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ALBANY, NEW YORK

July 5, 1993

4:42 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

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

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

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

10 (A moment of silence was
11 observed.)

12 Secretary will begin by reading
13 the Journal.

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

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

23 The order of business:

1 Presentation of petitions.

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

5 THE SECRETARY: The Assembly
6 returned Senator Mega's bill, Senate Bill Number
7 1937, with an Assembly Reprint Number of 30,002,
8 an act to amend the Court of Claims act, in
9 relation to settlement of claims, with
10 amendments.

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

14 Messages from the Governor.

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

18 SENATOR PRESENT: You may.

19 ACTING PRESIDENT FARLEY:
20 Secretary will read.

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

1 Senate Bill Number 317-B, by
2 Senator Halperin, an act to amend the Education
3 Law;
4 1193, by Senator Lack, Real
5 Property Tax Law;
6 2366, by Senator Saland, Real
7 Property Tax Law;
8 2932-B, by Senator Johnson,
9 General Business Law;
10 3397-A, by Senator Lack, an act
11 to amend the Labor Law;
12 3598-B, by Senator Velella,
13 General Municipal Law;
14 4197-A, by Senator Bruno,
15 Economic Development Law;
16 4241-B, by Senator Johnson, an
17 act to amend the Vehicle and Traffic Law;
18 4756-A, by Senator Daly, Public
19 Authorities Law;
20 4837, by Senator Tully, an act to
21 amend the Insurance Law;
22 5513-A, by Senator Tully, an act
23 to amend the Public Health Law;

1 5772, by Senator Velella, an act
2 to amend the Family Court Act;

3 5789-A, by the Committee on
4 Rules, Administrative Code of the city of New
5 York;

6 5880-B, by the Committee on
7 Rules, Temporary Task Force on Health Insurance;

8 6057, by Senator Saland, Public
9 Health Law;

10 6115, by the Senate Committee on
11 Rules, an act to amend the Public Health Law;

12 6116, by the Committee on Rules,
13 authorize the participation of local government
14 units;

15 6127-A, by the Committee on
16 Rules, General Municipal Law and the Public
17 Authorities Law;

18 6129, by Senator Larkin, Real
19 Property Tax Law;

20 6130, by Senator LaValle,
21 apportionment of state aid for certain capital
22 expenditures; and

23 6138, by the Committee on Rules,

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

3 All bills reported directly for
4 third reading.

5 ACTING PRESIDENT FARLEY: All
6 bills direct to third reading.

7 Reports of select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions. We have
11 some motions.

12 Senator Libous.

13 SENATOR LIBOUS: Thank you, Mr.
14 President.

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

18 ACTING PRESIDENT FARLEY:
19 Secretary will read it.

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

23 SENATOR LIBOUS: Mr. President, I

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll on reconsideration.

5 (The Secretary called the roll on
6 reconsideration.)

7 THE SECRETARY: Ayes 41.

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

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

12 SENATOR LIBOUS: Mr. President,
13 also on behalf of Senator Holland, I offer up
14 the following amendments to Calendar Number
15 1255, Senate Print 5678, and ask that said bill
16 retain its place on Third Reading Calendar.

17 ACTING PRESIDENT FARLEY:
18 Amendments received.

19 Senator Kuhl.

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

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

4 Senator Kuhl.

5 SENATOR KUHL: Yes, Mr.
6 President. On page 9, I offer the following
7 amendments to Calendar Number 588, Senate Print
8 3539-A, and ask that said bill retain its place
9 on the Third Reading Calendar.

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

12 Senator Padavan.

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

16 ACTING PRESIDENT FARLEY: Star
17 the bill.

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

20 Secretary will read the
21 substitutions.

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

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

4 ACTING PRESIDENT FARLEY:
5 Substitution is ordered.

6 THE SECRETARY: On page 9,
7 Senator Velella moves to discharge the Committee
8 on Rules from Assembly Bill Number 4614-B and
9 substitute it for the identical Third Reading
10 603.

11 ACTING PRESIDENT FARLEY:
12 Substitution ordered.

13 THE SECRETARY: On page 19,
14 Senator Volker moves to discharge the Committee
15 on Rules from Assembly Bill Number 8428-A and
16 substitute it for the identical Third Reading
17 907.

18 ACTING PRESIDENT FARLEY:
19 Substitution ordered.

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

1 1516.

2 ACTING PRESIDENT FARLEY:

3 Substitution ordered.

4 THE SECRETARY: On page 32,
5 Senator Goodman moves to discharge the Committee
6 on Rules from Assembly Bill Number 8458-A and
7 substitute it for the identical Third Reading
8 1545.

9 ACTING PRESIDENT FARLEY:

10 Substitution ordered.

11 THE SECRETARY: On page 41,
12 Senator Sears moves to discharge the Committee
13 on Rules from Assembly Bill Number 8403-A and
14 substitute it for the identical Calendar Number
15 1514.

16 ACTING PRESIDENT FARLEY:

17 Substitution ordered.

18 Any other motions on the floor?
19 Senator Present, what's your
20 pleasure?

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

23 ACTING PRESIDENT FARLEY:

1 Non-controversial, the Secretary will read.

2 SENATOR GOLD: One second, one
3 second.

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

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

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

13 Read the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 42.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

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

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

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

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

8 SENATOR LIBOUS: Thank you.

9 THE SECRETARY: Calendar Number
10 381, by Senator Holland, Senate Bill Number
11 48-C, an act to amend the Education Law, in
12 relation to physical therapy assistants.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 42.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: On page 7,

1 Calendar Number 395, by member of the Assembly
2 Parment.

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

5 ACTING PRESIDENT FARLEY: Laid
6 aside for the day.

7 THE SECRETARY: On page 7,
8 Calendar Number 470.

9 SENATOR PRESENT: Lay aside,
10 please.

11 ACTING PRESIDENT FARLEY: Laid
12 aside.

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

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 43.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 SENATOR JONES: Mr. President.

6 ACTING PRESIDENT FARLEY: Senator
7 Jones.

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

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

14 SENATOR JONES: Right.

15 THE SECRETARY: Calendar Number
16 547, by Senator Larkin, Senate Bill Number
17 2737-B, an act to amend the Real Property Tax
18 Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 43.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 563, by Senator Mega, Senate Bill Number 3004-A,
8 an act to amend the Tax Law.

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

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 43.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 603, substituted earlier today, by member of the
22 Assembly Lafayette, Assembly Bill Number 4614-B,
23 an act to amend the Insurance Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 43.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 625.

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

15 THE SECRETARY: Calendar Number
16 648, by member of the Assembly Schimminger,
17 Assembly Bill Number 5737-B.

18 SENATOR GOLD: Lay aside.

19 ACTING PRESIDENT FARLEY: Laid
20 aside.

21 THE SECRETARY: Calendar Number
22 663, by Senator Stavisky, Senate Bill Number
23 426-A, an act to amend the Penal Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 43.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 682, by member of the Assembly Graber, Assembly
13 Bill Number 3999-B, Highway Law and the State
14 Finance Law.

15 SENATOR LEICHTER: Lay aside.

16 ACTING PRESIDENT FARLEY: Laid
17 aside.

18 THE SECRETARY: Calendar Number
19 844, by Senator Larkin, Senate Bill Number
20 4354-B, an act to amend the Education Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take -

2 SENATOR GOLD: Lay it aside.

3 ACTING PRESIDENT FARLEY: Lay
4 that bill aside.

5 THE SECRETARY: Calendar Number
6 855, by Senator Velella, Senate Bill Number
7 1993-A, Criminal Procedure Law.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 43.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 905, by member of the Assembly Colman, Assembly
20 Bill Number 1994-A, Education Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 43.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 907, substituted earlier today, by the Assembly
10 Committee on Rules, Assembly Bill Number 8428-A,
11 an act to amend the Public Health Law and the
12 Insurance Law.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

15 THE SECRETARY: Section 2 -

16 SENATOR GOLD: Hold on.

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

20 SENATOR GOLD: No, no, no.

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

1 services.

2 SENATOR VOLKER: Mr. President.

3 I think, Mr. President -- can I explain to
4 Senator Gold? I think I know what his problem
5 is.

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

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

18 SENATOR GOLD: Thank you.

19 SENATOR VOLKER: Thank you,
20 Senator.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 43.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 954, by the Assembly Committee on Rules,
10 Assembly Bill Number 8510, Education Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 43.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1094, by Senator Daly, Senate Bill Number
23 5200-B, Environmental Conservation Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last -
3 SENATOR GOLD: Lay aside.
4 ACTING PRESIDENT FARLEY: Lay
5 that bill aside.
6 THE SECRETARY: Calendar Number
7 1193, by Senator Wright, Senate Bill -
8 SENATOR WRIGHT: Lay aside for
9 the day, please.
10 ACTING PRESIDENT FARLEY: Lay it
11 aside for the day.
12 THE SECRETARY: Calendar Number
13 1251, by Senator Lack.
14 SENATOR PRESENT: Lay it aside
15 for the day, please.
16 ACTING PRESIDENT FARLEY: Laid
17 aside for the day.
18 THE SECRETARY: Calendar Number
19 1338, by -
20 SENATOR PRESENT: Lay that aside.
21 ACTING PRESIDENT FARLEY: Laid
22 aside.
23 THE SECRETARY: Calendar Number

1 1371.

2 SENATOR PRESENT: Lay it aside.

3 ACTING PRESIDENT FARLEY: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 1405, by the Senate Committee on Rules, Senate
7 Bill Number 6000-A, an act to amend the Civil
8 Service Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 43.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1416.

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

23 THE SECRETARY: Calendar Number

1 1444.

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

4 THE SECRETARY: Calendar Number
5 1516, substituted earlier today, by member of
6 the Assembly Lafayette, Assembly Bill Number
7 6732-A, an act to amend Chapter 746 of the Laws
8 of 1988, amending the Vehicle and Traffic Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

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

18 ACTING PRESIDENT FARLEY: That
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1528, by the Senate Committee on Rules, Senate
22 Bill Number 6142, Executive Law, in relation to
23 security guard advisory council.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

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

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1533, by member of the Assembly Gottfried,
14 Assembly Bill Number 6708-A, relation to
15 franchises for street surface railroads in a
16 city having a population of one million or
17 more.

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 45.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1534, by member of the Assembly -

7 SENATOR GOLD: Lay aside.

8 ACTING PRESIDENT FARLEY: Laid
9 aside.

10 THE SECRETARY: Calendar Number
11 1535.

12 SENATOR GOLD: Lay aside
13 (inaudible).

14 ACTING PRESIDENT FARLEY: Lay
15 aside 1535 and 1536.

16 SENATOR GOLD: And 1537.

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

19 THE SECRETARY: Calendar Number
20 1541, by the Assembly Committee on Rules,
21 Assembly Bill Number 7929-B, an act to amend the
22 Tax Law and the Criminal Procedure Law.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 45.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1543, by Senator Tully, Senate Bill Number
12 5596-C, Public Health Law.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 45.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 1546, by the Assembly Committee on Rules,
2 Assembly Bill Number 8404-A, Real Property Tax
3 Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 45.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1548.

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

18 ACTING PRESIDENT FARLEY: Laid
19 aside for today.

20 THE SECRETARY: Calendar Number
21 1549, by the Assembly Committee on Rules,
22 Assembly Bill Number 8448-A, Insurance Law, in
23 relation to prescribed flood insurance notice.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

3 SENATOR DOLLINGER: Lay aside.

4 ACTING PRESIDENT FARLEY: Laid
5 aside.

6 THE SECRETARY: Calendar Number
7 1551, by Senator Padavan, Senate Bill Number
8 6083, Alcoholic Beverage Control Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

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

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1561, by the Senate Committee on Rules, Senate
22 Bill Number 6126, amends Chapter 537 of the Laws
23 of 1976.

1 SENATOR GOLD: Lay it aside.

2 ACTING PRESIDENT FARLEY: Lay

3 that bill aside. Go on?

4 Read the last section.

5 SENATOR GOLD: 1561.

6 ACTING PRESIDENT FARLEY: That's

7 what it is.

8 SENATOR GOLD: Yeah, last

9 section.

10 ACTING PRESIDENT FARLEY: Read

11 the last section.

12 SENATOR SEWARD: Lay aside.

13 ACTING PRESIDENT FARLEY: Lay the

14 bill aside.

15 THE SECRETARY: Calendar Number

16 1562.

17 SENATOR GOLD: Laid aside.

18 ACTING PRESIDENT FARLEY: Laid

19 aside.

20 THE SECRETARY: Calendar Number

21 1563, by the Assembly Committee on Rules,

22 Assembly Bill Number 8685, amends Chapter 817 of

23 the Laws of 1992, amending the Education Law.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 45.

9 ACTING PRESIDENT FARLEY: That
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1565, by the Senate Committee on Rules, Senate
13 Bill Number 6147, amends a chapter of the laws
14 of 1993, as proposed in Legislative Bill Number
15 6085.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 45.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 Senator Daly.

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

6 ACTING PRESIDENT FARLEY: Call up
7 1561, if it's Senator Present's pleasure.

8 THE SECRETARY: Calendar Number
9 1561, by the Senate Committee on Rules, Senate
10 Bill Number 6126, amends Chapter 537 of the Laws
11 of 1976.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

14 SENATOR LEICHTER: What are we
15 doing?

16 ACTING PRESIDENT FARLEY: 1561.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 SENATOR LEICHTER: Mr. President.

23 ACTING PRESIDENT FARLEY: Did you

1 get the results? Senator Leichter.

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

4 ACTING PRESIDENT FARLEY: Yeah,
5 but it's already gone. Results on 1561. See,
6 we went back. Negatives raise your hands for
7 1561. Pataki is already -

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

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

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

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

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

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

21 Senator Pataki.

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

1 recorded in the negative on the bill by
2 Senator -

3 ACTING PRESIDENT FARLEY: 1561?

4 SENATOR PATAKI: 1561.

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

7 SENATOR PATAKI: Thank you.

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

11 SENATOR PRESENT: Lay aside.

12 ACTING PRESIDENT FARLEY: Lay
13 that bill aside.

14 THE SECRETARY: Calendar Number
15 625, by Senator Libous, Senate Bill Number
16 3815-E, an act to amend the General Business
17 Law.

18 ACTING PRESIDENT FARLEY: We have
19 a -

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

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

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

4 (Response of "Aye.")

5 Those opposed nay.

6 (There was no response.)

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

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 45.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 648, by member of the Assembly Schimminger,
19 Assembly Bill Number 5737-B, General Obligations
20 Law.

21 SENATOR GOLD: Explanation.

22 ACTING PRESIDENT FARLEY:

23 Explanation. Senator Kuhl.

1 SENATOR KUHL: Yes, Mr.
2 President.

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

9 SENATOR GOLD: Explanation.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

12 SENATOR GOLD: Explanation.

13 ACTING PRESIDENT FARLEY: He just
14 gave you the explanation.

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

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

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

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

1 SENATOR KUHL: Certainly.

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

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

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

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

22 SENATOR GOLD: Mr. President.

23 ACTING PRESIDENT FARLEY: Senator

1 Gold.

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

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

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 46.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

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

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 682.

18 SENATOR PRESENT: Lay that aside.

19 ACTING PRESIDENT FARLEY: Laid
20 aside temporarily.

21 THE SECRETARY: Calendar Number
22 844.

23 SENATOR STACHOWSKI: Will you

1 hold it one second?

2 ACTING PRESIDENT FARLEY: Hold it
3 up.

4 844.

5 THE SECRETARY: Calendar Number
6 844, by Senator Larkin, Senate Bill Number
7 4354-B, Education Law.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

10 SENATOR GOLD: Will Senator
11 Larkin yield to a question?

12 SENATOR LARKIN: Yes.

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

18 SENATOR LARKIN: Yes.

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

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

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

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

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

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

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 51.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 1094, by Senator Daly, Senate Bill Number
2 5200-B, Environmental Conservation Law.

3 SENATOR GOLD: Will the Senator
4 yield to a question?

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

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

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

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

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

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

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

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

1 problems of the department?

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

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

9 SENATOR GOLD: I can't hear you.

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

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

17 ACTING PRESIDENT FARLEY: On the
18 bill, Senator Gold.

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

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

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 52.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1338, by Senator Hannon.

16 SENATOR PRESENT: Lay it aside,
17 please.

18 ACTING PRESIDENT FARLEY: Laid
19 aside.

20 THE SECRETARY: Calendar 1371.

21 SENATOR PRESENT: Lay it aside.

22 ACTING PRESIDENT FARLEY: Lay
23 that bill aside.

1 THE SECRETARY: Calendar Number
2 1416, by Senator Daly.

3 ACTING PRESIDENT FARLEY: Senator
4 Present.

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

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

9 SENATOR PRESENT: I move we
10 accept the message.

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

14 (Response of "Aye.")
15 Those opposed nay.

16 (There was no response.)
17 The message is accepted. The
18 Secretary will read the title of the bill.

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

22 ACTING PRESIDENT FARLEY: Last
23 section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 52.

7 ACTING PRESIDENT FARLEY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1534, by member of the Assembly Crowley,
11 Assembly Bill Number 6321, Racing, Pari-Mutuel
12 Wagering and Breeding Law.

13 SENATOR GOLD: Explanation.

14 ACTING PRESIDENT FARLEY:
15 Explanation has been asked for.

16 Senator Stafford.

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

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

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

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

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 52.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1535, by Senator Stafford, Senate Bill Number

1 4189, to repeal subparagraph (e) of paragraph 2
2 of the Administrative Code of the city of New
3 York.

4 SENATOR STACHOWSKI: Explanation.

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

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

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

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

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

21 SENATOR ONORATO: Right.

22 SENATOR STAFFORD: Right, a
23 thousand and over.

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

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

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

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

13 ACTING PRESIDENT FARLEY: Senator
14 Onorato.

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

18 SENATOR STAFFORD: Pardon me?

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

22 SENATOR STAFFORD: It is.

23 SENATOR ONORATO: If I win a

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

3 SENATOR STAFFORD: Yes, and also
4 I'd like to go with you sometimes when you bet
5 \$2 and get a thousand dollars. I know some
6 friends of mine do it, but today -

7 SENATOR ONORATO: You can on a
8 triple.

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

13 SENATOR ONORATO: O.K. Thank
14 you.

15 SENATOR JONES: Mr. President.

16 ACTING PRESIDENT FARLEY: Senator
17 Jones.

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

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

1 can get it. Who is benefiting from this?

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

13 SENATOR JONES: Well, Senator -

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

17 SENATOR JONES: Would the Senator
18 yield to another question?

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

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

1 SENATOR STAFFORD: I certainly
2 will.

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

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

12 ACTING PRESIDENT FARLEY: Senator
13 Waldon.

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

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

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

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

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

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

10 SENATOR STAFFORD: No question
11 about it, yes.

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

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

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

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

7 ACTING PRESIDENT FARLEY: Senator
8 Waldon.

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

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

21 SENATOR WALDON: Thank you very
22 much, Senator Stafford.

23 Mr. President, on the bill.

1 ACTING PRESIDENT FARLEY: On the
2 bill, Senator Waldon.

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

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

22 ACTING PRESIDENT FARLEY: Senator
23 Dollinger.

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

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

8 ACTING PRESIDENT FARLEY: Senator
9 Stafford?

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

19 SENATOR DOLLINGER: Not bad at
20 all.

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

1 issue a 1099 to the individual who wins that
2 money?

3 SENATOR STAFFORD: They do. Yes,
4 they do.

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

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

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

11 SENATOR STAFFORD: That's right.

12 SENATOR DOLLINGER: Thank you,
13 Senator.

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

16 SENATOR STACHOWSKI: I also rise
17 to support the bill.

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

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

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

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

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

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

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

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 Senator Halperin.

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

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

1 THE SECRETARY: Calendar Number
2 1536, by member of the Assembly Crowley,
3 Assembly Bill Number 6319-A, Racing, Pari-mutuel
4 Wagering and Breeding Law.

5 SENATOR GOLD: Explanation.

6 ACTING PRESIDENT FARLEY:
7 Explanation, Senator Stafford.

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

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

1 SENATOR STACHOWSKI: Would the
2 Senator yield for one question?

3 SENATOR STAFFORD: Of course.

4 ACTING PRESIDENT FARLEY: Senator
5 Stafford, would you yield?

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

17 SENATOR STAFFORD: Certainly a
18 valid consideration.

19 SENATOR STACHOWSKI: Thank you.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 52.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1537, by member of the Assembly Crowley,
9 Assembly Bill Number 6325, Racing, Pari-mutuel
10 Wagering and Breeding Law.

11 SENATOR STACHOWSKI: Explanation.

12 ACTING PRESIDENT FARLEY:
13 Explanation. Senator Stafford.

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

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

1 positively.

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

11 SENATOR GOLD: Last section.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 52.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1549, by the Assembly Committee on Rules,

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

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 52.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1562.

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

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

19 THE SECRETARY: Calendar Number
20 682.

21 ACTING PRESIDENT FARLEY: That's
22 on page 11.

23 THE SECRETARY: On page 11, 682,

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

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

5 SENATOR OPPENHEIMER: Explanation.

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

9 Senator Stafford.

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

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

1 to our economy.

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

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

21 SENATOR LEICHTER: Mr. President.

22 ACTING PRESIDENT FARLEY: Senator
23 Leichter.

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

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

19 SENATOR STAFFORD: Senator
20 Leichter yield for a question?

21 SENATOR LEICHTER: Yes.

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

1 would be important to you?

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

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

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

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

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

4 SENATOR STAFFORD: Would you
5 yield for another question?

6 SENATOR LEICHTER: Sure.

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

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

20 SENATOR STAFFORD: Will you yield
21 for a question?

22 SENATOR LEICHTER: Yes.

23 SENATOR STAFFORD: How many

1 people are at that amusement park today?

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

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

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

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

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

20 SENATOR STAFFORD: That's
21 correct.

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

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

7 You can advertise over radio.

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

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

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

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

9 SENATOR OPPENHEIMER: Mr.
10 President.

11 ACTING PRESIDENT HOLLAND:
12 Senator Oppenheimer.

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

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

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

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

1 state should be going.

2 Thank you.

3 ACTING PRESIDENT HOLLAND:

4 Senator Dollinger.

5 SENATOR DOLLINGER: Mr.

6 President, Senator Stafford yield to one

7 question?

8 ACTING PRESIDENT HOLLAND:

9 Senator yield?

10 SENATOR DOLLINGER: Just so I

11 understand the bill, Senator, this provides that

12 the billboard, where the landowner on his

13 property would get a permit to cut down the

14 vegetation that obscures the sign, the

15 vegetation on his own land?

16 SENATOR STAFFORD: It's going to

17 be very, very well -- I would emphasize again.

18 SENATOR DOLLINGER: I can barely

19 hear him.

20 SENATOR STAFFORD: Only existing

21 signs that we have now.

22 SENATOR DOLLINGER: O.K. Mr.

23 President, on the bill.

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

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

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

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

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 Senator Present.

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

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

17 (The Senate stood at ease from
18 5:50 p.m., until 6:01 p.m.)

19 SENATOR PRESENT: Take up 1562
20 from the regular calendar.

21 ACTING PRESIDENT FARLEY: 1562,
22 Secretary will read.

23 THE SECRETARY: Page 33, Calendar

1 1562, by the Committee on Rules, an act to amend
2 the Education Law.

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

5 Did you have a question,
6 Senator?

7 SENATOR LEICHTER: Which one is
8 this?

9 ACTING PRESIDENT FARLEY: This is
10 1562.

11 SENATOR GOLD: Last section.

12 ACTING PRESIDENT FARLEY: Read
13 the last section.

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

16 ACTING PRESIDENT FARLEY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 54.

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 Senator Present.

23 SENATOR PRESENT: Mr. President,

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

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

9 Secretary will read.

10 THE SECRETARY: Supplemental
11 Calendar Number 1, Calendar Number 1566, Senator
12 Halperin moves to discharge the Committee on
13 Rules from Assembly Bill Number 406-D and
14 substitute it for the identical Third Reading
15 1566.

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

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 54.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1567, Senator Lack moves to discharge the
6 Committee on Rules from Assembly Bill Number
7 2135 and substitute it for the identical Third
8 Reading 1567.

9 ACTING PRESIDENT FARLEY:
10 Substitution is ordered. Read the -

11 SENATOR LACK: Lay it aside.

12 ACTING PRESIDENT FARLEY: Laid
13 aside.

14 THE SECRETARY: Calendar Number
15 1568, by Senator Saland, Senate Bill Number
16 2366, Real Property Tax.

17 SENATOR GOLD: Lay aside, please.

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

20 THE SECRETARY: I don't have a
21 substitution.

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

1 apology.

2 THE SECRETARY: Calendar Number
3 1569, Senator Johnson moves to discharge the
4 Committee on Rules from Assembly Bill Number
5 4877-B and substitute it for the identical Third
6 Reading 1569.

7 ACTING PRESIDENT FARLEY:
8 Substitution ordered.

9 SENATOR GOLD: Lay aside.

10 ACTING PRESIDENT FARLEY: Laid
11 aside.

12 THE SECRETARY: Calendar Number
13 1570, by Senator Lack, Senate Bill Number
14 3397-A, an act to amend the Labor Law.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 54.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1571, Senator Velella moves to discharge the
4 Committee on Rules from Assembly Bill Number
5 6071-B and substitute it for the identical Third
6 Reading 1571.

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

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 54.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1572, Senator Bruno moves to discharge the
19 Committee on Rules from Assembly Bill Number
20 7623-A, and substitute it for the identical
21 Third Reading 1572.

22 ACTING PRESIDENT FARLEY:
23 Substitution is ordered. Read the last

1 section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 54.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1573, by Senator Johnson, Senate Bill Number
12 4241-B, an act to amend the Vehicle and Traffic
13 Law.

14 SENATOR LEICHTER: Lay aside.

15 ACTING PRESIDENT FARLEY: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1574, Senator Daly moves to discharge the
19 Committee on Rules from Assembly Bill Number
20 8641 and substitute it for the identical Third
21 Reading 1574.

22 ACTING PRESIDENT FARLEY:
23 Substitution is ordered.

1 SENATOR LEICHTER: Lay it aside.

2 ACTING PRESIDENT FARLEY: Laid

3 aside.

4 THE SECRETARY: Calendar Number
5 1575, by Senator Tully, Senate Bill Number 4837,
6 an act to amend the Insurance Law, in relation
7 to insurance coverage.

8 SENATOR SOLOMON: Lay it aside.

9 ACTING PRESIDENT FARLEY: Laid
10 aside.

11 THE SECRETARY: Calendar Number
12 1576, Senator Tully moves to discharge the
13 Committee on Rules from Assembly Bill Number
14 8735, and substitute it for the identical Third
15 Reading 1576.

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

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 54.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1577, Senator Velella moves to discharge the
6 Committee on Rules from Assembly Bill Number
7 8136, and substitute it for the identical Third
8 Reading 1577.

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

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 54.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1578, Senator Marino moves to discharge the
22 Committee on Rules from Assembly Bill Number 387
23 and substitute for the identical Third Reading

1 1578.

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

4 THE SECRETARY: 1579, by the
5 Senate Committee on Rules, Senate Bill Number
6 5880, create a temporary task force on health
7 insurance.

8 SENATOR LEICHTER: Lay aside.

9 ACTING PRESIDENT FARLEY: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1580, Senator Saland moves to discharge the
13 Committee on Rules from Assembly Bill Number
14 8652, and substitute it for the identical Third
15 Reading 1580.

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

19 SENATOR GOLD: Lay aside.

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

22 THE SECRETARY: Calendar Number
23 1581, by the Senate Committee on Rules, Senate

1 Bill Number 6115.

2 SENATOR GOLD: Lay aside, please.

3 ACTING PRESIDENT FARLEY: Lay
4 that bill aside.

5 THE SECRETARY: Calendar Number
6 1582, by the Senate Committee on Rules, Senate
7 Bill Number 6116, to authorize the participation
8 of local government units and agencies in the
9 development and construction of a sports
10 entertainment complex.

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

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

15 THE SECRETARY: Calendar Number
16 1583.

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

19 THE SECRETARY: Calendar 1584.

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

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

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

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 54.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 Senator Present.

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

18 ACTING PRESIDENT FARLEY:
19 Supplemental Calendar Number 1, controversial.

20 THE SECRETARY: Calendar Number
21 1567, substituted earlier, by member of the
22 Assembly Luster, Assembly Bill Number 2135, Real
23 Property Tax Law.

1 SENATOR DOLLINGER: Explanation.

2 ACTING PRESIDENT FARLEY:

3 Explanation has been asked for. Senator Lack.

4 SENATOR LACK: Who asked for the
5 explanation, please?

6 ACTING PRESIDENT FARLEY: I think
7 it was Senator Dollinger.

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

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

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

23 SENATOR LACK: Of course, yeah.

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

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

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

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

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

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

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

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

23 SENATOR DOLLINGER: And just one

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

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

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

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

1 of tax would be due and owing.

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

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

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 55.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 1568, by Senator Saland, Senate Bill Number
3 2366, Real Property Tax Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

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

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1569, substituted earlier, by member of the
17 Assembly DiNapoli, Assembly Bill Number 4877-B,
18 an act to amend the General Business Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 55.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1573, by Senator Johnson, Senate Bill Number
8 4241-A.

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

11 ACTING PRESIDENT FARLEY: Senator
12 Leichter.

13 SENATOR JOHNSON: Yes, Mr.
14 President.

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

20 SENATOR JOHNSON: Yes.

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

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

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

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

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

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

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

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

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

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

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

3 (Inaudible exchange between
4 Senators Leichter and Johnson.)

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

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

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

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

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

11 SENATOR JOHNSON: Well -

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

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

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

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

7 SENATOR JOHNSON: Yes, Senator,
8 but -

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

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

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

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

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

1 form their own agency and to give these
2 courses.

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

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

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

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 55.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 Senator Kuhl.

11 SENATOR KUHL: Yes, Mr.

12 President. May I have unanimous consent to be
13 recorded in the negative on Calendar Number
14 1571, Senate Print 3598-A please.

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

17 SENATOR COOK: Mr. President.

18 ACTING PRESIDENT FARLEY: Senator
19 Cook.

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

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

1 Senator Seward.

2 SENATOR SEWARD: Yes, Mr.

3 President. I would ask unanimous consent to be
4 recorded in the negative on Calendar Number
5 1549.

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

8 Senator Holland.

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

12 ACTING PRESIDENT FARLEY: Star is
13 removed, Senator Holland.

14 Senator Galiber.

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

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

20 SENATOR GALIBER: 682. I'm
21 sorry.

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

1 Senator Leichter.

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

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

7 Are there any more negatives?
8 Senator Saland.

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

12 ACTING PRESIDENT FARLEY: '61 and
13 '62, Senator Saland will be in the negative.

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

16 SENATOR PRESENT: Regular order.

17 ACTING PRESIDENT FARLEY:
18 Supplemental Calendar, Senator Johnson's bill
19 1573, I think is next. Did we pass that? 1574.
20 We already passed 1573.

21 THE SECRETARY: Calendar Number
22 1574, substituted earlier, by the Assembly
23 Committee on Rules, Assembly Bill Number 8641,

1 Public Authorities Law.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 SENATOR LEICHTER: I have a
7 question.

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

11 SENATOR DALY: Yes, Mr.
12 President.

13 SENATOR LEICHTER: Yeah, if you
14 would yield, Senator Daly. I don't need an
15 explanation, but your bill provides procedures
16 for the UDC to get approval by the Public
17 Authorities Control Board of certain contracts
18 and you provide for sort of an expedited
19 procedure if the amount is below 250,000 or
20 500,000.

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

1 which lets a lot of contracts?

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

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

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

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

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

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

9 ACTING PRESIDENT FARLEY: Senator
10 Daly.

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

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

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

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

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

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

10 ACTING PRESIDENT FARLEY: Senator
11 Daly, will you yield?

12 SENATOR DALY: Certainly.

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

20 SENATOR DALY: Yes.

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

1 surveillance that we give to the Urban
2 Development Corporation.

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

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

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

6 SENATOR LEICHTER: Mr. President,
7 on the bill.

8 ACTING PRESIDENT FARLEY: On the
9 bill.

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

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

1 ordinary agencies or through the regular
2 processes of the state, and I somewhat heart
3 ened, Senator Daly, to hear you say that you
4 agree that there are certain things that have to
5 be done.

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

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

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

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

6 SENATOR DALY: Mr. President.

7 ACTING PRESIDENT FARLEY: Senator
8 Levy has an announcement.

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

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

14 Thank you.

15 SENATOR DALY: Mr. President, on
16 the bill.

17 ACTING PRESIDENT FARLEY: Senator
18 Daly, on the bill.

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

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

1 of the PACB are, in that right now the PACB is
2 approving programs of resolution up to
3 \$500,000.

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

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

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

5 I move the bill, Mr. President.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 55.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 Excuse me. There's two.

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

20 ACTING PRESIDENT FARLEY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1575, by Senator Tully, Senate Bill Number 4837,

1 an act to amend the Insurance Law.

2 SENATOR SOLOMON: Explanation.

3 ACTING PRESIDENT FARLEY:

4 Explanation. Senator Tully.

5 SENATOR TULLY: Thank you, Mr.

6 President.

7 Senator Solomon asked for the

8 explanation. This child health -

9 ACTING PRESIDENT FARLEY: Senator

10 Solomon.

11 SENATOR TULLY: This child health

12 insurance reform plan would require every policy

13 which provides hospital, surgical or medical

14 care coverage to provide primary care services

15 to dependent children from birth to age 19.

16 SENATOR SOLOMON: Mr. President.

17 ACTING PRESIDENT FARLEY: Yes,

18 Senator Solomon.

19 SENATOR SOLOMON: Would Senator

20 Tully yield, Mr. President?

21 ACTING PRESIDENT FARLEY: Senator

22 Tully, would you yield to a question from

23 Senator Solomon?

1 SENATOR TULLY: I sure will, Mr.
2 President.

3 ACTING PRESIDENT FARLEY: He will.

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

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

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

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

1 increase per child or per family?

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

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

15 ACTING PRESIDENT FARLEY: On the
16 bill, Senator Solomon.

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

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

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

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

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

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

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

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

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

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

7 Senator Tully.

8 SENATOR TULLY: Mr. President, on
9 the bill.

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

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

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

4 And I want to restate again, Mr.
5 President, for the benefit of Senator Solomon
6 and my colleagues, that every dollar spent on
7 prevention in the area of health insurance saves
8 \$4 down the road, and every dollar spent on
9 immunization saves \$10 down the road.

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

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

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

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Also Senator
3 Larkin in the negative.

4 ACTING PRESIDENT FARLEY: Senator
5 Halperin.

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

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

11 THE SECRETARY: Calendar Number
12 1578, substituted earlier, by the Assembly
13 Committee on Rules, Assembly Bill Number 8397,
14 Administrative Code of the city of New York, in
15 relation to authorizing leasing of park lands.

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

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

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

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

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

8 SENATOR MALTESE: Yes, Mr.
9 President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 economic activity. Again, those same figures
2 would indicate somewhere between 13- and 14
3 million even if we take Senator Gold's figures.
4 The construction of the expanded facility,
5 privately financed by the USTA, will generate
6 \$262 million in direct and indirect economic
7 activity, and this is the line, while the City
8 retains ownership of lands and all improve
9 ments. The USTA will end up as it is now, being
10 responsible for long-term maintenance and repair
11 of the entire facility.

12 Flushing Meadow Corona Park and
13 the thousands who enjoy this park will have
14 received additional benefits in the form of an
15 \$8 million endowment trust fund which will be
16 paid by the USTA over a course of some few
17 years. That trust fund, the interest from that
18 trust fund will go toward the maintenance and
19 enjoyment and improvement of only Flushing
20 Meadows Corona Park. That will be administered
21 by a joint committee of the borough president
22 and the Department of Parks, and the USTA
23 totally relinquishes control of that \$8 million

1 trust fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 What we're talking about is a
6 99-year lease in toto, 99 years over a period of
7 time, and then that land, all facilities, all
8 improvements, over those years reverts to the
9 City, so that our great grandchildren and their
10 children can enjoy it forever. This is not a
11 give-away. This is a leasehold with all the
12 property to be retained by the City and with
13 some of the onerous burdens of maintenance and
14 improvement and repair to be retained by the
15 U.S. Tennis Association.

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

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

13 Now, Mr. Mayor, what this -- I'm
14 sorry, I got mayor on the mind here. I'm not
15 running. What this creates -- what this creates
16 is a -- for the first time in history, the first
17 one in Flushing Meadow Park, 11 new courts which
18 will be retained for the use of park permit
19 holders. Now, for those of you not lucky enough
20 to live in the city of New York, we have the
21 ability in the City to purchase a permit for
22 \$50, and that permit entitles you to sign up for
23 free tennis time on the court in any park in New

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

13 Now, so we have the deal, the
14 arrangement, the proposal: 42.2 acres, 17.3
15 acres which is presently leased, 24.9-acre
16 expansion, out of 1,255 acres, and to give some
17 of you an idea of the amount of space we're
18 talking about, Shea Stadium together with its
19 parking lot, which is also in the same area, is
20 165 acres.

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

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

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

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

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

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

9 The acreage, as I indicated,
10 because of the present leasehold, would amount
11 to some 20.6 new acres. The initial term, which
12 includes the pre-construction period, would be
13 followed by a 25-year term with six successive
14 renewal terms at tenant's option of ten years
15 each, and a final renewal term of 14 years for a
16 total of 99 years; and that's how we had the
17 99-year lease.

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

1 The first renewal is 440,000.

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

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

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

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

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

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

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

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

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

1 community boards.

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

4 SENATOR GALIBER: Could you yield
5 for a question?

6 SENATOR MALTESE: Yes.

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

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

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

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

23 SENATOR GALIBER: One other

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

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

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

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

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

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

16 (Whereupon, Senator Libous was in
17 the chair.)

18 SENATOR GALIBER: I suppose -

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

1 understand what the other is saying.

2 Now, Senator Galiber, what is
3 your question?

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

12 ACTING PRESIDENT LIBOUS: Senator
13 Maltese.

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

16 SENATOR GALIBER: They could
17 have. Okay.

18 SENATOR WALDON: Mr. President.

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

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

1 then I would yield to any and all questions.

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

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

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

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

13 ACTING PRESIDENT LIBOUS: That's
14 correct.

15 SENATOR WALDON: I want to ask
16 him a question.

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

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

23 SENATOR MALTESE: I would just as

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

4 ACTING PRESIDENT LIBOUS: Senator
5 Padavan.

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

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

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

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

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

23 Now, again, title to all

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

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

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

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

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

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

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

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

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

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

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

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

19 Thank you.

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

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

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

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

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

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

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

23 The -- the -- let's see.

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

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

6 ACTING PRESIDENT LIBOUS: 6:45.

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

11 SENATOR MALTESE: Mr. President.

12 ACTING PRESIDENT LIBOUS: Senator
13 Maltese.

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

23 ACTING PRESIDENT LIBOUS: Senator

1 Maltese will continue to have the floor.

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

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

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

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

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

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

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

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

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

9 SENATOR PADAVAN: Mr. President.

10 ACTING PRESIDENT LIBOUS: Senator
11 Padavan.

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

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

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

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

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

23 SENATOR MALTESE: Mr. President.

1 There is no complete lease, yes.

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

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

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

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

23 In addition, with the exception

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

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

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

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

1 think we're talking about fiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 So don't be misled when you hear
13 1255 acres because, when it comes down to really
14 what's going on here, it's quite a different
15 matter.

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

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

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

23 Senator Maltese indicated to you

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

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

19 Now, I suggest to you take the
20 \$17-1/2 million, put it in a trust fund. It
21 will give a lot of money for parks improvement,
22 not only for Flushing Meadow but elsewhere. So
23 it is really not a gift. It gives with one hand

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

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

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

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

3 Some of the statements from our
4 City Councilmen I think were quite interesting
5 because they pointed out, number 1, that they
6 had not been given adequate information; number
7 2, that the lease was not in effect; and, number
8 3, that this was a hotly debated and very
9 controversial home rule message that they had
10 never seen before.

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

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

10 The New York City Audubon Society
11 gave us an input.

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

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

1 to it.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 study and analysis that is before us.

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

10 I will not go into detail on the
11 monetary aspects of the lease. You will be
12 given that information hopefully. But I can
13 tell you very categorically that when you are
14 talking about a 400,000 base lease per year,
15 \$400,000 per year plus one percent of the net
16 gross -- the net gross meaning the gross less
17 \$25 million in the first twenty years and then
18 20 million less thereafter -- that the UST will
19 skim from the top of the gross what they will
20 use for maintenance and repairs of this
21 facility.

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

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

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

10 (Whereupon, Senator Farley was in
11 the chair.)

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

14 SENATOR PADAVAN: Just one
15 second, please.

16 SENATOR GOODMAN: Will Senator
17 Padavan yield".

18 ACTING PRESIDENT FARLEY: Would
19 you yield?

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

23 ACTING PRESIDENT FARLEY: I was

1 asking a question.

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

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

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

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

23 Thank you, Mr. President.

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

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

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

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

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

18 SENATOR GOODMAN: Senator
19 Padavan.

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

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

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

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

21 SENATOR MEGA: Mr. President.

22 SENATOR PADAVAN: What's your
23 question?

1 SENATOR GOODMAN: -- leads me to

2 -

3 SENATOR MEGA: Mr. President,
4 point of order.

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

7 SENATOR GOODMAN: -- leads -

8 SENATOR MEGA: My point of order

9 -

10 SENATOR PADAVAN: He's about to,
11 Senator.

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

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

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

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

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

1 SENATOR GOODMAN: It will not be
2 a lob.

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

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

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

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

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

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

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

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

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

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

17 SENATOR GOLD: Mr. President.

18 ACTING PRESIDENT FARLEY: Senator
19 Gold -

20 SENATOR GOLD: Yes.

21 ACTING PRESIDENT FARLEY: Why do
22 you rise?

23 SENATOR GOLD: Well, I believe

1 Senator Padavan has now concluded.

2 ACTING PRESIDENT FARLEY: Have
3 you completed your -

4 SENATOR PADAVAN: Yes.

5 ACTING PRESIDENT FARLEY: Thank
6 you.

7 SENATOR GOLD: Thanks you, Mr.
8 President.

9 ACTING PRESIDENT FARLEY: Senator
10 Gold has the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SENATOR MALTESE: Would Senator
20 Gold yield for a question?

21 ACTING PRESIDENT FARLEY: Would
22 you yield, Senator Gold?

23 SENATOR GOLD: Pleasure.

1 SENATOR MALTESE: Senator Gold,
2 were you in the Senate in 1981 when the lease
3 was approved by the state Senate on October 28,
4 1981?

5 SENATOR GOLD: Yes.

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

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

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

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

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

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

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

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

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

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

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

1 So if you compare the numbers, you find out that
2 twenty-five years from now we're getting less
3 rent than the first year. Not more rent, less
4 rent. And each year we lose: 30,000, 70,000,
5 100,000. By the time we get to the twenty-fifth
6 year, we are losing a million dollars a year
7 only on the inflation rate.

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

19 After twenty-five years, the
20 rented does go up. It goes from 400,000 base to
21 440, 10 percent. If you take that additional
22 40,000 and add it in, it is still not as much
23 money as the City is making the first year. Not

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

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

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

1 Oh, well, they multiplied it by
2 2.25.

3 So to begin with, 90 million of
4 their 160 million is mythical money. But on the
5 71 million, how do they get to that?

6 Well, they had 12 million in
7 ticket sales.

8 Yes, but that goes to the USTA.

9 Well, all right. But they had
10 6.7 million in concession sales.

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

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

15 Well, that goes to the USTA.

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

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

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

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

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

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

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

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

13 The IDA financing we were told -
14 ACTING PRESIDENT FARLEY: Senator
15 Maltese, why do you rise?

16 SENATOR MALTESE: Will the
17 Senator yield for a question?

18 SENATOR GOLD: Sure, Senator.

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

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

8 They are talking about mortgaging
9 \$100 million to \$125 million to IDA. I guess
10 the rest they will take out of the bank, the
11 money they have made by getting rich in New York
12 City. And the debt service for this is going to
13 be about 10 million a year. That is peanuts
14 compared to what they are going to be bringing
15 in.

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

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

3 Maybe we ought to have a cost of
4 living increase kick in after fifteen years.
5 Let them have fifteen years to pay their debt,
6 and I have given them these suggestions. And
7 I'd say what are you talking about? Why don't
8 you say there will be a cost of living increase
9 after 75 years. Something. Something. In the
10 99th year, I would like a cost of living
11 increase. Nothing. Because they are not going
12 to talk to me, and they are not going to talk to
13 you because they don't have to.

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

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

23 SENATOR STAVISKY: Mr.

1 President. Point of information.

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

4 SENATOR STAVISKY: I desire to
5 know whether everyone else who wishes to speak
6 will have only fifteen minutes collectively?

7 SENATOR GOLD: No.

8 ACTING PRESIDENT FARLEY: What's
9 that, Senator Gold?

10 SENATOR GOLD: I'm sorry. I
11 apologize. I was assuming you were going to
12 give a fair answer to the gentleman.

13 ACTING PRESIDENT FARLEY: I will
14 try to answer it. I don't appreciate your
15 answering for me.

16 SENATOR GOLD: I'm sorry.

17 ACTING PRESIDENT FARLEY: Senator
18 Stavisky, the debate started at 6:45. We've had
19 three people speak so far, and an hour and a
20 half has been used. There is supposedly fifteen
21 minutes left on the time. Somebody can make an
22 objection and call for the debate to be closed.
23 That is up to this house.

1 There is a long list left. You
2 are next, Senator Waldon, Senator Galiber,
3 Senator Goodman, Senator Leichter.

4 SENATOR STAVISKY: Mr.
5 President. I ask for a waiver by the chair.

6 ACTING PRESIDENT FARLEY: Well,
7 that's not up to me. That's up to the house.
8 Unless somebody objects, you can stay here until
9 midnight.

10 SENATOR GOLD: I'm sorry,
11 Senator, were you asking me a question?

12 SENATOR MALTESE: Were you
13 planning to be at the negotiations of this lease
14 at the time the Mayor and the Mayor's
15 representatives negotiate it?

16 SENATOR GOLD: Am I planning to?

17 SENATOR MALTESE: Yes.

18 SENATOR GOLD: I wasn't given an
19 invite yet, Senator.

20 SENATOR MALTESE: Will the
21 Senator still yield? Senator, a little while ago
22 you spoke about what would amount to micro
23 management and the fact that I do it every day

1 and you referred to a police car bill that was
2 before the house at the time. And do you recall
3 the terminology you used and the enthusiasm that
4 you utilized at the time to criticize a micro
5 management of a municipal official and, in that
6 specific case, the Mayor of the city of New
7 York?

8 SENATOR GOLD: Thanks for asking
9 that question.

10 I remember that I supported the
11 Velella bill on nine millimeters, Senator. I
12 remember my criticism of you and your bill. And
13 the bottom line, Senator, is that I have no
14 problem in going and making judgments as I'm
15 supposed to make.

16 I just thought it was rather
17 unusual to have you criticizing opposition on
18 this bill as micro-management when that happens
19 to be your philosophy. I didn't say my
20 philosophy agreed with yours, Senator.
21 Obviously, we don't.

22 SENATOR MALTESE: If the Senator
23 will still yield? Are there some issues, then,

1 that you believe micro-management is permissible
2 and there are some issues you don't believe it's
3 permissible? Is that it?

4 SENATOR GOLD: All right. This
5 is the last one I will answer because Senator
6 Stavisky and others want to talk.

7 What I'm saying, Senator, is that
8 in this particular situation, the one before us
9 today, this is not a question of the overall
10 management of the City. This is a question of
11 the use of parkland that happens to be in my
12 district and Senator Stavisky's district. It
13 happens to involve our constituents, and our
14 constituents are people who live in the city of
15 New York.

16 I have a list here -

17 SENATOR MALTESE: Will Senator
18 yield?

19 SENATOR GOLD: Excuse me. Excuse
20 me, sir.

21 ACTING PRESIDENT FARLEY: Hold
22 on. Hold on. Senator Gold says he will not
23 yield.

1 SENATOR GOLD: No. I will be
2 glad to yield after other people have spoken,
3 Senator. Glad to yield all night on this deal,
4 Senator.

5 But I have in front of me,
6 Senator, a list of the people that are
7 representing other people throughout Queens
8 County. They are entitled to a voice in this
9 Legislature. The mayor isn't giving it to
10 them. The mayor's office in pushing this bill
11 today is not giving it to them.

12 And now the worst. I saved the
13 worst for last. This is a document -- and you
14 can if an a look at the top of the FAX, Senator
15 Maltese. It's dated March 26, 1993, and it was
16 FAXed from the New York City Economic
17 Development Corporation, and it was sent to
18 Michael Muller of my staff, came as an intern
19 from Queens College. Terrific, terrific
20 gentleman, and I'm now proud to say he is going
21 to continue working for me. And it was sent
22 from Jane Marshall from that organization. And
23 the document is on the stationery of the USTA

1 National Tennis Center. And I'm referring you
2 to page 11, "Estimated Schedule." Now, this is
3 them, Senator Maltese.

4 "March 1993, dash, to mid-1994.
5 Formal public and governmental review, project
6 application certifies completed by the city on
7 March 1, 1993 marking the start of ULURT.

8 "1994 to 1997, construction of
9 new facilities and modernization of existing.

10 "Summer 1996, new 23,500-seat
11 stadium."

12 This is them! They anticipate in
13 their plans that they won't be finished with
14 this process until the middle of next year.
15 They are the ones who said to me and to Senator
16 Padavan that they will have a lease in two or
17 three months. And every one of you, God
18 willing, in good health, will be back here in
19 January. And then in January, we can decide
20 whether the document in front of us is the best
21 lease in the country, and I'll vote for it if
22 it's good for the people.

23 But this is not 1980, Senator.

1 We've had an opportunity to learn. We've been
2 taken advantage of enough. We have seen the
3 people involved in this try to take away our
4 park for a grand prix.

5 Senator Goodman, Senator
6 Ohrenstein, Senator Leichter, don't tell me that
7 you would give one inch of land, no less an
8 acre, no less 40 acres, in Central Park and
9 subject your Sheep Meadow to parking for this
10 event. And I respect that in you. I respect
11 you for it.

12 Well, I'm sorry. The people I
13 represent and the people that others in Queens
14 represent who use this park are entitled to the
15 same exact firm representation. And if their
16 parkland is going to be used for another
17 purpose, it ought to be under circumstances
18 where the city of which they are members and
19 residents are properly compensated.

20 There is no reason to rush to
21 judgment. If this was a situation where
22 something was sunsetting, if it was a situation
23 where we had to save a municipality or whatever,

1 we would make a judgment based upon the best
2 information we had, even if it weren't complete,
3 but where the people involved in the process, in
4 writing, inform you that we are well within
5 their time frame, why can't we do it the right
6 way and have that document in front of us? Then
7 I don't have to worry whether I trust this one
8 or whether I don't trust this one or whether on
9 page 75 something got stuck in.

10 Can you imagine? Senator Maltese
11 said there's 200 pages. Well, in 200 pages, you
12 say a heck of a lot more than, This is the rent
13 and this is the flyover. 200 pages of legalese
14 by lawyers? I want to see it.

15 And I hope everyone here will
16 demand that by voting against this bill today.
17 Let it come back at a time when we can cast an
18 intelligent vote. But, today, I suggest it is
19 an irresponsible vote. And I would support
20 Senator Padavan's request that everybody vote
21 against it, and I'm going to support his request
22 for a slow roll call.

23 Thank you.

1 ACTING PRESIDENT FARLEY: Senator
2 Stavisky.

3 SENATOR STAVISKY: There is no
4 one in this chamber, I believe, who would wish
5 to have the U. S. Open to move to another part
6 of the country, and those of us who are asking
7 for a no vote are simply asking for the
8 information to which we are entitled before we
9 make the decision on this bill.

10 Let it not be a decision in the
11 dark. Let it be a decision based upon the
12 facts. The lease, wherever it is, has been
13 negotiated in abject secrecy. The lease
14 provisions have been concealed from people who
15 have to make policy decisions.

16 We and nobody else has the
17 ultimate decision as to whether parkland may be
18 alienated. That is a power that is given to the
19 state Legislature; and in order to exercise that
20 power, we have to understand all of the facts.

21 Members of the Legislature,
22 member of the City Council, all elected have
23 asked to see copies of the lease. We have been

1 turned down. We have asked to attend
2 negotiating sessions where decisions are being
3 made on the provisions contained in the lease.
4 We have been turned down.

5 There is a policy of concealment
6 which by itself is a violation of open
7 government. This Legislature created a
8 committee on open government, a division of the
9 state of New York's Department of State, and a
10 request was made under the Freedom of
11 Information Law as to whether someone in a
12 policy position had a right to request access to
13 the lease provisions.

14 And the statement that came down
15 on June 18, which I believe many did not see,
16 June 18th of this year, clearly indicates that
17 the city of New York does not have a legal right
18 to withhold access to such information. In
19 fact, under the provisions of the Open
20 Government Law and the Freedom of Information
21 Act, the records sought, meaning the language of
22 the lease, and I quote, "must be made
23 available," and that means it must be available

1 to us before we are asked to make this kind of a
2 decision.

3 Not a week goes by when the Mayor
4 of the city of New York and his representatives
5 who visit all of us plead poverty and ask for
6 additional financial aid for the city of New
7 York. It seems very strange that at a time when
8 the New York City administration is pleading
9 poverty and coming to Albany every single week
10 in pursuit of additional aid that the City
11 officials appear bent on giving away
12 irreplaceable parkland without adequate
13 compensation to the city of New York.

14 There is an election going on.
15 Has anyone asked what the other candidates for
16 mayor -- whoever is elected will be stuck with
17 the consequences of this -- what other
18 candidates for mayor feel should be done with
19 regard to the alienation of public parkland, 42
20 acres, under the terms and conditions that have
21 come out in dribs and drabs? Does Rudolph
22 Giuliani support this? Who will be mayor of New
23 York City and who can predict who will be mayor

1 of New York City, and I'm asking you if you
2 believe that future mayors should be stuck with
3 the consequences of this 99-year agreement.

4 There are other provisions here
5 that trouble me: \$400,000 has been commented on
6 by Senator Gold and by Senator Padavan. You
7 couldn't get a concession, a moderately-sized
8 concession, in a public parkland for anything
9 comparable to that amount. The city of New York
10 does not have money to maintain its existing
11 parks. Neighborhood parks have deteriorated.
12 The comfort stations are closed. The drinking
13 fountains are inoperable, and we're giving away
14 space that is needed for New York City's
15 population devoid of adequate recreational
16 facilities.

17 With regard to the takeoffs and
18 landings, I can just see a future mayor of New
19 York City waving his arms at the planes that are
20 flying overhead, "Go away. Go away. We're
21 going to lose \$325,000 of the \$400,000 pittance
22 that is promised here if too many of you fly
23 over Shea Stadium." They should tell the New

1 York Mets about that provision, that crazy
2 provision that maybe the admission to Shea
3 Stadium should be free whenever there is a plane
4 flying overhead, or maybe the game should be
5 canceled.

6 And while we're on the issue of
7 the Mets, think of the scheduling of the U. S.
8 Open. In the midst of the baseball season with
9 Met games being played at Shea Stadium and
10 across the street you have the U. S. Open in
11 full progress, in addition to which many of the
12 constituents of legislators in the metropolitan
13 area park their cars in the same parking
14 spaces. What will they do, draw lots? Who will
15 be pushed aside with this expansion?

16 Do not cry for the U. S. Tennis
17 Association. They have already grossed \$66
18 million a year, and they give \$300,000
19 presently with less space.

20 The terms and conditions are very
21 strange. Would anyone obtain a concession
22 through a lease from any state agency for
23 something comparable to this pittance? Look at

1 some of the leases.

2 On the Thruway, for example. The
3 New York State Thruway has leases with the
4 Marriott Corporation for some of the facilities
5 on the Thruway, and the terms are not for 99
6 years. They are for ten years and the Marriott
7 Corporation is required to pay to the New York
8 State Thruway 13 to 16 percent of the gross
9 revenue. Couldn't we at least expect that
10 perhaps five percent of the gross might be paid
11 to the New York City government?

12 There was a lousy negotiation.
13 The people negotiating this fell on their faces
14 when it came to the College Point Corporate
15 Park, which also has been in my district and now
16 is in Senator Padavan's district. Their sales
17 and leasing policies were so bad that instead of
18 bringing in corporations and industries, they
19 have filled up College Point Corporate Park with
20 governmental agencies, a Department of
21 Sanitation garage.

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

1 SENATOR MALTESE: Will Senator
2 Stavisky yield for a question?

3 SENATOR STAVISKY: Just a minute,
4 Senator Maltese, please.

5 ACTING PRESIDENT FARLEY: He
6 won't yield.

7 SENATOR STAVISKY: They have
8 loaded it with the Postal Service, and they have
9 loaded the College Point Corporate Park with the
10 police department's automobile graveyard for
11 recovered and smashed vehicles. These are the
12 people who negotiated this flawed lease.

13 The lease is not public. The
14 whole thing has been in secrecy. We have been
15 taken advantage of in the failure to disclose
16 the conditions before we are asked to vote, and
17 it seems to me that if the Tennis Association is
18 willing to improve the offer, we should be ready
19 to listen, and we should encourage them to
20 improve the offer, but they will never improve
21 it if we say, yes, it's okay to go ahead right
22 now.

23 For that reason, tonight, and for

1 the rest of the current session until we get a
2 lease, the members of this Legislature have an
3 obligation to vote no, and I hope you will.

4 I will yield.

5 SENATOR MALTESE: Senator yield?

6 ACTING PRESIDENT FARLEY: Senator
7 Maltese. Will you yield, Senator Stavisky?

8 SENATOR MALTESE: Senator
9 Stavisky, if I indicated to you that since the
10 beginning of this session there were
11 approximately a total of sixteen bills that
12 passed the Senate regarding park and land
13 alienation, would you say that was a ball park
14 figure?

15 SENATOR STAVISKY: I will accept
16 your numbers, Senator Maltese.

17 SENATOR MALTESE: Senator
18 Stavisky, if I indicated that out of those
19 sixteen, there were no -- well, I will ask you
20 the question, Mr. President.

21 Mr. President. Will Senator
22 Stavisky -- on how many of those sixteen land
23 alienation and park alienation leases that were

1 approved by this Senate did you see a copy of
2 the lease or contract?

3 SENATOR STAVISKY: Senator
4 Maltese, may I ask you how many objections had
5 been raised by the local officials or the
6 representatives of those areas serving in the
7 Assembly or in the Senate? And if there were
8 objections by the local representatives, I don't
9 think you would have seen any of these leases
10 being approved or any of these transfers of land
11 being approved.

12 If there is objection, we want to
13 know why and you should know why.

14 And while you're on your feet,
15 Senator Maltese, you had the Forest Hills
16 Stadium in your district, am I correct?

17 SENATOR MALTESE: No, it's just
18 out.

19 SENATOR STAVISKY: Just outside.
20 But I have not heard any proposal from you to
21 expand the Forest Hills Stadium to 42 acres.

22 SENATOR MALTESE: Is that a
23 question, Mr. President?

1 SENATOR STAVISKY: I have not
2 heard anything. I'm just making that as a
3 statement.

4 ACTING PRESIDENT FARLEY: I think
5 it's an answer.

6 SENATOR STAVISKY: I have not
7 heard in your presentation, sir, a suggestion
8 that the Forest Hills Stadium would be an
9 appropriate place. Do you take Senator
10 Padavan's area, Senator Gold's area or my area
11 and presume to trifle with them?

12 ACTING PRESIDENT FARLEY: Senator
13 Waldon.

14 SENATOR MALTESE: Mr. President.
15 Will Senator Stavisky yield for a question?

16 ACTING PRESIDENT FARLEY: Senator
17 Stavisky, would you yield for another question?

18 He still has the floor, Senator
19 Waldon. I'm sorry.

20 SENATOR MALTESE: Senator
21 Stavisky, on those bills -- and just for the
22 record, you voted aye on all sixteen of them.
23 On those bills, do you regard your obligation as

1 a Senator from Queens County voting on the
2 alienation of park or other lands less if the
3 parkland is in another portion of the state or
4 the equal value to parkland that is within
5 Queens County or within your own district?

6 SENATOR STAVISKY: Yes. And may
7 I say in answer to that, that the proposed
8 equivalent property for park purposes is Powells
9 Cove which has been in my district. That is
10 essentially land under water. That is a
11 sanctuary, not official sanctuary but it's a
12 place where water fowl nest and rest during the
13 winter months. It is hardly a park area that is
14 comparable in value to what we're giving away.

15 SENATOR MALTESE: Mr. President.
16 The question, though, was simply do you value
17 your own -

18 ACTING PRESIDENT FARLEY: Would
19 you yield for another question, Senator
20 Stavisky?

21 SENATOR STAVISKY: Yes, I will.

22 SENATOR MALTESE: It is the same
23 question. Do you place equal value on your vote

1 pertaining to parklands in another portion of
2 the state as to your vote on parklands that may
3 be in Queens County or within your own
4 district?

5 SENATOR STAVISKY: Yes, I do,
6 especially if there is strenuous objection from
7 environmental groups, preservation groups and
8 also elected officials and citizens in the
9 affected area.

10 Yes, I would vote no on any or
11 all of those if there were substantial
12 opposition and a good case was presented. I
13 think there has been a good case for deferral of
14 tonight's vote.

15 ACTING PRESIDENT FARLEY: Senator
16 Waldon, you have the floor.

17 SENATOR ONORATO: Mr. President.

18 ACTING PRESIDENT FARLEY: Senator
19 Onorato.

20 SENATOR ONORATO: I would like to
21 know if Senator Stavisky would yield to a
22 question?

23 ACTING PRESIDENT FARLEY: Okay.

1 Unless he's given up the floor.

2 SENATOR ONORATO: Senator
3 Stavisky, you noted in your comment about the
4 Marriott chain along the Thruway, and something
5 very interesting came about. You mentioned the
6 fact that there was a ten-year lease getting 8
7 or 10 percent.

8 SENATOR STAVISKY: 15 to 16
9 percent.

10 SENATOR ONORATO: Was that net
11 gross or was that of the total gross?

12 SENATOR STAVISKY: Total gross.

13 SENATOR ONORATO: Total gross.

14 Not net. Thank you.

15 ACTING PRESIDENT FARLEY: Senator
16 Waldon.

17 SENATOR MALTESE: Senator
18 Stavisky yield for another question?

19 SENATOR GALIBER: Point of order,
20 Mr. President.

21 SENATOR WALDON: I have deferred
22 very generously at your discretion, meaning the
23 chair's discretion, throughout the evening. I

1 have remained calm and temperate.

2 ACTING PRESIDENT FARLEY: Just a
3 moment. Just a moment.

4 I would presume that Senator
5 Stavisky has yielded the floor. You can't keep
6 asking him questions if he's yielded the floor.

7 Have you yielded the floor?

8 SENATOR STAVISKY: Yes.

9 ACTING PRESIDENT FARLEY: Senator
10 Waldon, you have it.

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

13 Senator Maltese, would you be
14 kind enough to submit to a couple of questions?

15 SENATOR MALTESE: Yes, Senator
16 Waldon.

17 SENATOR WALDON: Mr. President,
18 if I may.

19 Senator, are you very familiar or
20 familiar with Mayor Dinkins' Minority and
21 Women's -- MBE/WBE Program?

22 SENATOR MALTESE: I'm somewhat
23 familiar with it, Senator. I believe it's

1 Section 50 or -

2 SENATOR WALDON: No, that is a
3 different. That's part of it but the -- if I
4 may, Mr. President. MBE/WBE program was
5 announced in the New York Times some time ago,
6 and the purpose the mayor was attempting to
7 accomplish is to give at least 20 percent of all
8 contracts let by the city to women and blacks
9 and Latinos. Basically, that's what that
10 program is all about.

11 Are you familiar with Executive
12 Order 50?

13 SENATOR MALTESE: Yes, Senator
14 Waldon, and -- so far so good.

15 SENATOR WALDON: The integrated
16 contract of procurement management system,
17 whereby there will be records kept of all
18 contracts. Everyone who qualifies under the
19 traditional minority nomenclature would be given
20 an opportunity to have contracts and/or vendor
21 services, et cetera, et cetera, et cetera with
22 the City. Are you familiar with both of those?

23 SENATOR MALTESE: Mr. President.

1 I'm perhaps not as familiar as Senator Waldon,
2 but I have been assured by the City's
3 representatives that the city of New York and
4 the U. S. Tennis Association plan -

5 SENATOR WALDON: I'm going to get
6 to that, Senator.

7 SENATOR MALTESE: Oh, okay. The
8 answer is not as good as you.

9 SENATOR WALDON: May I continue
10 with Senator Maltese?

11 ACTING PRESIDENT FARLEY: You
12 have the floor.

13 SENATOR WALDON: Thank you very
14 much, Mr. President. Senator Maltese, in this
15 bill 1578, is there a section which deals with
16 participation by minorities in this process? You
17 will find it on the second page beginning with
18 line 48, just a very small piece.

19 SENATOR MALTESE: Yes, with your
20 assistance, Senator Waldon, I found it.

21 SENATOR WALDON: Okay. Now, in
22 this proposed lease arrangement that you spoke
23 to earlier, are there provisions that

1 African-Americans, Caribbean-Americans, Latinos,
2 Hispanic, Native Americans and all others who
3 are characterized as minorities will and can
4 participate?

5 SENATOR MALTESE: Mr. President,
6 my understanding is that the bill speaks for
7 itself, and that the mayor's and the city of New
8 York's policies, with which I don't always
9 agree, in this case will prevail and that they
10 will abide by all City administrative
11 regulations and all agreements made beyond the
12 scope of the actual setting forth in the
13 legislation.

14 SENATOR WALDON: Mr. President,
15 I'm sure that I wasn't clear in my question.
16 May I ask the Senator another question?

17 ACTING PRESIDENT FARLEY: You
18 have the floor. You can keep asking him.

19 SENATOR WALDON: Thank you, Mr.
20 President. And I will attempt to be clearer
21 this time, Senator Maltese.

22 My specific question is, in the
23 proposed lease agreement, this huge document

1 that you spoke about earlier, are there
2 provisions to take care of business for blacks,
3 Latinos, and other minorities and women?

4 SENATOR MALTESE: Mr. President.
5 As has been indicated, the proposed lease
6 agreement is apparently something around 200
7 pages. I have not seen the complete lease
8 agreement. I have seen the summaries with which
9 not only myself but many Senators have seen over
10 the course of the last year or two. In the
11 summary that I was supplied with and in
12 addition, I have the Mayor's representatives in
13 my office, they indicated that the concerns that
14 Senator Waldon is expressing right now would be
15 addressed, and I have the word of the Mayor of
16 the city of New York that they would be
17 addressed. And, quite frankly, that's good
18 enough for me even though, in this case, it
19 might not be good enough for Senator Gold or
20 somebody else.

21 SENATOR WALDON: Mr. President.
22 If I may continue?

23 ACTING PRESIDENT FARLEY: You

1 have the floor.

2 SENATOR WALDON: Thank you very
3 much, sir. Just one last question.

4 ACTING PRESIDENT FARLEY: Would
5 you yield for another question?

6 SENATOR MALTESE: Yes.

7 SENATOR WALDON: Along this
8 line. In regard to the provisions indicated by
9 USTA in terms of the availability of the
10 resources of the center and what it would mean
11 to young people who would be given an
12 opportunity to learn about tennis, does that
13 include young people who only live in the area
14 surrounding where this facility will be located,
15 or will there be provisions to allow all young
16 people who have a desire to learn tennis to come
17 to that facility and utilize whatever is
18 available there?

19 SENATOR MALTESE: Mr. President,
20 in response to Senator Waldon, the programs have
21 been open to all young people in the entire city
22 of New York. As a matter of fact, various
23 tournaments have attracted tennis players from

1 throughout the state and even outside the
2 state. Those facilities now would not only be
3 available but would be expanded to all young
4 people and include a great deal more programs
5 because they'll be able now to use not only the
6 prior tennis courts but expanded tennis courts,
7 the Louis Armstrong Stadium, the grandstand and
8 the major stadium for matches or events that
9 would be appropriate, to be decided on by the
10 borough president and the representatives of the
11 parks department.

12 SENATOR WALDON: Last question,
13 Mr. President, if I may.

14 ACTING PRESIDENT FARLEY: Senator
15 Maltese, would you yield for the last question?

16 SENATOR MALTESE: Yes.

17 SENATOR WALDON: Senator Maltese,
18 would you characterize the provisions of this
19 bill and of the proposed lease agreement as
20 taking care of business in terms of allowing
21 blacks, Latinos and women to participate in this
22 process at the construction phase level, at the
23 vendor phase level and at other service phase

1 levels?

2 SENATOR MALTESE: Mr. President.
3 The answer is not only all the people enumerated
4 specifically by Senator Waldon but all the
5 citizens of Queens County not only those
6 provincially in Senator Stavisky's district or
7 Senator Gold's district or Senator Padavan's
8 district or my district or Senator Waldon's
9 district, all would have equal access to this
10 treasure that does not belong to one Senator or
11 to his constituents but which belongs to the
12 people of New York State, no matter what color,
13 race, religion, national origin. They would all
14 have equal access. And in order to ascertain
15 that all, because of the past deprivations,
16 specifically they have set out a set of
17 circumstances which would seem to answer Senator
18 Waldon's justifiable concerns.

19 SENATOR WALDON: Thank you very
20 much, Senator Maltese.

21 Mr. President, on the bill.

22 ACTING PRESIDENT FARLEY: On the
23 bill.

1 SENATOR WALDON: Senator, there
2 was a gap in your response when I inquired about
3 the provisions of the lease agreement. I, too,
4 spoke to the Mayor of the city of New York, and
5 he gave me his personal assurances that my
6 concerns would be addressed.

7 Having grown up in Brooklyn, I
8 wanted something in writing and so I made a
9 request that a written document be sent to me
10 which would support the assurances personally
11 given to me, and in a letter dated July 1, 1993,
12 from Carl Weisbrod, the president of the
13 Economic Development Corporation, the city of
14 New York, he states, "Dear Senator Waldon: As we
15 discussed yesterday, the lease between the city
16 of New York and the USTA National Tennis Center,
17 Incorporated, will contain requirements that the
18 USTA abide by the Mayor's Executive Order 50
19 regarding hiring and the Mayor's W/MBE
20 Affirmative Action Program regarding contracts.

21 "In addition the USTA has also
22 made public commitments that they try to use
23 Queens businesses whenever possible."

1 Closing paragraph. "I hope this
2 addresses your concerns. Please contact me at
3 the above address and telephone number if you
4 have additional questions."

5 Mr. President. My concerns are
6 very parochial but broader than the concerns of
7 my district. My concern is that there be equity
8 in terms of the business opportunities
9 surrounding this tremendous business opportunity
10 for the city and the state and in fact the
11 country, because the USTA is a national
12 resource.

13 Now that I have these assurances
14 that everybody will have a chance to play and,
15 as James Brown said, that this opportunity is
16 going to give the drummer some, I can support
17 this bill.

18 I will vote in the aye. Thank
19 you very much, Mr. President. And thank you,
20 Senator Maltese.

21 ACTING PRESIDENT FARLEY: Senator
22 Galiber.

23 SENATOR GALIBER: I'll waive.

1 ACTING PRESIDENT FARLEY: Senator
2 Goodman.

3 (There was no response.)

4 Senator Leichter.

5 SENATOR LEICHTER: Mr. President,
6 we've had a lengthy debate, at times a somewhat
7 technical debate but, frankly, a debate which I
8 think often missed the point. We had a home
9 rule message here by the city of New York to
10 alienate parkland. Actually to make a swap of
11 parkland. We do those day in and day out. In
12 all the years that I have been here, we must
13 have done hundreds. I have never, never, never
14 heard a legislator get up and say I want to see
15 the contract that's going to be drawn up, or is
16 there a contract that has been drawn up
17 concerning that alienation of parkland or that
18 swap of a -

19 SENATOR PADAVAN: Mr. President.
20 Will Senator Leichter yield?

21 ACTING PRESIDENT FARLEY: Senator
22 Leichter, would you yield to a question from
23 Senator Padavan?

1 SENATOR LEICHTER: Yes.

2 SENATOR PADAVAN: Senator, I've
3 heard that more than once, and I'd like to ask
4 you the question. I happen to be chairman of
5 the Cities Committee, as you know.

6 All of the park alienation bills
7 come through our committee. Are you aware of
8 the fact that this committee, and my
9 predecessors, always made a point of making sure
10 that those alienation bills were not
11 inconsistent with the ideas, the feelings, and
12 the wishes of those Senators in whose district
13 that property existed, meaning did they have any
14 objections? Are you aware of that fact?

15 SENATOR LEICHTER: Senator, if
16 you say that's so, you are the chairman -

17 SENATOR PADAVAN: Okay.

18 SENATOR LEICHTER: -- if that's
19 what you do, that's what you do.

20 SENATOR PADAVAN: Second
21 question, if you will? Mr. President.

22 ACTING PRESIDENT FARLEY: Would
23 you yield for another question?

1 SENATOR LEICHTER: Yes.

2 SENATOR PADAVAN: You heard
3 Senator Maltese refer to sixteen alienation
4 bills that were passed through our committee to
5 the floor this session. You heard him say that?

6 SENATOR LEICHTER: I wasn't there
7 at that moment.

8 SENATOR PADAVAN: Well, he did
9 say that. Are you aware of the fact that not
10 one of those sixteen bills involved transfer of
11 that property for a commercial use? Were you
12 aware of that fact?

13 SENATOR LEICHTER: I don't know
14 what it has to do with what we're discussing.

15 SENATOR PADAVAN: Well, because
16 it has a great deal to do with it.

17 SENATOR LEICHTER: If you say
18 it's so, it's so.

19 SENATOR PADAVAN: Because that's
20 what makes it different, all of those bills
21 different than the one before us.

22 Now, you said a moment ago, if I
23 heard you -- if again you would yield, Senator

1 -- that this is a land swap deal. I believe
2 you did say that.

3 SENATOR LEICHTER: It's in the
4 nature because, as you know, the City is mapping
5 parkland.

6 SENATOR PADAVAN: Now, are you
7 aware of the fact that the 31 acres which is now
8 going to -- they are going to put a little line
9 around it on the map, and College Point, which
10 is in my district, previously in Senator
11 Stavisky's district, are you aware of the fact
12 that most of that land is under water and that
13 the balance of it the community doesn't need as
14 a park because there is already a park that's
15 not being properly maintained and never could be
16 a park and that it's miles away from those
17 people who come to Flushing Meadow Park? Are you
18 aware of that fact?

19 SENATOR LEICHTER: Senator, I'm
20 not sure that fact is particularly relevant -

21 SENATOR PADAVAN: Well, it is
22 relevant because -

23 ACTING PRESIDENT FARLEY: Just a

1 moment. Senator Padavan, let him answer the
2 question.

3 SENATOR PADAVAN: Yes. Thank
4 you. I'm sorry.

5 SENATOR LEICHTER: I don't -- I
6 really -- I -- Senator, I don't think it's
7 relevant.

8 SENATOR PADAVAN: Well, Senator,
9 if you will yield. It's relevant because you
10 said it's a land swap. That's what brought me
11 to my feet. It is not a land swap unless you
12 are talking about land under water for parkland
13 that's being used by hundreds of thousands of
14 people, by disabled children, by the Girl
15 Scouts, and everything else you heard here
16 today. That's not a land swap.

17 SENATOR LEICHTER: Senator,
18 Senator, I think you missed the point. You are
19 still missing the point. The point is that we
20 have a home rule message, the Mayor of the city
21 of New York, the borough president of Queens,
22 and I don't know anybody who fights harder for
23 her community than the borough president of

1 Queens. The City Council -- the Majority Leader
2 happens to come from Queens -- sent us a home
3 rule message. And it's their considered opinion
4 that this alienation makes sense for the city of
5 New York.

6 Now, I'm suggesting to you,
7 Senator Padavan, and to my other colleagues
8 here, that we are trying to apply a standard and
9 a test that I have not seen in all of the other
10 times that we have alienated parkland, whether
11 authorizing a community to sell parkland, to use
12 it for other purposes, or to swap it with some
13 other land. And your point that some of the
14 land is under water really, Senator, that -
15 that -- we know perfectly well that there are
16 parklands that include lands under water, and
17 they are very valuable as parklands. So I don't
18 think that's the point.

19 But what we need to look at is
20 what our procedures are, what we have done here
21 in the past, and I've gotten up on this floor
22 just yesterday and I debated Senator Maltese
23 because I felt that there was interference in

1 the affairs of the city of New York, and I
2 submit to you that really it's the same thing
3 here.

4 I have never heard anybody say I
5 want to see the lease before I vote on a park
6 alienation. I haven't even heard anybody ask
7 what are the provisions of the lease or what is
8 the deal or is the community going to get a fair
9 value out of it. And the idea, with all due
10 respect to people that I could not have a higher
11 regard for, Senator Gold and Senator Stavisky
12 and Senator Padavan, to say we did not see the
13 lease. My God, we're saying that before we're
14 going to approve these alienation of parklands
15 that from now on we want to study the lease? I
16 mean I have talked of micromanagement. I think
17 that's totally absurd.

18 In fact, we have had made
19 available to us information that I have never
20 seen in one of these particular deals, and the
21 City has come up and has told us what the
22 material terms of this arrangement are going to
23 be.

1 SENATOR PADAVAN: Mr. President.

2 Mr. President, would Senator Leichter yield?

3 SENATOR LEICHTER: Yes.

4 ACTING PRESIDENT FARLEY: Would
5 you yield for another question?

6 SENATOR PADAVAN: Senator
7 Leichter, I don't know if you were in the
8 chamber earlier when I raised an issue, and I
9 think others did also. What if we were going to
10 take 40 acres of parkland in Central Park in
11 your county and build a 120-foot high stadium
12 with 88 boxes and thousands of cars parking on
13 the lawn right in Central Park, tear down
14 hundreds of trees, displace children,
15 handicapped children, and a whole bunch of other
16 things? Would you not say, Senator, under these
17 circumstances that you, Senator Leichter, would
18 like to have all of the relevant information
19 attendant to such a proposal before you, prior
20 to your voting on this floor to make such a move
21 a reality? Wouldn't that be your desire, or
22 would you accept it blindly without any inquiry,
23 off the cuff, and simply say, "It's local

1 government and I have no responsibility here?"

2 Would you do that?

3 SENATOR LEICHTER: Senator, we've
4 had a mass of information made available. But
5 let me tell you this. If they wanted to
6 alienate 40 acres of parkland in Central Park
7 and so on, if there was a home rule message, if
8 the mayor was for it, if the borough president
9 of Manhattan was for it, if local officials were
10 for it, council members and so on, I would be on
11 this floor fighting tooth and nail against it,
12 but I would expect, just as I certainly respect
13 the fact that you and Senator Gold and Senator
14 Stavisky --it's your local area. I can
15 understand your feeling.

16 And, by the way, it's due, in my
17 mind, to a high degree of deference by this
18 chamber. But I think the chamber as a whole I
19 think has to give even greater deference to home
20 rule, has to give greater deference to the fact
21 that local officials are for it.

22 ACTING PRESIDENT FARLEY: Senator
23 Gold, why do you rise?

1 SENATOR LEICHTER: I just want to
2 finish.

3 SENATOR GOLD: I want to let him
4 finish. I don't want to -

5 ACTING PRESIDENT FARLEY: Well,
6 then sit down.

7 (Laughter.)

8 SENATOR LEICHTER: I just wanted
9 to say, you know, Senator Padavan -

10 ACTING PRESIDENT FARLEY: What
11 did I say?

12 (Continued Laughter.)

13 Nothing personal.

14 SENATOR GOLD: I didn't take it
15 personally. I just admired you for the way you
16 handled it.

17 (Continued Laughter.)

18 SENATOR LEICHTER: Okay. And let
19 me say, Senator, I think -- as I said to Senator
20 Stafford, and I have the greatest respect for
21 him and understand he represents the
22 Adirondacks, represents it well. But I said
23 that he should not have veto power, and by the

1 same respect, much as I certainly listen to
2 Senator Gold because it is his community, and
3 your community and Senator Stavisky's community,
4 but by the same respect, I submit that you
5 cannot have veto power particularly when we have
6 the city of New York coming and saying, "Please
7 do this."

8 Why should I, why should you, say
9 no. You're the mayor, you are the borough
10 president, you are the majority leader of the
11 city council from Queens and so on; no, I want
12 to look at this de novo; I want to study the
13 lease.

14 Senator, I submit to you that is
15 not our function. I submit to you it doesn't
16 make sense. But I further say to you that the
17 City has been extremely forthcoming in giving us
18 the material terms of the lease.

19 Why can Senator Gold stand up
20 there -- and he did it brilliantly because he's
21 a brilliant person -- and say this is a terrible
22 deal if he didn't know what the deal was?

23 SENATOR GOLD: Mr. President.

1 SENATOR LEICHTER: I'll yield.

2 ACTING PRESIDENT FARLEY: Senator
3 Gold, why do you rise?

4 SENATOR GOLD: Yes. And by the
5 way, thank you for making me sit down. You were
6 right. I admire that.

7 Will the Senator yield to a
8 question?

9 ACTING PRESIDENT FARLEY: I get
10 nervous when I see people standing up. I want
11 to recognize them.

12 SENATOR GOLD: No, I appreciate
13 that. Will the Senator yield to a question?

14 SENATOR LEICHTER: Yes.

15 ACTING PRESIDENT FARLEY: Would
16 you yield to your seatmate, there?

17 SENATOR LEICHTER: Yes.

18 SENATOR GOLD: Senator. First of
19 all, Senator, there is a difference between
20 seeing a lease and knowing the terms and knowing
21 one or two terms that have been made public.
22 That does not a lease make.

23 But, Senator, I want to -- I want

1 to clarify something. You have a lot to say on
2 the floor of the Senate, and I'm one of your
3 admirers, and I respect you. But are you
4 telling us that if you get up on the floor of
5 the Senate and are talking as not the statesman
6 and statewide treasure which you are but if you
7 are speaking strictly as a local legislator, we
8 should ignore you? Is that what you're saying,
9 Senator?

10 SENATOR LEICHTER: Not at all,
11 Senator. But I think that where you have a home
12 rule message where there is such a compelling
13 public interest in addition to the fact that the
14 city of New York says we want to do this, then I
15 would expect that my friends -- I hope I have
16 some friends here -- would say, "Listen,
17 Leichter. We listened to you. We like you. We
18 understand what you're saying, but we've got to
19 go ahead and do what is best for the people of
20 the state of New York."

21 And we have an obligation -- and
22 I sorely believe in it, because I get up and
23 speak about it -- in terms of giving

1 municipalities the power to exercise how they
2 will govern themselves. And that's not your job
3 or my job even when it's our district.

4 SENATOR GOLD: Mr. President.
5 Will the gentleman yield to one more question?

6 ACTING PRESIDENT FARLEY: Would
7 you yield?

8 SENATOR LEICHTER: Yes.

9 SENATOR GOLD: Senator, you were
10 talking about a situation where there was a home
11 rule and local support. Are you aware, Senator,
12 that in this particular situation -- and I have
13 the vote here -- there were substantial numbers
14 of local council people who said, "Don't do it?"
15 There were substantial numbers of local council
16 people who said, "I'm abstaining. Don't pass it
17 now; bring it back." Are you aware that there
18 were substantial numbers of local Assembly
19 people who said, "Don't do it?" Are you aware
20 that there were substantial numbers -- as a
21 matter of fact, unanimity -- among community
22 people that said, "Don't do it?" Don't you -

23 SENATOR MALTESE: Will Senator

1 Gold yield for a question?

2 ACTING PRESIDENT FARLEY: Wait a
3 second. Senator Leichter has the floor.

4 SENATOR GOLD: Senator, I was
5 listening to your test. Doesn't that fit into
6 your test? You were saying that when we have
7 that, then maybe it was a little different than
8 when we don't have it.

9 SENATOR LEICHTER: Senator, isn't
10 it a fact or is it not a fact that the City
11 Council sent up here a home rule message; that
12 the majority of the City Council said yes? And
13 as a matter of fact that -- I think two days ago
14 -- the Assembly by an overwhelming vote decided
15 that they would pass this bill and give the City
16 the power that the City had requested? Isn't
17 that a fact?

18 SENATOR GOLD: Yes.

19 SENATOR LEICHTER: Isn't that the
20 answer to your question?

21 SENATOR GOLD: No. The answer to
22 my question, Senator -- I will refresh your
23 recollection was not whether or not the City

1 Council sent up a home rule. Wasn't it a fact
2 that the legislators from the City Council in
3 the affected areas and the Assembly people in
4 the affected areas voted against it?

5 And the reason I brought that up,
6 Senator, was because -- I mean I'm trying to
7 zero in on reality here. I mean we've had an
8 number of issues that come up, and it depends
9 whose ox is being gored. And I can't believe
10 that Franz Leichter, who is one of the people I
11 respect, who believes -- and it comes from the
12 heart; it goes right from the heart to your
13 mouth -- and I can't believe you would tell all
14 of us that if you ever stand up pleading for
15 your district we should ignore you. Senator,
16 I'm telling you something. I love you. I won't
17 ignore you.

18 SENATOR LEICHTER: Well, Senator,
19 if you won't ignore me, you're going to get a
20 very good chance on a vote that's going to come
21 on a particular bill right now, and I hoped I've
22 convinced you to do the right thing on a
23 principle that you believe in very deeply; and,

1 that is, one, home rule and, secondly, that we
2 here in the Legislature do not have the
3 authority or the right or the responsibility to
4 micromanage.

5 You know, I have kidded Senator
6 Maltese, and I've said you want to be police
7 commissioner, and I can say now Senator Padavan
8 wants to be parks commissioner, and you want to
9 be the corporation counsel of the city of New
10 York.

11 SENATOR GOLD: Yes, for one
12 year.

13 SENATOR LEICHTER: You're going
14 to negotiate a better contract. Listen, I think
15 highly of you and maybe you would have, but the
16 fact of the matter is that you are here as a
17 Senator, thank God, and that these are the local
18 officials. This is going through an incredibly
19 complex and open process. There is no way that
20 we should ask to have that lease finalized
21 before we vote on it, and I can just see the 61
22 of us go through that lease, and Senator Padavan
23 will be carrying the bill and say -- I mean

1 Senator Maltese -- "Senator Maltese, on page
2 325, I talked to a friend of mine and he thought
3 that that boiler plate provision is really not
4 the best provision." This is not our job.

5 Now, I think in this instance it
6 certainly makes sense to know the basic terms.
7 Basic terms. Those terms have been made
8 available. Senator Gold says it's a lousy
9 deal. I look at it. I don't think so, but I
10 don't think really that that is our job.

11 ACTING PRESIDENT FARLEY: Senator
12 Padavan, why do you rise?

13 SENATOR PADAVAN: Will you yield?

14 SENATOR LEICHTER: Yes, Senator,
15 but it will be the last time because I know
16 there's other speakers.

17 SENATOR PADAVAN: Yes. Just one
18 question.

19 SENATOR LEICHTER: Sure.

20 ACTING PRESIDENT FARLEY: Senator
21 Galiber.

22 SENATOR PADAVAN: Some time back
23 in history someone decided -

1 ACTING PRESIDENT FARLEY: Just a
2 moment. Senator Galiber.

3 SENATOR GALIBER: Point of
4 information, Mr. President. This isn't to be
5 interpreted as an objection, but how much time
6 have we spent on this bill?

7 ACTING PRESIDENT FARLEY: We are
8 thirty-five minutes over two hours.

9 SENATOR GALIBER: It's not an
10 objection.

11 ACTING PRESIDENT FARLEY: Are you
12 making an objection?

13 SENATOR GALIBER: No, sir.

14 (Laughter.)

15 Just an observation.

16 SENATOR PADAVAN: An observation.
17 And I tell you I share that observation, but I
18 just can't let this point go by.

19 Senator, you did yield, and let
20 me ask a question. A number of years ago, and I
21 don't know when -- long before my time -- laws
22 were created that said, in effect, in this one
23 area, when you are talking about parkland

1 wherever it is in this state, something special
2 must happen. Beyond home rule messages, beyond
3 anything, that the Legislature should take a
4 careful look at it and make an independent
5 judgment.

6 And I have been here 21 years.
7 And as you said earlier, we do that year after
8 year after year. Are you telling me that that
9 law of ancient origin should be wiped off of the
10 books? Because if you are saying that home rule
11 messages -- even though in this case, as Senator
12 Gold pointed out, it was hotly contested, very
13 debatable, far from clear-cut -- you're telling
14 me that that takes precedence, then perhaps you
15 should be submitting a bill to repeal all
16 existing statutes that -- relative to park
17 alienation, and we should let the localities do
18 what they want whenever they want to whatever
19 land they want without our even blinking an eye?
20 Because you can't have it both ways.

21 If the law is there that we have
22 this responsibility, then we have to exercise
23 it. You can't say it's micromanaging. It's

1 the law, and I think it was put there wisely, by
2 the way.

3 SENATOR LEICHTER: Senator, I
4 don't think you heard me. I said that it
5 deserves the greatest degree of deference. I
6 think we have that obligation, and we don't only
7 have it in that area. We have it before we give
8 municipalities power of taxes and so on.

9 I would be in favor of changing
10 the Constitution giving greater power to
11 municipalities. I think that if the
12 municipality wants to alienate parkland that
13 that can be decided in the municipality. But I
14 agree that we have that function, and I'm not
15 suggesting that we just rubber stamp it
16 automatically if there's a home rule, but I'm
17 saying it deserves the greatest deference and it
18 deserves even greater deference than the
19 deference that I would give to a local
20 legislator being against something occurring in
21 his district.

22 But I ask you to take a look at
23 what is involved here. We're talking about one

1 of the premier sports events in the world.
2 Something that communities would give their eye
3 teeth to have. It's something that if we lose
4 we lose it not only for the county of Queens but
5 we will lose it for the city of New York and the
6 state of New York.

7 We talk here about job
8 development, and sometimes I am up here arguing
9 with you people on job development because I
10 sometimes think your figures are phony, but
11 there's no question that we're talking here of
12 hundreds and hundreds of jobs.

13 Many of you, as I, probably saw
14 some of Wimbledon on television this week. You
15 saw the fantastic publicity that was given to
16 London, to England, to that event. That's going
17 to happen to the U. S. Open.

18 So it's not only that it brings
19 in thousands of people in the city of New York
20 to the event itself, but it publicizes the
21 City. It creates jobs while the event occurs.
22 It brings in millions of dollars in tax revenue
23 from people who spend money here in New York

1 City and in the state of New York.

2 And it is for that reason that
3 other communities will turn themselves inside
4 out to get this event. And we know already that
5 Miami is interested. Dallas is interested.
6 Maybe the Hunt Brothers will say, "We'll put up
7 \$100 million and we'll give it to you."

8 And one of the bases of the
9 negotiations that the city of New York had is
10 that it is competing. It is competing for an
11 extremely attractive event. It is an open
12 market. The U. S. Open has something very great
13 to sell. It's been in New York all these years.

14 We've lost a lot in New York.
15 We've lost the headquarters of Fortune '500'
16 companies. We've lost the Dodgers. We've lost
17 the Giants. I don't want to lose the
18 U. S. Open. But if I take a look at this deal,
19 it doesn't seem like it's a bad deal to me at
20 all, when I see what cities and states in this
21 country have done to get baseball stadiums, the
22 amount of public money that they've spent.

23 As Senator Maltese pointed out,

1 there's almost no public money except the money
2 that's involved with the IDA. We're getting an
3 \$8 million trust fund that's being set up. So
4 it's not just the rent that Senator Gold was
5 talking about. It's rent in the context of a
6 popular event that other cities are competing
7 for, plus the \$8 million that we're getting,
8 plus the fact that this is a facility that will
9 be available for New Yorkers for a major portion
10 of the year, that we'll be getting tennis courts
11 and so on, and the city of New York is going to
12 map an equivalent amount of parkland. Maybe
13 some of it is under water. Maybe it's not the
14 same sort of parkland, but when I look at it
15 overall, I think that we've gotten a good deal.

16 But I am impressed above all by
17 the fact that the city of New York has come
18 here, that it has massive support within the
19 City's government, and I think that it is for
20 the benefit not only of the City but of the
21 state that we give the City the authority that
22 it asks for from us.

23 ACTING PRESIDENT FARLEY: Senator

1 Mega.

2 SENATOR MEGA: Yes, Mr.
3 President. I'm not going to prolong the debate
4 much longer, but I would ask Senator Padavan if
5 he would yield for a question or two.

6 Senator Padavan, you held a
7 hearing and you made a presentation indicating
8 what was developed as a result of the hearing.
9 You indicated that the borough president was
10 invited and she did not attend. Is that
11 correct?

12 SENATOR PADAVAN: That's correct.

13 SENATOR MEGA: She sent someone.

14 SENATOR PADAVAN: No, she didn't
15 really do that. She had an observer who we kind
16 of cajoled into answering a question, which he
17 was prepared to do only with regard to the
18 airplane overflights, but he couldn't answer
19 anything else.

20 SENATOR MEGA: Well, did anyone
21 from the borough president's office testify?

22 SENATOR PADAVAN: Only to that
23 extent on that issue.

1 SENATOR MEGA: Who was asked to
2 come to the hearing?

3 SENATOR PADAVAN: We personally
4 invited the borough president.

5 SENATOR MEGA: And were other
6 elected officials asked to attend?

7 SENATOR PADAVAN: All elected
8 officials, from the county, and in the City, and
9 elsewhere, were invited.

10 SENATOR MEGA: And could you tell
11 us which elected officials attended and give us
12 some idea of their -

13 SENATOR PADAVAN: Several state
14 legislators -

15 SENATOR MEGA: -- presentation.

16 SENATOR PADAVAN: There were
17 several state legislators and there were three
18 city councilmen who provided testimony, as well
19 as 30 -- almost 40 organizations representing 91
20 umbrella groups who totally were opposed to
21 this. There were some City Council
22 representatives who sent us statements after the
23 hearing; Senator Maltese's councilman, Mr.

1 Ognibene; my councilman, Mr. Abel, in opposition
2 of course to this proposal.

3 SENATOR MEGA: On the bill.
4 Thank you, Senator Padavan.

5 The reason I asked those
6 questions, Mr. President, just for the record,
7 it's been alluded to several times that the
8 borough president is -- supported this project
9 very strongly, and she has indicated that it
10 would be good for Queens and it would be good
11 because we don't want to lose this event and so
12 on.

13 But in the statement, in the one
14 statement that she made, the testimony that she
15 made before the City Planning Commission hearing
16 on June 23, 1993 -- and I will not go into the
17 entire statement, but she says in conclusion,
18 "In conclusion, I ask that you carefully review
19 the merits of the USTA project and consider the
20 significant benefits it will bring to the people
21 of New York City. We must work together to
22 ensure that the U. S. Open remains the best of
23 the grand slam tennis events. Thank you."

1 "In conclusion, I ask that you
2 carefully review the merits of the project."
3 And that's what we've been asked to do, and
4 that's what we've been doing, and I have
5 indicated that I was going to keep an open mind
6 on this vote until I heard all the testimony,
7 until I heard all the evidence that is going to
8 be put before us, and I have done that.

9 And when it comes time to vote, I
10 will indicate what my decision is.

11 Thank you, Mr. President.

12 ACTING PRESIDENT FARLEY: Senator
13 Onorato.

14 SENATOR ONORATO: Thank you, Mr.
15 President. Senator Maltese, will you yield to a
16 question?

17 SENATOR MALTESE: Yes, Senator.

18 SENATOR ONORATO: I'm a little
19 perplexed. You are an attorney, and I was just
20 wondering, could you possibly explain the
21 cancellation outlets in this bill. The way I
22 read it they have an option that they can lease
23 this property to someone else for a period not

1 exceeding one year. So hypothetically speaking,
2 they could lease it to a carnival or some other
3 type of facility that would not be conducive to
4 the use that we would like it to be used for.
5 What are the cancellation provisions for?

6 SENATOR MALTESE: Mr. President.
7 I don't have the specific provision before me,
8 but my understanding from previously reading the
9 provision and speaking with representatives of
10 the mayor as recently as two or three hours ago
11 was that the only purpose that the facility can
12 be leased for is a purpose to run the U. S. Open
13 and affiliated purposes; in other words,
14 purposes in conjunction or coordination with
15 running a world class tennis facility.

16 SENATOR ONORATO: Mr. President.
17 Where does it say that? That might be the
18 intent, but where does it say that they can do
19 it?

20 SENATOR MALTESE: Well, I imagine
21 -- Mr. President. I previously indicated that
22 the contract will undoubtedly be in excess of
23 200 pages. I have been advised that the

1 contract will be in excess of 400 pages, and I
2 am accepting the synopsis and the representation
3 of the Mayor of the city of New York that this
4 is one of the provisions that will restrict any
5 type of subleasing to -- only to purposes that
6 would be approved by the Parks Department, the
7 Mayor of the city of New York, and the other
8 parties in interest.

9 ACTING PRESIDENT FARLEY: Senator
10 Onorato, you have the floor.

11 SENATOR ONORATO: Mr. President.
12 I have heard all of the arguments for and
13 against the proposal, and I must concur with my
14 colleagues from Queens County. I, too, am not
15 opposed to the tennis facility that currently
16 exists in the park, but I don't believe that the
17 legislators from Queens County were given the
18 opportunity before this thing took place to get
19 their input.

20 And I was hopeful that the mayor
21 and the lobbyists would have put as much effort
22 into lobbying for the tenants of Queens County
23 and the city of New York as they have for

1 usurping the use of the parkland in Queens
2 County that the legislators who represent a good
3 portion of the area are totally against, and
4 especially in view of the fact that we have not
5 been made aware of all of the terms of this
6 lease.

7 And Senator Stavisky pointed out
8 a very, very important issue that I have been
9 involved with myself with some people who wanted
10 to lease some of the properties from the city of
11 New York, and I've never heard of anyone ever
12 receiving a lease from the city of New York that
13 had a one percent of net gross -- net, after all
14 expenses. The City, going by past procedures,
15 generally grabs you by the throat and they want
16 a percentage of the gross in addition to rent.

17 So I mean let's not get carried
18 away. We want good things to happen to Queens
19 County, but we want honorable things to take
20 place also. We're not about to be giving away
21 everything that we fought for all of these
22 years, and we have been elected. You are
23 talking about home rule. What about the home

1 rule of the legislators who represent the county
2 that's being affected. We are being affected,
3 and we did not -- none of us from Queens County
4 submitted this piece of legislation to usurp any
5 of our parkland.

6 This came from people from
7 Manhattan. And so, you know, Senator Leichter,
8 let's be fair about it. We want to be heard,
9 and I am urging my colleagues for a no vote on
10 this bill.

11 ACTING PRESIDENT FARLEY: Senator
12 Oppenheimer.

13 SENATOR OPPENHEIMER: Thank you,
14 Mr. President. As a person who feels strongly
15 about parkland, open space, I'm very concerned
16 about alienating parkland before there is a firm
17 contract between USTA and New York City. If
18 parkland is alienated and the contract fails,
19 the parkland remains alienated.

20 I believe it's good practice and
21 supported by most environmental and parkland
22 organizations that the contract be confirmed and
23 be presented to the public and be signed off on

1 prior to the alienating of parkland.

2 I would question if you believe
3 that would be the proper way to go, Senator
4 Maltese.

5 SENATOR MALTESE: Mr. President.
6 If that's a question -

7 ACTING PRESIDENT FARLEY: I think
8 -

9 SENATOR MALTESE: Senator
10 Oppenheimer, what I indicated previously is that
11 since the beginning of the year Senate Research
12 had stated to me that there were sixteen
13 different bills brought up for alienation of
14 parkland; and that in those sixteen bills, eight
15 of them were contracted although not perhaps a
16 complete contract, and eight of them had
17 nothing. They were not contracted. And the
18 phrase that is repeated over and over and over
19 again is "as the town board deems fair and
20 reasonable"; "as the municipal body deems fair
21 and reasonable". Well, the phrase over and over
22 again is, "as the parties involved deem fair and
23 reasonable."

1 Therefore, what has been given in
2 each case is the authority to alienate the
3 parkland to the municipal body making the
4 decision at the time. So I believe and I have
5 been advised by research that in no case was a
6 complete contract brought before this body; and
7 in all cases but one, the vote was unanimous
8 from the Senate.

9 SENATOR OPPENHEIMER: If you
10 would yield for one more question?

11 SENATOR MALTESE: Sure.

12 ACTING PRESIDENT FARLEY: Would
13 you yield for one more question?

14 SENATOR MALTESE: Yes.

15 SENATOR OPPENHEIMER: A rather
16 simple one. What's to be lost by postponing
17 this until we have a firm contract before us?

18 SENATOR MALTESE: Mr. President.
19 I have been advised that this has already been
20 more than two years in the formation and
21 negotiations. Despite what Senator Gold said
22 about six pages. I have before me a press
23 release -- a press release kit with 19 pages in

1 it that was available to the public, dated
2 spring of '91 that sets forth 19 pages of fact
3 sheets and details. Admittedly, not a
4 contract.

5 I have a news conference, April
6 22, 1992, where there are again numerous pages,
7 numerous details about Mayor Dinkins and a
8 summary of business terms.

9 Mr. President. These are complex
10 negotiations. I have not participated in them.
11 They are going to result, undoubtedly -- if they
12 are over 400 now, by the time it's completed
13 there will probably be 500.

14 I believe there are numerous
15 procedures that were not in effect in 1981 when
16 this body voted unanimously to alienate the
17 parkland to set up or to perpetuate the National
18 Tennis Center. I was advised, as I said, that
19 there was no contract available then. There are
20 a great deal many more complex ULURT procedures,
21 environmental procedures, City Council hearings,
22 mayor's hearings, meetings that would be held.
23 They are -- a \$172 million deal has to be

1 consummated. Money, 22 million, has to be
2 negotiated with by the USTA; 150 million has to
3 be worked out.

4 I was advised by the mayor's
5 representative that contrary to -- and I believe
6 it was during debate that it could be done in a
7 relatively short time -- that it would take a
8 month to negotiate the \$150 million deal.

9 So in reply to the question, the
10 U. S. Open is held at a traditional time in the
11 year. The sooner we get this behind us, the
12 sooner that action can be taken. There is no,
13 so far as I can ascertain, hidden agenda.

14 I believe that they need the
15 additional time in order to finish the contract,
16 finish the procedures. And unlike what was
17 previously said, this is not the final act.
18 This is the final act acting on the home rule,
19 and it now goes back to the City Council, where
20 if they wish they can conduct hearings and they
21 can conduct an entire meeting and take a full
22 vote.

23 And, by the way, Mr. President,

1 in response to Senator Oppenheimer, there's talk
2 been made of a City Council vote where sixteen
3 people were against it. Well, there were
4 thirty-one for it with four abstentions.
5 There's been talk of districts. Let's pay
6 attention to districts. So one member says
7 fifteen members of the New York City Council
8 voted against it, thirty-one members voted for
9 it. Five members listed are residents of Queens
10 and close proximity thereto. Eight Queens
11 council members voted for the proposal, and not
12 a word has been said about Councilwoman Helen
13 Marshall, formerly an Assembly member here, who
14 has virtually a hundred percent of the site and
15 is the prime sponsor together with Jeff Aubry of
16 the bill, so, therefore, we have home rule. We
17 have a number of people who have looked at
18 this. This is more paper than has been -- that
19 I have looked over in connection with any piece
20 of legislation, certainly in the four and a half
21 years I have been here, and yet we have requests
22 for more and more. It takes a heck of a lot of
23 time, most respectfully, Senator Oppenheimer. I

1 think the sooner we can get this behind us, why
2 endanger a world class event? Why endanger a
3 national treasure?

4 Mr. President, I have answered
5 Senator Oppenheimer's question. I had asked
6 time to close debate. I relinquish the time to
7 close debate. I say to the members of -- my
8 colleagues, most respectfully. You have heard a
9 variety of information about this case. You -
10 probably ad nauseum, unfortunately. But I say
11 to you this is very important. This is very
12 important.

13 Somebody spoke earlier about why
14 I didn't get upset when they moved from Forest
15 Hills. I didn't like them moving from Forest
16 Hills. I was married in Forest Hills Inn right
17 near the site of the event. Sometimes people
18 can be wrong. I have a great deal of respect
19 for Senator Padavan, for Assemblyman Seminerio,
20 and some of the other opponents of this bill.
21 I'm not saying they are wrong. Except for my
22 wife of 38 years, who is never wrong, people are
23 wrong from time to time, and I think they are

1 wrong on this issue.

2 I think this is not something
3 that we can negotiate and nitpick and
4 micromanage out of petulance or out of spite,
5 and I'm not attributing that to anybody here,
6 but what I'm saying this is something that we
7 should be -

8 ACTING PRESIDENT FARLEY: Senator
9 Padavan, why do you rise?

10 SENATOR MALTESE: -- granting,
11 grant it as soon as possible. I rest my case.

12 ACTING PRESIDENT FARLEY: Senator
13 Oppenheimer, you have the floor.

14 SENATOR OPPENHEIMER: I'm not
15 sure if we've closed debate, Mr. President.

16 ACTING PRESIDENT FARLEY: No,
17 well, you have the floor.

18 SENATOR OPPENHEIMER: I have one
19 last question.

20 ACTING PRESIDENT FARLEY: You
21 want to ask him another question?

22 (Laughter.)

23 SENATOR OPPENHEIMER: I don't

1 know. Just a brief question, Senator Maltese,
2 and then I'm running out.

3 SENATOR MALTESE: Mr. President,
4 Senator Tully said it should be a yes or no.

5 SENATOR OPPENHEIMER: It is. The
6 sixteen other cases of alienated parkland, did
7 or did not the Senators from those areas support
8 those sixteen other areas?

9 SENATOR MALTESE: Mr. President.
10 The answer is yes.

11 SENATOR OPPENHEIMER: Thank you.

12 ACTING PRESIDENT FARLEY: Senator
13 Solomon.

14 SENATOR SOLOMON: Thank you, Mr.
15 President. I think Senator Oppenheimer made one
16 of the key points I wanted to make, and I guess
17 it's a word we don't hear too often, but it's
18 basically called Senatorial courtesy, and it was
19 extended to me on an alienation of parkland in
20 my district when I had first come up here, and
21 in fact there is a second contract which the
22 City was also going to enter a 99-year lease,
23 and yes, we did have the details of that 99-year

1 lease before they entered into it. In fact
2 there had already been a penalty put in place
3 against the proposed party that was going to be
4 the beneficiary of that lease of parkland. I
5 think that's very important.

6 In the sixteen previous cases,
7 the Senators wanted it to occur or were not
8 opposed to it, and it's very important because
9 40 acres of parkland in Flushing Meadow Park,
10 for those of you who haven't visited it, is a
11 very important piece of property in the City. I
12 think it is one of the most used parks. I have
13 gone there on numerous occasions. I have
14 traveled there from Brooklyn because, in fact,
15 we don't have a comparable facility to Flushing
16 Meadow Park in Brooklyn.

17 And I'd like to say that if they
18 want to stay in New York, the National Tennis
19 Association, I have over 40 acres of beautiful
20 parkland on waterfront which was deeded as a
21 gift to the city of New York in 1938, and the
22 only thing they have been able to do with that
23 is place a compost heap on the parkland since

1 1938. It's accessible to the major highways;
2 it's five minutes from the Verrazano Bridge.
3 It's literally an exit off the Belt Parkway and
4 it is next to or within a half a mile of five
5 New York City subway lines. So if they would be
6 more than happy to look at this facility, I'm
7 sure that we could probably help them build it
8 there, and that's parkland, and they can
9 alienate that parkland because we'll get rid of
10 the compost heap, and they will have a beautiful
11 tennis center on that site.

12 So I think that's something
13 that's very important. Again, the sixteen
14 previous cases, I don't remember one Senator
15 from those districts getting up and arguing
16 against the bill.

17 Thank you, Mr. President.

18 ACTING PRESIDENT FARLEY: I think
19 that's the last speaker.

20 SENATOR PADAVAN: Mr. President.
21 I would like to close debate for the opposition,
22 if I may, very briefly.

23 Did you close debate?

1 ACTING PRESIDENT FARLEY: Well,
2 he -

3 SENATOR MALTESE: I said I did,
4 and I'm afraid at this point I'd -

5 ACTING PRESIDENT FARLEY: That's
6 your call.

7 SENATOR PADAVAN: I'll be
8 gentle.

9 ACTING PRESIDENT FARLEY: Senator
10 Maltese, do you wish to speak after this to
11 close debate?

12 SENATOR MALTESE: No, Mr.
13 President.

14 ACTING PRESIDENT FARLEY: Senator
15 Padavan to close debate.

16 SENATOR PADAVAN: I will be very
17 brief, Mr. President, because I think probably
18 by now you have all heard all you want to hear
19 on the subject, but there are just a few points
20 that I would be remiss if I did not reiterate.

21 Point is made by Senator Maltese
22 and Senator Leichter about not wanting to lose
23 this grand slam event, the U. S. Open, in New

1 York City. Those of us who are opposed to this
2 bill today feel the same way, and I tried to
3 explain earlier why I felt that that would never
4 happen, even if things remained at the status
5 quo level.

6 There is a great market for that
7 Open, and it can't be replicated. Physical
8 facilities that I have outlined to you before
9 can't be replicated, two airports, a railroad
10 line, all kinds of things. But the important
11 point that I want you to recall is that we moved
12 the USTA U. S. Open out of Forest Hills to where
13 they are now at their request a little more than
14 a decade ago. We gave them what they wanted,
15 and it has worked out extremely well.

16 They are doing all the things
17 that Senator Maltese and others spoke about, and
18 Senator Waldon spoke about, although I would
19 frankly find a little trouble about these kids
20 having to get up at 6:00 in the morning to go
21 over there and take advantage of this tennis
22 opportunity; but, nevertheless, they are a
23 not-for-profit organization. They are supposed

1 to be using their profits nationally to promote
2 tennis, particularly among young people, and
3 they have been doing it there and elsewhere, and
4 they have a \$100 million surplus in their
5 treasury, so it has worked out very well.

6 The parkland issue I tried to
7 articulate. I think it's wrong in the manner in
8 which it's being done, and so do all -- all,
9 without exception, of the organizations in the
10 county of Queens, civic, environmental, you name
11 it, they all came forward and said we're against
12 this.

13 Sometimes we have to make
14 decisions that even a mass of people like that
15 don't want us to make -- sometimes. But I think
16 in this instance all of the things that my
17 learned colleague, Senator Maltese, said have to
18 be done, and he is absolutely right, the ULURT,
19 the environmental studies, the National Park
20 Service, all of these things that must go
21 forward in terms of evaluation, can go forward
22 without our alienating the land tonight.

23 If we don't take a vote tonight,

1 we will not impede City Council hearings, other
2 hearings, other agencies, from taking place.
3 That's why I said at the very outset a while
4 ago, whatever we do should not be done tonight.

5 Now, it's true this lease may end
6 up being a thousand pages. I haven't the
7 slightest idea. I do know what's in the draft
8 summary, you say it's 200. I've only got this.
9 And I think a standing committee in the state
10 Senate should be given whatever there is to get,
11 particularly when they have a public hearing and
12 they openly try to evaluate a proposal.

13 But I don't like half the things
14 in this draft summary, and I've told you why and
15 Senator Gold has told you why. Whether it's
16 airport penalties that take away dollars or
17 flyover penalties that take away tennis courts,
18 that's vindictive. It's nasty. It's mean. But
19 it's in their summary draft proposal. They
20 should say, as far as I'm concerned, make your
21 best efforts to keep the planes away, but we're
22 not going to hit you with all these nasty
23 penalties. That's my view. Maybe you don't

1 agree, but that's the way I feel.

2 Let me finish, Senator.

3 That's the way I feel. I may be
4 wrong, but that's the way I feel, but it's in
5 the draft.

6 So in addition to the fact that
7 there is not an extended final lease, contract,
8 whatever you want to call it, what we do have
9 has things in it that I find offensive, and so
10 I'm trying to do my best to get those changed,
11 and I think others down in the City are trying
12 to do the same thing.

13 I said to Senator Leichter, and
14 others have said it as well, yes, we have a home
15 rule message. I told you that at the very
16 beginning in case some of you lost sight of
17 that, but I also told you that sixteen of them
18 voted no, four abstained, and the rest held
19 their noses, and they all put in -- many of them
20 put in provisions that said, "I reserve the
21 right in the course of ULURT to reject this for
22 reasons that I think may be undesirable for the
23 city of New York and the people in Queens." They

1 said that. I didn't say it.

2 But you alienate this land
3 tonight, and you take away any leverage they
4 have because it will be a done deal, and that's
5 what I'm trying to have happen here tonight.

6 Thank you, Mr. President.

7 ACTING PRESIDENT FARLEY: Read
8 the -

9 SENATOR MALTESE: Mr. President,
10 if I just might indicate in a brief, very brief
11 sentence what I wanted to ask Senator Padavan as
12 to the spite behind the term -

13 SENATOR GALIBER: Point of order,
14 Mr. President.

15 ACTING PRESIDENT FARLEY: What is
16 your point of order?

17 SENATOR GALIBER: I thought we
18 had closed debate.

19 ACTING PRESIDENT FARLEY: Well,
20 Senator Maltese can close debate if he wishes.

21 SENATOR MALTESE: I yield.

22 ACTING PRESIDENT FARLEY: Senator
23 Maltese has -- there's been an objection.

1 There is a home rule message at
2 the desk. I presume there is going to be a slow
3 roll call.

4 SENATOR GOLD: Slow roll call.

5 ACTING PRESIDENT FARLEY: Read
6 the last section and ring the bell.

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

9 ACTING PRESIDENT FARLEY: Slow
10 roll. Call the roll.

11 THE SECRETARY: Senator Babbush,
12 excused. Senator Bruno.

13 (There was no response.)

14 Senator Connor.

15 SENATOR CONNOR: No.

16 THE SECRETARY: Senator Cook.

17 (There was no response.)

18 Senator Daly.

19 (There was no response.)

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: To explain
22 my vote.

23 ACTING PRESIDENT FARLEY: Senator

1 DeFrancisco to explain his vote.

2 SENATOR DeFRANCISCO: I came in
3 here this evening fully intending to support
4 this legislation. However, it was a very
5 interesting debate, one which we rarely have in
6 these chambers where you have Senator Leichter
7 opposing Senator Gold, Senator Padavan opposing
8 Senator Maltese. So this isn't a political
9 issue, I don't think. I think it's a practical
10 issue that we really should look at very
11 carefully.

12 Having been president of a local
13 city council, I am very concerned about this
14 issue of local home rule and the fact that you
15 should give deference, according to Senator
16 Leichter, as I heard in the box from my office
17 when I was listening to part of the debate, give
18 the greatest deference to local government.

19 The problem that I have with this
20 is two-fold. Number 1 is you can't even
21 determine whether you are giving the greatest
22 deference or not because there is no deal yet.
23 You can have as many proposed agreements or

1 proposed leases as you want, but they are not
2 worth anything. So what deference are we
3 giving. We don't know what the program is. And
4 how can you just sign off at this early date?

5 And most importantly, I am in
6 favor of this project, but this doesn't mean the
7 project is dead as far as I can tell from the
8 debate, insofar as Senator Gold aptly pointed
9 out the USTA has already, in their own document,
10 stated that government approvals would extend
11 into 1994. And somehow I believe we're going to
12 be back here later this year and earlier next
13 year to discuss other issues, including this
14 one.

15 So for those reasons and based
16 upon the excellent debate, I'm going to vote
17 no.

18 ACTING PRESIDENT FARLEY: Senator
19 DeFrancisco in the negative. Continue the roll
20 call.

21 THE SECRETARY: Senator
22 Dollinger.

23 SENATOR DOLLINGER: Mr.

1 President, to explain my vote.

2 ACTING PRESIDENT FARLEY: To
3 explain his vote.

4 SENATOR DOLLINGER: This is
5 indeed a strange night. Maybe this is part of
6 staying beyond the 4th of July, but I'm going to
7 agree with Senator DeFrancisco, agree with
8 Senator Padavan and strongly disagree with my
9 colleague, Senator Leichter.

10 The question of whether this is a
11 good or bad deal, I agree with Senator Padavan,
12 the deal hasn't been made yet. We don't know
13 whether it's a good or bad deal.

14 Senator Gold, Senator Padavan,
15 Senator Stavisky, the people who represent this
16 part of Queens, say we've seen enough to suggest
17 it may be a very bad deal. Senator Onorato's
18 comment about how much financial wherewithal the
19 tennis center and the USTA are going to put into
20 this raised some serious questions.

21 But I'm not sure this is a good
22 deal. It looks like a bad deal, and the thing
23 that troubles me most is that when three of my

1 colleagues come in and say, I don't have enough
2 information to make a decision; I don't have it;
3 I haven't seen the final deal; I want to see the
4 lease. These are my people. These are my
5 constituents. I want to know what the final
6 terms of the deal are."

7 If we approve this tonight and
8 not allow them to do that, we're telling them
9 they don't need information that they can
10 consider vital to their decisions in this body.
11 My opinion it has very little to do with home
12 rule. It has to do with the sanctity of this
13 chamber and sanctity of members who represent
14 that district who say, "I would like to see the
15 final deal before I vote." And I think that
16 access to information is critical to this
17 process. When the members from Queens say they
18 want to see the information before they vote,
19 that's good enough for me.

20 That may not be home rule, but
21 it's the rule and respect that I have learned
22 from my colleagues in this chamber.

23 I vote no.

1 ACTING PRESIDENT FARLEY:
2 Continue the roll.
3 THE SECRETARY: Senator Espada.
4 (There was no response.)
5 Senator Farley.
6 SENATOR FARLEY: Aye.
7 THE SECRETARY: Senator Galiber.
8 SENATOR GALIBER: No.
9 THE SECRETARY: Senator Gold.
10 (There was no response.)
11 Senator Gonzalez.
12 SENATOR GONZALEZ: No.
13 THE SECRETARY: Senator Goodman.
14 SENATOR GOODMAN: Yes.
15 THE SECRETARY: Senator
16 Halperin.
17 SENATOR HALPERIN: No.
18 THE SECRETARY: Senator Hannon.
19 (There was no response.)
20 Senator Hoffmann.
21 (There was no response.)
22 Senator Holland.
23 SENATOR HOLLAND: Yes.

1 THE SECRETARY: Senator Johnson.

2 (There was no response.)

3 Senator Jones.

4 ACTING PRESIDENT FARLEY: Senator
5 Jones to explain her vote.

6 SENATOR JONES: I, too, find
7 myself like my colleagues in an interesting
8 position tonight, to be able to listen to a
9 debate that I had absolutely no opinion on
10 before coming into the chamber and to have the
11 opportunity to hear different people that as
12 Senator DeFrancisco expressed so well on
13 different sides of a debate.

14 I, too, had a parkland, a very
15 tiny little parkland bill this year, and I would
16 agree with what Senator Padavan said. It was
17 looked at very carefully. Obviously, we amended
18 it two or three times. This only involved what
19 a town wanted to change, a small parcel for
20 another. So I would agree that parkland bills
21 have not been passed without being scrutinized
22 and looked at.

23 I didn't hear anything that said

1 to me tonight that this can't happen at another
2 time. I'm not a lawyer, and I certainly
3 couldn't begin to read or understand a legal
4 contract, but I can understand that there seems
5 to be a tremendous give-away on the part of the
6 city of New York.

7 So all of us upstate people who
8 are constantly bombarded with our constituents
9 saying, "We're always giving away," and I'm
10 saying I don't agree with this but,
11 nevertheless, that's what we hear. So I really
12 have to respect my colleagues who live there and
13 who seem to be vitally concerned and say I think
14 we need to wait and get the rest of the
15 information.

16 So I vote no.

17 ACTING PRESIDENT FARLEY: Senator
18 Jones in the negative.

19 Continue the roll.

20 THE SECRETARY: Senator Kuhl.

21 (There was no response.)

22 Senator lack.

23 SENATOR LACK: Mr. President.

1 ACTING PRESIDENT FARLEY: Senator
2 Lack to explain his vote.

3 SENATOR LACK: Thank you, Mr.
4 President. I did want to speak on the main
5 bill, but after an extraordinary three hour and
6 five minute debate, of course I didn't, and I
7 respect everybody of course who did, but I have
8 been keeping sort of a count as everybody throws
9 statistics back and forth, and as I understand
10 it, this was originally sponsored in the City
11 Council by my former colleague in the Executive
12 Committee in the National Conference of State
13 Legislators, Helen Marshall, former member of
14 the Assembly who is now the City Councilperson
15 representing this area.

16 Eight of the thirteen members of
17 the Queens delegation in the City Council voted
18 for this. Four community boards out of five
19 have held hearings and voted for this; there was
20 a boroughwide hearing. The borough president is
21 in favor of it. The mayor is in favor of it.
22 There was a 31 to 16 vote by the New York City
23 Council with an appropriate home rule message

1 here. There was 118 to 24 vote of the New York
2 State Assembly; and of the 124 members from
3 Queens 9 voted for it and 5 voted against it.

4 I practiced a little law in my
5 time and I must say I've never heard about so
6 many hearings, so many votes, in so many places,
7 and this hasn't even gone very far except that
8 all we're doing is sending this back to the
9 appropriate local government to make a decision,
10 assuming the state Legislature makes a
11 decision.

12 Mr. President, I would say after
13 the three hours I'm certainly in favor of this.
14 And I will add in my role as chair of the Labor
15 Committee only one other comment that was
16 mentioned once by Senator Maltese, that Stroock,
17 Stroock and Lavan, counsel to USTA, has said
18 this will be a union job: I would add that
19 Edward Malloy, president of the Building and
20 Construction Trades Council of greater New York,
21 has contacted me on June 29 to advise that that
22 Building and Construction Trade Council is
23 strongly in support of this project for the

1 hundreds if not thousands of jobs that it will
2 provide to the Building and Construction Trades
3 Council of greater New York and to members of
4 its constituent unions.

5 Mr. President, I vote in the
6 affirmative.

7 ACTING PRESIDENT FARLEY: Senator
8 Lack is in the affirmative. Continue the roll
9 call.

10 THE SECRETARY: Senator Larkin.

11 SENATOR LARKIN: Yes.

12 THE SECRETARY: Senator LaValle.

13 SENATOR LAVALLE: Yes.

14 THE SECRETARY: Senator Leichter.

15 SENATOR LEICHTER: Yes.

16 THE SECRETARY: Senator Levy.

17 SENATOR LEVY: Yes.

18 THE SECRETARY: Senator Libous.

19 SENATOR LIBOUS: Yes.

20 THE SECRETARY: Senator Maltese.

21 SENATOR MALTESE: Mr. President.

22 Very briefly to just explain my vote.

23 Mr. President, the statements

1 were made earlier by some of my colleagues
2 indicating that they would listen very carefully
3 to the people from the district and the people
4 in close proximity thereto and the people from
5 the vicinity and, Senator Lack, I think said it
6 very comprehensively and completely. Out of the
7 five community boards -- and for those of you
8 outside the City, our community boards are
9 pretty largely composed of presidents or
10 officers of all the civic associations in an
11 area. Out of five community boards only one
12 voted against it, Community Board 3. 119 voted
13 for it, to 56 against it and 11 abstentions,
14 over 2 to 1.

15 As was mentioned by Senator Lack,
16 Helen Marshall, whose district contains just
17 about the entire tennis center is very much for
18 it.

19 The statements made with
20 reference to the lease itself, the amount of
21 material that we had before us that indicated
22 that there were 38 other sports facilities in
23 the entire United States, and that if this deal

1 is consummated simply as is, without another
2 inducement to the USTA, it would be the best
3 deal in the entire United States for a
4 municipality.

5 Mr. President, I urge my
6 colleagues to support this world class event,
7 this wonderful national treasure.

8 And I vote aye.

9 ACTING PRESIDENT FARLEY: Senator
10 Maltese is in the affirmative.

11 Continue the roll call.

12 THE SECRETARY: Senator Marchi.

13 SENATOR MARCHI: Mr. President.

14 ACTING PRESIDENT FARLEY: Senator
15 Marchi to explain his vote.

16 SENATOR MARCHI: In all the years
17 I have been here, I have never been denied
18 Senatorial courtesy. The evidence I think would
19 attest to the fact that there is initial
20 disposition in favor of this legislation but a
21 majority, certainly all but one, of the Senators
22 from the Queens district not exercising their
23 judgment frivolously but with apparent

1 deep-seated conviction do not feel assured at
2 this point that they can support the
3 legislation.

4 I would hope that regardless of
5 if this bill should fail that it will not be
6 neglected but there will be a motion laid on the
7 table so that it may be reconsidered. But it
8 seems apparent to me here that the Senators that
9 come from that area have made it abundantly
10 clear that their fears have not been met.

11 So I respectfully vote no at this
12 point, hoping that if there are reasonable
13 grounds that can be advanced to reassure my
14 colleagues that this will happen, in that case,
15 then, we may be able to do this. It's been
16 pointed out very abundantly that there is
17 certainly time for indulging in what I believe a
18 legitimate exercise of Senatorial courtesy.

19 I vote no.

20 ACTING PRESIDENT FARLEY: Senator
21 Marchi is in the negative. Continue the roll
22 call.

23 THE SECRETARY: Senator Marino.

1 SENATOR MARINO: Aye.

2 THE SECRETARY: Aye. Senator

3 Markowitz.

4 (There was no response.)

5 Senator Masiello.

6 SENATOR MASIELLO: No.

7 THE SECRETARY: Senator Mega.

8 SENATOR MEGA: Mr. President.

9 ACTING PRESIDENT FARLEY: Senator
10 Mega to explain his vote.

11 SENATOR MEGA: To explain my
12 vote. I had indicated when I was lobbied in
13 connection with this bill that I would keep an
14 open mind until I heard all the debate, until I
15 read all the material that was given to me, and
16 I have done that, and this is the time for me to
17 indicate my decision.

18 I have considered the borough
19 president's position, which I indicated was not
20 very strong. She didn't really come out and say
21 do it because it's a good deal but do it because
22 it's good for Queens. I mean she wasn't that
23 emphatic in her only written statement. A

1 hearing was held by Senator Padavan, who is
2 chairman of the Cities Committee. She was
3 invited to testify. She didn't come and testify
4 to make a strong record in reference to this
5 project.

6 Now, we talk about home rule.
7 There is home rule involved, but we have a
8 position in this process and that's where we
9 are. One of the arguments that was made for
10 support of this bill was that it was unanimously
11 passed by the Assembly. Well, if we used that
12 argument, we'd really be in trouble as far as
13 legislation is concerned.

14 (Laughter.)

15 The home rule was 16 to 34.
16 There were sixteen councilmen that had a home
17 rule problem, and there were four councilmen
18 that said, "Well, we can't make a decision
19 because we don't have enough information," so
20 they abstained.

21 I have a memorandum in support
22 from the USTA National Tennis Center with no
23 date on it with seventeen fictions that they had

1 to answer, and I'm not going to go through the
2 fictions and the answers, but there were
3 seventeen fictions that they had to answer in
4 connection with this legislation. And I think
5 that most of these answers that were given in
6 the report or the memo really were not to my
7 satisfaction, and I listened to the debate and
8 the answers that were given during the debate to
9 make up my mind.

10 But the important thing is that
11 this process can still go forward. Remember
12 that. This process can still go forward. So we
13 don't want to lose it. It won't hurt the City,
14 but the process can still go forward.

15 So based on all that I have said
16 and all that I have heard, I think I have no
17 other alternative but to vote no, Mr. President.

18 ACTING PRESIDENT FARLEY: Senator
19 Mega is in the negative. Continue the roll.

20 THE SECRETARY: Senator Mendez.

21 SENATOR MENDEZ: Mr. President,
22 to explain my vote.

23 ACTING PRESIDENT FARLEY: Senator

1 Mendez to explain her vote.

2 SENATOR MENDEZ: My record in
3 this chamber shows that I always have had great
4 respect for home rule requests. I feel very
5 strongly about it. In this instance, however,
6 Mr. President, I really have to go against that
7 usual -- against that belief. The reason being
8 that, first, as it has been stated here before,
9 first, this process in keeping that wonderful
10 and national and world treasure that we call the
11 U.S. Open, will not be -- we will be able to
12 retain it. But on the other hand, there are
13 lots and lots of people in Queens, people,
14 constituents of those Council members, whether
15 they voted for or against it. This is turning
16 out to be a very divisive, emotional issue in
17 Queens. The reason -- and to prevent it from
18 interfering with the process of retaining the
19 U. S. Open in Queens and in New York, I think
20 that we need to stop, look and listen and think
21 and make all that information available, to all
22 New Yorkers so that emotions will be cleared up
23 and the process to proceed to a conclusion where

1 everybody feels that the city of New York is
2 getting a fair deal because the information has
3 been given properly.

4 So, Mr. President, I vote no.

5 ACTING PRESIDENT FARLEY: Senator
6 Mendez in the negative.

7 Continue the roll call.

8 THE SECRETARY: Senator
9 Montgomery.

10 SENATOR MONTGOMERY: Yes.

11 THE SECRETARY: Senator Nolan.

12 SENATOR NOLAN: To explain my
13 vote, please.

14 ACTING PRESIDENT FARLEY: Senator
15 Nolan to explain his vote.

16 SENATOR NOLAN: When I came to
17 the chamber tonight, I really hadn't made up my
18 mind although I must say I was leaning slightly
19 to oppose the bill, and there is certainly
20 nothing that I've heard tonight that not only
21 would sway me to change my mind but the more
22 I've heard, the more I really come to the
23 conclusion that this is a very, very bad piece

1 of legislation.

2 Now, Senator DeFrancisco and
3 Senator Dollinger, I'm not going to repeat what
4 they said, because they certainly both made a
5 lot of sense in what they did, and certainly
6 Senator Gold and Senator Padavan, too.

7 But the fact of the matter is
8 we're talking a 99-year lease. We are talking
9 -- as any real property lawyer knows, we're
10 really, in effect, transferring the incidence of
11 ownership to the Tennis Association; and without
12 knowing and having any idea what the details of
13 the contract are, I think it would be a tragic
14 mistake for this Legislature to approve this
15 bill. As has been pointed out, we have all
16 sorts of time. A lease could be entered into,
17 negotiated into, and so on, subject to the
18 approval of the Legislature. We will be back
19 here, certainly, long before they will have
20 started making any improvements and making the
21 things that they would have to do. They are not
22 going to be spending any money. So for people
23 to say that they wouldn't go forward without us

1 approving it, doesn't make any sense.

2 The fact of the matter is that
3 the U. S. Open belongs in New York. The people
4 that run the Tennis Association that run the
5 Open want it to stay in New York. Witness the
6 fact that for so many years it was at the West
7 Side Tennis Club not too far from where it is
8 presently located. As Senator Padavan pointed
9 out that ten or eleven years ago, the city bent
10 over backwards to move it from the West Side
11 Tennis Club to Flushing Meadows.

12 And the fact of the matter is
13 this is a terrible piece of legislation. I
14 honestly can't believe that people who have
15 listened to this debate would vote in favor of
16 this legislation this evening.

17 I vote no.

18 ACTING PRESIDENT FARLEY: Senator
19 Nolan is in the negative.

20 Continue the roll call.

21 THE SECRETARY: Senator
22 Nozzolio.

23 SENATOR NOZZOLIO: Aye.

1 THE SECRETARY: Senator
2 Ohrenstein.

3 SENATOR OHRENSTEIN: Aye.

4 THE SECRETARY: Senator Onorato.

5 SENATOR ONORATO: Nay.

6 THE SECRETARY: Senator
7 Oppenheimer.

8 SENATOR OPPENHEIMER: To explain
9 my vote. If I were to think that it would be
10 possible that we would not have the tennis Open
11 in our back yard in New York City, I would be
12 voting very differently, because I love tennis,
13 I love playing it. I love watching it. But I
14 am -- I feel -- oh, utterly convinced that this
15 will continue to occur in the same location,
16 that we will have an opportunity to look at this
17 again in a few months.

18 And, therefore, I'm going to vote
19 no.

20 ACTING PRESIDENT FARLEY: Senator
21 Oppenheimer is in the negative.

22 Continue the roll.

23 THE SECRETARY: Senator Padavan.

1 SENATOR PADAVAN: Mr. President,
2 I only want to explain my vote to the extent of
3 thanking everybody in this chamber for their
4 indulgence. It's a very difficult issue,
5 somewhat emotionally charged, involving all
6 aspects of what we think we're here to do.

7 I vote aye -- nay.

8 (Laughter.)

9 I had you for a while there,
10 right?

11 ACTING PRESIDENT FARLEY: Senator
12 Padavan votes both ways, but I think it's a
13 negative.

14 THE SECRETARY: Senator Pataki.

15 SENATOR PATAKI: No.

16 THE SECRETARY: Senator
17 Paterson.

18 (There was no response.)

19 Senator Present.

20 SENATOR PRESENT: No.

21 THE SECRETARY: Senator Saland.

22 SENATOR SALAND: Mr. President,
23 to explain my vote.

1 ACTING PRESIDENT FARLEY: Senator
2 Saland to explain his vote.

3 SENATOR SALAND: Mr. President,
4 the district in which both of my counties is
5 located does not afford or present the type of
6 dilemmas that I think have faced many of us here
7 this evening. I guess the question for me and
8 perhaps for many of us is when is a home rule a
9 home rule? On the one hand, we've had the city
10 of New York by its duly elected legislature, the
11 City Council, I've heard tonight, with the
12 sponsorship or leadership of a former colleague
13 of mine in the Assembly from the affected area,
14 passing a resolution requesting by some 30 votes
15 to 16 votes in opposition.

16 In my district more than once
17 I've had opportunities to carry a home rule in
18 which there have been divided boards, and I have
19 generally taken the position that it's my
20 responsibility to pass that legislation even
21 though I might have not voted for it were I a
22 member of the board deliberating, at the time,
23 the request.

1 On the other hand, as was so, I
2 think, capably pointed out by the dean of this
3 institution, Senator Marchi, we do have
4 colleagues, colleagues who feel very strongly
5 about this, colleagues who are immediately
6 impacted by the events that they feel bear
7 directly on their respective districts.

8 While I would very much in the
9 spirit of Senator Marchi like to be able to
10 share with them this moment, I'm afraid that I
11 can't. I'm afraid that I have to take the
12 position that the home rule resolution, as I see
13 it, is the home rule resolution that was passed
14 by the City Council.

15 I've listened attentively to the
16 debate. Even when I left the chamber, I've been
17 listening on the box. I think the deal is
18 certainly a questionable or dubious one, but I
19 don't think I have the -- either the authority
20 or the ability to undo what at first blush seems
21 to be a lousy deal if the city of New York is
22 preparing to embrace that deal.

23 I apologize to my colleagues who

1 have spoken so eloquently in opposition, those:
2 Senator Gold, Senator Padavan, Senator Stavisky,
3 but I feel constrained to support the home rule
4 request.

5 ACTING PRESIDENT FARLEY: Senator
6 Saland is in the affirmative.

7 Continue the roll call.

8 THE SECRETARY: Senator
9 Santiago.

10 SENATOR SANTIAGO: No.

11 THE SECRETARY: Senator Sears.

12 (There was no response.)

13 Senator Seward.

14 SENATOR SEWARD: Aye.

15 THE SECRETARY: Senator Sheffer.

16 SENATOR SHEFFER: Yes.

17 THE SECRETARY: Senator Skelos.

18 SENATOR SKELOS: Yes.

19 THE SECRETARY: Senator Smith.

20 SENATOR SMITH: Yes.

21 THE SECRETARY: Senator Solomon.

22 SENATOR SOLOMON: No.

23 THE SECRETARY: Senator Spano.

1 SENATOR SPANO: Aye.
2 THE SECRETARY: Senator
3 Stachowski.
4 SENATOR STACHOWSKI: No.
5 THE SECRETARY: Senator
6 Stafford.
7 SENATOR STAFFORD: Aye.
8 THE SECRETARY: Senator
9 Stavisky.
10 SENATOR STAVISKY: No.
11 THE SECRETARY: Senator Trunzo.
12 SENATOR TRUNZO: Yes.
13 THE SECRETARY: Senator Tully.
14 SENATOR TULLY: Aye.
15 THE SECRETARY: Senator Velella.
16 SENATOR VELELLA: Yes.
17 THE SECRETARY: Senator Volker.
18 SENATOR VOLKER: Yes.
19 THE SECRETARY: Senator Waldon.
20 SENATOR WALDON: Yes.
21 THE SECRETARY: Senator Wright.
22 SENATOR WRIGHT: Aye.
23 ACTING PRESIDENT FARLEY:

1 Absentees.

2 THE SECRETARY: Senator Bruno.

3 SENATOR BRUNO: Yes.

4 THE SECRETARY: Senator Cook.

5 SENATOR COOK: Mr. President.

6 ACTING PRESIDENT FARLEY: Senator
7 Cook to explain his vote.

8 SENATOR COOK: I have to confess
9 if I saw this bill parked in a used car lot, I
10 probably wouldn't buy it. But through many
11 years as chairman of Local Government Committee,
12 I came to have great respect for the concept of
13 home rule messages. I think that our
14 responsibility here is to reflect the judgment
15 of those people who run local government. I
16 have not been there as a part of the hearing
17 process, the decision-making process that those
18 local people were involved in, and I have to
19 trust their judgment, that they are answerable
20 to the electorate who put them in office.

21 For that reason, I'm going to
22 support the bill. I vote yes.

23 ACTING PRESIDENT FARLEY: Senator

1 Cook is in the affirmative.

2 Continue the roll.

3 THE SECRETARY: Senator Daly.

4 SENATOR DALY: Yes.

5 THE SECRETARY: Senator Espada.

6 SENATOR ESPADA: No.

7 THE SECRETARY: Senator Gold.

8 SENATOR GOLD: Mr. President. To
9 explain my vote.

10 ACTING PRESIDENT FARLEY: Senator
11 Gold to explain his vote.

12 SENATOR GOLD: I think Senator
13 Padavan set a tone, and I want to follow
14 through. I want to say I'm very proud of this
15 chamber tonight. Very proud. And I did want to
16 thank people like Senator Marchi and others,
17 Senator DeFrancisco, and certainly to members on
18 this side of the aisle who have listened to
19 Senator Stavisky and myself and Senator Onorato
20 and Senator Padavan.

21 This is probably a bill that
22 should have been two-thirds, but I understand
23 the technicalities and we never would have

1 gotten that.

2 I want to point out that I think
3 that if this bill passes, as it probably will,
4 with 31 or 32 votes or even 33, it is not a
5 victory. It shows that there is a problem. And
6 I ask the mayor, who I consider a friend, to
7 wake up. That is a bad situation, and it is no
8 victory to come in here with a bill that has
9 been handled in the back rooms the way this is.

10 I respect everyone here. I know
11 it's going to pass, but those of you who have
12 shown the concerns that you have, I'm really
13 very proud of you, more proud than I am of
14 what's happened in some of the other houses, and
15 thank you once again. Thank you once again.

16 I vote no.

17 ACTING PRESIDENT FARLEY:

18 Continue the roll.

19 Senator Gold is in the negative.

20 THE SECRETARY: Senator Hannon.

21 SENATOR HANNON: Yes.

22 THE SECRETARY: Senator Hoffmann.

23 (There was no response.)

1 Senator Johnson.
2 SENATOR JOHNSON: Aye.
3 THE SECRETARY: Senator Kuhl.
4 SENATOR KUHL: Aye.
5 THE SECRETARY: Senator
6 Paterson.
7 (There was no response.)
8 Excuse me. Senator Markowitz.
9 (There was no response.)
10 Senator Sears.
11 SENATOR SEARS: Aye.
12 ACTING PRESIDENT FARLEY:
13 Results.
14 THE SECRETARY: Ayes 34.
15 SENATOR HOFFMANN: Can I have my
16 name called, please?
17 ACTING PRESIDENT FARLEY: Senator
18 Hoffmann.
19 THE SECRETARY: Senator
20 Hoffmann.
21 SENATOR HOFFMANN: In the
22 affirmative.
23 ACTING PRESIDENT FARLEY:

1 Results.

2 THE SECRETARY: Ayes 35, nays

3 23.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 Senator Levy.

7 SENATOR LEVY: Yes. Mr.

8 President, I would like unanimous consent to be
9 voted in the negative on Calendar 682.

10 ACTING PRESIDENT FARLEY: Without
11 objection.

12 Senator Present, we're still
13 going to do another bill, aren't we?

14 SENATOR GOODMAN: Mr. President.

15 ACTING PRESIDENT FARLEY: Hold on
16 just a moment, Senator.

17 Senator Present.

18 SENATOR PRESENT: Yes, we have
19 one more bill before everybody runs off.

20 ACTING PRESIDENT FARLEY: That's
21 what I wanted to make clear.

22 Senator Goodman.

23 SENATOR GOODMAN: I would like to

1 be recorded in the negative on Calendar Number
2 682, Senate Print 2399A.

3 ACTING PRESIDENT FARLEY: Did you
4 get that number?

5 (Whereupon, the Acting President
6 gaveled for order.)

7 We've got some motions that have
8 to come through here. The desk cannot hear.

9 Senator Goodman, would you give
10 us that number again.

11 SENATOR GOODMAN: Recorded in the
12 negative on Calendar Number 682, Senate Print -

13 ACTING PRESIDENT FARLEY: 682,
14 you are in the negative.

15 Senator Saland.

16 SENATOR SALAND: Mr. President,
17 earlier today I had asked unanimous consent to
18 be recorded in the negative on 1562, Senate
19 6132. That was done inadvertently. I would
20 like unanimous consent to be recorded in the
21 affirmative on that bill.

22 ACTING PRESIDENT FARLEY: Without
23 objection. Did you get that number?

1 I'm going to ask your patience
2 because the desk is trying desperately to hear.
3 There is a lot of noise in this chamber. I've
4 asked you to be quiet. I'm going to ask that
5 the sergeant-at-arms clear this room of
6 non-members if we can't even hear the motion.

7 Senator Smith.

8 SENATOR SMITH: Mr. President, I
9 would like unanimous consent to be recorded in
10 the negative on Calendar Number 682.

11 ACTING PRESIDENT FARLEY: 682.

12 You are in the negative.

13 Senator LaValle.

14 SENATOR LAVALLE: Mr. President,
15 may I ask how I was recorded on Calendar Number
16 1568, please?

17 ACTING PRESIDENT FARLEY: They've
18 got to look it up.

19 SENATOR LAVALLE: I should have
20 been recorded in the negative.

21 ACTING PRESIDENT FARLEY: You
22 were recorded in the affirmative.

23 SENATOR LAVALLE: I should have

1 been recorded in the negative, Mr. President.

2 ACTING PRESIDENT FARLEY: You
3 will be in the negative.

4 SENATOR DALY: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Daly is next.

7 SENATOR DALY: Mr. President. On
8 behalf of Senator Libous, I wish to call up his
9 bill, Senate Print Number 3815E, recalled from
10 the Assembly, which is now at the desk.

11 ACTING PRESIDENT FARLEY: The
12 Secretary will read it.

13 THE SECRETARY: By Senator
14 Libous, Senate Bill Number 3815E, an act to
15 amend the General Business Law.

16 SENATOR DALY: I now move to
17 reconsider the vote by which that bill passed.

18 ACTING PRESIDENT FARLEY: The
19 Secretary will call the roll on reconsideration.

20 (The Secretary called the roll on
21 reconsideration.)

22 THE SECRETARY: Ayes 58.

23 ACTING PRESIDENT FARLEY: The

1 bill is before the house.

2 SENATOR DALY: May the bill be
3 restored to the Third Reading Calendar.

4 ACTING PRESIDENT FARLEY: You
5 want to add amendments to it? Keep going. Go
6 ahead. I can't hear.

7 SENATOR DALY: Mr. President, I
8 now move to discharge from the Committee on
9 Consumer Protection Assembly Print Number 5966D
10 and substitute it for the identical bill.

11 ACTING PRESIDENT FARLEY: Without
12 objection, the bill is subbed. You want to have
13 its third reading now? Go ahead.

14 SENATOR DALY: I now move that
15 the substituted Assembly bill have its third
16 reading at this time.

17 ACTING PRESIDENT FARLEY: Senator
18 Present, there's a message of necessity with
19 this bill.

20 SENATOR PRESENT: I move we
21 accept the message.

22 ACTING PRESIDENT FARLEY: All in
23 favor of accepting the message of necessity, say

1 aye.

2 (Response of "Aye.")

3 Those opposed, nay.

4 (There was no response.)

5 The message is accepted.

6 Read the last section.

7 THE SECRETARY: Section 2.

8 SENATOR DALY: Mr. President.

9 ACTING PRESIDENT FARLEY: Hold it

10 up.

11 SENATOR DALY: I might add, Mr.

12 President, that on -

13 ACTING PRESIDENT FARLEY: Just a

14 second, Senator Daly.

15 Senator Present, what's the

16 problem? This was a cross.

17 SENATOR DALY: The Senate bill on

18 first passage was voted unanimously, Mr.

19 President.

20 ACTING PRESIDENT FARLEY: Read

21 the last section.

22 THE SECRETARY: Section 2. This

23 act shall take effect immediately.

1 ACTING PRESIDENT FARLEY: Call
2 the roll.
3 (The Secretary called the roll.)
4 THE SECRETARY: Unanimous.
5 ACTING PRESIDENT FARLEY: The
6 bill is passed.
7 SENATOR CONNOR: Mr. President.
8 ACTING PRESIDENT FARLEY: Senator
9 Connor.
10 SENATOR CONNOR: Thank you, Mr.
11 President. Mr. President. May I have unanimous
12 consent to be recorded in the negative on
13 Calendar Number 682.
14 ACTING PRESIDENT FARLEY: Without
15 objection.
16 SENATOR MONTGOMERY: Mr.
17 President.
18 ACTING PRESIDENT FARLEY: Senator
19 Montgomery.
20 SENATOR MONTGOMERY: I would like
21 unanimous consent to be recorded in the negative
22 on Calendar 682.
23 ACTING PRESIDENT FARLEY: 682.

1 Wait a second. Where are we at?

2 Senator Santiago.

3 SENATOR SANTIAGO: I would like
4 to be recorded in the negative on Calendar 682.

5 ACTING PRESIDENT FARLEY: Just a
6 moment. Without objection, Senator Santiago is
7 in the negative on 682.

8 Senator Present.

9 SENATOR PRESENT: Regular order.

10 ACTING PRESIDENT FARLEY: Regular
11 order.

12 THE SECRETARY: Calendar Number
13 1579, by the Senate Committee on Rules, Senate
14 Bill Number 5880, create a temporary task force
15 on health insurance for educational employees.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 58.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 Senator Stafford, did you wish to
4 be recognized?

5 SENATOR STAFFORD: No, thank
6 you.

7 ACTING PRESIDENT FARLEY: Any
8 motions on the floor? There's a big motion.

9 Senator Present.

10 SENATOR PRESENT: Any
11 housekeeping?

12 ACTING PRESIDENT FARLEY: There
13 seems to be none.

14 SENATOR PRESENT: There being no
15 further business, I move we adjourn until 2:30
16 tomorrow. There will also be a Rules Committee
17 meeting at 2:30 tomorrow. Rules Committee
18 meeting at 2:30, session at 2:30 tomorrow.

19 ACTING PRESIDENT FARLEY: There
20 will be a Rules Committee meeting at 2:30 and
21 session at 2:30 tomorrow.

22 (Whereupon, at 10:26 p.m., Senate
23 adjourned.)