

**TWELFTH DAY**  
**SPECIAL MEETING**

**July 11, 2008**

Minutes of the Special Meeting of the County Legislature of Suffolk County, New York, held in the Rose Y. Caracappa Legislative Auditorium, William H. Rogers Legislature Building, Hauppauge, New York, at 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:39 a. m. by acting Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Legislators Romaine, Beedenbender, Eddington, Alden, Barraga, Kennedy, Nowick, Horsley, Stern and Cooper.

Legislator Montano arrived at 9:41 a.m.  
Deputy Presiding Officer Viloría-Fisher arrived at 9:45 a.m.  
Legislator Schneiderman arrived at 9:50 a.m.  
Legislator Losquadro arrived at 10:03 a.m.

Pledge of Allegiance.

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Romaine. Legislators Beedenbender and Stern voted no. Legislators Browning and D'Amaro were not present. The resolution was passed 13-2-0-2-0.**

Capital Program and Capital Budget Amending Resolution No. 5-2008  
Introduced by Legislators Losquadro, Montano, Schneiderman and Romaine

RESOLUTION NO. 497-2008, AMENDING THE  
PROPOSED 2009-2011 CAPITAL PROGRAM  
AND THE PROPOSED 2009 CAPITAL BUDGET  
(CP 2118)

**WHEREAS**, the County Executive has presented a Proposed Capital Budget for 2009 and a Proposed Capital Program for 2009-2011; and

**WHEREAS**, the Suffolk County Legislature has held two public hearings on the proposed capital program and budget; and

**WHEREAS**, pursuant to Sections C4-19 and C4-20 of the Suffolk County Charter, the Suffolk County Legislature wishes to amend the proposed capital program and budget; now therefore, be it

**RESOLVED**, that the Proposed 2009 Capital Budget and the Proposed 2009-2011 Capital Program be and they hereby are amended as follows:

PROJECT NO.: 2118

PROJECT NAME: RENOVATION TO SAGTIKOS BUILDING –  
GRANT CAMPUS

DEPARTMENT: COMMUNITY COLLEGE

<b>COST ELEMENTS</b>	<b>Proposed Capital Program and Budget</b>		<b>Proposed Capital Program</b>		
	<b>TOTAL</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>Subsequent Years</b>
Planning Design & Supervision	\$0	\$0	\$0	\$0	\$0
Land Acquisition	\$0	\$0	\$0	\$0	\$0
Construction	\$0	\$0	\$0	\$0	\$0
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$0	\$0	\$0	\$0	\$0
<b>TOTAL EST. COST</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**VETOED**

PRIORITY RANK: Not Included

<b>COST ELEMENTS</b>	Adopted Capital Program And Budget		Adopted Capital Program		
	TOTAL	2009	2010	2011	Subsequent Years
Planning Design & Supervision	\$400,000	\$0	\$0	\$0	\$200,000B \$200,000S
Land Acquisition	\$0	\$0	\$0	\$0	\$0
Construction	\$4,800,000	\$0	\$0	\$0	\$2,400,000B \$2,400,000S
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$900,000	\$0	\$0		\$450,000B \$450,000S
<b>TOTAL EST. COST</b>	<b>\$6,100,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$ 0</b>	<b>\$6,100,000</b>

**VETOED**

PRIORITY RANK: 53

NOTE: This resolution restores this project to the Capital Program by including \$6,100,000 in SY to renovate and reprogram the space vacated by the library once the Learning Resource Center on the Grant Campus (CP 2159) is completed; \$400,000 for planning, \$4,800,000 for construction and \$900,000 for furniture. This project is eligible for 50% state aid (\$3.05 million). The property tax impact associated with the increase in serial bonds in SY is not calculated since (1) it is not clear how far into the future this borrowing will be needed and (2) the intent of funding in SY is included mainly as a representation of the county's long-term planning needs. See Budget Review Office report p. 151.

DATED: June 24, 2008

APPROVED BY:

**VETOED**

County Executive of Suffolk County

Date: July 7, 2008

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

Capital Program and Capital Budget Amending Resolution No. 6-2008  
Introduced by Legislators Losquadro, Montano, Schneiderman and Romaine

RESOLUTION NO. 498-2008, AMENDING THE  
PROPOSED 2009-2011 CAPITAL PROGRAM  
AND THE PROPOSED 2009 CAPITAL BUDGET  
(CP 2120)

**WHEREAS**, the County Executive has presented a Proposed Capital Budget for 2009 and a Proposed Capital Program for 2009-2011; and

**WHEREAS**, the Suffolk County Legislature has held two public hearings on the proposed capital program and budget; and

**WHEREAS**, pursuant to Sections C4-19 and C4-20 of the Suffolk County Charter, the Suffolk County Legislature wishes to amend the proposed capital program and budget; now therefore, be it

**RESOLVED**, that the Proposed 2009 Capital Budget and the Proposed 2009-2011 Capital Program be and they hereby are amended as follows:

PROJECT NO.: 2120      PROJECT NAME: GYMNASIUM HEALTH FITNESS CENTER,  
EASTERN CAMPUS  
DEPARTMENT: COMMUNITY COLLEGE

COST ELEMENTS	Proposed Capital Program and Budget		Proposed Capital Program			Subsequent Years
	TOTAL	2009	2010	2011		
Planning Design & Supervision	\$		\$	\$0	\$0	
Land Acquisition	\$		\$		\$0	

**VETOED**

Construction	\$0	\$0	\$0	\$0	\$0
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$0	\$0	\$0	\$0	\$0
<b>TOTAL EST. COST</b>	\$0	\$0	\$0	\$0	\$ 0

PRIORITY RANK: Not Included

<b>COST ELEMENTS</b>	Adopted Capital Program and Budget		Adopted Capital Program		
	TOTAL	2009	2010	2011	Subsequent Years
Planning Design & Supervision	\$1,000,000		\$0	\$0	\$500,000B \$500,000S
Land Acquisition	\$0	\$0	\$0	\$0	\$0
Construction	\$14,750,000	\$0	\$0	\$0	\$7,375,000B \$7,375,000S
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$2,000,000	\$0	\$0	\$0	\$1,000,000B \$1,000,000S
<b>TOTAL EST. COST</b>	\$17,750,000	\$0	\$0	\$0	\$17,750,000

**VETOED**

PRIORITY RANK: 38

NOTE: This resolution restores this project to the Capital Program by including a total of \$17,750,000 in SY to provide a gymnasium for the Eastern Campus; \$1,000,000 for planning, \$14,750,000 for construction and \$2,000,000 for furniture. This project is eligible for 50% state aid (\$8,875,000). The property tax impact associated with the increase in serial bonds in SY is not calculated since (1) it is not clear how far into the future this borrowing will be needed and (2) the intent of funding in SY is included

mainly as a representation of the county's long-term planning needs. See Budget Review Office report p. 153.

DATED: June 24, 2008

APPROVED BY:

**VETOED**

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County Executive of Suffolk County

Date: July 7, 2008

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

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Capital Program and Capital Budget Amending Resolution No. 9-2008  
Introduced by Legislator Losquadro, Montano, Romaine, and Schneiderman

RESOLUTION NO. 499-2008, AMENDING THE  
PROPOSED 2009-2011 CAPITAL PROGRAM  
AND THE PROPOSED 2009 CAPITAL BUDGET  
(CP 2159)

**WHEREAS**, the County Executive has presented a Proposed Capital Budget for 2009 and a Proposed Capital Program for 2009-2011; and

**WHEREAS**, the Suffolk County Legislature has held two public hearings on the proposed capital program and budget; and

**WHEREAS**, pursuant to Sections C4-19 and C4-20 of the Suffolk County Charter, the Suffolk County Legislature wishes to amend the proposed capital program and budget; now therefore, be it

**RESOLVED**, that the Proposed 2009 Capital Budget and the Proposed 2009-2011 Capital Program be and they hereby are amended as follows:

PROJECT NO.: 2159

PROJECT NAME: LEARNING RESOURCE CENTER – GRANT  
CAMPUS

DEPARTMENT: COMMUNITY COLLEGE

<b>COST ELEMENTS</b>	Proposed Capital Program and Budget		Proposed Capital Program		
	TOTAL	2009	2010	2011	Subsequent Years
Planning Design & Supervision	\$0	\$0	\$0	\$0	\$0
Land Acquisition	\$0	\$0	\$0	\$0	\$0
Construction	\$0	\$0	\$0	\$0	\$0
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$0	\$0	\$0	\$0	\$0
<b>TOTAL EST. COST</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

PRIORITY RANK: Not Included

<b>COST ELEMENTS</b>	Adopted Capital Program and Budget		Proposed Capital Program		
	TOTAL	2009	2010	2011	Subsequent Years
Planning Design & Supervision	\$1,600,000	\$0	\$0	\$0	\$800,000B \$800,000S
Land Acquisition	\$0	\$0	\$0	\$0	\$0
Construction	\$25,000,000	\$0	0	\$0	\$12,500,000B \$12,500,000S
Site Improvements	\$0	\$0	\$0	\$0	\$0
Furniture & Equip.	\$5,800,000	\$0	\$0	\$0	\$2,900,000B \$2,900,000S
<b>TOTAL EST. COST</b>	<b>\$32,400,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,400,000</b>

PRIORITY RANK: 41

NOTE: This resolution restores this project to the Capital Program by including a total of \$32,400,000 in SY to construct a new library with integrated state of the art information technology, classrooms, faculty offices, student/faculty workspace, and to house the campus' fine arts department on the Grant Campus; \$1,600,000 for planning, \$25,000,000 for construction and \$5,800,000 for furniture and equipment. This project is eligible for 50% state aid (\$16.2 million). The property tax impact associated with the increase in serial bonds in SY is not calculated since (1) it is not clear how far into the future this borrowing will be needed and (2) the intent of funding in SY is included mainly as a representation of the county's long-term planning needs. See Budget Review Office report p. 161.

DATED: June 24, 2008

APPROVED BY:

**VETOED**

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County Executive of Suffolk County

Date: July 7, 2008

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

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**Legislator Alden made motion for the following resolution, seconded by Legislator Kennedy. Legislators Romaine, Beedenbender and Barraga voted no. Legislators Browning and D'Amario were not present. The resolution was passed 12-3-0-2-0.**

Intro. Res. No. 1574-2008  
Introduced by Legislator Alden

Laid on Table 6/10/2008

**RESOLUTION NO. 540      -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO COUNTY GOLF COURSES (CP 7166) TO PLAN FOR THE REPLACEMENT OF THE OBSOLETE GOLF CART BARN AT THE SUFFOLK COUNTY TIMBER POINT GOLF COURSE**

**WHEREAS**, the Parks Department continues to make golf course facility improvements that are anticipated to enhance the Department's revenues; and

**WHEREAS**, the County Golf Courses are one of the Department's major revenue collection areas; and

**WHEREAS**, the Department of Parks, Recreation and Conservation is in need of planning funds for the replacement of the obsolete golf cart barn located at the 27-hole Suffolk County Timber Point Golf Course in Great River with a larger new facility that will provide expanded indoor storage; and

**WHEREAS**, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said planning funds under Capital Program Number 7166; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$80,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of 38 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and

**2<sup>nd</sup> RESOLVED**, that the proceeds of \$80,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7166.111	Improvements to County Golf Courses	\$80,000

and be it further

**3<sup>rd</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: June 24, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON JULY 9, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

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Legislator Alden made motion for the following resolution, seconded by Legislator Kennedy. Legislators Romaine, Beedenbender and Barraga voted no. Legislators Browning and D'Amaro were not present. The resolution was passed 12-3-0-2-0.

Intro. Res. No. 1574A-2008

**BOND RESOLUTION NO. 541 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK,  
NEW YORK, AUTHORIZING THE ISSUANCE OF  
\$80,000 BONDS TO FINANCE A PART OF THE COST  
OF IMPROVEMENTS TO COUNTY GOLF COURSES,  
CONSISTING OF THE REPLACEMENT OF THE CART  
BARN AT THE TIMBER POINT GOLF COURSE (CP  
7166.111)**

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$80,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of improvements to County golf courses, consisting of the replacement of the cart barn at the Timber Point Golf Course, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the golf course improvement project, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,784,800. The plan of financing includes (a) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 140-1997, (b) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 371-1998, (c) the issuance of \$1,400,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 463-1999, (d) the issuance of \$190,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 190-2000, (e) the issuance of \$905,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1281-2000, (f) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 144-2001, (g) the issuance of \$34,800 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 387-2002, (h) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1252-2002, (i) the issuance of \$75,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 379-2003, (j) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 396-2004, (k) the issuance of \$50,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 966-2006, (l) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant Bond Resolution No. 1389-2007, (m) the issuance of \$80,000 bonds or bond anticipation notes authorized pursuant to this resolution and (n) the levy and collection of taxes on all the taxable real property in the

County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 54 of the Law, is fifteen (15) years, computed from August 4, 1998, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 140-1997.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: June 24, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON JULY 9, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

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**Legislator Cooper made motion for the following resolution, seconded by Legislator Alden. Legislators Eddington and Barraga voted no. Legislators Browning and D’Amaro were not present. The resolution was passed 13-2-0-2-0.**

Intro. Res. No. 1533-2008  
Introduced by Legislator Cooper

Laid on Table 6/10/2008

**RESOLUTION NO. 533 -2008, AUTHORIZING PARTICIPATION IN THE AUDUBON COOPERATIVE SANCTUARY PROGRAM FOR GOLF COURSES**

**WHEREAS**, the County of Suffolk operates four golf courses; and

**WHEREAS**, the County of Suffolk has attempted to operate these golf courses in an environmentally sound manner; and

**WHEREAS**, the County of Suffolk has established a pest control policy to phase out the use of pesticides by the County for many pest control purposes in favor of non-chemical pest control strategies; and

**WHEREAS**, Resolution No. 868-1997 authorized the Suffolk County Department of Parks, Recreation and Conservation to develop an Organic Parks Maintenance Plan for all County parklands, including golf courses, which would

substantially reduce or eliminate the use of fertilizers, pesticides, herbicides and other toxic chemicals in the routine maintenance of said parklands and golf courses; and

**WHEREAS**, the County of Suffolk wishes to take additional steps to enhance the natural areas and wildlife habitats located at its golf courses while increasing water conservation and reducing chemical use; and

**WHEREAS**, Audubon International administers the Audubon Cooperative Sanctuary Program (ACSP) for Golf Courses; and

**WHEREAS**, municipally operated golf courses are eligible to participate in this program; and

**WHEREAS**, under this program Audubon provides the interested golf course with an ACSP Certification Handbook to guide the certification efforts and documentation. The golf course begins by completing a Site Assessment and Environmental Plan form from the handbook. This information helps golf course personnel to take stock of current environmental management practices and plan improvements. Throughout the process, Audubon staff provide the golf course with valuable guidance as well as educational information to help with environmental planning, wildlife and habitat management, chemical use reduction and safety, water conservation, and water quality management at golf courses. The golf course submits the completed evaluation form to Audubon International for review; and

**WHEREAS**, based on this assessment, Audubon provides a site specific report and works with the owner of the golf course to implement a Site Assessment and Environmental Plan at the course; and

**WHEREAS**, upon meeting standards in wildlife and habitat management, chemical use reduction and safety, water conservation, water quality management, and outreach and education, a golf course is designated as a certified Audubon Cooperative Sanctuary; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Commissioner of the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to participate in the Audubon Cooperative Sanctuary Program for Golf Courses and to take all steps necessary under that program to have the County's golf courses at Timber Point, West Sayville, Indian Island, and Bergen Point, designated as Certified Audubon Cooperative Sanctuaries; and be it further

**2<sup>nd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 24, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON JULY 10, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON JULY 11, 2008\*\***

**MEETING ADJOURNED 11:00 AM  
TIM LAUBE, CLERK OF THE LEGISLATURE**