -- although all of this hasn't been brought up in areas where there are tracks or where there is wagering, there is very much of a competition for your people who take part in this activity and this will be, I guess you would say better friendly. You'll be paid. They'll have to pay, but it's just not withheld.

SENATOR JONES: Well, Senator -

SENATOR STAFFORD: I might add, this is -- this is a very practical situation. They tend to bet it again.

SENATOR JONES: Would the Senator yield to another question?

SENATOR STAFFORD: If they don't have income tax to pay.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to another question from Senator Jones?

SENATOR STAFFORD: I certainly will.

SENATOR JONES: So actually, I want to make sure I get this correct -- actually we're benefiting betters; it has nothing to do with the state of New York. We're being kind to betters and not putting more in this state?

SENATOR STAFFORD: Yes, Senator, and if we're not kind to betters, we're going to be losing, well, I won't mention other places because I won't give them free publicity.

ACTING PRESIDENT FARLEY: Senator Waldon.

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

Would Senator Stafford yield to a question, please? It's very important to, I think, enlighten some of our colleagues. Has not in recent years the racing industry in New York State done a tailspin in terms of the revenue generated?

SENATOR STAFFORD: No question about it. The answer is yes.

SENATOR WALDON: Has not states close by, for example, New Jersey increased tremendously in its revenue generation?

SENATOR STAFFORD: No question about it. The answer is yes.

SENATOR WALDON: And has a state like New Jersey given the better a better shot in terms of not withholding, et cetera, a bigger spread on the win when you bet?

SENATOR STAFFORD: No question about it, yes.

SENATOR WALDON: So what we're doing here is trying to rejuvenate the racing industry of New York State in a small fashion?

SENATOR STAFFORD: Yes, and I appreciate the questions, and obviously you have stated it much better than myself. I think it's time maybe I stated, because we do have a few bills here, that this is very, very important to our state, this industry, and those of us who live upstate realize, the farm, the hay that is purchased, the people work on the farms, the people who draw the hay to the -- the hay to the

track, the people that clean the track, clean the stables, it's a major, major industry, both upstate, and, if you will excuse me, downstate also.

SENATOR WALDON: One last question, if I may, Mr. President.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Isn't it true, Senator Stafford, that many of the breeding farms that were thriving businesses upstate New York have, as a result of this recent recession, been sold and they are now farms, to wit., where people are growing -- and there is nothing wrong with growing whatever products -- lettuce, tomatos, et cetera, et cetera, because they could no longer sustain themselves as a farm for breeding horses because of the recession?

SENATOR STAFFORD: No question about it. It's been a disaster.

SENATOR WALDON: Thank you very much, Senator Stafford.

Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Waldon.

SENATOR WALDON: Though I am not a two dollar better and I've never had the good fortune of doing one of those things that George Onorato speaks of with great fervor, a two dollar bet or Trifecta or whatever, which causes money that doesn't jingle in your pockets, but fills it out, I can appreciate what's happening here because while I was a Commissioner of Investigations, I had occasion to go to some of the farms, meaning the breeding farms for our racing industry, and I learned quite a bit and what I learned was that the state of New York is in great, great jeopardy regarding this very important component of its -- not industrial base but of its revenue generation base.

And so I applaud Senator Stafford for bringing this to the floor for our consideration, and I urge all of my colleagues to vote in the aye.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I have to agree with my colleague from Monroe County. I don't know a lot about the wagering business. I do have a question for Senator Stafford, though.

Through you, Mr. President, if he would yield.

ACTING PRESIDENT FARLEY: Senator Stafford?

SENATOR STAFFORD: I would yield, but I would just ask the courtesy. I don't think I should be inferring or discouraging people from winning because the last time I was at the track I had a friend on a two dollar bet together with some other people on the, what do you call it? -- was the Trifecta, on a two dollar bet got $728. I thought that was pretty good.

SENATOR DOLLINGER: Not bad at all.

That really is my question, Mr. President. At the time of the -- of a cash winning, a large cash winning, does the track

issue a 1099 to the individual who wins that money?

SENATOR STAFFORD: They do. Yes, they do.

SENATOR DOLLINGER: They do, and they would continue to do it?

SENATOR STAFFORD: That's right, yes, they would.

SENATOR DOLLINGER: So we track the funds; we just don't do the withholding.

SENATOR STAFFORD: That's right.

SENATOR DOLLINGER: Thank you, Senator.

ACTING PRESIDENT FARLEY: Senator Stachowski to speak on the bill.

SENATOR STACHOWSKI: I also rise to support the bill.

For Senator Jones' benefit whatever dollars a better can keep in his pocket when he wins, especially on a big hit, enhances his appreciation and the chances that he'll be rapidly back to win again and probably the biggest winners are the restaurants around there

and the bars where he will spend the money after he won it and, as you know, since he'll still have the tax forms, we'll still get the tax money anyway.

So we're going to benefit all the way around, and it's a voter -- I mean a better friendly bill.

I would like to comment, though, that probably the tax change in Washington was more responsible -- the last big tax change in Washington during President Reagan, was more responsible for the death of the large breeding industry as we knew it before and as they knew it throughout the country before. Because of those tax changes, horse racing no longer has the investment position that it once had, where it had a lot more depreciation and because, as a result of that tax enhancement that it used to have, all the jobs and all the farms and all the investments that it used to have. Although there still is a large amount invested, it's not quite as easy as it was before and the small invester is no longer as involved as he was

before and, as a result of that, that's probably more likely the reason why more of the farms are going. But this bill is a good better-friendly bill. It should help the racing industry, and I hope that everyone supports it.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays 2, Senators Gold and Jones recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Halperin.

SENATOR HALPERIN: Mr. President, I'd like to be recorded in the negative on Calendar Number 648.

ACTING PRESIDENT FARLEY: 648, Senator Halperin is in the negative.

THE SECRETARY: Calendar Number 1536, by member of the Assembly Crowley, Assembly Bill Number 6319-A, Racing, Pari-mutuel Wagering and Breeding Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation, Senator Stafford.

SENATOR STAFFORD: This, again, is involved with the electronic age, and you'll see filing of pari-mutuel tax returns or reports by electronic means. Every corporation or association authorized by this chapter to conduct pari-mutuel betting on horse races shall file in a timely manner pari-mutuel tax returns or other reports relating to such activity and such forms and by such means, including electronic means, as may be prescribed by the state Racing and Wagering Board or the Commissioner of Taxation and Finance, as the case may be, in accordance with the provisions of this chapter.

In other words, they have to timely file their reports.

SENATOR STACHOWSKI: Would the Senator yield for one question?

SENATOR STAFFORD: Of course.

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield?

SENATOR STACHOWSKI: Do you think possibly by doing this electronic tax, and I'm not sure if they do them now but by doing these, maybe OTBs could streamline in their administra tive personnel and possibly where racetracks have maybe two people working in their Comptroller's office, all the regional OTBs seem to have double digit figures working in their local offices, maybe we can get a little stream lining and maybe local governments can see a little more return on their dollar for OTB.

SENATOR STAFFORD: Certainly a valid consideration.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1537, by member of the Assembly Crowley, Assembly Bill Number 6325, Racing, Pari-mutuel Wagering and Breeding Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Stafford.

SENATOR STAFFORD: Before I explain this, Mr. President, it's good that I'm standing up a few times today.

I've got to correct -- I think I have it finally right on the winnings, it was six people who bet $2 apiece on the race, and they won $728, so they divided six into 728 and that's what the two dollar win was. It still wasn't bad. It was a hundred and -- $124, I think, so I want to encourage and speak

positively.

Mr. President, this legislation would repeal the provisions requiring tracks and OTBs accepting wagers on the Kentucky Derby, Preakness or Breeders' Cup to provide notices of availability of competition. In other words, now you have to say that you can place your bet here, but you also would have these other opportunities. They say, if you're there, then let them accept it.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1549, by the Assembly Committee on Rules,

Assembly Bill Number 8448-A, Insurance Law, in relation to prescribed flood insurance notice.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1562.

SENATOR PRESENT: Lay it aside temporarily. Call up 682.

ACTING PRESIDENT FARLEY: 682. The Secretary will read Calendar 682.

THE SECRETARY: Calendar Number 682.

ACTING PRESIDENT FARLEY: That's on page 11.

THE SECRETARY: On page 11, 682,

by member of the Assembly Graber, Assembly Bill Number 3999-B, an act to amend the Highway Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR OPPENHEIMER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for by Senator Oppenheimer.

Senator Stafford.

SENATOR STAFFORD: Mr. President, this legislation involves an industry which is rather important in a rural area. I would point out that I have plenty of constituents in my area who would be hard hit if they weren't able to rent or lease their land to the sign business, and I would say it's a very important industry.

I would point out that, in certain park areas, I would hope you'd all be encouraged, we don't have any signs. I would point out that I'm trying to work it out so we could have reasonable signage even in the park area, so some of us would have their advantage

to our economy.

This legislation, Mr. President, would allow people in the industry who have the signs, to apply for permits, to pay for the permit and to remove vegetation that would be blocking the sign.

Now, Mr. President, these are only signs that are now in existence, only signs that are now in existence. We think it's necessary; we think it's fair. You know, we can go on and on and say we want to do this, we want to do this, you know. Let's -- let's make sure that we don't have this activity, this activity, but I share with all of us that when we have a possibility of a million dollars going into the state coffers with this legislation, I think it's something that we really should take very seriously, and I think it has been passed by the Assembly, Mr. President, and it is now before us and I urge its adoption.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yeah. Mr. President, let me -- let me first say that this bill is opposed by the Adirondack Council, the Environmental Planning Lobby, Good for the South Fork, the Sierra Club, the Catskill Center, the Long Island Pine Barren Society, Scenic Hudson, National Audubon Society, the Department of Transportation.

Let's -- let's be clear what we're talking about. Senator Stafford, we're not talking about signage that may tell people that there's a restaurant down the road or a motel. You're talking about these big, enormous garish signs that you see as you drive along the interstate, and I can't believe here you say, representing this beautiful area of the Adirondacks, and you want to make signage available.

SENATOR STAFFORD: Senator Leichter yield for a question?

SENATOR LEICHTER: Yes.

SENATOR STAFFORD: If you needed those leases to pay your taxes, do you think it

would be important to you?

SENATOR LEICHTER: Senator, it would be wrong; it would be wrong.

SENATOR STAFFORD: Would it be wrong if you needed that to pay your taxes?

SENATOR LEICHTER: Senator, we should not have people in a situation where we're going to say, in order -- in order to enable you to pay your taxes, we're going to allow you to put up these large signs.

First of all, I doubt very much, Senator, I doubt very much that these signs are what enables these people to pay taxes. They happen to have their lands near interstates and it's become very profitable for them to put up these big signs. The other day I drove down from Wadhams, which you well know and, as you leave the Adirondack Park driving south, you leave this beautiful countryside and it's so beautiful, you just down past Lake George and there's this enormous garish purple/green/blue sign trying to get people's attention trying to go to an amusement park.

I know years ago I talked to you about that sign. That's what we're talking about, and what this bill does is -

SENATOR STAFFORD: Would you yield for another question?

SENATOR LEICHTER: Sure.

SENATOR STAFFORD: How many people does that amusement park hire, and what does it put into the economy?

SENATOR LEICHTER: Senator, it can hire as many people and put as much in the economy without despoiling the beauty of the area and, if you keep on despoiling the beauty of the area, Senator, you're going to have people that will not be able to pay their taxes because nobody -- nobody is going to want to go into areas where they drive to see natural beauty and instead they're going to see these enormous ugly signs.

SENATOR STAFFORD: Will you yield for a question?

SENATOR LEICHTER: Yes.

SENATOR STAFFORD: How many

people are at that amusement park today?

SENATOR LEICHTER: Senator, they're not there because of that ugly sign.

SENATOR STAFFORD: They are there and that's my point, that's the way you view it. How many are there today?

SENATOR LEICHTER: I'm sure there's a couple.

SENATOR STAFFORD: There's a quarter mile line out on Route 9 waiting to get in.

SENATOR LEICHTER: Senator, that's wonderful. It's an attraction that rightly provides jobs, but the attraction doesn't come from having these signs and you're driving along and you see signs for Coors' beer, and now you're going to tell me there's people lining up to get in the bars to buy Coors' beer because they've seen the signs.

SENATOR STAFFORD: That's correct.

SENATOR LEICHTER: The fact is, Senator, that one needs a balance between envir

onmental concerns, legitimate concerns, and business concerns, and you don't have to over ride the environmental concerns to accomplish economic growth. On the contrary, the economic growth in some areas is dependent upon maintaining the beauty of the area.

You can advertise over radio. You can do a lot of things. The state helps by putting out information at tourist centers, but you don't have to have these large signs, signs directing you or advertising motels that are 40 miles away or, when you come to Montreal, to eat at God knows where.

And what your bill does is, by cutting down growth that you claim obstructs these signs, you just further despoil the beauty of the area, and that's really what this bill does, and it's for that reason that it's opposed by all of the environmental groups. It's opposed by the Department of Transportation who feels it's a burden.

Now, last year it was a different bill. This year there have been some amendments

to it, and I understand there's now provisions for hearings and some other things, so that maybe in that sense less objectionable to the people who voted against it, but I believe that there was a substantial number, I don't have the roll call, who -- who voted against this bill and we debated it at length, because it is harmful to the environment.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT HOLLAND: Senator Oppenheimer.

SENATOR OPPENHEIMER: I think another point should be made here. There is legislation, as many of us know, here in this chamber, federal legislation that is called the Intermodal Surface Transportation Efficiency Act, known as ISTEA, and within ISTEA is specific efforts written in that would provide funding for the removal of -- of signs that currently exist as these signs do.

So it isn't a question of just saying, they're there and why shouldn't they be

maintained and why shouldn't vegetation and trees be cut, but it's actually moving in the reverse direction. We are saying we want the billboards to start coming down. It's a federal initiative that is in law, and I think it's something that New York State rightfully should pursue, because we have a national reputation. We have had a commitment in our state to pre serving the scenic and the -- the environmental integrity of our highways, and that's not like -- it's unlike many other states where the billboards do dominate the landscape and -- and we have seen that when we have traveled to neighboring states, and I think we have to resist the entreaties of the billboard industry and not permit the removal of our natural -- our natural vegetation.

This is opposed by so many groups, it is larger than simply cutting down some trees and some signs -- some trees and some vegetation in front of signs, because it is really moving in the reverse direction from which our federal government and I believe every

state should be going.

Thank you.

ACTING PRESIDENT HOLLAND: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, Senator Stafford yield to one question?

ACTING PRESIDENT HOLLAND: Senator yield?

SENATOR DOLLINGER: Just so I understand the bill, Senator, this provides that the billboard, where the landowner on his property would get a permit to cut down the vegetation that obscures the sign, the vegetation on his own land?

SENATOR STAFFORD: It's going to be very, very well -- I would emphasize again.

SENATOR DOLLINGER: I can barely hear him.

SENATOR STAFFORD: Only existing signs that we have now.

SENATOR DOLLINGER: O.K. Mr. President, on the bill.

I -- I guess what I see is that someone puts a billboard on their property and it's got a portion of state land in front of it. I'm not so sure that the owner of the bill board in their expectation, would have assumed that that land would remain flat, and I don't see why we should interfere with the state's right to plant whatever vegetation is necessary to enhance the state's interests in beautifying highways or taking any other beautification act.

I appreciate the spirit from which the bill jumps but, frankly, Mr. President, I agree with the sentiments expressed in the opposition memo that this is moving in the reverse direction, as Senator Oppenheimer also suggested.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 682 are Senators Dollinger, Espada, Gold, Hoffmann, Jones, Leichter, Mendez, Ohrenstein, Onorato, Oppenheimer, Padavan, Pataki, Sheffer, Solomon, Stavisky, Tully and Waldon. Ayes 36, nays 17.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Let's stand at ease, and we will be taking up the supplemental calendar shortly.

ACTING PRESIDENT FARLEY: The Senate will stand at east. We'll be taking up the supplemental calendar very shortly.

(The Senate stood at ease from 5:50 p.m., until 6:01 p.m.)

SENATOR PRESENT: Take up 1562 from the regular calendar.

ACTING PRESIDENT FARLEY: 1562, Secretary will read.

THE SECRETARY: Page 33, Calendar

1562, by the Committee on Rules, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section. It's on controversial.

Did you have a question, Senator?

SENATOR LEICHTER: Which one is this?

ACTING PRESIDENT FARLEY: This is 1562.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President,

can we take up the non-controversial calendar on Supplemental Calendar Number 1.

ACTING PRESIDENT FARLEY: Supplemental Calendar Number 1, which is on your desk, non-controversial, and also I'm going to ask that the conversations be held down. The stenographer is having difficulty hearing, so please be considerate of your conversations.

Secretary will read.

THE SECRETARY: Supplemental Calendar Number 1, Calendar Number 1566, Senator Halperin moves to discharge the Committee on Rules from Assembly Bill Number 406-D and substitute it for the identical Third Reading 1566.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1567, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 2135 and substitute it for the identical Third Reading 1567.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the -

SENATOR LACK: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1568, by Senator Saland, Senate Bill Number 2366, Real Property Tax.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: We'll do the substitutions on these, though.

THE SECRETARY: I don't have a substitution.

ACTING PRESIDENT FARLEY: Oh, no sub on that one. Sorry, lay it aside. My

apology.

THE SECRETARY: Calendar Number 1569, Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 4877-B and substitute it for the identical Third Reading 1569.

ACTING PRESIDENT FARLEY: Substitution ordered.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1570, by Senator Lack, Senate Bill Number 3397-A, an act to amend the Labor Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 1571, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 6071-B and substitute it for the identical Third Reading 1571.

ACTING PRESIDENT FARLEY: Substitution ordered. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1572, Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 7623-A, and substitute it for the identical Third Reading 1572.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last

section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Johnson, Senate Bill Number 4241-B, an act to amend the Vehicle and Traffic Law.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 1574, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 8641 and substitute it for the identical Third Reading 1574.

ACTING PRESIDENT FARLEY: Substitution is ordered.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1575, by Senator Tully, Senate Bill Number 4837, an act to amend the Insurance Law, in relation to insurance coverage.

SENATOR SOLOMON: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1576, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 8735, and substitute it for the identical Third Reading 1576.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1577, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 8136, and substitute it for the identical Third Reading 1577.

ACTING PRESIDENT FARLEY: Read the last section. Substitution ordered. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1578, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 387 and substitute for the identical Third Reading

1578.

ACTING PRESIDENT FARLEY: Substitution is ordered. Lay the bill aside.

THE SECRETARY: 1579, by the Senate Committee on Rules, Senate Bill Number 5880, create a temporary task force on health insurance.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 1580, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 8652, and substitute it for the identical Third Reading 1580.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last section.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay aside. Don't read the last section.

THE SECRETARY: Calendar Number 1581, by the Senate Committee on Rules, Senate

Bill Number 6115.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 1582, by the Senate Committee on Rules, Senate Bill Number 6116, to authorize the participation of local government units and agencies in the development and construction of a sports entertainment complex.

SENATOR VOLKER: Lay it aside for the day, please.

ACTING PRESIDENT FARLEY: Lay the bill aside for the today.

THE SECRETARY: Calendar Number 1583.

ACTING PRESIDENT FARLEY: The bill is high. Lay it aside.

THE SECRETARY: Calendar 1584.

ACTING PRESIDENT FARLEY: Bill is high. Lay it aside.

THE SECRETARY: Calendar 1586, by the Senate Committee on Rules, Senate Bill

Number 6138, an act to amend the Public Health Law, in relation to supplementary low income payment.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, may we take up the controversial calendar on supp... Senate Supplemental Calendar Number 1.

ACTING PRESIDENT FARLEY: Supplemental Calendar Number 1, controversial.

THE SECRETARY: Calendar Number 1567, substituted earlier, by member of the Assembly Luster, Assembly Bill Number 2135, Real Property Tax Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Lack.

SENATOR LACK: Who asked for the explanation, please?

ACTING PRESIDENT FARLEY: I think it was Senator Dollinger.

SENATOR LACK: Oh, well, Senator Dollinger, this bill simply provides that where there is a possessory interest of a private lease or contract that would use real property that's owned by the United States or the state of New York, the property will be subject to real property taxation if the owner, lessee or contractor would be subject to taxation if it was owned privately.

SENATOR DOLLINGER: Mr. President, if Senator Lack will just yield to a question.

ACTING PRESIDENT FARLEY: Would you yield to a question from Senator Dollinger, Senator Lack?

SENATOR LACK: Of course, yeah.

SENATOR DOLLINGER: I support the concept underlying this bill. I'm just wondering if there is an estimate of how much property this would affect, through you, Mr. President.

SENATOR LACK: Is there an estimate of how much property this affects?

SENATOR DOLLINGER: Of what the net property tax revenue would be?

SENATOR LACK: I don't know if there would be a net property. About -- a little under $50 million throughout the state, at least to the extent that it's been compiled.

SENATOR DOLLINGER: O.K. And this will be phased in over a five-year period, again through you, Mr. President. The taxes wouldn't all be due and owing at the same time?

SENATOR LACK: I'm sorry, if you could speak a little louder.

SENATOR DOLLINGER: This will all be phased in over a five-year period?

SENATOR LACK: Right. This is a four-year phase-in and the fifth then would -

SENATOR DOLLINGER: And just one

other question through you, Mr. President: Is there a method for the possessory lessee of the property to contest the assessment that's placed on the property; is there a provision that allows the lessee to challenge whatever the value of the leasehold interest is?

SENATOR LACK: Well, there's the normal assessment challenge, of course, that any -- any lessee can make and conceivably would make, Senator, if the lessee does not like the assessment. Same assessment challenge that anybody else would do because it's being taxed as if -- in this -- in your example, the lessee is the -- is the owner of the property, so sure, the lessee could bring a proceeding to challenge whatever the net worth is ascribed to be.

SENATOR DOLLINGER: O.K. Again through you, Mr. President, that's the point I wanted to clarify.

I'm not familiar enough with real property tax law to know whether the lessee has the right to challenge the assessed value of the lease at the time it's executed and the amount

of tax would be due and owing.

SENATOR LACK: In this particular case, Senator Dollinger, the answer would be yes, since that's the value in which they're going to, in effect, appraise it for property tax purposes. There would be the normal ability to challenge it. Of course, the owner of the property is either the state of New York or the United States, and would not, of course, be challenging at all since they're not subject to a taxable interest.

SENATOR DOLLINGER: O.K. Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1568, by Senator Saland, Senate Bill Number 2366, Real Property Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1569, substituted earlier, by member of the Assembly DiNapoli, Assembly Bill Number 4877-B, an act to amend the General Business Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Johnson, Senate Bill Number 4241-A.

SENATOR LEICHTER: Yeah, Mr. President. Would Senator Johnson yield, please?

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LEICHTER: Senator, I - I like the concept of your bill which is to regulate and to set standards for these automobile driver instruction schools. That's what your bill does; is that right?

SENATOR JOHNSON: Yes.

SENATOR LEICHTER: But I'm worried about some of the language, Senator, and actually, I meant to speak to you before, but I

didn't have time. Two areas that concern me, to apply for this licensure, you have had to give this course for at least two years prior to applying. Well, if you haven't been licensed, how can you be -- how can you give that course?

SENATOR JOHNSON: The course must have been given for two years prior and this course could have been given in other states. Many of these courses have been brought from other states, or they could be giving these courses for driver improvement, for getting back your license, for example, but not for the purpose of giving insurance credits. We want to make sure that any course which gives you a ten percent reduction in insurance premium has been proven to be effective in some other manner, but most of these courses are brought in by other states -- from other states.

SENATOR LEICHTER: Excuse me. Senator Johnson, if you will continue to yield. I understand and you can say, well, we'll let schools that have operated these courses in other states, but I think that's unfortunate

because I can see some New Yorkers getting together, showing that they have the credentials, the ability, for instance, that they have people who have given this course, not as the applicant, but they've been hired by somebody else, and now they want to give the course, and it just seems to me that the requirement that the applicant itself has given the course for two years seems to me unduly restrictive.

It -- I think it could be written in a way that would not limit New Yorkers, as I believe your bill is going to do.

SENATOR JOHNSON: Senator, the applicant would be the sponsoring agency and the delivery agency are all the local agencies that give the courses based upon its credentialing by the sponsoring agency, so that wouldn't really limit people here to -- to other people in giving the courses.

Obviously, they've been given at the local training school, doesn't have to have been giving it for two years but the sponsoring

agency does, and I think, Senator, the reason we want to do that is because we've seen applicants come in under the regulations which were not codified in law very flexibly, where there's really been no credible experience, and they say, well, we want to give this course because we want to make a lot of money, because this is going to save people 100, 200, $300 on their auto insurance, these people can give the courses for 35 or $50 and give you this credit immediately. That's an annual credit.

Senator, we're very concerned about the credibility of this course. So far the original course which has been certified has proven upon -- upon checked statistics to be effective in modifying the behavior of the drivers, and they've been having fewer accidents, but once you get a course which has not been proven, doesn't have the credibility and they're just selling this course to save insurance, it's a hustle and they've got these type of things that other states find very dangerous, laugh and learn, eat and -- eat and

write off your tickets, and in California, it's a real hustle.

(Inaudible exchange between Senators Leichter and Johnson.)

ACTING PRESIDENT FARLEY: Let's not have a conversation here.

SENATOR LEICHTER: It was only to agree with my good friend and my chairman. You know, Senator, you -- the intended purpose of your bill is excellent.

Let me just ask you another thing which really disturbs me, because I want to see a bill that's going to get signed into law because I think it's something we need to do. As I read your bill, you require these agencies as you call it, applicant agencies, that are going to run these schools to conduct tests and study to see as to the effectiveness of their program. That's in -- on page 3, lines 39 down, and it just seems to me that the manner in which you set it up makes it extremely difficult to do. They're going to have to -- the only way, it seems to me, that they could do it is that

they would have to keep a continuing track of all the people who enrolled in their school and I don't know how you're going to be able to do that.

In addition, you require a controlled group. I don't know how the applicant is in the position to do this. The applicant doesn't have records, doesn't have access to records of the Department of Motor Vehicle.

SENATOR JOHNSON: Well -

SENATOR LEICHTER: Do I understand your bill correctly and, if so, how do you deal with that problem that I've raised?

SENATOR JOHNSON: Well, Senator, I -- I can see why you might be concerned that some of the applicants who sponsor these courses wouldn't have the ability to do this, but many of them, the original ones certified in this state already have provided similar documentation and -

SENATOR LEICHTER: Senator, let me just ask you, I don't want to take much time

on this, but you say that they -- the applicant, that's the school, shall employ accepted research principles that include treatment, non treatment, control groups, and they will need to have to find out how their students have done, is that correct?

SENATOR JOHNSON: Yes, Senator, but -

SENATOR LEICHTER: How do you do it, enroll in one of these schools? They have my name. I then move, maybe I get some traffic infraction, moving infraction. How -- how is the school ever going to find out that Leichter, who graduated from their school, drives in an errant, haphazard manner? How do they get that information?

SENATOR JOHNSON: Senator, the National Safety Council, for example, does do the studies on a regular basis. They are one of the responsible agencies, and the local schools give their course. Now, other -- there are other councils than the National Safety Council that do the same thing.

They provide documentation. We're doing the same thing, Senator. We want to protect the credibility of the insurance discount against challenge from insurance companies who would say the people who took the course are doing no better than our average drivers; therefore, we want to have essentially withdrawal of this insurance credit because it doesn't work. We don't want that to happen, and this is the method by which these studies are done by the nationally recognized training schools now. They use the same method we put on page 3, 39 and following. They use that method for verifying the credibility of their courses.

We'd like other sponsors to follow the same methods.

SENATOR LEICHTER: One final question, Senator: Even if it could be done, you certainly limit this to very large applicant schools. You do require a sample of 5,000 drivers. What my concern is, where -- is that you're pricing out or making it impossible for a local group or local individuals, rather, to

form their own agency and to give these courses.

SENATOR JOHNSON: Oh, I'd like to point out the distinction between the sponsoring agency and the delivery agency. The sponsoring agency are large credible organizations. The delivery agency could be the guy next door to you. But the guy next door to you can't start his own course based on very limited knowledge and very limited controls over how he delivers this course or what the content of the course is and still deliver a credible course. That's my problem. It's not a field for entrepreneurs.

This training must be effective or it's going to be put out of existence, and not that it makes any difference but it's already passed the Assembly and they did have the debate on this issue, and it was satisfied, most of the concerns over there.

SENATOR LEICHTER: All right. And, Senator, I accept your answers. Thank you.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May I have unanimous consent to be recorded in the negative on Calendar Number 1571, Senate Print 3598-A please.

ACTING PRESIDENT FARLEY: 1571, Senator Kuhl will be in the negative.

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: I'd like to be in the negative on Calendars 1561 and 1562, please.

ACTING PRESIDENT FARLEY: 1561 and 1562, Senator Cook is in the negative.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I would ask unanimous consent to be recorded in the negative on Calendar Number 1549.

ACTING PRESIDENT FARLEY: 1549, Senator Seward is in the negative.

Senator Holland.

SENATOR HOLLAND: Mr. President, could you remove a sponsor's star from Calendar Number 1255, Senate Print 5678, please.

ACTING PRESIDENT FARLEY: Star is removed, Senator Holland.

Senator Galiber.

SENATOR GALIBER: Mr. President, could I have unanimous consent to be recorded in the negative on Calendar Number 682.

ACTING PRESIDENT FARLEY: What's the number, Senator?

SENATOR GALIBER: 682. I'm sorry.

ACTING PRESIDENT FARLEY: 682. Without objection, you're in the negative.

Senator Leichter.

SENATOR LEICHTER: May I ask unanimous consent to be recorded in the negative on Calendar 1565.

ACTING PRESIDENT FARLEY: 1565, Senator Leichter will be in the negative.

Are there any more negatives? Senator Saland.

SENATOR SALAND: Mr. President, I would like unanimous consent to be recorded in the negative on Calendars 1561 and 1562.

ACTING PRESIDENT FARLEY: '61 and '62, Senator Saland will be in the negative.

Senator Present, what's your pleasure? Regular order?

SENATOR PRESENT: Regular order.

ACTING PRESIDENT FARLEY: Supplemental Calendar, Senator Johnson's bill 1573, I think is next. Did we pass that? 1574. We already passed 1573.

THE SECRETARY: Calendar Number 1574, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 8641,

Public Authorities Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR LEICHTER: I have a question.

ACTING PRESIDENT FARLEY: Senator Leichter has a question for you, I think, Senator Daly.

SENATOR DALY: Yes, Mr. President.

SENATOR LEICHTER: Yeah, if you would yield, Senator Daly. I don't need an explanation, but your bill provides procedures for the UDC to get approval by the Public Authorities Control Board of certain contracts and you provide for sort of an expedited procedure if the amount is below 250,000 or 500,000.

My question to you is, do we apply that same exemption, if you will, to any other agencies, for instance let's say the MTA,

which lets a lot of contracts?

SENATOR DALY: No, no. Mr. President, this refers only to the actions of the Urban Development Corporation, period.

SENATOR LEICHTER: Senator, that leads me to the question, why are we doing this for the UDC, and in principle, I wouldn't have any problem, but why would we do it for the UDC when we don't do it for the MTA or the Power Authority or other agencies or authorities?

SENATOR DALY: Mr. President, basically because the UDC has such a variety of programs and projects. It truly is so different than so many authorities, other authorities.

Number one, as you know, the UDC receives funds from the general fund, whereas authorities such as the Thruway Authority, the Power Authority do not. Two, the UDC has many, many more projects than other authorities and, therefore, to speed up the process, but we think very carefully, so we think, as you can see in the bill, Senator, we should do this for UDC. If there are other authorities that feel this

would be helpful to them, I'd certainly be willing to -- to discuss it with them or with one of my colleagues. If you have another authority that you believe deserves this same type of process, or this change in the process, I'd be glad to hear about it.

SENATOR LEICHTER: Mr. President, if Senator Daly would yield to another question.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR LEICHTER: Senator, having heard your answer, it would seem to me that it's an argument really for not doing this for the UDC, seems to make a lot more sense, it seems to me, for the MTA. We know the nature of their contracts and, therefore, to say, O.K., guys, this is a contract under $250,000, we'll use this expedited procedure, but it's precisely because, as you point out, the UDC is doing different things all over the state, that it would require, to my mind, a greater surveil lance and particularly since they're using funds from different sources, that's all the more

reason that you want the public authority board to look at it.

SENATOR DALY: In a way, Mr. President, we do give the UDC greater surveil lance under this bill because one section of this bill mandates that these requests will not only be sent to the director of the PACB, they will be sent to every member of the PACB and any member of the PACB can refuse, for example, to go along with a program resolution and force that project, even for $25,000 or $5,000 or $5 into a full-blown hearing before the board. So I do believe that this -- this does allow a speeding up of the process. However, it does put a greater life on UDC's activities earlier on because it forces the UDC to send these requests to every member of the board and, again, this is a two-year bill.

We'll try it for two years. We have a sunset date of July of 1995 in the bill so that we'll try it for two years, but I think we've got balance here, Mr. President. First of all, we do allow them to speed up the process,

to go directly to a program resolution which would be accepted but, however, we say that every request will go to every member of the board, not just to the chairman, plus the fact that we say let's try this for two years, see how well it works.

SENATOR LEICHTER: Mr. President, if Senator Daly would yield to another question?

ACTING PRESIDENT FARLEY: Senator Daly, will you yield?

SENATOR DALY: Certainly.

SENATOR LEICHTER: Senator, your latest answers seem to be somewhat at odds with what you said before, or maybe my understanding isn't clear. Every other -- every other authority that lets a contract, let's say, for less than $250,000, does it not require a full review by the Public Authority Control Board?

SENATOR DALY: Yes.

SENATOR LEICHTER: So I am correct, as I first understood you, that this is in some ways a lessening, a lessening of the

surveillance that we give to the Urban Development Corporation.

SENATOR DALY: Mr. President, the reason -- one of the major reasons for it is that UDC is the only authority for which we appropriate monies in the budget that's concerned here. When authorities such as the public authority -- the Power Authority, the Thruway Authority, go before the PACB, it's with monies that are raised by those institutions and, as you know, that's not with full faith and credit, the state's full faith and credit, but rather under the credit of the -- I should say monies raised by those authorities on their own credit.

So we have different types of authority in UDC where, as I've said before, Senator, you have monies going to UDC that come from the general funds, and that's why UDC is treated differently and we discussed this last week or earlier -- was it last week? I don't know -- but a few days ago, I know it was on another UDC bill where I said, the primary

difference between authorities causes the different handling for each different authority and, basically, UDC again goes -- gets its hands into the general fund, and that's why we handle UDC differently.

SENATOR LEICHTER: Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR LEICHTER: Senator Daly, I can well understand that you've lost track of when we're here, because when we're in eternity, it's very difficult to be able to gauge time.

Senator, you and I did have a discussion, not a debate, on UDC and I think we agreed on -- on a number of things. I think it's clear to me that what's needed is more surveillance, more supervision, more monitoring of the Urban Development Corporation. It's really become something of an octapus. It's a government almost unto itself. It does a lot of things. It's a way for the Governor to do things that he doesn't want to do through the

ordinary agencies or through the regular processes of the state, and I somewhat heartened, Senator Daly, to hear you say that you agree that there are certain things that have to be done.

But the very first bill you bring before us is one that actually lessens the supervision that we make over the Urban Development Corporation and when you say, Well, you know, it may be because the Urban Development Corporation is using money that was appropriated in the budget and -- and that in that sense, there is some oversight by the Legislature, but I think it's precisely because they're drawing money from so many different sources, they're doing so many different things.

In New York City, on the 42nd Street Redevelopment they spent millions of dollars, millions and millions of state monies that had really almost no supervision whatsoever and we're going to have to pick up the bill, Senator, so I feel much more comfortable having

closer monitoring and, as I understand this bill, it does seem to decrease the supervision of the Public Authorities Control Board.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Levy has an announcement.

SENATOR DALY: I'd like to respond, but I will yield to an announcement.

SENATOR LEVY: Yes. There will be an immediate meeting of the Transportation to consider a nominee for Centro.

Thank you.

SENATOR DALY: Mr. President, on the bill.

ACTING PRESIDENT FARLEY: Senator Daly, on the bill.

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

Actually, Mr. President, to be very frank, this bill is much more restrictive on the UDC and the PACB than the present actions

of the PACB are, in that right now the PACB is approving programs of resolution up to $500,000.

Secondly, again, the UDC is so different from other authorities. How many authorities go before the PACB for approval of a loan, say of $50,000? Certainly not the Thruway Authority, the Power Authority, the MTA. I don't know of another authority that has as many requests for small loans as the UDC, and I would again submit to you, Senator, one important point, that we are forcing now the -- the UDC to send to every member of the PACB, that each request, even if it's $2,000, each member of the PACB will get that request. One member can say, No way, no program resolution, no consent calendar; I want this before a full-blown meeting of the board.

So I feel comfortable with this. I think we have these things built into the bill. First of all, we can speed up the process on the small loans only. We're only talking small loans, but secondly also, I think we also

have enough safeguards built into the bill that we can be assured that PACB and each member of the PACB will have a good look at every request of the UDC, no matter how small it is.

I move the bill, Mr. President.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT FARLEY: The bill is passed.

Excuse me. There's two.

THE SECRETARY: Ayes 53, nays 2, Senators Galiber and Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator Tully, Senate Bill Number 4837,

an act to amend the Insurance Law.

SENATOR SOLOMON: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

Senator Solomon asked for the explanation. This child health -

ACTING PRESIDENT FARLEY: Senator Solomon.

SENATOR TULLY: This child health insurance reform plan would require every policy which provides hospital, surgical or medical care coverage to provide primary care services to dependent children from birth to age 19.

SENATOR SOLOMON: Mr. President.

ACTING PRESIDENT FARLEY: Yes, Senator Solomon.

SENATOR SOLOMON: Would Senator Tully yield, Mr. President?

ACTING PRESIDENT FARLEY: Senator Tully, would you yield to a question from Senator Solomon?

SENATOR TULLY: I sure will, Mr. President.

ACTING PRESIDENT FARLEY: He will.

SENATOR SOLOMON: Senator, this is the fourth mandate that we've been asked to vote on in this house in the last two weeks on small group insurance, and I'm going to ask the same question I generally ask in committee meetings, but this didn't come up before the committee.

Can you tell me what the estimated cost increase of this is for small group and individual policies?

SENATOR TULLY: Family paying a hundred percent of its insurance cost, would pay an additional $6.16 per month. But it's important that you know that this applies only in one particular case, only for employees with children who do not currently have health preventive services in their existing insurance plan.

SENATOR SOLOMON: So, in effect, we're talking about a $72 to $75 a year annual

increase per child or per family?

SENATOR TULLY: Per family, Mr. President, and I think, Senator Solomon, you have worked with me long enough to know that maybe in some things we in the Senate here do, we think very much like the Japanese do with respect to the methods in which they employ their manufacturing process. We put some money in now, you know, and think about the future. You put the dollars in now for prevention and you will save a heck of a lot of money down the line.

SENATOR SOLOMON: Mr. President, on the bill, please.

ACTING PRESIDENT FARLEY: On the bill, Senator Solomon.

SENATOR SOLOMON: What concerns me is several -- I guess about a week ago - I've lost track of time, I think, as we all have in the last week -- but about a week ago, I believe we debated Senator Holland's bills, in which we talked about offering a bare bones policy because of the increasing costs of

insurance. We've passed this is the fourth mandate, as I make a list, that we're passing today and even though the coverage is laudable, what we're talking about is a situation where we keep increasing coverage which makes those policies more costly, as we all saw an uproar when we passed community rating, a lot of younger people and companies with younger people couldn't afford the massive increases and complained about the massive increases on policies.

So what we're doing here again is by a piecemeal approach and the fourth item we've done this session by this piecemeal approach, is we're again increasing a policy for small groups and individual policyholders and, yes, it's better coverage and we're making a, quote, "richer" policy but the end result tends to be increased costs leads to more people being uninsured.

What I'm particularly concerned about is, we had a debate on this bare bones policy which the way that policy was passed in

this house will allow insurers, people that currently provide insurance that we're mandating additional coverages on, if that becomes law which I assume the Majority wants, to go to a policy which doesn't have to provide for any of these mandates.

So what we're looking at is a situation where, yes, we're providing more coverage for fewer people and we have to make a decision on where we're going to go on these issues. Are we going to continue this piecemeal approach where we again have this fourth mandate? I don't know how many more are going to be coming out where we're increasing the costs for those people that can't afford it, and I should make you -- every time we pass a mandate, we have more and more employers go to self insurance and when they self-insure because of ERISA, they do not have to cover any of the mandates, whether it be well baby care, whether it be mammography exams, whatever, whether it be PKU, diabetes, speech, audiology, they do not have to provide that coverage to their employees

and the results have been that over the last few years, we have had more and more people go to self-insurance.

So these good intentions are leading to people getting less and less coverage basically. So what we're doing is we're providing better coverage for smaller numbers of people every year because we keep passing these mandates, and we have to make a decision. Yes, I think some of the things in this bill are laudable because, in fact, they will save money, but this bill is, in fact, just a symptom of what we've been doing in this house for the last few weeks, and we're going to get more and more complaints as the year goes on with more and more people, in fact, either losing coverage or going into ERISA situations where they have less coverage and complaining to us either on the costs that they're currently paying or the fact that the policies have less coverage, and that's the problem with what we're doing, not the problem with this specific bill but this specific bill is symbolic of what we've been

doing this entire session on health insurance, and we're going to have more people uninsured or with less coverage as we continue on this course.

ACTING PRESIDENT FARLEY: Read the last section.

Senator Tully.

SENATOR TULLY: Mr. President, on the bill.

Just so the record will be clear, I'd like to indicate to my colleagues that 11 states already have this legislation, that in the state of Florida four years after its implementation, 93.1 percent of the insurers did not raise their premiums, and I think the members might like to know some of the supporters of this bill.

It includes the Medical Society of the state of New York, the Statewide Senior Action Council. Believe it or not, it's one of their top priorities on their legislative agenda this year. There are a number of groups representing youth. The League of Women Voters

support it, and the New York State Nurses' Association, and a list of about 15 reputable organizations support it.

And I want to restate again, Mr. President, for the benefit of Senator Solomon and my colleagues, that every dollar spent on prevention in the area of health insurance saves $4 down the road, and every dollar spent on immunization saves $10 down the road.

That's a laudable point, and I believe that should indicate that every member in this house should support this legislation.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 2, Senators Daly and Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Also Senator Larkin in the negative.

ACTING PRESIDENT FARLEY: Senator Halperin.

SENATOR HALPERIN: Yes, Mr. President, I'd like to be recorded in the negative on Calendar Number 682.

ACTING PRESIDENT FARLEY: 682, Senator Halperin is in the negative.

THE SECRETARY: Calendar Number 1578, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 8397, Administrative Code of the city of New York, in relation to authorizing leasing of park lands.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You can read the last section.

SENATOR PADAVAN: Just a minute, Mr. President. Would the sponsor of the bill give a short explanation?

ACTING PRESIDENT FARLEY: Which one of you is going to do the explanation?

SENATOR MEGA: Mr. President, can we have some order in the chamber, so that we can hear the explanation and the debate that's going to follow the explanation.

ACTING PRESIDENT FARLEY: Your point is well taken. We will now hear an explanation from Senator Maltese; is that right?

SENATOR MALTESE: Yes, Mr. President.

Mr. President, a great deal has been said about this bill in the last few days and in the last few weeks.

Some of the proponents are among the foremost citizens of Queens and New York City, the state and the nation. Indeed, many of the people who love tennis love the U. S. Open and would not have New York do without it. Some of the detractors of this particular legislation would have us believe that this is a pig in a poke, something of recent origin with little known about the facts or the circumstances.

I would ask my colleagues in the Senate to listen to the debate as they usually

do, and make a decision at the close of the debate, rather than the information in the debate previously. This is an emotional issue for many of the people in Queens, both pro and con.

I would like to begin my debate with something that may, at first glance, not have a great deal to do with this legislation, and it's a clipping from the Times-Union Saturday, July 3rd, indicating that "Governor Mario Cuomo goes to bat for the Yanks" and it indicates that Cuomo, as many of us do, want - want Steinbrenner to keep the team in the Bronx, and it speaks about a meeting for an hour with Steinbrenner, Rupert Murdoch, Economic Development Commissioner Vincent Tese, and some others, and Governor Cuomo indicated that state and City obligations for Yankee Stadium are be ing met, including better parking conditions, getting police on scooters, cleaning up the area, deferring road repair until the season is over and Cuomo said he and Tese told Steinbren ner make up another list of what he would like

the state to do for the team. Quote: "'One of the things I said to him today is, I want to be sure that the City and state do everything you're entitled to under your lease. I don't want you to leave you with an excuse, frankly, to leave the Bronx, so give me a list. That we have not yet gotten.'".

Now, then it speaks about Yankee attendance having declined progressively in the last five years from 2.6 million in 1988 to 1.7 million last year.

Mr. President, we have in Queens County a facility that presently draws approximately half a million people. The passage of this enabling legislation, which would enable the City Council to pass the -- to approve this lease and this arrangement would enhance that number so that many of the people who have been attempting to see the U. S. Open could now get in to see especially the last of the qualifying matches.

The point I make, Mr. President, with this legislation is, here is the Governor

and many of the other people in the state of New York moving heaven and earth to keep in New York the New York Yankees and subsidizing Mr. Steinbrenner and subsidizing the stadium and subsidizing the Yankees when we have in Queens County a facility that is world class, when we have in Queens the ability to improve and enhance that facility without -- and this I say advisedly, and will explain a little during the course of my remarks, without one cent additional of taxpayer money.

Mr. President, I have in my hand a memorandum from the mayor's representative here in the city of New York, I just received it yesterday, and it indicates and I read, I received some information today which I thought would be helpful. A 1985 New York City Comptroller's report revealed that the U. S. Open was worth more to the New York City economy than the Knicks and Rangers combined.

Additionally, the deal several years ago to keep the Knicks and Rangers in New York involved a one hundred percent property tax

exemption for Madison Square Garden. You know what the tax exemption -- do you know what the City contribution toward this enhancement would be? It would be de minimus, a term I used just recently in debate on another matter.

Now, Mr. President, basically this is a good deal for the city of New York, for the state of New York whether they play tennis or not. Now, for those in this chamber that have previously spoken of looking over public officials' shoulders and micromanagement and what have you, who do we have in Queens that has come out four score for this legislation? The first lady of Queens, the public official that represents all of Queens County, Claire Schulman.

I have before me, I have here a copy of the testimony of Queens Borough President Claire Schulman given June 23rd, 1993 before the City Planning Commission. I will not read, but simply skim to indicate the point that I'd like to cover during the course of this debate.

She speaks of the not-for-profit U.S. Tennis Association, and it is indeed not for profit as is the National Tennis Center. The not-for-profit USTA is a true asset to our county and the City. For two weeks -- for two weeks -- the period varies by a few days, but for two weeks the eyes of the world are focused on Flushing Meadow Corona Park as tennis greats like Monica Seles, Steffi Graf, Pete Sampras and the ever popular Jimmy Connors compete in the U. S. Open. These players annually attract more than 500,000 -- more than half a million fans, as well as extensive media coverage.

The USTA -- and this is the crux of the matter -- is requesting a lease of an additional 24.9 acres, 24.9 acres of the 1,255 acre, and I'll repeat that again, 1255-acre Flushing Meadows Corona Park to permit an expansion of the National Tennis Center.

Now, that 24.9 acres includes a small portion that is presently leased to the USTA under a separate leasehold. The borough president comments that many fans are turned

away each year, and that the USTA requires this improved facility to accommodate growing numbers of tennis enthusiasts.

The next point that is made is that this project will increase the number of first rate tennis courts. It will also allow the USTA to expand its many tennis programs, seminars, workshops, for schools for seniors and the physically disabled, all programs that presently are run by the USTA at Flushing Meadow Corona Park.

In addition, the USTA -- the U. S. Open provides more than recreational enjoyment. Currently the two-week U. S. Open generates $112 million in economic activity; that is direct $112 million per year, annually. Even figures that were circulated by my good colleague in the Assembly and were supplied by Senator Gold have a figure of some 79- or $80 million direct economic activity by the U. S. Open for New York.

This expanded facility will generate an additional $19 million in direct

economic activity. Again, those same figures would indicate somewhere between 13- and 14 million even if we take Senator Gold's figures. The construction of the expanded facility, privately financed by the USTA, will generate $262 million in direct and indirect economic activity, and this is the line, while the City retains ownership of lands and all improve ments. The USTA will end up as it is now, being responsible for long-term maintenance and repair of the entire facility.

Flushing Meadow Corona Park and the thousands who enjoy this park will have received additional benefits in the form of an $8 million endowment trust fund which will be paid by the USTA over a course of some few years. That trust fund, the interest from that trust fund will go toward the maintenance and enjoyment and improvement of only Flushing Meadows Corona Park. That will be administered by a joint committee of the borough president and the Department of Parks, and the USTA totally relinquishes control of that $8 million

trust fund.

In addition, the USTA has agreed to put together an advisory board composed of representatives of all the community boards in Queens County, has agreed to publicize their services and facilities available to all of Queens County and all of the City, and the persons coming into the City from throughout the United States and the world.

Claire Schulman closes by saying that basically that the -- that the facility is not only for the benefit of the people in the immediate community in Queens County, but it's for the benefit of the City and the state and, Mr. President, in addition, because of the alienation of park lands, the mayor, the USTA have cooperated, and the mayor has agreed to supply an additional part of Powell's Cove in College Point, and I'll talk more about that in a moment.

Now, Mr. President, the deal basically then, this -- this arrangement, this proposal is to require the lease of an

additional 24.9 acres which would be combined with the present 21.6-acre lease of the U.S. Tennis Association to permit the expansion of the park.

Now, are we saying that this would be a permanent alienation? Is this a permanent give-away? Is this something that is going to be done behind closed doors and not out in the open? Mr. President, I point to a stack of material which I hope I will not have to go through to any extent, which my office has compiled only in the last couple of weeks, or only in the last week or so, since I volunteered for this -- for this debate.

I was a supporter since there was reference about these remarks to who drew the short straw. I do it willingly because I believe very strongly that this tennis enhancement will inure to the -- not only to the benefit of the people of my district but all of Queens County and indeed all of New York State.

Now, the construction, I referred earlier to the fact that the USTA will be

responsible for all maintenance and repair. They are presently responsible for all maintenance and repair for the portion that they now have. Mr. President, they have carried out this obligation very, very well, as those who have occasion to use this present tennis facility well know.

The $8 million endowment fund, we are advised by Parks Commissioner Gotbaum, the interest on that $8 million, even at the low present interest figured at about five percent per year, will generate approximately a third of the park budget that is presently appropriated for Flushing Meadow Corona Park.

In addition, we have a representation from the mayor of the city of New York that this will not in any way diminish the park budget presently set aside or allocated or appropriated for Flushing Meadow Corona Park.

The proposal that I spoke earlier as far as a cost that will be incurred by the City is $11 million dollars for road improve ment. These roads need improvement anyway.

They should have been done some time ago. They will be done in connection with the expansion, but also will be done to benefit the people of Queens who use these roads and who travel to and from Flushing Meadow Corona Park and Shea Stadium.

In order to indicate the willingness of the United States Tennis Association to cooperate with the community and take recommendations, when this proposal was first made, it was for a great deal more acreage. Because there were objections from the community, it was cut down considerably. In addition, there was a pitch and putt course on the -- on the facility as it was envisioned and in order to accommodate that pitch and putt course, the entire facility was moved some distance away.

The -- there was an objection by a group of Girl Scouts who had placed trees over the period of six years, some 200 trees, that were put on the facility and in the general area that would be covered by this enhanced

facility. In order to cooperate, the mayor and his representatives and Betsy Gotbaum -- and I have a letter here from her -- have indicated that they will not only cooperate in making sure that as many of those trees as possible are moved and saved, but they guarantee that they will give at least that number of trees and place them in an appropriate place in the park so that the activities of these girl scouts who come from throughout Queens can be encouraged and advanced.

As to Powell's Cove: Powell's Cove is in College Point. I believe it's in Senator Stavisky's area. It is presently an undeveloped area of 31 acres. There are 11 acres, approximately 11 acres, that are dried up land as they're called, four acres of post-marsh and the remainder of the Powell's Cove area is under water.

Now, Mr. Mayor -- Mr. President, as you well know, the recommendation is when a -- an alienation of park land is being considered or permits for the alienation of park

land is considered, it is simply recommended guidelines that an appropriate or similar portion of land be exchanged for that land taken out of use as park land.

In this case, the portion of Powell's Cove will be given by the mayor. Although it's an important -- a part of this deal, it is also guaranteed that that will go through in any event. Not only that, a portion of budget general funds has been guaranteed for the enhancement and beauty of Powell's Cove that can ultimately be utilized by all the people of the City and the state of New York.

Now, Mr. Mayor -- I'm sorry, Mr. President, I -- not yet. I prefer you as my mayor, Hugh.

ACTING PRESIDENT FARLEY: That's Mr. Mayor over there.

SENATOR MALTESE: We speak from time to time of alienation of park lands and then we change its use. This is a perfect example of not even changing its use, but enhancing its use. What we're talking about

here is not a give-away, not a present to anybody. We're not talking about opening up some type of a movie theatre or paving over all of the park.

What we're talking about is a 99-year lease in toto, 99 years over a period of time, and then that land, all facilities, all improvements, over those years reverts to the City, so that our great grandchildren and their children can enjoy it forever. This is not a give-away. This is a leasehold with all the property to be retained by the City and with some of the onerous burdens of maintenance and improvement and repair to be retained by the U.S. Tennis Association.

In addition, this -- this lease hold will only enhance that area. This isn't a situation where we're putting in something alien to the surrounding property and, more important, and I say that to those who might remain unconvinced, what are we talking about? Are we talking about the U. S. Open going on 52 weeks in the year? No. Are we talking about it going

on for six months? No. What we're talking about there is at most a period of 60 days, a period of 60 days, that is guaranteed to be utilized by the U. S. Tennis Association and except for the little more than two-week period of the U.S. Open and some other major events that will be run in conjunction and, in many cases, subject to the approval of the mayor, we're talking about all those other ten months to be utilized completely and under the control of the people of the city of New York and their elected representatives.

Now, Mr. Mayor, what this -- I'm sorry, I got mayor on the mind here. I'm not running. What this creates -- what this creates is a -- for the first time in history, the first one in Flushing Meadow Park, 11 new courts which will be retained for the use of park permit holders. Now, for those of you not lucky enough to live in the city of New York, we have the ability in the City to purchase a permit for $50, and that permit entitles you to sign up for free tennis time on the court in any park in New

York City or Queens County that's lucky enough to have tennis courts, and what Flushing Meadow -- the U.S. Tennis Association is doing in this case, they're putting aside 11 courts not for the members of a private club, not for any aristocracy but so that anybody -- anybody who has admittedly that 50 bucks for their park permit, can sign up and take their turn at playing at some of the courts that all the tennis greats practice in, and they don't pay an additional penny for those -- for the use of those 11 courts.

Now, so we have the deal, the arrangement, the proposal: 42.2 acres, 17.3 acres which is presently leased, 24.9-acre expansion, out of 1,255 acres, and to give some of you an idea of the amount of space we're talking about, Shea Stadium together with its parking lot, which is also in the same area, is 165 acres.

Now, because one of the -- among the allegations that are being made here is that this is an arrangement that not many people know

much about. This is something that's being done behind the scenes. I have in my hand a summary of draft lease proposed provisions, which has been prepared by the New York City Economic Development Corporation, and they go over in detail for some 40 or 50 pages the details of the contract.

Now, I'd like to refer for a moment to the contract. This body is called upon as part of its statutory obligation to rule -- to give a home rule in a way to authorize the alienation of park land after we receive a home rule message. Those -- that home rule message was passed by our City Council by a very considerable vote, and I don't have it right before me, but it was a considerable vote with a majority of the City Council for the proposal and a majority of the Queens City Council persons also in favor of it.

The proposal is now before this body simply so that the city of New York can continue its negotiation with the United States Tennis Association, so that they could complete

the terms of the contract, so that we -- they would be able to proceed with the construction, the obtaining of the bond money and the eventual completion of the stadium.

Now, I have before me, as I've indicated, a summary of the draft lease provisions and I'd like to go over it just briefly.

The acreage, as I indicated, because of the present leasehold, would amount to some 20.6 new acres. The initial term, which includes the pre-construction period, would be followed by a 25-year term with six successive renewal terms at tenant's option of ten years each, and a final renewal term of 14 years for a total of 99 years; and that's how we had the 99-year lease.

Now, earlier I heard today, well, isn't there going to be any advancement of the rents, the annual rents for this leasehold? The initial term, the rent is $400,000, plus one percent of net gross revenue, and I'll go back in a minute to net gross revenue.

The first renewal is 440,000. The second renewal is 481-, and it goes up in progression until the final renewal which would be $780,000 per year.

Now, we have one percent of net gross revenue. The net gross revenue has a - is minus a set-off of 25 million for each of the years one to twenty, 20 million for each lease year thereafter. So we have a small amount that would come off for basically some maintenance and repair expenses.

Now, I am advised by the representatives of the city of New York that, to their knowledge, this is the only stadium in the United States of America that provides not only for a share, and the share is one percent of net gross revenue, but the key is not only do they provide for one percent of that net gross revenue, but for the first time they provide for that amount to include all media, broadcasting, radio, television, all rights that would accrue to the U.S. Tennis Association and the tennis stadium.

So, therefore, and let me just say what they have. Gross revenues include revenues from ticket sales, broadcasting, sponsorship, advertising from tennis events, sale of food, publications, clothing, equipment, audio-video cassettes, court rental fees, luxury VIP suites, hospitality centers, sale of U.S. Open-related privileges, and so on, and so on, and so on.

These, the people of the City, would benefit by this leasehold, not only in the prestige of having this world class event, the U.S. Open, but they would also accrue a substantial financial advantage by having the U.S. Open here, which would increase, not stay the same, as some of you may have heard, year by year by year.

Now, the events -- the major events that would take place subsequent to that period of time for the U. S. Open would be the Davis, the Wightman and Federation Cups and other major events. But, mind you again, the maximum amount of period, the maximum period

that we're talking about that this does -- this entire facility is not at the use of all of the people of the city of New York is 60 days, and for the first time, unlike the present Louis Armstrong Stadium, which will be scaled down from 20,000 to 10,000 and is never used except for Queens Days and for the U.S. Open, all stadiums will be available for appropriate public use to be decided on by representatives of the Parks Department and the Borough President's office.

Now, therefore, what we have are privately funded projects for ten months a year open completely for public use.

Now, I'd like to refer for a moment to the public programming portion, the fact that the U.S. Tennis Association has agreed and will continue to enhance and increase the amount of organization leases, clinics, camps and instructional play offered to the public, handicapped, seniors and youth programs. Also the tenant has an affirmative obligation to actively solicit the greater participation of

community boards.

ACTING PRESIDENT FARLEY: Senator Galiber, why do you rise?

SENATOR GALIBER: Could you yield for a question?

SENATOR MALTESE: Yes.

SENATOR GALIBER: Senator, are these preliminary negotiations or is this a contract that you are talking about?

SENATOR MALTESE: Mr. President, what I have in my hand is a document that was prepared by the New York City Economic Development Corporation, and it is a summary of draft lease provisions in a contract that is not yet complete.

SENATOR GALIBER: We have no contract, is that what you're saying?

SENATOR MALTESE: Mr. President. What we have is a -- I believe some over 200 pages of present contractual terms that have been tentatively agreed upon at this point between the parties in interest.

SENATOR GALIBER: One other

little brief question. I apologize because I know it's difficult to interrupt your presentation. But couldn't we have passed - couldn't the city and the tennis organization have gotten together, written a lease, agreed on it subject to our approval? Could they have done that, Senator?

SENATOR MALTESE: Mr. President. I think in something as complex as this, and I have only skimmed the surface, with so many ramifications, parking, highways, Powells Cove, ULURT procedures, the approaches to community boards. Every community board in Queens County was offered to have representatives approach them. Almost 50 groups were visited by represen tatives of the U. S. Tennis Association. Pro grams and the proposals were put before them.

And, Mr. President, the ultimate approval of the community boards was obtained in all but one case; and if all the members of the community boards who voted on this proposal were put together, there would be over a two to one approval rating over those who disapproved the

proposal. So we only had one -- I believe it was Community Board 3 -- only one community board that objected to this proposal, and it was passed by all other community boards although, in many cases, with conditions that the U. S. Tennis Association has already met, and the city of New York, or is endeavoring to meet.

SENATOR GALIBER: So the answer is yes, they could have entered into a contract with all the approval of the community boards et cetera, et cetera, and made it subject to our approval for the acquisition of the parkland. Is that correct?

SENATOR MALTESE: Mr. President. The problem is one of time.

(Whereupon, Senator Libous was in the chair.)

SENATOR GALIBER: I suppose -

ACTING PRESIDENT LIBOUS: Senator Galiber, if you would address the questions through the chair and, Senator Maltese, if you would address your responses through the chair, I think that each of you gentlemen would

understand what the other is saying.

Now, Senator Galiber, what is your question?

SENATOR GALIBER: Mr. President, I think my question -- I don't want to limit the answer to a yes or no, but I think it calls for a simple yes or no. Could the U.S. Tennis Association and the city of New York have entered into other than preliminary negotiations, signed a contract subject to our approval? The answer is yes or no, I think.

ACTING PRESIDENT LIBOUS: Senator Maltese.

SENATOR MALTESE: Given time, Mr. President, the answer is yes.

SENATOR GALIBER: They could have. Okay.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Waldon, why do you rise?

SENATOR MALTESE: With all due respect to Senator Waldon, I would appreciate the opportunity to finish my presentation, and

then I would yield to any and all questions.

SENATOR WALDON: I would like to know that because of the urgency of my question that you are going to yield to me first. Is that correct? Is that the understanding, Mr. President?

SENATOR MALTESE: It's okay with me if it's okay with the president.

ACTING PRESIDENT LIBOUS: You know, we have a list, Senator Waldon.

SENATOR WALDON: You have a list of speakers; is that correct, Mr. President?

ACTING PRESIDENT LIBOUS: That's correct.

SENATOR WALDON: I want to ask him a question.

ACTING PRESIDENT LIBOUS: Senator Waldon, I'll ask Senator Maltese if he wishes to yield now. If he does not, then he will continue his remarks.

Senator Maltese, do you wish to yield to Senator Waldon?

SENATOR MALTESE: I would just as

soon not yield, but I'll remember at the close of my remarks before I yield the floor and then yield to Senator Waldon's question.

ACTING PRESIDENT LIBOUS: Senator Padavan.

SENATOR PADAVAN: I do believe that I tried to get the attention of the chair. I not only have questions, but I was going to wait until -- with all due respect and courtesy to the Senator to let him finish, and I did have some questions to ask and some comments to make. Again, with due respect to Senator Waldon, I did try to get the chair's attention to that extent.

ACTING PRESIDENT LIBOUS: Senator Maltese will continue with his remarks. He wishes not to yield at this time, and then we will follow the list.

SENATOR MALTESE: Mr. President. The next paragraph that is covered by this summary of lease provisions is the park endowment fund, an additional $8 million. As I've previously indicated that the interest will

go in an interest bearing account, completely leave the control of the USTA, and go to the Queens borough president, to be administered by the Queens borough president and the parks department for park improvement purposes in Flushing Meadows-Corona Park. And, in addition the City has indicated, it will be a supplement to and not an in-place-of present appropriations.

Now, the landlord, which is the City, has the right to approve all plans and specifications for the new projects. And with all due respect to Senator Galiber's question, with ULURT procedures, the community board approvals, the approval of the City Council - and I say the preliminary approval, because it goes back to the City Council -- with the hearings that have been held, including a full hearing held by Senator Padavan on this proposal, with all those proposals, they've taken the better part of over two years that this has been before the public's eye.

Now, again, title to all

improvements on the site vests in the city of New York. In addition, the tenant, the U. S. Tennis Association, will comply with all City requirements including Executive Order 50 and will comply as much as possible with all City rules and regulations.

In addition, I have a letter here from the United States Tennis Association indicating that they will higher only union labor in the course of the construction of this project. As I have indicated, they have sections for maintenance and repair. They have the appropriate sections switching liability for tenant and landlord. The roadway improvements are covered as far as -- and as I mentioned, they would enhance and benefit not only the tennis stadium, but only all the users of Flushing Meadows-Corona Park, but also the persons of the City who utilize Shea Stadium.

Now, we have an area that has been covered and gone into extensively by all the community boards and that's the problem of aircraft noise. Anybody that has ever watched

the tennis games knows -- or the U. S. Open in Flushing Meadows-Corona Park can picture Jimmy Connors yelling and some of the other players unhappy with the flyovers.

So some time around 1990, the U.S. Tennis Association got together with the city of New York, and they approached the FAA. At that point in time, the FAA made a representation which they have carried out which indicated that they would attempt complying, with due deference with safety and extensive delays; that for that minuscule two-week period they would try to avoid flyovers over the U. S. Open during the course of play.

Because it is so important to the U. S. Tennis Association and so many of those that enjoy playing or watching tennis at the U. S. Open, there is a provision in the contract that -- in addition to saying that both the borough president and the City would have good faith efforts to induce the Federal Aviation Authority to minimize flyovers of the airplanes taking off from LaGuardia, there is a provision

in the lease that would provide for a payment - or, I should say, a set-off against the rent if there are violations.

Now, Mr. President, you would say to yourself, well, one violation according to the lease there is no penalty. But by the terms of this lease, you would have to have six flyovers to constitute one violation. To graduate to two violations in which -- only during this two-week period, you would have - you would incur a payment of $250,000, you would have to have 12 flyovers, or you would have to have -- that's in one hour of play. Or you would have to have 18 flyovers during the hours of play on any one day for it to constitute a violation.

Now, the base rent, as I indicated, is something over $400,000. The proof of the pudding in this case is that had this lease been in effect in 1990 and 1991 and in 1992, there would never have been one penny of expense incurred by the city of New York because of violations. I am advised by the City

representatives that there have never in that period of time been sufficient flyovers to constitute the violations called for under this contract.

Now, mind you, those violations would not be for flyovers that were diverted by the FAA for safety purposes. They would only be flyovers that could have been avoided under the terms of the agreement or I suppose arrangements between the FAA and the City and the borough president of Queens County.

ACTING PRESIDENT LIBOUS: Excuse me, Senator Maltese. I'm going to ask for a little order in the chamber and ask that the conversations in the back of the chamber please be taken outside. I know it's very important what you have to say, and there are many people in this chamber who would like to hear it.

Thank you.

SENATOR MALTESE: Again, it's right in the sum railway of the contract, "Tenant is not entitled to any damages if the flyovers are required by the FAA due to safety

concerns." And I have in my file a letter from the FAA to the Mayor of the city of New York and to the borough president indicating that they understand the importance of the U. S. Open to the city of New York and to the state of New York and will use their best efforts to minimize flyovers.

Now, one of the problems, and it's a real problem, has been the situation of parking. Those persons that have occasion to frequent either Shea Stadium or the National Tennis Center know that's a real problem. And an approach has been made to try to limit this -- or to limit as much as possible the problems inherent in enhancement of the utilization of the Flushing Meadows Tennis Stadium.

Now, there are specific areas that are gone into by the lease with reference to parking, and we have them available here, but basically this is what it works out to. There are approximately during the two-week period that the U. S. Open is on approximately four to as much as eight -- we'll give them eight -

days that there are dual events, and Shea Stadium cannot change its schedule, and that both events are going on at the same time. Only on those days, 800 additional parking spaces will be utilized on grass, on the portion that is covered by grass at the tennis center.

Now, Mr. President, this is a problem that exists even now. The parking of automobiles on the surfaces covered by grass, and no one I believe here can say that the U. S. Tennis Association has not complied with its part of the agreement as far as maintenance of the grassland. They have ten months in the year where there is not a car on this portion of the property.

So you have a portion of the property that at its worst for eight days, four to eight days, would be covered by 800 cars. That portion can be reseeded, replanted, whatever they do with grass, and taken care of for the remaining ten months of the year to restore it to its original beauty.

The -- the -- let's see.

ACTING PRESIDENT LIBOUS: Excuse me. Senator Padavan, why do you rise?

SENATOR PADAVAN: Only to ask the President if he would tell us what time the debate started.

ACTING PRESIDENT LIBOUS: 6:45.

SENATOR PADAVAN: I would just feel as a matter of fairness since two hours is up, you know, that we try to give each other the opportunity to be heard.

SENATOR MALTESE: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Maltese.

SENATOR MALTESE: I will attempt to limit my remarks except allowing myself some time to answer questions of my colleagues. I will just be a couple of minutes more. I wanted to cover all aspects that might come up in the course of the debate so that there could not be any illusions -- I'm sure there wouldn't be - that I deliberately omitted some portion of the contract.

ACTING PRESIDENT LIBOUS: Senator

Maltese will continue to have the floor.

SENATOR MALTESE: Thank you. The cost involved is a considerable cost for the expansion. It's $172 million. Now, that $172 million -- that $172 million dollars, you might ask, well, boy, the U. S. Open, keeping the U. S. Open here in New York is fantastic, keeping it in Queens County. Every legislator should lean over backwards. Let's do everything we can: Give them all kinds of tax breaks, move stuff in, pay for their stadium, do whatever they need.

Keep them in, just as Governor Cuomo is attempting to do with the Yankees. Well, out of that $172 million not one cent is to come from the city of New York, not one cent is to come from taxpayers. Approximately $150 million would be raised by the U. S. Tennis Association, and the other 22 million would be arranged by private funding also by the U. S. Tennis Association.

The IDA bonds would -- are envisioned to cover approximately $150 million.

The U. S. Tennis Association will go out on its own with the proper administration approvals of the municipal agencies and raise their $150 million, putting their own credit on the line. The credit of the city of New York does not enter into the obtaining of those IDA bonds.

The remaining $22 million will be obtained also by private financing by the USTA. There will be no public financing in this project.

I would like to close by saying there is a great deal more that's included in this proposal. We're talking about basically raising the attendance from a little over a half a million to approximately 670,000. For all of those people in prior years who were turned away from the U. S. Open, this is a bonanza. To the people of Queens County who care about Queens, care about the City or care about tennis, this is a wonderful thing.

For me, coming originally from Corona on 111th Street, having this world class facility just a few blocks from where I grew up

means a great deal to me, and it means a great deal to the people of Corona, the people of Queens County, that they can go in and with an expenditure of a few dollars for a tennis annual park permit can use the same court that a Jimmy Connors or some other tennis great used.

Mr. President. I yield the floor for questions or whatever.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Padavan.

SENATOR PADAVAN: Senator Maltese, I am just going to ask you a couple of quick questions, and then I would like to comment on not only the things that you talked about but many others.

On pages 9, 10 and 11 of the bill if you have it in front of you, it refers to the National Tennis Center, which of course we realize is the issue here, but it also talks and adds, "its affiliates, successors, or mortgagees or assignees in conjunction with or pursuant to a mortgage or other finance."

I asked in the Rules Committee have counsel whether that indicated what I presumed it indicated, that the U. S. Tennis Center could assign to others their prerogatives under the alienation provision of the bill, namely, the 60 days that you talked about and that which goes with it. Is that correct?

SENATOR MALTESE: Mr. President, my understanding is that they could assign it, but the body which would undertake to assume the obligations would have to assume all the obligations of the U. S. Tennis Association and, in addition they would be compelled under the terms of the lease to hold the U. S. Open. The purpose -- the salutory purpose of this entire contract and proposal is to run the U. S. Open. So presumably under the terms -

SENATOR PADAVAN: Senator, you say "presumably", and you refer to a lease, but there is no lease. You accepted that fact earlier when you responded to Senator Galiber's question.

SENATOR MALTESE: Mr. President.

There is no complete lease, yes.

SENATOR PADAVAN: There is no lease that says that, Senator. That's my question.

All right. Now, if you would indulge me and turn to page 2 of the bill, it refers to -- you mentioned parking in your presentation. It says in any calendar year 60 days. Now, that 60 days, would you accept the fact, would be during the summer months?

So we take four months as the usual time that most people use parks, we're talking about half that period of time. Am I correct?

SENATOR MALTESE: Mr. President, we're talking about 60 days which theoretically could be the full two-month period, but the point to remember in this is that the surrounding courts, the grandstand, the Louis Armstrong Stadium, other portions of the National Tennis Center would be available for an enhanced use as well as the present purposes.

In addition, with the exception

of the U. S. Open, during that two-week - little bit more than two-week period, any other events would have to be approved by the city of New York and the parks department, as its representative, before they could be run, and they would be run under the joint auspices of the city of New York and the U. S. Tennis Association.

SENATOR PADAVAN: Okay. Senator, that's a fair answer.

Mr. President, let me elaborate on that one point and then go into some others that I would like to present to the membership.

First, if you read the bill, it says "ancillary parking." Senator Maltese refers to 800 cars. I will talk to you a little while about thousands of cars parked on grassland, which will have to be reseeded or resodded which will not take place that summer, if you know anything about resodding grass that's been ridden over by thousands of cars, particularly if it's wet, if they're wet or it's rained. So if we're talking about 800 cars, I

think we're talking about fiction.

When we talk about 60 days, if we look at the bill, not about a lease, not about what people might want to do, keeping in mind we're talking about 99 years. We won't be here. This mayor won't be here. This parks commission won't be here. None of the people will be here. But this contract will be here. This land lost to us will be here. This alienation will have taken place. That will be the case.

Many of you, I know, are not familiar with Flushing Meadows Park. You may of driven over it. You may have flown over it. You may have driven around it on the way to the airport. Probably most of you have not had the opportunity to be in it, and I think it's important that you know what our park is.

Many of you have had the opportunity, I'm sure, if you've visited New York, those outside the city of New York, to visit Central Park and you know it's a beautiful place. It has lakes, it has a zoo, it has open

fields, it has wooded areas. Hundreds of thousands of people visit there every year.

Those of you in Brooklyn have Prospect Park; and in Nassau, you have Eisenhower Park; and there are urban parks around the state in some of our major cities to which many people go, and you are very proud of and you want to preserve.

Well, here in Queens, we have a park with two lakes where people boat and sail. We have a zoo, we have open fields, and we have wooded areas and we have hundreds of thousands of people use that park every year, particularly during the summer because most of them can't afford to go up to the mountains or travel away to some distant place. They stay in Queens County. And if you go there, as I have and others may have, you will see them. There are families and picnics on the lake in the areas around and having a marvelous time.

In one of your statements in a press release you put out the other day, Senator Maltese, I was disturbed to see that you

referred to this new alienated portion of land as unusable and in shabby condition. And I want to tell you as I told you personally, nothing could be further from the truth.

If I suggested to anybody here that we were going to go into Central Park and take 40 acres and build a 120-foot stadium with sky boxes, park thousands of cars on the center mall of Central Park for 60 days during the year -- yes, for the U.S. Open but for anything else they may want to have there, including a concert for the Grateful Dead for all I know. If I were to suggest that to you, you would say you are dreaming. You are crazy. It can't happen. It shouldn't happen. It will never happen.

But yet the same thing is being proposed for this park, a park that my constituents can walk to. It's not in my district, but they walk to it. It's that close. It's in Senator Gold's district and Senator Stavisky's district, but it's a used park. It's our treasure in Queens County, a place where two million people reside.

And that's why, when I held a hearing on June 11, not too long ago, it began at 10:00 in the morning and went to 6:00 at night, and there were 91 organizations from Queens County who came to speak or were represented, and they included just about everyone you could possibly imagine and not one of them, not one, spoke in favor of this proposal.

I announced that hearing as an open opportunity for elected officials, community leaders to come and to be heard. And they came. Now, also came the mayor's representative, the USTA, and we allowed them to give a full presentation with their mockups and architectural renderings of the entire complex, and we listened to them very carefully, and we asked them many questions. And the parks commissioner was there, and we asked her questions.

And I'm going to share with you some of the things that were said. I can't obviously, give you eight hours of hearings, but

I can give you, hopefully, some of the highlights. We asked each of them, "What about this contract, this lease?" Take Commissioner Gottbaum as an example, "Can you tell us when it will be completed?" And the answer we got back is three, four months maybe, we will have that contract completed.

And I asked them the question. I asked them all the same question. If you were in my shoes and you have to vote for an issue and you don't know all the facts relevant to it, -- I described it as a two-sided coin. One side was the bill before us to alienate property. And the other side was the lease, the contract, that is not before us because it's being negotiated. And what would you do?

And here's the answer I got back. "Your job, Senator, is to pass laws dealing with parks alienation. Our job is to negotiate a lease. You let us do our job and you do yours."

Well, I don't accept that because you can't have the coin split in half. The

lease is the deal. The bill is the lease. You can't have one without the other. It's a pig in a poke. You used that expression earlier, Senator Maltese. You are absolutely right, it is a pig in a poke, and we can not allow it to happen.

Now, nobody who is opposed to this, certainly myself included, wants to see the U. S. Open leave New York City. I'm a tennis buff. I play whenever I have the opportunity, and I go to the U. S. Open virtually every year when I am in the City and it's just about every year. And I want to tell you they are not going to leave New York City because they are doing very well where they are.

A little history. Over a decade ago, the U. S. Open was held at Forest Hills at the West Side Tennis Club. And at that point, they felt they needed a larger facility. Maybe they were right, although it's a charming and delightful place to play and watch tennis.

And so in the aftermath of the World's Fair in 1964 and 1965, they were given

approximately twenty acres, an excellent location because the subway line was brought right to their front gate, parking in the parking lot of Shea Stadium which is west, not in the park but west of it, and they were delighted. And they said, "This is great, we've got what we wanted, and we're happy."

And they have done very well there. They've got $100 million sitting in the bank. Ninety percent of all the things they sponsor citywide and nationally come from that particular Open. They are doing very well.

So then you can ask the question, why do they want to increase the size, almost doubling, go from 23,000 seats to 33,000 or more? And the answer to that question is simply greed.

Yes, they are a not-for-profit corporation, Senator Maltese. So is Empire Blue Cross and Blue Shield a not-for-profit corporation. It's greed pure and simple. And it does not have to be. Yes, more people could get in there. We could double the size of

Madison Square Garden when they have the NBA play-offs and probably get a lot more people in there, but this is the way it is, and it's worked well, and there is no reason to change it.

And if you consider the fact - we asked them this question, because we had heard this, too. You are being wooed elsewhere? Who wants you? Who is willing to provide a railroad system to your front gate, two airports, hotels that people can shuttle to and in some cases walk to the stadium, a city, a port city, New York City with a huge population, eight million people? Who is going to provide that to you and how is it going to come about? Well, there was no answer.

There was no answer because there is no answer. They are not going to leave. Believe me, they are not going to leave. It's too good a deal. It was too good a deal a decade ago, and it's still a good deal.

Earlier, you heard Senator Maltese mention the home rule message, and there

is one, and I think it's important for us to understand that a little bit.

Home rule messages by our City Council are handled very similarly to the way we handle resolutions. They are pretty pro forma. But this one wasn't. Sixteen members of the City Council voted no, and four abstained, and the balance who voted yes held their noses while they did it. And even those who voted for it all stood up -- not all, but many stood up and made certain statements that said, We reserve the right as the ULURT procedure continues to change our position, to oppose this venture. Why? Because we have not seen a lease or a contract, and that concerns us.

It's very rare for the City Council to have that many of its members speak out and against a particular proposal. Within the course of the day, many people came to us. You heard mention one group before by Senator Maltese, the Girl Scouts.

Back in 1985, in honor of the International Youth Year, the Girl Scouts were

given the opportunity to plant 100 trees. And every year, twice a year, they come there and they tend to those trees and they bring a horticulturalist with them and a pruner and they do what has to be done.

The tennis courts in the area that will be used for these additional acres will require that those 100 trees be cut down. Yes, they said in some vague way we'll try and move them, but you know what it takes to move mature trees. Most of them will die, and they said so. And they said they resent the fact that that's being taken away from them.

It's a six-page statement that the troop leader gave along with some youngsters who were with her, and they questioned very much the need to do what is proposed in this land alienation bill.

We also got testimony from Camp Smile. Camp Smile is a summer camp for disabled youngsters. The land on which they attend their summer camp will be now turned to concrete. It will be now taken away from them.

Senator Maltese mentioned the fact that there are 1255 acres of land in Flushing Meadows Park, and he is right. There are. But when you take away the two lakes and you take away some of the other areas that are already built upon and the tennis facility that now exists, you are left with approximately 500 acres of open space or recreational area that is used. And forty acres, forty-plus acres, almost ten percent of that, will be lost by virtue of this venture.

So don't be misled when you hear 1255 acres because, when it comes down to really what's going on here, it's quite a different matter.

During the course of the hearing and subsequent to it, we received input from the New York City Department of Environmental Protection. They rendered a report on June 3. I can't read it all to you. It's too long, but I'm going to give you their conclusion, "Significant adverse impact on the environment, including traffic, air quality, and hazardous

materials, would occur as a result of the proposed project, and no mitigation is possible." That's a City agency, a mayoralty agency, giving their conclusion to their study of what these additional 13,000 seats and the thousands of more cars parked on parkland will produce in and about the park site. I think that's significant. No one's mentioned it. I'm bringing it up now. I can show you the report. Be glad to answer any questions relevant to it, but that's the unequivocal conclusion that they reached.

The New York City Parks Council. You are all familiar with the group, I'm sure, those of you who live in New York City and know that they are a citywide organization with many prestigious members very much interested in preserving parks in the city of New York. We have a statement from them that says unequivocally that this recommended expansion is adverse to the park and should not be allowed to happen.

Senator Maltese indicated to you

the fact that part of the proposed draft provisions involves $8 million to be put in a trust fund, the interest for which will be used for parks maintenance and improvement, and that's true. But keep in mind the thing we often talk about when we talk about other revenue sources. There is no doubt in my mind with all good intentions of this current administration that as time progresses, the City will say, "Well, you are getting $400,000," let's say that that's what it produces, "from this trust fund so you will need less from us out of our budget."

But what is the City going to spend? The mayor has asked for $17-1/2 million in the city budget to improve the roads in and about this new proposed stadium, this new proposed expanded facility, $17-1/2 million.

Now, I suggest to you take the $17-1/2 million, put it in a trust fund. It will give a lot of money for parks improvement, not only for Flushing Meadow but elsewhere. So it is really not a gift. It gives with one hand

and takes a great deal more with the other. If has absolutely no significance at all.

We were given some testimony by some business people including a vice-president of a large firm in the county of Queens who is a member of the Chamber of Commerce, an active member, who talked about access to the park during the 60 days or during whatever period of time the USTA would be using it. And he showed us a photograph that has a big sign on it that says, "Have your credentials ready," meaning that when that activity goes on, it's very difficult for people to have access to the park. That's currently the case. Expand it, expand the time frame, expand the number of cars that will be in there by 13,000 in terms of seating capacity, that problem is exacerbated beyond belief.

Every civic organization, every environmental group, six City Councilmen, a majority of the state legislators from Queens County in this house and in the other, many organizations including 40 umbrella groups, the

New York Parks and Conservation Association, all came, all gave testimony.

Some of the statements from our City Councilmen I think were quite interesting because they pointed out, number 1, that they had not been given adequate information; number 2, that the lease was not in effect; and, number 3, that this was a hotly debated and very controversial home rule message that they had never seen before.

The Committee for the Preservation of Flushing Meadows Park provided an awful lot of input, 21-page document with testimony citing instance after instance, reason after reason why this lease of 99 years was really a sale not a lease, and that whatever commitments were given now could not be sustained in the future because the people giving them would not be here, and pointing out how the USTA has misled us in many instances and, yes, they did scale down their original project because they had to, not because they wanted to. They decided to provide an advisory

board. Well, where has that advisory board been for the last fifteen years? They said they are interested in the economy of the city of New York yet they took their corporate headquarters out of New York City and moved it away, they are so interested in New York City and its economic viability. They are only interested in what profit margins these new seats and the 88 sky boxes will provide. That is indeed a fact.

The New York City Audubon Society gave us an input.

Now, who is for it? Well, we've already heard who is for it so I don't have to repeat it.

The borough president was invited, Senator Maltese, to come to the hearing, to come there -- and we gave her weeks of advance notice, a personal invitation, so that we could ask her questions. She refused to come. Maybe because she doesn't have the answers, and I don't blame her for that because we don't have the answers, either. She put out a statement 12 or 13 days later. You referred

to it.

But in that statement if you look at it very carefully, there are no answers to the very direct questions. Let me give you one. This draft summary of lease provisions talks about penalties for air flights over the stadiums, and you outlined it very carefully. As you pointed out, if the number of air flights over the stadiums during the Open exceed a certain number, then there's the penalty. There are two penalties, however. One you didn't mention about.

You talked about the fact if there is a penalty in terms of the rent or abatement of that rent, it goes up to $325,000. I might add, but you didn't talk about the fact that if -- if there were more than enough flyovers to satisfy them -- or less than enough, those eleven outdoor tennis courts that you referred to would be diminished by half. That's a second penalty.

They say, in effect, in this draft lease if the planes fly over too often,

city of New York, you will pay us $325,000. Keep in mind that's 80 percent of the base rent in the early years. And on top of that, those eleven courts that we're going to build for you we're going to take five back. They'll not be available to you under the permits. Yes, you can use them, $35 an hour. That's what they charge to use their courts.

I think it's important to understand that the borough president could not come before us and answer the questions as to why. Her representative who was there to listen to our testimony, we managed to coerce him into answering -- trying to answer some questions, and he stood there and said, "I can't answer anything except about the overflights." He is a very fine young man, and I said to him, "Nick, I understand you are involved in negotiating with LaGuardia and the FAA to keep those overflights down below the level where they would kick in these penalties. But, Nick, tell me. What do you know about LaGuardia Airport twenty years from now?"

Nobody knows about LaGuardia Airport twenty years from now. Go back 99 years, there was no airport. There were no airplanes. We don't know what's going to happen to LaGuardia Airport. We don't know what the airline industry will look like. We don't know what will be a matter of necessity in terms of how planes fly out of that airport, what kind of airplanes, and all the things relevant to air flights. But what we do know, for 99 years these penalties will be there, though. There is no question about that.

So the fact that the borough president sent out a press release talking about the economic advantages of the U. S. Open after the fact is not very impressive. Yes, there will be construction jobs during the construction of this facility. But after that, there is no permanent increase in employment. Yes, there are vendors there. They sell you $5 T-shirts for $20 and a dollar hot dog for $5, or whatever. Yeah, those vendors will be there, and they will make money. But they make money

now. So I don't see any permanent economic benefit in terms of revitalization to the city of New York.

The issue of the final lease I think is significant because we do not have to do this bill today. They tell us directly that it's months away in terms of its conclusion. The ULURT procedure has to also go forward. There is also a requirement for approval from the state Parks Department who have to review this situation. The environmental impact study has to continue. I gave you their conclusions, but they are required by law to even go further than where they stopped. All of these things must take place.

And you will hear from one of my colleagues, a representation from the USTA telling us -- telling us very directly this stadium won't be ready until 1996, maybe '97, and nothing is going to begin until 1994. But we're going to be back here probably before the year is over, I'm sure, for something or other. But even if we're not, certainly in January we

we will have ample opportunity when all of these questions are resolved, to either our satisfaction or to not, to be able to deal with this legislation.

We do not have to deal with it today, unless for one reason that the lobbyists who are pushing this issue want it out of the way and a done deed before we know all there is to know. That's the only logical reason that I can perceive. This requires approval from many, many quarters of our state and our city, including the National Park Service, who also have to take a look at this arrangement because there's money in that park system from the federal government, from the state, and they must be assured that the use of the monies that come from those sources are not being abused in any fashion by virtue of alienating over twenty acres of land.

I hope I've made that point clear. There is a great deal more yet to be done, and a great deal more that has to be determined, and a great deal more in terms of

study and analysis that is before us.

No matter how you feel about the things that I've said and Senator Maltese has said, I think you will have to agree that this is not a lease. It's a transfer of land, virtually permanently. You will have to agree that there are many, many unanswered questions and that we have a right to know what the answers to those questions are.

I will not go into detail on the monetary aspects of the lease. You will be given that information hopefully. But I can tell you very categorically that when you are talking about a 400,000 base lease per year, $400,000 per year plus one percent of the net gross -- the net gross meaning the gross less $25 million in the first twenty years and then 20 million less thereafter -- that the UST will skim from the top of the gross what they will use for maintenance and repairs of this facility.

And when you take a careful look at that analysis and you project minimum

inflation out to any given point in time, you realize very quickly that this is the worst possible deal that anybody in his right mind could ever enter into. And it's been looked at by many, many people, none of whom you will hear from now.

So I think I've said enough, Mr. President. I appreciate your indulgence and the indulgence of the members.

(Whereupon, Senator Farley was in the chair.)

ACTING PRESIDENT FARLEY: Senator Goodman, why do you rise?

SENATOR PADAVAN: Just one second, please.

SENATOR GOODMAN: Will Senator Padavan yield".

ACTING PRESIDENT FARLEY: Would you yield?

SENATOR PADAVAN: Let me finish my sentence. I appreciate the indulgence of the members -

ACTING PRESIDENT FARLEY: I was

asking a question.

SENATOR WALDON: I was denied - I'm sorry to interrupt, but I was denied that opportunity when Senator Maltese was speaking, and my question was germane to what he was saying at that time.

SENATOR PADAVAN: Well, I -- I - Senator, I just want to complete my statement. You can sort out that business on your own.

I simply wanted to say in conclusion that I appreciate very much the fact that not only many of you sat here very patiently, listened to me and Senator Maltese and hopefully will listen to others, but that during the course of this difficult issue - because there are two houses, two sides, and I appreciate the fact that we have been given an opportunity for an honest, open debate and to listen to each other and come to a conclusion.

And I can only say I hope that your conclusion will be "not today," maybe tomorrow but not today.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: I do have a list here. I just came back in. Senator Padavan, Senator Gold, Senator Stavisky, Senator Waldon. I asked Senator Goodman why he rose, and I guess he wanted to ask a question of Senator Padavan who I think had the floor. Is that correct?

SENATOR GOLD: Mr. President. You're running the show. You have a list.

SENATOR PADAVAN: If I have the floor, I would yield to a question. I don't want to interfere with anybody's prerogative.

ACTING PRESIDENT FARLEY: You have the floor. If Senator Goodman wishes to ask you a question, that's up to you.

SENATOR PADAVAN: All right. I will yield to Senator Goodman.

SENATOR GOODMAN: Senator Padavan.

ACTING PRESIDENT FARLEY: Senator Gold, you have the floor next.

SENATOR GOODMAN: My question is a very simple and direct one. I have great

regard for you as a legislator and certainly a high opinion of your judgment in many areas, but you made one statement which frankly troubles me very much; and that is that, in your opinion the central theme which motivates the proposal before us is one of greed.

May I say, Mr. President, that having been the sponsor of the legislation which created the existing facility at Flushing Meadow and having observed that the United States Tennis Association is governed by a board of directors, each of whom serves without salary, and having further -- being further able to testify to you, Senator Padavan, that the integrity of the members of the board whom I happen to know personally, and I do know a significant number, is impeccable, many of them being business executives of high repute coming from all over the country in many major industrial and related categories leads me -

SENATOR MEGA: Mr. President.

SENATOR PADAVAN: What's your question?

SENATOR GOODMAN: -- leads me to -

SENATOR MEGA: Mr. President, point of order.

ACTING PRESIDENT FARLEY: What's your point of order?

SENATOR GOODMAN: -- leads -

SENATOR MEGA: My point of order -

SENATOR PADAVAN: He's about to, Senator.

ACTING PRESIDENT FARLEY: What is your point of order, Senator Mega?

SENATOR MEGA: I may be premature, but I was hoping that a question would be asked.

ACTING PRESIDENT FARLEY: I think he's in the midst of asking a question; and is that correct, Senator Goodman?

SENATOR GOODMAN: It was on the tip of my tongue.

SENATOR MEGA: Then I withdraw it. Tip it out.

SENATOR GOODMAN: It will not be a lob.

Senator Padavan, in view of this, I am wondering what it is that has prompted you to draw the very broad inference that you have presented to us that this is a matter based on greed rather than possibly an honest difference of opinion with respect to a proposal that is before us.

SENATOR PADAVAN: Senator, that's a fair question, and I will try to give you an equally fair answer.

You are familiar, of course, with the Parks Council in the city of New York. It has a rather prestigious board of directors including the owner-publisher of the New York Times, and some of the best known and well known leaders of business in the city of New York and in other areas of human activity. They gave us testimony opposed to this.

The members that you referred to are not the driving force behind this negotiation. They are not the ones paying a

quarter of a million dollars to lobbyists who are lobbying the City Council down in the city of New York and lobbying the state Legislature up here. That's not the people I'm talking about. They are not the ones who brought before us a battery of lawyers. Even if they were working at the minimum wage that lawyers get, you know, it would stack up four times that quarter of a million dollars in terms of what they are doing.

When I refer to greed, I'm talking about some of the prime movers of this enterprise, not the people who function as members of the board of trustees, because the UST does a lot of good.

I don't know if you were here when I said earlier I have no problem with the USTA. I go to the Open. I saw them when they were at Forest Hills. That's not the issue here.

We don't want them to leave the city of New York. We want them to stay here, and I believe they will. But there gets to be a

point where you come to a conclusion that when all of these things come at you and all of these questions and issues have been raised and there are no answers that there must be logically some portion of some group of people within the framework of that corporate entity, who decided to move out of the city of New York, as you know, take their corporate headquarters -- there must be some people there making decisions that are not in the best interest of the people in Queens County, two million people, or in the best interests of those who use that park.

That's the only answer I can give you. If there was any offense taken to you on the part of those very worthwhile people that you referred to, certainly you have my apology.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold -

SENATOR GOLD: Yes.

ACTING PRESIDENT FARLEY: Why do you rise?

SENATOR GOLD: Well, I believe

Senator Padavan has now concluded.

ACTING PRESIDENT FARLEY: Have you completed your -

SENATOR PADAVAN: Yes.

ACTING PRESIDENT FARLEY: Thank you.

SENATOR GOLD: Thanks you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold has the floor.

SENATOR GOLD: Mr. President. Well, here we are. The end of session, and I guess the session wouldn't ever be complete unless we had at least one of these, and maybe there will be more.

Firstly, I want to talk from over here because I want to give some people the comfort that I am speaking as a legislator representing the 13th District. I'm not speaking as the Deputy Leader. I appreciate that role. I love that role, but I'm just another legislator from a district who's concerned about what's going on.

Senator Goodman, I appreciate everything that Senator Padavan said. I think he did a wonderful job, but I must tell you in terms of the use of the word "greed", some of the people involved in this, Senator, also are the people who wanted to use this park and turn it over for a grand prix. You say remember that one. Thank God that went down the drain.

This negotiation, which I'm going to discuss, and this proposed lease -- because there is no lease. I was told by somebody from the Economic Development Corporation who was negotiating it that he thought this was the best lease of its kind in America. Well, from what I've seen, I wouldn't let that individual negotiate a one-hour boat rental for me at Flushing Meadow Park, no less this tennis stadium.

Senator Maltese, I appreciate your comments, but this is not your district. Technically, it's Senator Stavisky's and mine as far as the park is concerned. Senator Onorato borders as close as you and his vote will speak

for how he feels. And, of course, Senator Padavan has done a wonderful job.

Reference was made to the Yankees, trying to save the Yankees, the declining attendance; what are we going to do for the Yankees? The USTA has no declining attendance. The USTA at Flushing Meadow Park raises enough money to fund 90 percent of everything it does in America.

They take our money out of the city of New York, and it goes around this country doing, I think and I hope, good things. But this isn't a venture that's about to fall on its can if we don't help them.

Comments were made that public money is not being used here. Let me tell you something. The papers that I've seen floating around indicate that if they don't get IDA funding they can walk away from this deal, and don't tell me that all the legislation we passed dealing with IDA deals with a situation where the public is not involved. There are great benefits there, great benefits.

And if they are concerned, by the way, that for a period of time they are going to have to pay off this financing, what about after that financing is paid off? Why isn't there a better deal after that? And I'll come back to that matter.

As far as the issue of overseeing local officials, there are a lot of people here who could say that to me. Senator Leichter can say that to me. But, Senator Maltese, with your police cars, don't talk to me from your standpoint about overriding City officials. You do it every day when it's convenient for you to do it.

This is public land. This is not a garbage pit. This isn't a swamp. This is land that is used by humans. I have heard it said at testimony that all they are doing here is substituting an active use for a passive use. "An active use for a passive use." After all, we will have tennis. We will have tennis courts. This will be land where people can now perspire. It's a shame you all can't go to that

land. You will see humans there. What are some of them doing? Sitting on a blanket, father, mother, children. Throwing around a ball, maybe a soccer ball. Maybe just listening to a radio. Being family! People who can't afford to go to beach clubs and golf courses, but they can be with their children in a park. That ain't so terrible.

Who are we or who is the Economic Development Corporation to say that people who sit and go to a park or go to a park with a pink ball or a soccer ball with their children have no rights because they don't have a tennis racket or they don't have some other, quotes, "more active activity."

I've heard about this bill; and while I've talked to people, people have said to me, "Well, you know, it's wired. Why are you even getting involved for?" Well, I think that Senator Padavan and Senator Stavisky and myself and Senator Onorato and others have to get involved. We have to speak out. We have to do that.

I want to tell you about this lease. Basic question. In every life of every person here today is at what price? Everything is a plus and a minus. When you spend that $6 to go to a movie, it's $6 you can't spend for something else. You did get the movie, but you can't use the $6 again. If we give the parkland for one purpose, it can't be used for another. So what is the price? That's what it's all about.

This lease we are told will if it is ever made public contain certain rent in it. And by the way, I was fascinated -- fascinated that Senator Maltese said he had a 40-page document today. I called -- it has to be a year ago. I called City Hall. I wanted to get some information about this project, and I wanted to talk to the mayor. It wasn't ten minutes that I got a call from Bob Milito, "I understand you called City Hall." I was flabbergasted. Flabbergasted! Before they ever spoke to the mayor, somebody in his office had the nerve to call a lobbyist to have a lobbyist call me. To

his great credit, the mayor was not happy about that phone call.

But Senator Maltese has a 40-page document. I asked for some provisions of the lease. I'm only a minority, Senator Maltese. My document -- well, my document is only six pages. I guess with all of the heat created by Senator Padavan and Senator Stavisky and myself and others, they decided that they better show you a little more than they showed us. But that's six pages.

Do you know what this is, Senator Maltese? This is 40 pages, and this is a lease for the U. S. Tennis Association. Yeah, this is the old one. This is the one that runs out. Do you want to see what a lease is? I'll show you a lease. Senator Maltese, this document is the one in existence today.

SENATOR MALTESE: Would Senator Gold yield for a question?

ACTING PRESIDENT FARLEY: Would you yield, Senator Gold?

SENATOR GOLD: Pleasure.

SENATOR MALTESE: Senator Gold, were you in the Senate in 1981 when the lease was approved by the state Senate on October 28, 1981?

SENATOR GOLD: Yes.

SENATOR MALTESE: At that point in time did you have a complete copy of the contract entered into at that time?

SENATOR GOLD: I don't remember. But if you tell me I didn't, I will agree to it.

SENATOR MALTESE: With all due respect, I was advised that you didn't at the time, on October 28, when the original legislation to create the lease was passed by the Senate 56 to zero.

SENATOR GOLD: Right. Maybe those days we could trust people more than today, Senator, and I'm not referring to you. I trust you.

I'm telling you, though, we should understand this is a lease; these six pages are not a lease.

But what causes all the consternation then, Senator Maltese, and I'm glad you brought it up. Maybe it's the individuals involved. Maybe they created this. Maybe back in 1980, Senator, when questions were asked, they got answers, direct answers. Everybody got answers.

It wasn't a situation then, Senator Maltese, when Senator Gold holds a hearing and the Parks Commissioner of the city of New York is told, Don't you go. You better not show up. Keep away. Let's keep out of the way. Let the process take its place. Let our lobbyists -- they will take care of Gold. Don't worry about Gold. We will take care of who we got to take care of along the way, and Gold doesn't get answers. Padavan doesn't get answers.

But we got some answers. What do they tell people? The best lease around. For the first twenty-five years, $400,000 plus one percent. And as Senator Padavan said, they will take out $25 million for those first twenty]

Years. So our one percent is a quarter of a million dollars right there. So when you say we're not funding them, we're giving them a quarter of a million dollars right there.

We were told that the one percent would be worth 465,000 in the first year. 400 plus 465 is 865,000 the first year. If I do nothing more than give a cost of living increase to that one percent -- because, after all, it's only one percent every year -- by the time we get to the twenty-fifth year, that rent is all the way up to a million and a half dollars. Imagine that.

Well, I decided to take a look at it a little itsy-bitsy different. I said, well, the one percent which starts at 465 is growing in dollars each year, but it's only worth 465 every year because, based upon the cost of living, it's the same amount of money. But what about the 400,000? There is no cost of living on that. So when the years go by, that keeps dropping. And, sure enough, after 25 years that's worth 150,000. That's all it's worth.

So if you compare the numbers, you find out that twenty-five years from now we're getting less rent than the first year. Not more rent, less rent. And each year we lose: 30,000, 70,000, 100,000. By the time we get to the twenty-fifth year, we are losing a million dollars a year only on the inflation rate.

Now, you say what does this mean? Well, I'll tell you what it means. I have a great respect for many of the lawyers in this chamber. There isn't one of them, not one, who would advise a client that had real property to lease, to lease that property for twenty-five years -- certainly not 99 years -- without a cost of living index. It is impossible. They don't rent property in the city of New York for ten years without a cost of living increase. Ninety-nine years? Oh, wait a minute.

After twenty-five years, the rented does go up. It goes from 400,000 base to 440, 10 percent. If you take that additional 40,000 and add it in, it is still not as much money as the City is making the first year. Not

as much as the first year. There is not one commercial tenant until the city of New York that would not beg for a lease for twenty-five years without a cost of living increase. But he doesn't have to worry about begging because there isn't a landlord in the city of New York who would offer anybody a twenty-five year lease without a cost of living increase, except for the New York City Economic Development Corporation. And I tell you, too, don't let them negotiate a one-hour boat rental for you.

We have been told -- and to his great credit, Senator Maltese did not embarrass us by throwing these figures at us, but we were told that this project is worth a fortune to the city of New York. The first document I got to deal with that came again from the same Economic Development Corporation, and the figures were based upon the 1991 tennis, and it said it's worth $161 million to the city of New York.

So I took a look and I said, well, wait a minute. First, they got 71 million.

Oh, well, they multiplied it by 2.25.

So to begin with, 90 million of their 160 million is mythical money. But on the 71 million, how do they get to that?

Well, they had 12 million in ticket sales.

Yes, but that goes to the USTA.

Well, all right. But they had 6.7 million in concession sales.

Oh, wait a minute. That goes to the USTA.

Oh, I see. There's 32 million in media.

Well, that goes to the USTA.

And as you went down, you find that the money goes into the USTA. And, sure, there are people employed during the Open for two weeks, but remember what they broadly said to Senator Padavan. Ninety percent of their national operation is funded by the money they make during the Open. So it's going all over the country.

Now, is it a benefit to the city of New York? It certainly is a benefit.

Are there taxes, payroll taxes? Yes, that's 24,000. Is there a hotel tax? Yes, there's a hotel tax. Does it help some of the hotels? Yes. Do I want to see them leave New York? No. No.

But as I've said so many times, some place between the bonanza and a fair lease for the city of New York is an awful lot of room, a lot of room. If you had a cost of living adjustment to this lease, you would be receiving something like $800 million over that period of base rent as opposed to the 50 million you are getting there.

Now, when somebody says that this is a lease -- that's all it is; it's not a taking -- let me tell you something. There is a reality to what's happening here. Forget the words. Go to London and see how they get rid of property. You can't buy property. England is a small place. You buy seventy years worth of lease. "Well, this lease was originally eighty

years. Now there's fifty-five to go. I will sell you my fifty-five years of lease." And people buy that. They are not worried that fifty-five years from now the lease is going to run out. A lot of people run out before fifty-five years.

Go to Hawaii, one of our states. Small places. That's what they sell, they sell leaseholds.

If you have the control over property for ninety-nine years, that's as good as a sale in most places around this world.

The IDA financing we were told -

ACTING PRESIDENT FARLEY: Senator Maltese, why do you rise?

SENATOR MALTESE: Will the Senator yield for a question?

SENATOR GOLD: Sure, Senator.

SENATOR MALTESE: Senator, the points that you have been bringing out, do you believe that there are attorneys representing the Mayor of the city of New York that are aware of these points and circumstances?

SENATOR GOLD: Well, Senator, I have been bringing them to everybody's attention, but I'll tell you something. The lawyers who don't understand that in a ninety nine year lease you could be talking about things -- I was just about to get into it, Senator, and then I will yield more.

They are talking about mortgaging $100 million to $125 million to IDA. I guess the rest they will take out of the bank, the money they have made by getting rich in New York City. And the debt service for this is going to be about 10 million a year. That is peanuts compared to what they are going to be bringing in.

So the debt service is going to come out of the normal flow of cash -- the normal flow of cash. It is not an economic problem. But interestingly enough when they pay it off after fifteen years, as they suggested they would do, I don't hear anybody saying at that point, "Well, gee, it's a $10 million savings now every year, why don't we give the

city two percent. Maybe the city ought to get three percent."

Maybe we ought to have a cost of living increase kick in after fifteen years. Let them have fifteen years to pay their debt, and I have given them these suggestions. And I'd say what are you talking about? Why don't you say there will be a cost of living increase after 75 years. Something. Something. In the 99th year, I would like a cost of living increase. Nothing. Because they are not going to talk to me, and they are not going to talk to you because they don't have to.

I mean the degree of arrogance is enormous. And, Senator Maltese, do they know about these things? Yes. And I'll tell you something, Senator. I can't speak for every law firm and every lawyer in the world, but to me they are umemployable in the private sector because I wouldn't hire a one of them.

SENATOR MALTESE: Mr. President. Will Senator Gold yield?

SENATOR STAVISKY: Mr.

President. Point of information.

ACTING PRESIDENT FARLEY: What's your point of information?

SENATOR STAVISKY: I desire to know whether everyone else who wishes to speak will have only fifteen minutes collectively?

SENATOR GOLD: No.

ACTING PRESIDENT FARLEY: What's that, Senator Gold?

SENATOR GOLD: I'm sorry. I apologize. I was assuming you were going to give a fair answer to the gentleman.

ACTING PRESIDENT FARLEY: I will try to answer it. I don't appreciate your answering for me.

SENATOR GOLD: I'm sorry.

ACTING PRESIDENT FARLEY: Senator Stavisky, the debate started at 6:45. We've had three people speak so far, and an hour and a half has been used. There is supposedly fifteen minutes left on the time. Somebody can make an objection and call for the debate to be closed. That is up to this house.

There is a long list left. You are next, Senator Waldon, Senator Galiber, Senator Goodman, Senator Leichter.

SENATOR STAVISKY: Mr. President. I ask for a waiver by the chair.

ACTING PRESIDENT FARLEY: Well, that's not up to me. That's up to the house. Unless somebody objects, you can stay here until midnight.

SENATOR GOLD: I'm sorry, Senator, were you asking me a question?

SENATOR MALTESE: Were you planning to be at the negotiations of this lease at the time the Mayor and the Mayor's representatives negotiate it?

SENATOR GOLD: Am I planning to?

SENATOR MALTESE: Yes.

SENATOR GOLD: I wasn't given an invite yet, Senator.

SENATOR MALTESE: Will the Senator still yield? Senator, a little while ago you spoke about what would amount to micro management and the fact that I do it every day

and you referred to a police car bill that was before the house at the time. And do you recall the terminology you used and the enthusiasm that you utilized at the time to criticize a micro management of a municipal official and, in that specific case, the Mayor of the city of New York?

SENATOR GOLD: Thanks for asking that question.

I remember that I supported the Velella bill on nine millimeters, Senator. I remember my criticism of you and your bill. And the bottom line, Senator, is that I have no problem in going and making judgments as I'm supposed to make.

I just thought it was rather unusual to have you criticizing opposition on this bill as micro-management when that happens to be your philosophy. I didn't say my philosophy agreed with yours, Senator. Obviously, we don't.

SENATOR MALTESE: If the Senator will still yield? Are there some issues, then,

that you believe micro-management is permissible and there are some issues you don't believe it's permissible? Is that it?

SENATOR GOLD: All right. This is the last one I will answer because Senator Stavisky and others want to talk.

What I'm saying, Senator, is that in this particular situation, the one before us today, this is not a question of the overall management of the City. This is a question of the use of parkland that happens to be in my district and Senator Stavisky's district. It happens to involve our constituents, and our constituents are people who live in the city of New York.

I have a list here -

SENATOR MALTESE: Will Senator yield?

SENATOR GOLD: Excuse me. Excuse me, sir.

ACTING PRESIDENT FARLEY: Hold on. Hold on. Senator Gold says he will not yield.

SENATOR GOLD: No. I will be glad to yield after other people have spoken, Senator. Glad to yield all night on this deal, Senator.

But I have in front of me, Senator, a list of the people that are representing other people throughout Queens County. They are entitled to a voice in this Legislature. The mayor isn't giving it to them. The mayor's office in pushing this bill today is not giving it to them.

And now the worst. I saved the worst for last. This is a document -- and you can if an a look at the top of the FAX, Senator Maltese. It's dated March 26, 1993, and it was FAXed from the New York City Economic Development Corporation, and it was sent to Michael Muller of my staff, came as an intern from Queens College. Terrific, terrific gentleman, and I'm now proud to say he is going to continue working for me. And it was sent from Jane Marshall from that organization. And the document is on the stationery of the USTA

National Tennis Center. And I'm referring you to page 11, "Estimated Schedule." Now, this is them, Senator Maltese.

"March 1993, dash, to mid-1994. Formal public and governmental review, project application certifies completed by the city on March 1, 1993 marking the start of ULURT.

"1994 to 1997, construction of new facilities and modernization of existing.

"Summer 1996, new 23,500-seat stadium."

This is them! They anticipate in their plans that they won't be finished with this process until the middle of next year. They are the ones who said to me and to Senator Padavan that they will have a lease in two or three months. And every one of you, God willing, in good health, will be back here in January. And then in January, we can decide whether the document in front of us is the best lease in the country, and I'll vote for it if it's good for the people.

But this is not 1980, Senator.

We've had an opportunity to learn. We've been taken advantage of enough. We have seen the people involved in this try to take away our park for a grand prix.

Senator Goodman, Senator Ohrenstein, Senator Leichter, don't tell me that you would give one inch of land, no less an acre, no less 40 acres, in Central Park and subject your Sheep Meadow to parking for this event. And I respect that in you. I respect you for it.

Well, I'm sorry. The people I represent and the people that others in Queens represent who use this park are entitled to the same exact firm representation. And if their parkland is going to be used for another purpose, it ought to be under circumstances where the city of which they are members and residents are properly compensated.

There is no reason to rush to judgment. If this was a situation where something was sunsetting, if it was a situation where we had to save a municipality or whatever,

we would make a judgment based upon the best information we had, even if it weren't complete, but where the people involved in the process, in writing, inform you that we are well within their time frame, why can't we do it the right way and have that document in front of us? Then I don't have to worry whether I trust this one or whether I don't trust this one or whether on page 75 something got stuck in.

Can you imagine? Senator Maltese said there's 200 pages. Well, in 200 pages, you say a heck of a lot more than, This is the rent and this is the flyover. 200 pages of legalese by lawyers? I want to see it.

And I hope everyone here will demand that by voting against this bill today. Let it come back at a time when we can cast an intelligent vote. But, today, I suggest it is an irresponsible vote. And I would support Senator Padavan's request that everybody vote against it, and I'm going to support his request for a slow roll call.

Thank you.

ACTING PRESIDENT FARLEY: Senator Stavisky.

SENATOR STAVISKY: There is no one in this chamber, I believe, who would wish to have the U. S. Open to move to another part of the country, and those of us who are asking for a no vote are simply asking for the information to which we are entitled before we make the decision on this bill.

Let it not be a decision in the dark. Let it be a decision based upon the facts. The lease, wherever it is, has been negotiated in abject secrecy. The lease provisions have been concealed from people who have to make policy decisions.

We and nobody else has the ultimate decision as to whether parkland may be alienated. That is a power that is given to the state Legislature; and in order to exercise that power, we have to understand all of the facts.

Members of the Legislature, member of the City Council, all elected have asked to see copies of the lease. We have been

turned down. We have asked to attend negotiating sessions where decisions are being made on the provisions contained in the lease. We have been turned down.

There is a policy of concealment which by itself is a violation of open government. This Legislature created a committee on open government, a division of the state of New York's Department of State, and a request was made under the Freedom of Information Law as to whether someone in a policy position had a right to request access to the lease provisions.

And the statement that came down on June 18, which I believe many did not see, June 18th of this year, clearly indicates that the city of New York does not have a legal right to withhold access to such information. In fact, under the provisions of the Open Government Law and the Freedom of Information Act, the records sought, meaning the language of the lease, and I quote, "must be made available," and that means it must be available

to us before we are asked to make this kind of a decision.

Not a week goes by when the Mayor of the city of New York and his representatives who visit all of us plead poverty and ask for additional financial aid for the city of New York. It seems very strange that at a time when the New York City administration is pleading poverty and coming to Albany every single week in pursuit of additional aid that the City officials appear bent on giving away irreplaceable parkland without adequate compensation to the city of New York.

There is an election going on. Has anyone asked what the other candidates for mayor -- whoever is elected will be stuck with the consequences of this -- what other candidates for mayor feel should be done with regard to the alienation of public parkland, 42 acres, under the terms and conditions that have come out in dribs and drabs? Does Rudolph Giuliani support this? Who will be mayor of New York City and who can predict who will be mayor

of New York City, and I'm asking you if you believe that future mayors should be stuck with the consequences of this 99-year agreement.

There are other provisions here that trouble me: $400,000 has been commented on by Senator Gold and by Senator Padavan. You couldn't get a concession, a moderately-sized concession, in a public parkland for anything comparable to that amount. The city of New York does not have money to maintain its existing parks. Neighborhood parks have deteriorated. The comfort stations are closed. The drinking fountains are inoperable, and we're giving away space that is needed for New York City's population devoid of adequate recreational facilities.

With regard to the takeoffs and landings, I can just see a future mayor of New York City waving his arms at the planes that are flying overhead, "Go away. Go away. We're going to lose $325,000 of the $400,000 pittance that is promised here if too many of you fly over Shea Stadium." They should tell the New

York Mets about that provision, that crazy provision that maybe the admission to Shea Stadium should be free whenever there is a plane flying overhead, or maybe the game should be canceled.

And while we're on the issue of the Mets, think of the scheduling of the U. S. Open. In the midst of the baseball season with Met games being played at Shea Stadium and across the street you have the U. S. Open in full progress, in addition to which many of the constituents of legislators in the metropolitan area park their cars in the same parking spaces. What will they do, draw lots? Who will be pushed aside with this expansion?

Do not cry for the U. S. Tennis Association. They have already grossed $66 million a year, and they give $300,000 presently with less space.

The terms and conditions are very strange. Would anyone obtain a concession through a lease from any state agency for something comparable to this pittance? Look at

some of the leases.

On the Thruway, for example. The New York State Thruway has leases with the Marriott Corporation for some of the facilities on the Thruway, and the terms are not for 99 years. They are for ten years and the Marriott Corporation is required to pay to the New York State Thruway 13 to 16 percent of the gross revenue. Couldn't we at least expect that perhaps five percent of the gross might be paid to the New York City government?

There was a lousy negotiation. The people negotiating this fell on their faces when it came to the College Point Corporate Park, which also has been in my district and now is in Senator Padavan's district. Their sales and leasing policies were so bad that instead of bringing in corporations and industries, they have filled up College Point Corporate Park with governmental agencies, a Department of Sanitation garage.

ACTING PRESIDENT FARLEY: Senator Maltese, why do you rise?

SENATOR MALTESE: Will Senator Stavisky yield for a question?

SENATOR STAVISKY: Just a minute, Senator Maltese, please.

ACTING PRESIDENT FARLEY: He won't yield.

SENATOR STAVISKY: They have loaded it with the Postal Service, and they have loaded the College Point Corporate Park with the police department's automobile graveyard for recovered and smashed vehicles. These are the people who negotiated this flawed lease.

The lease is not public. The whole thing has been in secrecy. We have been taken advantage of in the failure to disclose the conditions before we are asked to vote, and it seems to me that if the Tennis Association is willing to improve the offer, we should be ready to listen, and we should encourage them to improve the offer, but they will never improve it if we say, yes, it's okay to go ahead right now.

For that reason, tonight, and for

the rest of the current session until we get a lease, the members of this Legislature have an obligation to vote no, and I hope you will.

I will yield.

SENATOR MALTESE: Senator yield?

ACTING PRESIDENT FARLEY: Senator Maltese. Will you yield, Senator Stavisky?

SENATOR MALTESE: Senator Stavisky, if I indicated to you that since the beginning of this session there were approximately a total of sixteen bills that passed the Senate regarding park and land alienation, would you say that was a ball park figure?

SENATOR STAVISKY: I will accept your numbers, Senator Maltese.

SENATOR MALTESE: Senator Stavisky, if I indicated that out of those sixteen, there were no -- well, I will ask you the question, Mr. President.

Mr. President. Will Senator Stavisky -- on how many of those sixteen land alienation and park alienation leases that were

approved by this Senate did you see a copy of the lease or contract?

SENATOR STAVISKY: Senator Maltese, may I ask you how many objections had been raised by the local officials or the representatives of those areas serving in the Assembly or in the Senate? And if there were objections by the local representatives, I don't think you would have seen any of these leases being approved or any of these transfers of land being approved.

If there is objection, we want to know why and you should know why.

And while you're on your feet, Senator Maltese, you had the Forest Hills Stadium in your district, am I correct?

SENATOR MALTESE: No, it's just out.

SENATOR STAVISKY: Just outside. But I have not heard any proposal from you to expand the Forest Hills Stadium to 42 acres.

SENATOR MALTESE: Is that a question, Mr. President?

SENATOR STAVISKY: I have not heard anything. I'm just making that as a statement.

ACTING PRESIDENT FARLEY: I think it's an answer.

SENATOR STAVISKY: I have not heard in your presentation, sir, a suggestion that the Forest Hills Stadium would be an appropriate place. Do you take Senator Padavan's area, Senator Gold's area or my area and presume to trifle with them?

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR MALTESE: Mr. President. Will Senator Stavisky yield for a question?

ACTING PRESIDENT FARLEY: Senator Stavisky, would you yield for another question?

He still has the floor, Senator Waldon. I'm sorry.

SENATOR MALTESE: Senator Stavisky, on those bills -- and just for the record, you voted aye on all sixteen of them. On those bills, do you regard your obligation as

a Senator from Queens County voting on the alienation of park or other lands less if the parkland is in another portion of the state or the equal value to parkland that is within Queens County or within your own district?

SENATOR STAVISKY: Yes. And may I say in answer to that, that the proposed equivalent property for park purposes is Powells Cove which has been in my district. That is essentially land under water. That is a sanctuary, not official sanctuary but it's a place where water foul nest and rest during the winter months. It is hardly a park area that is comparable in value to what we're giving away.

SENATOR MALTESE: Mr. President. The question, though, was simply do you value your own -

ACTING PRESIDENT FARLEY: Would you yield for another question, Senator Stavisky?

SENATOR STAVISKY: Yes, I will.

SENATOR MALTESE: It is the same question. Do you place equal value on your vote

pertaining to parklands in another portion of the state as to your vote on parklands that may be in Queens County or within your own district?

SENATOR STAVISKY: Yes, I do, especially if there is strenuous objection from environmental groups, preservation groups and also elected officials and citizens in the affected area.

Yes, I would vote no on any or all of those if there were substantial opposition and a good case was presented. I think there has been a good case for deferral of tonight's vote.

ACTING PRESIDENT FARLEY: Senator Waldon, you have the floor.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT FARLEY: Senator Onorato.

SENATOR ONORATO: I would like to know if Senator Stavisky would yield to a question?

ACTING PRESIDENT FARLEY: Okay.

Unless he's given up the floor.

SENATOR ONORATO: Senator Stavisky, you noted in your comment about the Marriott chain along the Thruway, and something very interesting came about. You mentioned the fact that there was a ten-year lease getting 8 or 10 percent.

SENATOR STAVISKY: 15 to 16 percent.

SENATOR ONORATO: Was that net gross or was that of the total gross?

SENATOR STAVISKY: Total gross.

SENATOR ONORATO: Total gross. Not net. Thank you.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR MALTESE: Senator Stavisky yield for another question?

SENATOR GALIBER: Point of order, Mr. President.

SENATOR WALDON: I have deferred very generously at your discretion, meaning the chair's discretion, throughout the evening. I

have remained calm and temperate.

ACTING PRESIDENT FARLEY: Just a moment. Just a moment.

I would presume that Senator Stavisky has yielded the floor. You can't keep asking him questions if he's yielded the floor.

Have you yielded the floor?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT FARLEY: Senator Waldon, you have it.

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

Senator Maltese, would you be kind enough to submit to a couple of questions?

SENATOR MALTESE: Yes, Senator Waldon.

SENATOR WALDON: Mr. President, if I may.

Senator, are you very familiar or familiar with Mayor Dinkins' Minority and Women's -- MBE/WBE Program?

SENATOR MALTESE: I'm somewhat familiar with it, Senator. I believe it's

Section 50 or -

SENATOR WALDON: No, that is a different. That's part of it but the -- if I may, Mr. President. MBE/WBE program was announced in the New York Times some time ago, and the purpose the mayor was attempting to accomplish is to give at least 20 percent of all contracts let by the city to women and blacks and Latinos. Basically, that's what that program is all about.

Are you familiar with Executive Order 50?

SENATOR MALTESE: Yes, Senator Waldon, and -- so far so good.

SENATOR WALDON: The integrated contract of procurement management system, whereby there will be records kept of all contracts. Everyone who qualifies under the traditional minority nomenclature would be given an opportunity to have contracts and/or vendor services, et cetera, et cetera, et cetera with the City. Are you familiar with both of those?

SENATOR MALTESE: Mr. President.

I'm perhaps not as familiar as Senator Waldon, but I have been assured by the City's representatives that the city of New York and the U. S. Tennis Association plan -

SENATOR WALDON: I'm going to get to that, Senator.

SENATOR MALTESE: Oh, okay. The answer is not as good as you.

SENATOR WALDON: May I continue with Senator Maltese?

ACTING PRESIDENT FARLEY: You have the floor.

SENATOR WALDON: Thank you very much, Mr. President. Senator Maltese, in this bill 1578, is there a section which deals with participation by minorities in this process? You will find it on the second page beginning with line 48, just a very small piece.

SENATOR MALTESE: Yes, with your assistance, Senator Waldon, I found it.

SENATOR WALDON: Okay. Now, in this proposed lease arrangement that you spoke to earlier, are there provisions that

African-Americans, Caribbean-Americans, Latinos, Hispanic, Native Americans and all others who are characterized as minorities will and can participate?

SENATOR MALTESE: Mr. President, my understanding is that the bill speaks for itself, and that the mayor's and the city of New York's policies, with which I don't always agree, in this case will prevail and that they will abide by all City administrative regulations and all agreements made beyond the scope of the actual setting forth in the legislation.

SENATOR WALDON: Mr. President, I'm sure that I wasn't clear in my question. May I ask the Senator another question?

ACTING PRESIDENT FARLEY: You have the floor. You can keep asking him.

SENATOR WALDON: Thank you, Mr. President. And I will attempt to be clearer this time, Senator Maltese.

My specific question is, in the proposed lease agreement, this huge document

that you spoke about earlier, are there provisions to take care of business for blacks, Latinos, and other minorities and women?

SENATOR MALTESE: Mr. President. As has been indicated, the proposed lease agreement is apparently something around 200 pages. I have not seen the complete lease agreement. I have seen the summaries with which not only myself but many Senators have seen over the course of the last year or two. In the summary that I was supplied with and in addition, I have the Mayor's representatives in my office, they indicated that the concerns that Senator Waldon is expressing right now would be addressed, and I have the word of the Mayor of the city of New York that they would be addressed. And, quite frankly, that's good enough for me even though, in this case, it might not be good enough for Senator Gold or somebody else.

SENATOR WALDON: Mr. President. If I may continue?

ACTING PRESIDENT FARLEY: You

have the floor.

SENATOR WALDON: Thank you very much, sir. Just one last question.

ACTING PRESIDENT FARLEY: Would you yield for another question?

SENATOR MALTESE: Yes.

SENATOR WALDON: Along this line. In regard to the provisions indicated by USTA in terms of the availability of the resources of the center and what it would mean to young people who would be given an opportunity to learn about tennis, does that include young people who only live in the area surrounding where this facility will be located, or will there be provisions to allow all young people who have a desire to learn tennis to come to that facility and utilize whatever is available there?

SENATOR MALTESE: Mr. President, in response to Senator Waldon, the programs have been open to all young people in the entire city of New York. As a matter of fact, various tournaments have attracted tennis players from

throughout the state and even outside the state. Those facilities now would not only be available but would be expanded to all young people and include a great deal more programs because they'll be able now to use not only the prior tennis courts but expanded tennis courts, the Louis Armstrong Stadium, the grandstand and the major stadium for matches or events that would be appropriate, to be decided on by the borough president and the representatives of the parks department.

SENATOR WALDON: Last question, Mr. President, if I may.

ACTING PRESIDENT FARLEY: Senator Maltese, would you yield for the last question?

SENATOR MALTESE: Yes.

SENATOR WALDON: Senator Maltese, would you characterize the provisions of this bill and of the proposed lease agreement as taking care of business in terms of allowing blacks, Latinos and women to participate in this process at the construction phase level, at the vendor phase level and at other service phase

levels?

SENATOR MALTESE: Mr. President. The answer is not only all the people enumerated specifically by Senator Waldon but all the citizens of Queens County not only those provincially in Senator Stavisky's district or Senator Gold's district or Senator Padavan's district or my district or Senator Waldon's district, all would have equal access to this treasure that does not belong to one Senator or to his constituents but which belongs to the people of New York State, no matter what color, race, religion, national origin. They would all have equal access. And in order to ascertain that all, because of the past deprivations, specifically they have set out a set of circumstances which would seem to answer Senator Waldon's justifiable concerns.

SENATOR WALDON: Thank you very much, Senator Maltese.

Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR WALDON: Senator, there was a gap in your response when I inquired about the provisions of the lease agreement. I, too, spoke to the Mayor of the city of New York, and he gave me his personal assurances that my concerns would be addressed.

Having grown up in Brooklyn, I wanted something in writing and so I made a request that a written document be sent to me which would support the assurances personally given to me, and in a letter dated July 1, 1993, from Carl Weisbrod, the president of the Economic Development Corporation, the city of New York, he states, "Dear Senator Waldon: As we discussed yesterday, the lease between the city of New York and the USTA National Tennis Center, Incorporated, will contain requirements that the USTA abide by the Mayor's Executive Order 50 regarding hiring and the Mayor's W/MBE Affirmative Action Program regarding contracts.

"In addition the USTA has also made public commitments that they try to use Queens businesses whenever possible."

Closing paragraph. "I hope this addresses your concerns. Please contact me at the above address and telephone number if you have additional questions."

Mr. President. My concerns are very parochial but broader than the concerns of my district. My concern is that there be equity in terms of the business opportunities surrounding this tremendous business opportunity for the city and the state and in fact the country, because the USTA is a national resource.

Now that I have these assurances that everybody will have a chance to play and, as James Brown said, that this opportunity is going to give the drummer some, I can support this bill.

I will vote in the aye. Thank you very much, Mr. President. And thank you, Senator Maltese.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: I'll waive.

ACTING PRESIDENT FARLEY: Senator Goodman.

(There was no response.)

Senator Leichter.

SENATOR LEICHTER: Mr. President, we've had a lengthy debate, at times a somewhat technical debate but, frankly, a debate which I think often missed the point. We had a home rule message here by the city of New York to alienate parkland. Actually to make a swap of parkland. We do those day in and day out. In all the years that I have been here, we must have done hundreds. I have never, never, never heard a legislator get up and say I want to see the contract that's going to be drawn up, or is there a contract that has been drawn up concerning that alienation of parkland or that swap of a -

SENATOR PADAVAN: Mr. President. Will Senator Leichter yield?

ACTING PRESIDENT FARLEY: Senator Leichter, would you yield to a question from Senator Padavan?

SENATOR LEICHTER: Yes.

SENATOR PADAVAN: Senator, I've heard that more than once, and I'd like to ask you the question. I happen to be chairman of the Cities Committee, as you know.

All of the park alienation bills come through our committee. Are you aware of the fact that this committee, and my predecessors, always made a point of making sure that those alienation bills were not inconsistent with the ideas, the feelings, and the wishes of those Senators in whose district that property existed, meaning did they have any objections? Are you aware of that fact?

SENATOR LEICHTER: Senator, if you say that's so, you are the chairman -

SENATOR PADAVAN: Okay.

SENATOR LEICHTER: -- if that's what you do, that's what you do.

SENATOR PADAVAN: Second question, if you will? Mr. President.

ACTING PRESIDENT FARLEY: Would you yield for another question?

SENATOR LEICHTER: Yes.

SENATOR PADAVAN: You heard Senator Maltese refer to sixteen alienation bills that were passed through our committee to the floor this session. You heard him say that?

SENATOR LEICHTER: I wasn't there at that moment.

SENATOR PADAVAN: Well, he did say that. Are you aware of the fact that not one of those sixteen bills involved transfer of that property for a commercial use? Were you aware of that fact?

SENATOR LEICHTER: I don't know what it has to do with what we're discussing.

SENATOR PADAVAN: Well, because it has a great deal to do with it.

SENATOR LEICHTER: If you say it's so, it's so.

SENATOR PADAVAN: Because that's what makes it different, all of those bills different than the one before us.

Now, you said a moment ago, if I heard you -- if again you would yield, Senator

-- that this is a land swap deal. I believe you did say that.

SENATOR LEICHTER: It's in the nature because, as you know, the City is mapping parkland.

SENATOR PADAVAN: Now, are you aware of the fact that the 31 acres which is now going to -- they are going to put a little line around it on the map, and College Point, which is in my district, previously in Senator Stavisky's district, are you aware of the fact that most of that land is under water and that the balance of it the community doesn't need as a park because there is already a park that's not being properly maintained and never could be a park and that it's miles away from those people who come to Flushing Meadow Park? Are you aware of that fact?

SENATOR LEICHTER: Senator, I'm not sure that fact is particularly relevant -

SENATOR PADAVAN: Well, it is relevant because -

ACTING PRESIDENT FARLEY: Just a

moment. Senator Padavan, let him answer the question.

SENATOR PADAVAN: Yes. Thank you. I'm sorry.

SENATOR LEICHTER: I don't -- I really -- I -- Senator, I don't think it's relevant.

SENATOR PADAVAN: Well, Senator, if you will yield. It's relevant because you said it's a land swap. That's what brought me to my feet. It is not a land swap unless you are talking about land under water for parkland that's being used by hundreds of thousands of people, by disabled children, by the Girl Scouts, and everything else you heard here today. That's not a land swap.

SENATOR LEICHTER: Senator, Senator, I think you missed the point. You are still missing the point. The point is that we have a home rule message, the Mayor of the city of New York, the borough president of Queens, and I don't know anybody who fights harder for her community than the borough president of

Queens. The City Council -- the Majority Leader happens to come from Queens -- sent us a home rule message. And it's their considered opinion that this alienation makes sense for the city of New York.

Now, I'm suggesting to you, Senator Padavan, and to my other colleagues here, that we are trying to apply a standard and a test that I have not seen in all of the other times that we have alienated parkland, whether authorizing a community to sell parkland, to use it for other purposes, or to swap it with some other land. And your point that some of the land is under water really, Senator, that - that -- we know perfectly well that there are parklands that include lands under water, and they are very valuable as parklands. So I don't think that's the point.

But what we need to look at is what our procedures are, what we have done here in the past, and I've gotten up on this floor just yesterday and I debated Senator Maltese because I felt that there was interference in

the affairs of the city of New York, and I submit to you that really it's the same thing here.

I have never heard anybody say I want to see the lease before I vote on a park alienation. I haven't even heard anybody ask what are the provisions of the lease or what is the deal or is the community going to get a fair value out of it. And the idea, with all due respect to people that I could not have a higher regard for, Senator Gold and Senator Stavisky and Senator Padavan, to say we did not see the lease. My God, we're saying that before we're going to approve these alienation of parklands that from now on we want to study the lease? I mean I have talked of micromanagement. I think that's totally absurd.

In fact, we have had made available to us information that I have never seen in one of these particular deals, and the City has come up and has told us what the material terms of this arrangement are going to be.

SENATOR PADAVAN: Mr. President. Mr. President, would Senator Leichter yield?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT FARLEY: Would you yield for another question?

SENATOR PADAVAN: Senator Leichter, I don't know if you were in the chamber earlier when I raised an issue, and I think others did also. What if we were going to take 40 acres of parkland in Central Park in your county and build a 120-foot high stadium with 88 boxes and thousands of cars parking on the lawn right in Central Park, tear down hundreds of trees, displace children, handicapped children, and a whole bunch of other things? Would you not say, Senator, under these circumstances that you, Senator Leichter, would like to have all of the relevant information attendant to such a proposal before you, prior to your voting on this floor to make such a move a reality? Wouldn't that be your desire, or would you accept it blindly without any inquiry, off the cuff, and simply say, "It's local

government and I have no responsibility here?" Would you do that?

SENATOR LEICHTER: Senator, we've had a mass of information made available. But let me tell you this. If they wanted to alienate 40 acres of parkland in Central Park and so on, if there was a home rule message, if the mayor was for it, if the borough president of Manhattan was for it, if local officials were for it, council members and so on, I would be on this floor fighting tooth and nail against it, but I would expect, just as I certainly respect the fact that you and Senator Gold and Senator Stavisky --it's your local area. I can understand your feeling.

And, by the way, it's due, in my mind, to a high degree of deference by this chamber. But I think the chamber as a whole I think has to give even greater deference to home rule, has to give greater deference to the fact that local officials are for it.

ACTING PRESIDENT FARLEY: Senator Gold, why do you rise?

SENATOR LEICHTER: I just want to finish.

SENATOR GOLD: I want to let him finish. I don't want to -

ACTING PRESIDENT FARLEY: Well, then sit down.

(Laughter.)

SENATOR LEICHTER: I just wanted to say, you know, Senator Padavan -

ACTING PRESIDENT FARLEY: What did I say?

(Continued Laughter.)

Nothing personal.

SENATOR GOLD: I didn't take it personally. I just admired you for the way you handled it.

(Continued Laughter.)

SENATOR LEICHTER: Okay. And let me say, Senator, I think -- as I said to Senator Stafford, and I have the greatest respect for him and understand he represents the Adirondacks, represents it well. But I said that he should not have veto power, and by the

same respect, much as I certainly listen to Senator Gold because it is his community, and your community and Senator Stavisky's community, but by the same respect, I submit that you cannot have veto power particularly when we have the city of New York coming and saying, "Please do this."

Why should I, why should you, say no. You're the mayor, you are the borough president, you are the majority leader of the city council from Queens and so on; no, I want to look at this de novo; I want to study the lease.

Senator, I submit to you that is not our function. I submit to you it doesn't make sense. But I further say to you that the City has been extremely forthcoming in giving us the material terms of the lease.

Why can Senator Gold stand up there -- and he did it brilliantly because he's a brilliant person -- and say this is a terrible deal if he didn't know what the deal was?

SENATOR GOLD: Mr. President.

SENATOR LEICHTER: I'll yield.

ACTING PRESIDENT FARLEY: Senator Gold, why do you rise?

SENATOR GOLD: Yes. And by the way, thank you for making me sit down. You were right. I admire that.

Will the Senator yield to a question?

ACTING PRESIDENT FARLEY: I get nervous when I see people standing up. I want to recognize them.

SENATOR GOLD: No, I appreciate that. Will the Senator yield to a question?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT FARLEY: Would you yield to your seatmate, there?

SENATOR LEICHTER: Yes.

SENATOR GOLD: Senator. First of all, Senator, there is a difference between seeing a lease and knowing the terms and knowing one or two terms that have been made public. That does not a lease make.

But, Senator, I want to -- I want

to clarify something. You have a lot to say on the floor of the Senate, and I'm one of your admirers, and I respect you. But are you telling us that if you get up on the floor of the Senate and are talking as not the statesman and statewide treasure which you are but if you are speaking strictly as a local legislator, we should ignore you? Is that what you're saying, Senator?

SENATOR LEICHTER: Not at all, Senator. But I think that where you have a home rule message where there is such a compelling public interest in addition to the fact that the city of New York says we want to do this, then I would expect that my friends -- I hope I have some friends here -- would say, "Listen, Leichter. We listened to you. We like you. We understand what you're saying, but we've got to go ahead and do what is best for the people of the state of New York."

And we have an obligation -- and I sorely believe in it, because I get up and speak about it -- in terms of giving

municipalities the power to exercise how they will govern themselves. And that's not your job or my job even when it's our district.

SENATOR GOLD: Mr. President. Will the gentleman yield to one more question?

ACTING PRESIDENT FARLEY: Would you yield?

SENATOR LEICHTER: Yes.

SENATOR GOLD: Senator, you were talking about a situation where there was a home rule and local support. Are you aware, Senator, that in this particular situation -- and I have the vote here -- there were substantial numbers of local council people who said, "Don't do it?" There were substantial numbers of local council people who said, "I'm abstaining. Don't pass it now; bring it back." Are you aware that there were substantial numbers of local Assembly people who said, "Don't do it?" Are you aware that there were substantial numbers -- as a matter of fact, unanimity -- among community people that said, "Don't do it?" Don't you -

SENATOR MALTESE: Will Senator

Gold yield for a question?

ACTING PRESIDENT FARLEY: Wait a second. Senator Leichter has the floor.

SENATOR GOLD: Senator, I was listening to your test. Doesn't that fit into your test? You were saying that when we have that, then maybe it was a little different than when we don't have it.

SENATOR LEICHTER: Senator, isn't it a fact or is it not a fact that the City Council sent up here a home rule message; that the majority of the City Council said yes? And as a matter of fact that -- I think two days ago -- the Assembly by an overwhelming vote decided that they would pass this bill and give the City the power that the City had requested? Isn't that a fact?

SENATOR GOLD: Yes.

SENATOR LEICHTER: Isn't that the answer to your question?

SENATOR GOLD: No. The answer to my question, Senator -- I will refresh your recollection was not whether or not the City

Council sent up a home rule. Wasn't it a fact that the legislators from the City Council in the affected areas and the Assembly people in the affected areas voted against it?

And the reason I brought that up, Senator, was because -- I mean I'm trying to zero in on reality here. I mean we've had an number of issues that come up, and it depends whose ox is being gored. And I can't believe that Franz Leichter, who is one of the people I respect, who believes -- and it comes from the heart; it goes right from the heart to your mouth -- and I can't believe you would tell all of us that if you ever stand up pleading for your district we should ignore you. Senator, I'm telling you something. I love you. I won't ignore you.

SENATOR LEICHTER: Well, Senator, if you won't ignore me, you're going to get a very good chance on a vote that's going to come on a particular bill right now, and I hoped I've convinced you to do the right thing on a principle that you believe in very deeply; and,

that is, one, home rule and, secondly, that we here in the Legislature do not have the authority or the right or the responsibility to micromanage.

You know, I have kidded Senator Maltese, and I've said you want to be police commissioner, and I can say now Senator Padavan wants to be parks commissioner, and you want to be the corporation counsel of the city of New York.

SENATOR GOLD: Yes, for one year.

SENATOR LEICHTER: You're going to negotiate a better contract. Listen, I think highly of you and maybe you would have, but the fact of the matter is that you are here as a Senator, thank God, and that these are the local officials. This is going through an incredibly complex and open process. There is no way that we should ask to have that lease finalized before we vote on it, and I can just see the 61 of us go through that lease, and Senator Padavan will be carrying the bill and say -- I mean

Senator Maltese -- "Senator Maltese, on page 325, I talked to a friend of mine and he thought that that boiler plate provision is really not the best provision." This is not our job.

Now, I think in this instance it certainly makes sense to know the basic terms. Basic terms. Those terms have been made available. Senator Gold says it's a lousy deal. I look at it. I don't think so, but I don't think really that that is our job.

ACTING PRESIDENT FARLEY: Senator Padavan, why do you rise?

SENATOR PADAVAN: Will you yield?

SENATOR LEICHTER: Yes, Senator, but it will be the last time because I know there's other speakers.

SENATOR PADAVAN: Yes. Just one question.

SENATOR LEICHTER: Sure.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR PADAVAN: Some time back in history someone decided -

ACTING PRESIDENT FARLEY: Just a moment. Senator Galiber.

SENATOR GALIBER: Point of information, Mr. President. This isn't to be interpreted as an objection, but how much time have we spent on this bill?

ACTING PRESIDENT FARLEY: We are thirty-five minutes over two hours.

SENATOR GALIBER: It's not an objection.

ACTING PRESIDENT FARLEY: Are you making an objection?

SENATOR GALIBER: No, sir.

(Laughter.)

Just an observation.

SENATOR PADAVAN: An observation. And I tell you I share that observation, but I just can't let this point go by.

Senator, you did yield, and let me ask a question. A number of years ago, and I don't know when -- long before my time -- laws were created that said, in effect, in this one area, when you are talking about parkland

wherever it is in this state, something special must happen. Beyond home rule messages, beyond anything, that the Legislature should take a careful look at it and make an independent judgment.

And I have been here 21 years. And as you said earlier, we do that year after year after year. Are you telling me that that law of ancient origin should be wiped off of the books? Because if you are saying that home rule messages -- even though in this case, as Senator Gold pointed out, it was hotly contested, very debatable, far from clear-cut -- you're telling me that that takes precedence, then perhaps you should be submitting a bill to repeal all existing statutes that -- relative to park alienation, and we should let the localities do what they want whenever they want to whatever land they want without our even blinking an eye? Because you can't have it both ways.

If the law is there that we have this responsibility, then we have to exercise it. You can't say it's micromanaging. It's

the law, and I think it was put there wisely, by the way.

SENATOR LEICHTER: Senator, I don't think you heard me. I said that it deserves the greatest degree of deference. I think we have that obligation, and we don't only have it in that area. We have it before we give municipalities power of taxes and so on.

I would be in favor of changing the Constitution giving greater power to municipalities. I think that if the municipality wants to alienate parkland that that can be decided in the municipality. But I agree that we have that function, and I'm not suggesting that we just rubber stamp it automatically if there's a home rule, but I'm saying it deserves the greatest deference and it deserves even greater deference than the deference that I would give to a local legislator being against something occurring in his district.

But I ask you to take a look at what is involved here. We're talking about one

of the premier sports events in the world. Something that communities would give their eye teeth to have. It's something that if we lose we lose it not only for the county of Queens but we will lose it for the city of New York and the state of New York.

We talk here about job development, and sometimes I am up here arguing with you people on job development because I sometimes think your figures are phony, but there's no question that we're talking here of hundreds and hundreds of jobs.

Many of you, as I, probably saw some of Wimbledon on television this week. You saw the fantastic publicity that was given to London, to England, to that event. That's going to happen to the U. S. Open.

So it's not only that it brings in thousands of people in the city of New York to the event itself, but it publicizes the City. It creates jobs while the event occurs. It brings in millions of dollars in tax revenue from people who spend money here in New York

City and in the state of New York.

And it is for that reason that other communities will turn themselves inside out to get this event. And we know already that Miami is interested. Dallas is interested. Maybe the Hunt Brothers will say, "We'll put up $100 million and we'll give it to you."

And one of the bases of the negotiations that the city of New York had is that it is competing. It is competing for an extremely attractive event. It is an open market. The U. S. Open has something very great to sell. It's been in New York all these years.

We've lost a lot in New York. We've lost the headquarters of Fortune '500' companies. We've lost the Dodgers. We've lost the Giants. I don't want to lose the U. S. Open. But if I take a look at this deal, it doesn't seem like it's a bad deal to me at all, when I see what cities and states in this country have done to get baseball stadiums, the amount of public money that they've spent.

As Senator Maltese pointed out,

there's almost no public money except the money that's involved with the IDA. We're getting an $8 million trust fund that's being set up. So it's not just the rent that Senator Gold was talking about. It's rent in the context of a popular event that other cities are competing for, plus the $8 million that we're getting, plus the fact that this is a facility that will be available for New Yorkers for a major portion of the year, that we'll be getting tennis courts and so on, and the city of New York is going to map an equivalent amount of parkland. Maybe some of it is under water. Maybe it's not the same sort of parkland, but when I look at it overall, I think that we've gotten a good deal.

But I am impressed above all by the fact that the city of New York has come here, that it has massive support within the City's government, and I think that it is for the benefit not only of the City but of the state that we give the City the authority that it asks for from us.

ACTING PRESIDENT FARLEY: Senator

Mega.

SENATOR MEGA: Yes, Mr. President. I'm not going to prolong the debate much longer, but I would ask Senator Padavan if he would yield for a question or two.

Senator Padavan, you held a hearing and you made a presentation indicating what was developed as a result of the hearing. You indicated that the borough president was invited and she did not attend. Is that correct?

SENATOR PADAVAN: That's correct.

SENATOR MEGA: She sent someone.

SENATOR PADAVAN: No, she didn't really do that. She had an observer who we kind of cajoled into answering a question, which he was prepared to do only with regard to the airplane overflights, but he couldn't answer anything else.

SENATOR MEGA: Well, did anyone from the borough president's office testify?

SENATOR PADAVAN: Only to that extent on that issue.

SENATOR MEGA: Who was asked to come to the hearing?

SENATOR PADAVAN: We personally invited the borough president.

SENATOR MEGA: And were other elected officials asked to attend?

SENATOR PADAVAN: All elected officials, from the county, and in the City, and elsewhere, were invited.

SENATOR MEGA: And could you tell us which elected officials attended and give us some idea of their -

SENATOR PADAVAN: Several state legislators -

SENATOR MEGA: -- presentation.

SENATOR PADAVAN: There were several state legislators and there were three city councilmen who provided testimony, as well as 30 -- almost 40 organizations representing 91 umbrella groups who totally were opposed to this. There were some City Council representatives who sent us statements after the hearing; Senator Maltese's councilman, Mr.

Ognibene; my councilman, Mr. Abel, in opposition of course to this proposal.

SENATOR MEGA: On the bill. Thank you, Senator Padavan.

The reason I asked those questions, Mr. President, just for the record, it's been alluded to several times that the borough president is -- supported this project very strongly, and she has indicated that it would be good for Queens and it would be good because we don't want to lose this event and so on.

But in the statement, in the one statement that she made, the testimony that she made before the City Planning Commission hearing on June 23, 1993 -- and I will not go into the entire statement, but she says in conclusion, "In conclusion, I ask that you carefully review the merits of the USTA project and consider the significant benefits it will bring to the people of New York City. We must work together to ensure that the U. S. Open remains the best of the grand slam tennis events. Thank you."

"In conclusion, I ask that you carefully review the merits of the project." And that's what we've been asked to do, and that's what we've been doing, and I have indicated that I was going to keep an open mind on this vote until I heard all the testimony, until I heard all the evidence that is going to be put before us, and I have done that.

And when it comes time to vote, I will indicate what my decision is.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Onorato.

SENATOR ONORATO: Thank you, Mr. President. Senator Maltese, will you yield to a question?

SENATOR MALTESE: Yes, Senator.

SENATOR ONORATO: I'm a little perplexed. You are an attorney, and I was just wondering, could you possibly explain the cancellation outlets in this bill. The way I read it they have an option that they can lease this property to someone else for a period not

exceeding one year. So hypothetically speaking, they could lease it to a carnival or some other type of facility that would not be conducive to the use that we would like it to be used for. What are the cancellation provisions for?

SENATOR MALTESE: Mr. President. I don't have the specific provision before me, but my understanding from previously reading the provision and speaking with representatives of the mayor as recently as two or three hours ago was that the only purpose that the facility can be leased for is a purpose to run the U. S. Open and affiliated purposes; in other words, purposes in conjunction or coordination with running a world class tennis facility.

SENATOR ONORATO: Mr. President. Where does it say that? That might be the intent, but where does it say that they can do it?

SENATOR MALTESE: Well, I imagine -- Mr. President. I previously indicated that the contract will undoubtedly be in excess of 200 pages. I have been advised that the

contract will be in excess of 400 pages, and I am accepting the synopsis and the representation of the Mayor of the city of New York that this is one of the provisions that will restrict any type of subleasing to -- only to purposes that would be approved by the Parks Department, the Mayor of the city of New York, and the other parties in interest.

ACTING PRESIDENT FARLEY: Senator Onorato, you have the floor.

SENATOR ONORATO: Mr. President. I have heard all of the arguments for and against the proposal, and I must concur with my colleagues from Queens County. I, too, am not opposed to the tennis facility that currently exists in the park, but I don't believe that the legislators from Queens County were given the opportunity before this thing took place to get their input.

And I was hopeful that the mayor and the lobbyists would have put as much effort into lobbying for the tenants of Queens County and the city of New York as they have for

usurping the use of the parkland in Queens County that the legislators who represent a good portion of the area are totally against, and especially in view of the fact that we have not been made aware of all of the terms of this lease.

And Senator Stavisky pointed out a very, very important issue that I have been involved with myself with some people who wanted to lease some of the properties from the city of New York, and I've never heard of anyone ever receiving a lease from the city of New York that had a one percent of net gross -- net, after all expenses. The City, going by past procedures, generally grabs you by the throat and they want a percentage of the gross in addition to rent.

So I mean let's not get carried away. We want good things to happen to Queens County, but we want honorable things to take place also. We're not about to be giving away everything that we fought for all of these years, and we have been elected. You are talking about home rule. What about the home

rule of the legislators who represent the county that's being affected. We are being affected, and we did not -- none of us from Queens County submitted this piece of legislation to usurp any of our parkland.

This came from people from Manhattan. And so, you know, Senator Leichter, let's be fair about it. We want to be heard, and I am urging my colleagues for a no vote on this bill.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President. As a person who feels strongly about parkland, open space, I'm very concerned about alienating parkland before there is a firm contract between USTA and New York City. If parkland is alienated and the contract fails, the parkland remains alienated.

I believe it's good practice and supported by most environmental and parkland organizations that the contract be confirmed and be presented to the public and be signed off on

prior to the alienating of parkland.

I would question if you believe that would be the proper way to go, Senator Maltese.

SENATOR MALTESE: Mr. President. If that's a question -

ACTING PRESIDENT FARLEY: I think -

SENATOR MALTESE: Senator Oppenheimer, what I indicated previously is that since the beginning of the year Senate Research had stated to me that there were sixteen different bills brought up for alienation of parkland; and that in those sixteen bills, eight of them were contracted although not perhaps a complete contract, and eight of them had nothing. They were not contracted. And the phrase that is repeated over and over and over again is "as the town board deems fair and reasonable"; "as the municipal body deems fair and reasonable". Well, the phrase over and over again is, "as the parties involved deem fair and reasonable."

Therefore, what has been given in each case is the authority to alienate the parkland to the municipal body making the decision at the time. So I believe and I have been advised by research that in no case was a complete contract brought before this body; and in all cases but one, the vote was unanimous from the Senate.

SENATOR OPPENHEIMER: If you would yield for one more question?

SENATOR MALTESE: Sure.

ACTING PRESIDENT FARLEY: Would you yield for one more question?

SENATOR MALTESE: Yes.

SENATOR OPPENHEIMER: A rather simple one. What's to be lost by postponing this until we have a firm contract before us?

SENATOR MALTESE: Mr. President. I have been advised that this has already been more than two years in the formation and negotiations. Despite what Senator Gold said about six pages. I have before me a press release -- a press release kit with 19 pages in

it that was available to the public, dated spring of '91 that sets forth 19 pages of fact sheets and details. Admittedly, not a contract.

I have a news conference, April 22, 1992, where there are again numerous pages, numerous details about Mayor Dinkins and a summary of business terms.

Mr. President. These are complex negotiations. I have not participated in them. They are going to result, undoubtedly -- if they are over 400 now, by the time it's completed there will probably be 500.

I believe there are numerous procedures that were not in effect in 1981 when this body voted unanimously to alienate the parkland to set up or to perpetuate the National Tennis Center. I was advised, as I said, that there was no contract available then. There are a great deal many more complex ULURT procedures, environmental procedures, City Council hearings, mayor's hearings, meetings that would be held. They are -- a $172 million deal has to be

consummated. Money, 22 million, has to be negotiated with by the USTA; 150 million has to be worked out.

I was advised by the mayor's representative that contrary to -- and I believe it was during debate that it could be done in a relatively short time -- that it would take a month to negotiate the $150 million deal.

So in reply to the question, the U. S. Open is held at a traditional time in the year. The sooner we get this behind us, the sooner that action can be taken. There is no, so far as I can ascertain, hidden agenda.

I believe that they need the additional time in order to finish the contract, finish the procedures. And unlike what was previously said, this is not the final act. This is the final act acting on the home rule, and it now goes back to the City Council, where if they wish they can conduct hearings and they can conduct an entire meeting and take a full vote.

And, by the way, Mr. President,

in response to Senator Oppenheimer, there's talk been made of a City Council vote where sixteen people were against it. Well, there were thirty-one for it with four abstentions. There's been talk of districts. Let's pay attention to districts. So one member says fifteen members of the New York City Council voted against it, thirty-one members voted for it. Five members listed are residents of Queens and close proximity thereto. Eight Queens council members voted for the proposal, and not a word has been said about Councilwoman Helen Marshall, formerly an Assembly member here, who has virtually a hundred percent of the site and is the prime sponsor together with Jeff Aubry of the bill, so, therefore, we have home rule. We have a number of people who have looked at this. This is more paper than has been -- that I have looked over in connection with any piece of legislation, certainly in the four and a half years I have been here, and yet we have requests for more and more. It takes a heck of a lot of time, most respectfully, Senator Oppenheimer. I

think the sooner we can get this behind us, why endanger a world class event? Why endanger a national treasure?

Mr. President, I have answered Senator Oppenheimer's question. I had asked time to close debate. I relinquish the time to close debate. I say to the members of -- my colleagues, most respectfully. You have heard a variety of information about this case. You - probably ad nauseum, unfortunately. But I say to you this is very important. This is very important.

Somebody spoke earlier about why I didn't get upset when they moved from Forest Hills. I didn't like them moving from Forest Hills. I was married in Forest Hills Inn right near the site of the event. Sometimes people can be wrong. I have a great deal of respect for Senator Padavan, for Assemblyman Seminerio, and some of the other opponents of this bill. I'm not saying they are wrong. Except for my wife of 38 years, who is never wrong, people are wrong from time to time, and I think they are

wrong on this issue.

I think this is not something that we can negotiate and nitpick and micromanage out of petulance or out of spite, and I'm not attributing that to anybody here, but what I'm saying this is something that we should be -

ACTING PRESIDENT FARLEY: Senator Padavan, why do you rise?

SENATOR MALTESE: -- granting, grant it as soon as possible. I rest my case.

ACTING PRESIDENT FARLEY: Senator Oppenheimer, you have the floor.

SENATOR OPPENHEIMER: I'm not sure if we've closed debate, Mr. President.

ACTING PRESIDENT FARLEY: No, well, you have the floor.

SENATOR OPPENHEIMER: I have one last question.

ACTING PRESIDENT FARLEY: You want to ask him another question?

(Laughter.)

SENATOR OPPENHEIMER: I don't

know. Just a brief question, Senator Maltese, and then I'm running out.

SENATOR MALTESE: Mr. President, Senator Tully said it should be a yes or no.

SENATOR OPPENHEIMER: It is. The sixteen other cases of alienated parkland, did or did not the Senators from those areas support those sixteen other areas?

SENATOR MALTESE: Mr. President. The answer is yes.

SENATOR OPPENHEIMER: Thank you.

ACTING PRESIDENT FARLEY: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President. I think Senator Oppenheimer made one of the key points I wanted to make, and I guess it's a word we don't hear too often, but it's basically called Senatorial courtesy, and it was extended to me on an alienation of parkland in my district when I had first come up here, and in fact there is a second contract which the City was also going to enter a 99-year lease, and yes, we did have the details of that 99-year

lease before they entered into it. In fact there had already been a penalty put in place against the proposed party that was going to be the beneficiary of that lease of parkland. I think that's very important.

In the sixteen previous cases, the Senators wanted it to occur or were not opposed to it, and it's very important because 40 acres of parkland in Flushing Meadow Park, for those of you who haven't visited it, is a very important piece of property in the City. I think it is one of the most used parks. I have gone there on numerous occasions. I have traveled there from Brooklyn because, in fact, we don't have a comparable facility to Flushing Meadow Park in Brooklyn.

And I'd like to say that if they want to stay in New York, the National Tennis Association, I have over 40 acres of beautiful parkland on waterfront which was deeded as a gift to the city of New York in 1938, and the only thing they have been able to do with that is place a compost heap on the parkland since

1938. It's accessible to the major highways; it's five minutes from the Verrazano Bridge. It's literally an exit off the Belt Parkway and it is next to or within a half a mile of five New York City subway lines. So if they would be more than happy to look at this facility, I'm sure that we could probably help them build it there, and that's parkland, and they can alienate that parkland because we'll get rid of the compost heap, and they will have a beautiful tennis center on that site.

So I think that's something that's very important. Again, the sixteen previous cases, I don't remember one Senator from those districts getting up and arguing against the bill.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: I think that's the last speaker.

SENATOR PADAVAN: Mr. President. I would like to close debate for the opposition, if I may, very briefly.

Did you close debate?

ACTING PRESIDENT FARLEY: Well, he -

SENATOR MALTESE: I said I did, and I'm afraid at this point I'd -

ACTING PRESIDENT FARLEY: That's your call.

SENATOR PADAVAN: I'll be gentle.

ACTING PRESIDENT FARLEY: Senator Maltese, do you wish to speak after this to close debate?

SENATOR MALTESE: No, Mr. President.

ACTING PRESIDENT FARLEY: Senator Padavan to close debate.

SENATOR PADAVAN: I will be very brief, Mr. President, because I think probably by now you have all heard all you want to hear on the subject, but there are just a few points that I would be remiss if I did not reiterate.

Point is made by Senator Maltese and Senator Leichter about not wanting to lose this grand slam event, the U. S. Open, in New

York City. Those of us who are opposed to this bill today feel the same way, and I tried to explain earlier why I felt that that would never happen, even if things remained at the status quo level.

There is a great market for that Open, and it can't be replicated. Physical facilities that I have outlined to you before can't be replicated, two airports, a railroad line, all kinds of things. But the important point that I want you to recall is that we moved the USTA U. S. Open out of Forest Hills to where they are now at their request a little more than a decade ago. We gave them what they wanted, and it has worked out extremely well.

They are doing all the things that Senator Maltese and others spoke about, and Senator Waldon spoke about, although I would frankly find a little trouble about these kids having to get up at 6:00 in the morning to go over there and take advantage of this tennis opportunity; but, nevertheless, they are a not-for-profit organization. They are supposed

to be using their profits nationally to promote tennis, particularly among young people, and they have been doing it there and elsewhere, and they have a $100 million surplus in their treasury, so it has worked out very well.

The parkland issue I tried to articulate. I think it's wrong in the manner in which it's being done, and so do all -- all, without exception, of the organizations in the county of Queens, civic, environmental, you name it, they all came forward and said we're against this.

Sometimes we have to make decisions that even a mass of people like that don't want us to make -- sometimes. But I think in this instance all of the things that my learned colleague, Senator Maltese, said have to be done, and he is absolutely right, the ULURT, the environmental studies, the National Park Service, all of these things that must go forward in terms of evaluation, can go forward without our alienating the land tonight.

If we don't take a vote tonight,

we will not impede City Council hearings, other hearings, other agencies, from taking place. That's why I said at the very outset a while ago, whatever we do should not be done tonight.

Now, it's true this lease may end up being a thousand pages. I haven't the slightest idea. I do know what's in the draft summary, you say it's 200. I've only got this. And I think a standing committee in the state Senate should be given whatever there is to get, particularly when they have a public hearing and they openly try to evaluate a proposal.

But I don't like half the things in this draft summary, and I've told you why and Senator Gold has told you why. Whether it's airport penalties that take away dollars or flyover penalties that take away tennis courts, that's vindictive. It's nasty. It's mean. But it's in their summary draft proposal. They should say, as far as I'm concerned, make your best efforts to keep the planes away, but we're not going to hit you with all these nasty penalties. That's my view. Maybe you don't

agree, but that's the way I feel.

Let me finish, Senator.

That's the way I feel. I may be wrong, but that's the way I feel, but it's in the draft.

So in addition to the fact that there is not an extended final lease, contract, whatever you want to call it, what we do have has things in it that I find offensive, and so I'm trying to do my best to get those changed, and I think others down in the City are trying to do the same thing.

I said to Senator Leichter, and others have said it as well, yes, we have a home rule message. I told you that at the very beginning in case some of you lost sight of that, but I also told you that sixteen of them voted no, four abstained, and the rest held their noses, and they all put in -- many of them put in provisions that said, "I reserve the right in the course of ULURT to reject this for reasons that I think may be undesirable for the city of New York and the people in Queens." They

said that. I didn't say it.

But you alienate this land tonight, and you take away any leverage they have because it will be a done deal, and that's what I'm trying to have happen here tonight.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Read the -

SENATOR MALTESE: Mr. President, if I just might indicate in a brief, very brief sentence what I wanted to ask Senator Padavan as to the spite behind the term -

SENATOR GALIBER: Point of order, Mr. President.

ACTING PRESIDENT FARLEY: What is your point of order?

SENATOR GALIBER: I thought we had closed debate.

ACTING PRESIDENT FARLEY: Well, Senator Maltese can close debate if he wishes.

SENATOR MALTESE: I yield.

ACTING PRESIDENT FARLEY: Senator Maltese has -- there's been an objection.

There is a home rule message at the desk. I presume there is going to be a slow roll call.

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT FARLEY: Read the last section and ring the bell.

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

ACTING PRESIDENT FARLEY: Slow roll. Call the roll.

THE SECRETARY: Senator Babbush, excused. Senator Bruno.

(There was no response.)

Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

(There was no response.)

Senator Daly.

(There was no response.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: To explain my vote.

ACTING PRESIDENT FARLEY: Senator

DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I came in here this evening fully intending to support this legislation. However, it was a very interesting debate, one which we rarely have in these chambers where you have Senator Leichter opposing Senator Gold, Senator Padavan opposing Senator Maltese. So this isn't a political issue, I don't think. I think it's a practical issue that we really should look at very carefully.

Having been president of a local city council, I am very concerned about this issue of local home rule and the fact that you should give deference, according to Senator Leichter, as I heard in the box from my office when I was listening to part of the debate, give the greatest deference to local government.

The problem that I have with this is two-fold. Number 1 is you can't even determine whether you are giving the greatest deference or not because there is no deal yet. You can have as many proposed agreements or

proposed leases as you want, but they are not worth anything. So what deference are we giving. We don't know what the program is. And how can you just sign off at this early date?

And most importantly, I am in favor of this project, but this doesn't mean the project is dead as far as I can tell from the debate, insofar as Senator Gold aptly pointed out the USTA has already, in their own document, stated that government approvals would extend into 1994. And somehow I believe we're going to be back here later this year and earlier next year to discuss other issues, including this one.

So for those reasons and based upon the excellent debate, I'm going to vote no.

ACTING PRESIDENT FARLEY: Senator DeFrancisco in the negative. Continue the roll call.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Mr.

President, to explain my vote.

ACTING PRESIDENT FARLEY: To explain his vote.

SENATOR DOLLINGER: This is indeed a strange night. Maybe this is part of staying beyond the 4th of July, but I'm going to agree with Senator DeFrancisco, agree with Senator Padavan and strongly disagree with my colleague, Senator Leichter.

The question of whether this is a good or bad deal, I agree with Senator Padavan, the deal hasn't been made yet. We don't know whether it's a good or bad deal.

Senator Gold, Senator Padavan, Senator Stavisky, the people who represent this part of Queens, say we've seen enough to suggest it may be a very bad deal. Senator Onorato's comment about how much financial wherewithal the tennis center and the USTA are going to put into this raised some serious questions.

But I'm not sure this is a good deal. It looks like a bad deal, and the thing that troubles me most is that when three of my

colleagues come in and say, I don't have enough information to make a decision; I don't have it; I haven't seen the final deal; I want to see the lease. These are my people. These are my constituents. I want to know what the final terms of the deal are."

If we approve this tonight and not allow them to do that, we're telling them they don't need information that they can consider vital to their decisions in this body. My opinion it has very little to do with home rule. It has to do with the sanctity of this chamber and sanctity of members who represent that district who say, "I would like to see the final deal before I vote." And I think that access to information is critical to this process. When the members from Queens say they want to see the information before they vote, that's good enough for me.

That may not be home rule, but it's the rule and respect that I have learned from my colleagues in this chamber.

I vote no.

ACTING PRESIDENT FARLEY:
Continue the roll.
THE SECRETARY: Senator Espada.
(There was no response.)
Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Galiber.
SENATOR GALIBER: No.
THE SECRETARY: Senator Gold.
(There was no response.)
Senator Gonzalez.
SENATOR GONZALEZ: No.
THE SECRETARY: Senator Goodman.
SENATOR GOODMAN: Yes.
THE SECRETARY: Senator Halperin.
SENATOR HALPERIN: No.
THE SECRETARY: Senator Hannon.
(There was no response.)
Senator Hoffmann.
(There was no response.)
Senator Holland.
SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

(There was no response.)

Senator Jones.

ACTING PRESIDENT FARLEY: Senator Jones to explain her vote.

SENATOR JONES: I, too, find myself like my colleagues in an interesting position tonight, to be able to listen to a debate that I had absolutely no opinion on before coming into the chamber and to have the opportunity to hear different people that as Senator DeFrancisco expressed so well on different sides of a debate.

I, too, had a parkland, a very tiny little parkland bill this year, and I would agree with what Senator Padavan said. It was looked at very carefully. Obviously, we amended it two or three times. This only involved what a town wanted to change, a small parcel for another. So I would agree that parkland bills have not been passed without being scrutinized and looked at.

I didn't hear anything that said

to me tonight that this can't happen at another time. I'm not a lawyer, and I certainly couldn't begin to read or understand a legal contract, but I can understand that there seems to be a tremendous give-away on the part of the city of New York.

So all of us upstate people who are constantly bombarded with our constituents saying, "We're always giving away," and I'm saying I don't agree with this but, nevertheless, that's what we hear. So I really have to respect my colleagues who live there and who seem to be vitally concerned and say I think we need to wait and get the rest of the information.

So I vote no.

ACTING PRESIDENT FARLEY: Senator Jones in the negative.

Continue the roll.

THE SECRETARY: Senator Kuhl.

(There was no response.)

Senator lack.

SENATOR LACK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Lack to explain his vote.

SENATOR LACK: Thank you, Mr. President. I did want to speak on the main bill, but after an extraordinary three hour and five minute debate, of course I didn't, and I respect everybody of course who did, but I have been keeping sort of a count as everybody throws statistics back and forth, and as I understand it, this was originally sponsored in the City Council by my former colleague in the Executive Committee in the National Conference of State Legislators, Helen Marshall, former member of the Assembly who is now the City Councilperson representing this area.

Eight of the thirteen members of the Queens delegation in the City Council voted for this. Four community boards out of five have held hearings and voted for this; there was a boroughwide hearing. The borough president is in favor of it. The mayor is in favor of it. There was a 31 to 16 vote by the New York City Council with an appropriate home rule message

here. There was 118 to 24 vote of the New York State Assembly; and of the 124 members from Queens 9 voted for it and 5 voted against it.

I practiced a little law in my time and I must say I've never heard about so many hearings, so many votes, in so many places, and this hasn't even gone very far except that all we're doing is sending this back to the appropriate local government to make a decision, assuming the state Legislature makes a decision.

Mr. President, I would say after the three hours I'm certainly in favor of this. And I will add in my role as chair of the Labor Committee only one other comment that was mentioned once by Senator Maltese, that Stroock, Stroock and Lavan, counsel to USTA, has said this will be a union job: I would add that Edward Malloy, president of the Building and Construction Trades Council of greater New York, has contacted me on June 29 to advise that that Building and Construction Trade Council is strongly in support of this project for the

hundreds if not thousands of jobs that it will provide to the Building and Construction Trades Council of greater New York and to members of its constituent unions.

Mr. President, I vote in the affirmative.

ACTING PRESIDENT FARLEY: Senator Lack is in the affirmative. Continue the roll call.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Yes.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Yes.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: Yes.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Yes.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Yes.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Mr. President. Very briefly to just explain my vote.

Mr. President, the statements

were made earlier by some of my colleagues indicating that they would listen very carefully to the people from the district and the people in close proximity thereto and the people from the vicinity and, Senator Lack, I think said it very comprehensively and completely. Out of the five community boards -- and for those of you outside the City, our community boards are pretty largely composed of presidents or officers of all the civic associations in an area. Out of five community boards only one voted against it, Community Board 3. 119 voted for it, to 56 against it and 11 abstentions, over 2 to 1.

As was mentioned by Senator Lack, Helen Marshall, whose district contains just about the entire tennis center is very much for it.

The statements made with reference to the lease itself, the amount of material that we had before us that indicated that there were 38 other sports facilities in the entire United States, and that if this deal

is consummated simply as is, without another inducement to the USTA, it would be the best deal in the entire United States for a municipality.

Mr. President, I urge my colleagues to support this world class event, this wonderful national treasure.

And I vote aye.

ACTING PRESIDENT FARLEY: Senator Maltese is in the affirmative.

Continue the roll call.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Marchi to explain his vote.

SENATOR MARCHI: In all the years I have been here, I have never been denied Senatorial courtesy. The evidence I think would attest to the fact that there is initial disposition in favor of this legislation but a majority, certainly all but one, of the Senators from the Queens district not exercising their judgment frivolously but with apparent

deep-seated conviction do not feel assured at this point that they can support the legislation.

I would hope that regardless of if this bill should fail that it will not be neglected but there will be a motion laid on the table so that it may be reconsidered. But it seems apparent to me here that the Senators that come from that area have made it abundantly clear that their fears have not been met.

So I respectfully vote no at this point, hoping that if there are reasonable grounds that can be advanced to reassure my colleagues that this will happen, in that case, then, we may be able to do this. It's been pointed out very abundantly that there is certainly time for indulging in what I believe a legitimate exercise of Senatorial courtesy.

I vote no.

ACTING PRESIDENT FARLEY: Senator Marchi is in the negative. Continue the roll call.

THE SECRETARY: Senator Marino.

SENATOR MARINO: Aye.

THE SECRETARY: Aye. Senator Markowitz.

(There was no response.)

Senator Masiello.

SENATOR MASIELLO: No.

THE SECRETARY: Senator Mega.

SENATOR MEGA: Mr. President.

ACTING PRESIDENT FARLEY: Senator Mega to explain his vote.

SENATOR MEGA: To explain my vote. I had indicated when I was lobbied in connection with this bill that I would keep an open mind until I heard all the debate, until I read all the material that was given to me, and I have done that, and this is the time for me to indicate my decision.

I have considered the borough president's position, which I indicated was not very strong. She didn't really come out and say do it because it's a good deal but do it because it's good for Queens. I mean she wasn't that emphatic in her only written statement. A

hearing was held by Senator Padavan, who is chairman of the Cities Committee. She was invited to testify. She didn't come and testify to make a strong record in reference to this project.

Now, we talk about home rule. There is home rule involved, but we have a position in this process and that's where we are. One of the arguments that was made for support of this bill was that it was unanimously passed by the Assembly. Well, if we used that argument, we'd really be in trouble as far as legislation is concerned.

(Laughter.)

The home rule was 16 to 34. There were sixteen councilmen that had a home rule problem, and there were four councilmen that said, "Well, we can't make a decision because we don't have enough information," so they abstained.

I have a memorandum in support from the USTA National Tennis Center with no date on it with seventeen fictions that they had

to answer, and I'm not going to go through the fictions and the answers, but there were seventeen fictions that they had to answer in connection with this legislation. And I think that most of these answers that were given in the report or the memo really were not to my satisfaction, and I listened to the debate and the answers that were given during the debate to make up my mind.

But the important thing is that this process can still go forward. Remember that. This process can still go forward. So we don't want to lose it. It won't hurt the City, but the process can still go forward.

So based on all that I have said and all that I have heard, I think I have no other alternative but to vote no, Mr. President.

ACTING PRESIDENT FARLEY: Senator Mega is in the negative. Continue the roll.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator

Mendez to explain her vote.

SENATOR MENDEZ: My record in this chamber shows that I always have had great respect for home rule requests. I feel very strongly about it. In this instance, however, Mr. President, I really have to go against that usual -- against that belief. The reason being that, first, as it has been stated here before, first, this process in keeping that wonderful and national and world treasure that we call the U.S. Open, will not be -- we will be able to retain it. But on the other hand, there are lots and lots of people in Queens, people, constituents of those Council members, whether they voted for or against it. This is turning out to be a very divisive, emotional issue in Queens. The reason -- and to prevent it from interfering with the process of retaining the U. S. Open in Queens and in New York, I think that we need to stop, look and listen and think and make all that information available, to all New Yorkers so that emotions will be cleared up and the process to proceed to a conclusion where

everybody feels that the city of New York is getting a fair deal because the information has been given properly.

So, Mr. President, I vote no.

ACTING PRESIDENT FARLEY: Senator Mendez in the negative.

Continue the roll call.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Nolan.

SENATOR NOLAN: To explain my vote, please.

ACTING PRESIDENT FARLEY: Senator Nolan to explain his vote.

SENATOR NOLAN: When I came to the chamber tonight, I really hadn't made up my mind although I must say I was leaning slightly to oppose the bill, and there is certainly nothing that I've heard tonight that not only would sway me to change my mind but the more I've heard, the more I really come to the conclusion that this is a very, very bad piece

of legislation.

Now, Senator DeFrancisco and Senator Dollinger, I'm not going to repeat what they said, because they certainly both made a lot of sense in what they did, and certainly Senator Gold and Senator Padavan, too.

But the fact of the matter is we're talking a 99-year lease. We are talking -- as any real property lawyer knows, we're really, in effect, transferring the incidence of ownership to the Tennis Association; and without knowing and having any idea what the details of the contract are, I think it would be a tragic mistake for this Legislature to approve this bill. As has been pointed out, we have all sorts of time. A lease could be entered into, negotiated into, and so on, subject to the approval of the Legislature. We will be back here, certainly, long before they will have started making any improvements and making the things that they would have to do. They are not going to be spending any money. So for people to say that they wouldn't go forward without us

approving it, doesn't make any sense.

The fact of the matter is that the U. S. Open belongs in New York. The people that run the Tennis Association that run the Open want it to stay in New York. Witness the fact that for so many years it was at the West Side Tennis Club not too far from where it is presently located. As Senator Padavan pointed out that ten or eleven years ago, the city bent over backwards to move it from the West Side Tennis Club to Flushing Meadows.

And the fact of the matter is this is a terrible piece of legislation. I honestly can't believe that people who have listened to this debate would vote in favor of this legislation this evening.

I vote no.

ACTING PRESIDENT FARLEY: Senator Nolan is in the negative.

Continue the roll call.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein.

SENATOR OHRENSTEIN: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Nay.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: To explain my vote. If I were to think that it would be possible that we would not have the tennis Open in our back yard in New York City, I would be voting very differently, because I love tennis, I love playing it. I love watching it. But I am -- I feel -- oh, utterly convinced that this will continue to occur in the same location, that we will have an opportunity to look at this again in a few months.

And, therefore, I'm going to vote no.

ACTING PRESIDENT FARLEY: Senator Oppenheimer is in the negative.

Continue the roll.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Mr. President, I only want to explain my vote to the extent of thanking everybody in this chamber for their indulgence. It's a very difficult issue, somewhat emotionally charged, involving all aspects of what we think we're here to do.

I vote aye -- nay.

(Laughter.)

I had you for a while there, right?

ACTING PRESIDENT FARLEY: Senator Padavan votes both ways, but I think it's a negative.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: No.

THE SECRETARY: Senator Paterson.

(There was no response.)

Senator Present.

SENATOR PRESENT: No.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Saland to explain his vote.

SENATOR SALAND: Mr. President, the district in which both of my counties is located does not afford or present the type of dilemmas that I think have faced many of us here this evening. I guess the question for me and perhaps for many of us is when is a home rule a home rule? On the one hand, we've had the city of New York by its duly elected legislature, the City Council, I've heard tonight, with the sponsorship or leadership of a former colleague of mine in the Assembly from the affected area, passing a resolution requesting by some 30 votes to 16 votes in opposition.

In my district more than once I've had opportunities to carry a home rule in which there have been divided boards, and I have generally taken the position that it's my responsibility to pass that legislation even though I might have not voted for it were I a member of the board deliberating, at the time, the request.

On the other hand, as was so, I think, capably pointed out by the dean of this institution, Senator Marchi, we do have colleagues, colleagues who feel very strongly about this, colleagues who are immediately impacted by the events that they feel bear directly on their respective districts.

While I would very much in the spirit of Senator Marchi like to be able to share with them this moment, I'm afraid that I can't. I'm afraid that I have to take the position that the home rule resolution, as I see it, is the home rule resolution that was passed by the City Council.

I've listened attentively to the debate. Even when I left the chamber, I've been listening on the box. I think the deal is certainly a questionable or dubious one, but I don't think I have the -- either the authority or the ability to undo what at first blush seems to be a lousy deal if the city of New York is preparing to embrace that deal.

I apologize to my colleagues who

have spoken so eloquently in opposition, those: Senator Gold, Senator Padavan, Senator Stavisky, but I feel constrained to support the home rule request.

ACTING PRESIDENT FARLEY: Senator Saland is in the affirmative.

Continue the roll call.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Sears.

(There was no response.)

Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Sheffer.

SENATOR SHEFFER: Yes.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Solomon.

SENATOR SOLOMON: No.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Yes.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT FARLEY:

Absentees.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Cook.

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook to explain his vote.

SENATOR COOK: I have to confess if I saw this bill parked in a used car lot, I probably wouldn't buy it. But through many years as chairman of Local Government Committee, I came to have great respect for the concept of home rule messages. I think that our responsibility here is to reflect the judgment of those people who run local government. I have not been there as a part of the hearing process, the decision-making process that those local people were involved in, and I have to trust their judgment, that they are answerable to the electorate who put them in office.

For that reason, I'm going to support the bill. I vote yes.

ACTING PRESIDENT FARLEY: Senator

Cook is in the affirmative.

Continue the roll.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: Mr. President. To explain my vote.

ACTING PRESIDENT FARLEY: Senator Gold to explain his vote.

SENATOR GOLD: I think Senator Padavan set a tone, and I want to follow through. I want to say I'm very proud of this chamber tonight. Very proud. And I did want to thank people like Senator Marchi and others, Senator DeFrancisco, and certainly to members on this side of the aisle who have listened to Senator Stavisky and myself and Senator Onorato and Senator Padavan.

This is probably a bill that should have been two-thirds, but I understand the technicalities and we never would have

gotten that.

I want to point out that I think that if this bill passes, as it probably will, with 31 or 32 votes or even 33, it is not a victory. It shows that there is a problem. And I ask the mayor, who I consider a friend, to wake up. That is a bad situation, and it is no victory to come in here with a bill that has been handled in the back rooms the way this is.

I respect everyone here. I know it's going to pass, but those of you who have shown the concerns that you have, I'm really very proud of you, more proud than I am of what's happened in some of the other houses, and thank you once again. Thank you once again.

I vote no.

ACTING PRESIDENT FARLEY: Continue the roll.

Senator Gold is in the negative.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoffmann.

(There was no response.)

Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Paterson.
(There was no response.)
Excuse me. Senator Markowitz.
(There was no response.)
Senator Sears.
SENATOR SEARS: Aye.
ACTING PRESIDENT FARLEY: Results.
THE SECRETARY: Ayes 34.
SENATOR HOFFMANN: Can I have my name called, please?
ACTING PRESIDENT FARLEY: Senator Hoffmann.
THE SECRETARY: Senator Hoffmann.
SENATOR HOFFMANN: In the affirmative.
ACTING PRESIDENT FARLEY:

Results.

THE SECRETARY: Ayes 35, nays 23.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Levy.

SENATOR LEVY: Yes. Mr. President, I would like unanimous consent to be voted in the negative on Calendar 682.

ACTING PRESIDENT FARLEY: Without objection.

Senator Present, we're still going to do another bill, aren't we?

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT FARLEY: Hold on just a moment, Senator.

Senator Present.

SENATOR PRESENT: Yes, we have one more bill before everybody runs off.

ACTING PRESIDENT FARLEY: That's what I wanted to make clear.

Senator Goodman.

SENATOR GOODMAN: I would like to

be recorded in the negative on Calendar Number 682, Senate Print 2399A.

ACTING PRESIDENT FARLEY: Did you get that number?

(Whereupon, the Acting President gaveled for order.)

We've got some motions that have to come through here. The desk cannot hear.

Senator Goodman, would you give us that number again.

SENATOR GOODMAN: Recorded in the negative on Calendar Number 682, Senate Print -

ACTING PRESIDENT FARLEY: 682, you are in the negative.

Senator Saland.

SENATOR SALAND: Mr. President, earlier today I had asked unanimous consent to be recorded in the negative on 1562, Senate 6132. That was done inadvertently. I would like unanimous consent to be recorded in the affirmative on that bill.

ACTING PRESIDENT FARLEY: Without objection. Did you get that number?

I'm going to ask your patience because the desk is trying desperately to hear. There is a lot of noise in this chamber. I've asked you to be quiet. I'm going to ask that the sergeant-at-arms clear this room of non-members if we can't even hear the motion.

Senator Smith.

SENATOR SMITH: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 682.

ACTING PRESIDENT FARLEY: 682. You are in the negative.

Senator LaValle.

SENATOR LAVALLE: Mr. President, may I ask how I was recorded on Calendar Number 1568, please?

ACTING PRESIDENT FARLEY: They've got to look it up.

SENATOR LAVALLE: I should have been recorded in the negative.

ACTING PRESIDENT FARLEY: You were recorded in the affirmative.

SENATOR LAVALLE: I should have

been recorded in the negative, Mr. President.

ACTING PRESIDENT FARLEY: You will be in the negative.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly is next.

SENATOR DALY: Mr. President. On behalf of Senator Libous, I wish to call up his bill, Senate Print Number 3815E, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: The Secretary will read it.

THE SECRETARY: By Senator Libous, Senate Bill Number 3815E, an act to amend the General Business Law.

SENATOR DALY: I now move to reconsider the vote by which that bill passed.

ACTING PRESIDENT FARLEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The

bill is before the house.

SENATOR DALY: May the bill be restored to the Third Reading Calendar.

ACTING PRESIDENT FARLEY: You want to add amendments to it? Keep going. Go ahead. I can't hear.

SENATOR DALY: Mr. President, I now move to discharge from the Committee on Consumer Protection Assembly Print Number 5966D and substitute it for the identical bill.

ACTING PRESIDENT FARLEY: Without objection, the bill is subbed. You want to have its third reading now? Go ahead.

SENATOR DALY: I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT FARLEY: Senator Present, there's a message of necessity with this bill.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message of necessity, say

aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 2.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Hold it up.

SENATOR DALY: I might add, Mr. President, that on -

ACTING PRESIDENT FARLEY: Just a second, Senator Daly.

Senator Present, what's the problem? This was a cross.

SENATOR DALY: The Senate bill on first passage was voted unanimously, Mr. President.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Unanimous.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. Mr. President. May I have unanimous consent to be recorded in the negative on Calendar Number 682.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MONTGOMERY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: I would like unanimous consent to be recorded in the negative on Calendar 682.

ACTING PRESIDENT FARLEY: 682.

Wait a second. Where are we at?

Senator Santiago.

SENATOR SANTIAGO: I would like to be recorded in the negative on Calendar 682.

ACTING PRESIDENT FARLEY: Just a moment. Without objection, Senator Santiago is in the negative on 682.

Senator Present.

SENATOR PRESENT: Regular order.

ACTING PRESIDENT FARLEY: Regular order.

THE SECRETARY: Calendar Number 1579, by the Senate Committee on Rules, Senate Bill Number 5880, create a temporary task force on health insurance for educational employees.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Stafford, did you wish to be recognized?

SENATOR STAFFORD: No, thank you.

ACTING PRESIDENT FARLEY: Any motions on the floor? There's a big motion.

Senator Present.

SENATOR PRESENT: Any housekeeping?

ACTING PRESIDENT FARLEY: There seems to be none.

SENATOR PRESENT: There being no further business, I move we adjourn until 2:30 tomorrow. There will also be a Rules Committee meeting at 2:30 tomorrow. Rules Committee meeting at 2:30, session at 2:30 tomorrow.

ACTING PRESIDENT FARLEY: There will be a Rules Committee meeting at 2:30 and session at 2:30 tomorrow.

(Whereupon, at 10:26 p.m., Senate adjourned.)