

**RULES COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Rules Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, **March 18, 2004**.

MEMBERS PRESENT:

Legislator Allan Binder, Chairman

Legislator Michael Caracciolo

Legislator Jon Cooper

Legislator Andrew A. Crecca

Legislator William J. Lindsay

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature

Alexandra Sullivan, Deputy Chief Clerk

Gail Vizzini, Asst. Director, Budget Review Office

John Ortiz, BRO

Ivan Young, County Executive Office

Tim Motz, County Executive Office

Ellen Martin, Aide to Leg. Binder

Meghan O'Reilly, Aide to PO's office

Linda Bay, Aide to PO's office

Frank Tassone, Aide to Leg. Crecca

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENED AT 3:10 PM)

CHAIRMAN BINDER:

Please stand for the Pledge of Allegiance.

(SALUTATION)

CHAIRMAN BINDER:

Okay. The meeting of the Rules Committee will come to order. Do we have any cards? Is there anyone who wants to come before the Rules Committee on any subject? If not, it's a wonderful thing. No audience. You should have an agenda. I got one extra one here. Yes, there's a person here. And we were so popular. Everyone wanted to talk about us and write about us. And, they were so concerned about us. Then, no one shows up. Don't you feel bad? Okay.

So, since there is no one to discuss anything or come before us, let me just first say that the next Rules Committee will be changed to April 9th at 9:30 from -- I think it was April 8th. So, we moved it one day. Because I have a conflict on that day. It is about me. That one's about me. And we will send a memo to your office and -- right, because we don't do an agenda. So that needs a specific memo on the date change so make sure that your staff takes care of it, you don't end up here by mistake. It will be 9:30 on February -- I'm sorry, on April 9th.

LEG. CRECCA:

It's a Friday.

CHAIRMAN BINDER:

On a Friday.

LEG. CRECCA:

Can you send some sandwiches to my office?

CHAIRMAN BINDER:

Kosher or non?

LEG. CRECCA:

It doesn't matter.

CHAIRMAN BINDER:

It doesn't matter.

LEG. CRECCA:

We're all gentile. Oh, no, actually send the Kosher ones.

CHAIRMAN BINDER:

Okay. Is that Good Friday? Oh-oh. See, that's something my staff should have picked up on. Is 9:30 good for everyone? Even though it's Good Friday? I'm not asking you, Mr. Cooper. Okay, everyone's nodding their head. We're okay.

Second thing, there was a discussion about where a rule change resolution would come, what committee, so we just clarified because it was unfamiliar territory for us. Under the rules, if someone puts in a resolution to change rules, that will come here and not any other committee. So, that's one of the only direct referrals to this Committee that we're going to have. And, we'll actually have debate and discussion on the bill itself and vote on the merits of that legislation rather than just votes to report.

No other discussions, we'll move straight to the agenda. Yes. Put on your microphone.

LEG. CARACCIOLO:

On the rescheduling of the next Committee meeting, my preference would be to convene on a day other than good Friday.

CHAIRMAN BINDER:

Okay. It's somewhat difficult because we're --

LEG. CARACCIOLO:

How about Wednesday, the 7th?

CHAIRMAN BINDER:

Well, the problem is it has to be after all the other committee meetings.

LEG. CARACCIOLO:

Okay. On Wednesday, as I recall, my Committee, the EPA Committee convenes at 1:00. So if we made it sometime --

CHAIRMAN BINDER:

But Thursday Budget and Finance meets. And they, I would say, regularly have local laws that are in --

LEG. CARACCIOLO:

Oh, I got you.

CHAIRMAN BINDER:

And Health Committee. So we have two committees.

LEG. CARACCIOLO:

How about the following Monday?

CHAIRMAN BINDER:

We might have to do it Monday. The problem would be for the Clerk and their ability to -- so I'd have to ask the Clerk's advice on that.

LEG. CRECCA:

The meeting's not for another week after that.

CHAIRMAN BINDER:

Oh, it's for another week?

LEG. LINDSAY:

That's when the corrected copies are due, that Monday.

LEG. CRECCA:

You want to do it the morning of April 12th?

CHAIRMAN BINDER:

Okay, let me we what we're all comfortable with. No, 12 is no good because that's actually -- believe it or not -- Passover, everyone thinks Passover is the first two days, but it's also holiday on the last two days. So, I can do it on the 13th, 14th --

LEG. CRECCA:

13th is fine with me.

CHAIRMAN BINDER:

Okay, the 13th. The morning of the 13th will be at 9:30. So that is the new date and my staff will send that out.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BINDER:

Okay. I'm glad we all have palm pilots here. Okay.

1005 (Adopting Local Law No -2004), amending a living wage law to provide conformity. Are there any questions. Let me just ask Counsel are there any questions on this as to reform or we can have an explanation. We actually have the sponsor here, if the sponsor wants to explain what it is.

LEG. CARACCIOLO:

Brief explanation.

LEG. LINDSAY:

You could hear from counsel in more detail, but most of it is really technical corrections from the original writing of the bill. There was some consistencies in it. One part of the bill said certification and the other part of the bill called for something else. And, some of our contract agencies do not object to the law per se, but the paper work was becoming cumbersome and unnecessary in some areas. That's one part.

The other part had to do with vacations. When we passed the bill initially, we put in the bill that you had to have a paid vacation for your employees. And, again, they don't object to that except that we wanted them to pro rate it to part-time employees. And, that -- what they were having difficulty in bookkeeping, some contract agencies employ people for a week or a day, a month; and the paper work of pro rating this vacation system, which in my opinion was never the intent of the law, it was the -- this is to make it work more easily.

LEG. CARACCIOLO:

Okay. In no way does it water down our original purpose in providing the benefit to members of contract agencies; to employees of contract agencies?

LEG. LINDSAY:

No, it does not affect the wage issue and it does not affect the provisions on health care insurance, which are the two -- were the two objectives of the bill initially.

LEG. CARACCIOLO:

So, the amounts of prevailing wage is either, as I recall -- was it 9 1/4 with health benefits and ten dollars without or --

LEG. LINDSAY:

I think it was nine.

LEG. CARACCIOLO:

9 and 10 1/4?

LEG. LINDSAY:

With health benefits; 10 1/4 without.

LEG. CARACCIOLO:

Okay. Very good. Okay.

LEG. LINDSAY:

That isn't being changed.

CHAIRMAN BINDER:

Do I have a motion to report to the next -- report out to the next meeting by Legislator Lindsay, second by Legislator Caracciolo. All those in favor? Opposed? **1005 is reported out. (Vote: 5-0)**

1084 (Adopting Local Law No -2004), adopting a local law implementing the "Green Clean" Program in Suffolk County.

LEG. CRECCA:

Motion.

LEG. COOPER:

Second.

CHAIRMAN BINDER:

We have a motion to report by Legislator Crecca, seconded by Legislator Cooper. Counsel?

LEG. CARACCIOLO:

A brief explanation. It's not sitting in the committees --

CHAIRMAN BINDER:

Counsel can do it. We just want to be green, Legislator Caracciolo. We want -- it's using cleaning products, I think, it is. And, all the products have to be certified as green products. And, there's a national standard, an EPA standard.

LEG. CRECCA:

But it does allow for the exception if there's a product that they need to use because it does the job better than the green product; isn't that correct?

MS. KNAPP:

Some of the products are specifically exempted in the law. Floor stripping products, I believe, and bowl cleaners; bowl sanitizers. And, there is a procedure if you don't get enough bids, then, you can declare that there is not a product yet that meets the standard.

LEG. CARACCIOLO:

As I recall, this proposal is -- I like to use the word "copy-cat" sometimes, but maybe that's not a fair description. This is a program that's in place in other municipalities around the country.

MS. KNAPP:

I believe the National Park Service has been using it for years. And, there are some municipalities. The most -- probably the most famous example is if you listen to Imus in the morning, his wife is very active with Hackensack Hospital in New Jersey. And, it's instituted in their children's ward this kind of product. Supposed to be safer both for workers and --

LEG. CARACCIOLO:

Mr. Chairman, if you allow a quick digression, just to -- I'll make a plug for that medical center.

I had a constituent recently, a veteran, who was hospitalized there. And, I went over to visit him. And, I have to tell you, if you've ever known of anyone who's in that facility, it is probably on par with any of the New York City major medical centers not only here but elsewhere. It is a fantastic facility. The rooms are like hotel suites. It's just incredible. The service, the parking. They even give you complimentary parking for the first hour. It's something else.

CHAIRMAN BINDER:

Imus probably raises the money.

LEG. CARACCIOLO:

And, it's clean. It's immaculate.

CHAIRMAN BINDER:

Every hospital should have Imus talking about raising the money in the morning.

1084, we have a motion, we have a second to report. All those in favor? Opposed? **1084 is reported to the next full meeting of the Legislature. (Vote: 5 - 0)**

1197 (Adopting Local No -2004) a local law to amend Local Law No. 34-1987 to permit seizure of vehicles of unlicensed home improvement contractors. You know, I meant to ask on a regular basis and I'll ask just on 1005, 1084 and now I'll ask for 1197, maybe look at all three, are there any questions in terms of form, legal questions that were outstanding on any of those and including 1197? I just want to ask that on each law just so it doesn't get passed us that there were problems the way something was written or there were questions outstanding on that.

MS. KNAPP:

As you know, there was a recent court decision involving seizures on the DWI vehicles.

CHAIRMAN BINDER:

That's why I mentioned it on this.

MS. KNAPP:

So, to the extent that any of these I tell you that there are no legal problems that I know of, and I'll preface all my remarks by saying that with ten votes and a County Executive signature,

every piece of legislation enjoys a legal presumption of validity. And, you know, that's pretty clear in case law.

To the extent that our DWI seizure law was invalidated by the court, it was because of the procedure that we were using. And, in that case, we were not using a neutral hearing officer. Assuming that we use a neutral hearing officer in connection with this, it should be fine.

CHAIRMAN BINDER:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm on Ways and Means. And this is part of the consumer part of that. And, when I initially got the bill, I had some concerns about it because of the legalities of seizing vehicles and the practical part if we seize too many vehicles, what are we going to do with them all. But, after testimony the other day at Ways and Means, they made me a believer in this. It seems to be -- the Director of Consumer Affairs seems to be in support of it. And, it would really raise our level of enforcement another whole level. So, I'm very much in favor of the bill.

CHAIRMAN BINDER:

The question, I guess, at this point for us and that's -- you know, I focus rather than on the -- whether anyone, you know, went forward or not. I mean you can vote to report and not be for something. The question here, and we'll have that periodically, is if we want to give any more time, and I don't know if time will give us any more information, as to the legality. I guess the question I would have on this is, is there specification that we're going to use a neutral hearing officer? Or is it left to the bureaucracy to decide how it's going to be done? That's my concern, is that when we get it to the floor, members should be comfortable that though there is a presumption of legality when we pass something and it's signed and it's law, that we're not going to get struck down. I mean, part of what I want to do here is filter so we're comfortable that we've written it or the law is written in such a way that we're going to have as low a problem as problem.

LEG. CRECCA:

Can I clarify that question a little bit or add to it? And, just say basically the way the law is written, will it meet standards of procedural due process? That's really what's Allan's trying to

ask.

CHAIRMAN BINDER:

Right. As it's written because you were saying, if it's a neutral hearing officer, is that in the bill itself or is that left to someone else to decide?

MS. KNAPP:

Well, to the extent we're engaging in this discussion, the County Attorney, the District Attorney and myself are going to be discussing the seizure laws in general next week. And, it may be that there may be, you know, some change in procedure that will flow from that discussion.

CHAIRMAN BINDER:

So, the question I would have here, and, again, not a question of substance, is whether we would want to hold this for one cycle; or if we want to report this out. But, this would give it time here before having to do deal with it on the floor while legal issues -- not substantive issues -- but legal issues are thrashed out. We have now the County Attorney, the District Attorney, Counsel Legislature going to get together and talk about substance. It may bear on this. Give the Legislator who got a 6 - 0 vote in Committee, an opportunity to be a party to those discussions and use those discussions to either decide that the bill is good as it is or to update the legislation so -- Legislator Crecca.

LEG. CRECCA:

Yeah, I'd want to report it out. I think, you know, I think the court cases that surrounded the other vehicles -- I'm not saying we shouldn't review those, but I think they -- it was procedural in how government carried out the law. I don't know if they found the law itself violated due process; but, it was the way government carried out the law. So, I'm comfortable moving this out now and giving some of the cases that I've seen involving unlicensed home improvement contractors, I would rather see it go out now. In the interim we can talk to the sponsor and always send it back. But I want to make a motion to report out.

CHAIRMAN BINDER:

Is there a second, is the first question?

LEG. LINDSAY:

I'll second it.

CHAIRMAN BINDER:

There's a second by Legislator Lindsay. The other seizure laws specify how the hearings would take place. So, I think the law was questioned, not the procedure. But the procedure as to law. So I differ with your interpretation of how that was one. And, one of the reasons I think is the reason for the Committee is that I don't know that anything has to be done quickly. In other words, it needs to happen now kind of thing. And if one cycle -- if there were held for one cycle, I don't think we're going to have a spade of people being ripped off by home improvement contractors for the one month. I think better to be in my feeling -- better to be -- it's better to be prudent and to make sure that it's done correctly. So, I have a motion and a second to report.

LEG. LINDSAY:

On the issue, I don't necessarily object to holding it up for one cycle. I think it's a good idea. Maybe Counsel, you know, could -- do you think this meeting will shed some light on this particular bill next week?

CHAIRMAN BINDER:

And to add to that, can you take this up at your meeting? In other words, this specific bill, can you make sure that this is the topic of conversation? It will be.

MS. KNAPP:

I believe that the meeting with the District Attorney is going to center on -- I'm quite sure it's going to center on both bills because there is -- they are both criminal offenses being an unlicensed contractor and driving while intoxicated. And, there's some question as to whether or not the seizures should be handled in the District Attorney's Office or in the County Attorney's Office. So there is a discussion that may have an impact.

CHAIRMAN BINDER:

Okay. So, we have a motion and a second to report. All those in favor?

LEG. LINDSAY:

No table?

CHAIRMAN BINDER:

No, no. So if it doesn't get reported, it stays here. So, in a sense it's tabled. Nothing gets defeated here. It'll still be here if we don't vote for it. All those favor? Opposed? So, it stays here and it will be on -- it'll be on our agenda for our next meeting.

1230 (Adopting Local Law No -2004) local law, charter law to authorize two-year rolling debt under 5-25-5 to address budgetary shortfall.

LEG. CRECCA:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Crecca, second by myself. Legislator Crecca.

LEG. CARACCIOLO:

Explanation.

LEG. CRECCA:

Yeah, this bill is -- what we need to do to suspend -- it's a companion bill to 1228; IR 1228, which is the budget amendment bill. This one here would suspend 5-25-5 for the two-year period or authorize us to suspend it. We could still obviously do what we want with the budget. It doesn't prevent us from in 2005 funding pay-as-you-go, but it gives us the authorization. And this is the companion bill to 1228.

CHAIRMAN BINDER:

Legislator Caracciolo; then Legislator Lindsay.

LEG. CARACCIOLO:

Thank you, Legislator Lindsay and the Chair. Under 5-25, that was a mechanism that we put in place to ensure that first and foremost expenditures that were appropriate for that category be purchased and paid for within those time frames. And, secondly, a couple of years ago as I recall as part of the budget process -- I guess it was two years ago, 2003 budget was the first year, where the Legislature voted for suspending 5-25-5, which I voted against. And, likewise, did so again this year. This would additionally extend it for another two years to 2006?

LEG. CRECCA:

No. It would be for the rest of four and five. And, understand something, too, because someone asked me this question earlier. I just want to make it clear. It is the authorization to suspend it for 2005; but should this Legislature during the budget process would -- still has the option policy-wise to fund Pay-As-You-Go in 2005. Do you understand? You know -- well, you know, Mike, I know you understand this stuff. So, it does not require that we suspend 5-25 for 2005. But it does authorize us to, so we would not have -- we could proceed if we decided not to fund Pay-As-You-Go.

LEG. CARACCIOLO:

Then to summarize, it really has no affect on four because four by virtue of the budget being adopted, again, which I did not vote for this year, already includes this provision. And, it would authorize next year the possibility.

LEG. CRECCA:

No, that's wrong. It authorizes the possibility next year. It also authorizes suspension this year. And 1228 -- IR 1228 moves about \$18 million and change out of Pay-As-You-Go and puts it to the surplus.

LEG. CARACCIOLO:

Well, I understand that. And, I'll just state that to me consistency is very important; and, therefore, I cannot support this resolution.

CHAIRMAN BINDER:

Legislator Lindsay.

LEG. LINDSAY:

There's no doubt about it that this is a desperate measure. Last year in the Omnibus we wanted to correct the lack of funding in 5-25-5. And, we put \$19 million in it. And, this would suspend that authorization to capture -- well, 18 million and change -- to try and offset the huge deficit we're facing the end of the year. And, I am not a huge fan of this, but am reluctantly supportive of it. My one question to the sponsor, is both -- Legislator Crecca, your version of the budget amendments and the County Executive's both contain this component; am I correct?

LEG. CRECCA:

Yes, and actually both are identical in the sense that the County Executive's companion bill with his mirrors this bill other than one typo in the County Executive's bill. And, it's just a typo. They're exactly the same, literally, word for word.

LEG. LINDSAY:

One of the things that we talked about, and I know it won't give you much comfort, but in the budget is to refrain because we've -- we already have more bills in the hopper to capture 5-25 money than we have money if this is passed. But to come up with some kind of list of priorities that are legitimate 5-25, you know, repair of a roof or something like that. And, try and prioritize and spend the little money we have, if this pass, wisely.

LEG. CRECCA:

I'm sorry. Can I just add one thing, Legislator Lindsay, too? Also, we have the option should we end up this year with a larger budget surplus, or it looks like that we're going to by the end of this year, we can always use the option that we did last year which is -- we floated a budget note, if you remember for some of the 5-25-5; and then we didn't fund the budget note, which in effect paid for those items last year. And, that certainly was the intent to have that flexibility. And, if we pass this, we certainly will consider doing that later in the year as we know better what our budget looks like for both '04 and '05; but as part of the effort to try to come up with significant cost savings so that we could end this year with a large surplus and try to lessen the tax impact for 2005 on taxpayers, that would be the motivation behind the bill.

LEG. CARACCILO:

Okay. Thank you.

CHAIRMAN BINDER:

Let me ask Counsel, are there any questions as to law, our ability to do this, you know, the way it's written, is there -- is it good to go?

MS. KNAPP:

To my knowledge, it's fine.

LEG. COOPER:

Mr. Chair?

CHAIRMAN BINDER:

Legislator Cooper.

LEG. COOPER:

Maybe this isn't a question for the Chair. My understanding of this Committee, and now this is probably the first bill that may be even a little bit controversial, we're really not supposed to vote whether or not to discharge the bill from this Committee based on whether we support the bill on the substance or oppose it. It's really just basically a legal question, if there's a legal problem with the resolution; then, and even if we support the bill on its merits, we should oppose releasing it from the Rules Committee. And, if we're vehemently opposed to a piece of legislation, but there's no legal problem with it, we have an obligation to report it out of this Committee; is that correct?

CHAIRMAN BINDER:

I was -- right. I was going to explain. Everyone can vote as -- I was actually going to do that. I was going to give a little speech because of the nature of this bill. Every member can vote why ever or how ever. I can't get into your heads as to why you would report something or not. So, you can have your own reasons for reporting or not. But what the idea here is whether you're for this or you're against this. If you think that it's not going to -- not only no legal -- there is no legal impediments -- there is really not a problem in terms of what's going in the Legislature. So if it were very controversial, it's going to take five hours and we got three other things that'll take five hours, and we cause a backup, and that it's also maybe not time sensitive, so we could wait one or two cycles if this were that kind of nature. You can wait a couple of cycles and we can kind of time things so we have one really bad controversial thing at the next meeting. And, then, we can hold this off for one or two so we can spread them out and have these debates separately so everything gets the kind of attention that it would deserve.

That would be the intention of the Committee. As I say, every member can decide what they want to do. And why they would report or not. That's in your own head and that's not for anyone to decide. So, I'm going to -- whether I would support or not support 1230 is secondary to the fact of two things. Number one, consideration of this is time sensitive. So it's

important that we have this, I think, before us. There is no legal impediment. And, so even if you don't support it, voting to report it doesn't say that you're going to support it on the floor, that you agree with it, and that you will -- it's just reporting it so that the Legislature would have the opportunity to discuss this. And, there really aren't impediments to having that discussion at the next meeting. And it would seem the right thing to do. So, that's I'm going to vote -- I mean, on the side, I also do support the legislation. But, if I didn't, I would still in this case vote to report it out. So, it's hard to craft this now. Everyone's going to have to get used to this. You're not committed to vote on the floor because you vote to report. It's not a statement of how you feel about the legislation. And, so unless there's another comment on it, there's a motion to report, there's a second. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BINDER:

Opposed, Legislator Caracciolo. **1230 is reported to the next full Legislature meeting. (Vote: 4 - 0)**

SENSE 1 (Memorializing resolution requesting State of New York to establish school district subsidy for affordable workforce house), I'm not going to make a motion to report again, so I'm going to hold that one more time. I'm still -- got a lot of things going so I want to put a little time into talking to some other people and seeing if I can get some support. So, this is a good place to park the bill for me. That's why I'm not going to make the motion to report.

SENSE 4 - Sense of the Legislature resolution expressing support for traffic calming devices. Legislator Lindsay makes a motion to report. Is there a second?

LEG. CARACCIOLO:

Second.

CHAIRMAN BINDER:

Second by Legislator Caracciolo.

LEG. CARACCIOLO:

On the resolution, it's a sense of the Legislature to whom?

LEG. LINDSAY:

Actually, it would be to -- with other jurisdictions, it would be to our own Public Works Department as well as the ten townships that have jurisdiction over our local roads.

CHAIRMAN BINDER:

Okay. So, we have a motion and a second to report. As an example, this is something that I don't support and haven't supported from the first time that we've considered this. I'm sorry, this is not the one. This is traffic calming. This is not the traffic lights. I saw traffic, Legislator Lindsay, immediately I thought it was the lights.

But if it were the lights, let me explain. I would still vote to report it.

LEG. CARACCIOLO:

That's coming up. That's seven.

CHAIRMAN BINDER:

Okay.

LEG. COOPER:

Question.

CHAIRMAN BINDER:

Yes.

LEG. COOPER:

Just on the resolution, I'm normally a supporter of traffic calming. I do understand, however, that fire departments and rescue squads and police have concerns over speed bumps in residential areas because of possible -- possibly impeding the ability of rescue vehicles to get to the desired location on time. But, once again, there's no legal question about this; even though I may not vote for the resolution on Tuesday, I feel that we need to report this out.

CHAIRMAN BINDER:

I'm in the same -- I'm in the same place. I agree with you. Legislator Crecca.

LEG. CRECCA:

I just wanted to say I understand -- well, never mind.

CHAIRMAN BINDER:

Okay. We have a motion to report. Second. All those in favor? Opposed? **Sense 4 is reported. (Vote: 5 - 0)**

Sense 5 - memorializing resolution, memorializing resolution requesting State of New York to restore TAP Aid to community colleges. Again, with senses, I'm not going to go over the legality. There's really not a legal question in any of these. I have a motion by Legislator Crecca, second by Legislator Lindsay. All those in favor? Opposed? **Reported to the next full Legislature. (Vote: 5 - 0)**

Sense 6 - memorializing resolution requesting State of New York to restore FTE Aid to community colleges. Motion to report to the next meeting by Legislator Caracciolo, second by Legislator Cooper. All those in favor? Opposed? **It's reported. (Vote: 5 - 0)**

Sense 7 - memorializing resolution requesting State of New York to implement Suffolk County Red Light Running Law. Here we go. Now, I feel better. Motion by Legislator Lindsay, second by Legislator Cooper to report.

LEG. CARACCIOLO:

On this resolution, I know we all received a copy of a request from Senator Trunzo, who's carrying this proposal in Albany to seek a home rule message from Suffolk County. Is anyone working on doing that? No, okay. I don't know how the executive branch feels about the proposal.

LEG. LINDSAY:

I haven't seen that communication.

LEG. CARACCIOLO:

Yes. I got it just yesterday.

LEG. LINDSAY:

Well, if -- I mean, it's up to my colleagues. I've sponsored the home rule messages in this area before. I'd be happy to put it in. I didn't see the communications.

CHAIRMAN BINDER:

Okay. We have a motion. We have a second. All those in favor? And, by the way as I was saying before, this is one that I won't support on the floor, but this is one that should be

supported -- supported in reporting. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BINDER:

Legislator Caracciolo opposes.

LEG. CARACCIOLO:

Big brother.

CHAIRMAN BINDER:

As I agree. But, I'm voting to report it to the next meeting of the full Legislature. **(Vote: 4 - 1)**

Sense 8 - Memorializing resolution requesting that the federal government continue the increased Federal Medical Assistance Percentage, the FMAP funding. Motion by Legislator Crecca, second by myself. Are there any questions? If not, all those in favor? Opposed? **It's reported to the next full Legislature. (Vote: 5 - 0)**

Sense 10 - Memorializing resolution to oppose the closing of AT&T's Teleconference Center in Huntington. We have a motion by Legislator Lindsay.

LEG. CARACCIOLO:

Second.

CHAIRMAN BINDER:

Second by Legislator Caracciolo. All those in favor? Opposed? **Report it to the next full Legislature. (Vote: 5 - 0)**

Sense 12 - Memorializing resolution in support of New York State legislation to protect high school athletes who suffer head injury.

LEG. CARACCIOLO:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Caracciolo. Second by Legislator Lindsay. All those this favor? Opposed?

Sense 12 is reported to the next Legislature. (Vote: 5 - 0)

Sense 13 - Memorializing resolution requesting United States Congress to support Employees Free Choice Act.

LEG. CARACCIOLO:

Explanation.

CHAIRMAN BINDER:

Motion by Legislator Lindsay. Second by Legislator --

LEG. COOPER:

Second.

CHAIRMAN BINDER:

-- Cooper. An explanation on that by counsel.

MS. KNAPP:

Basically it's -- I'll use the word -- allow a strengthening of union organizing rules.

CHAIRMAN BINDER:

Increasing penalties on employers for actions that would be deemed anti-union and things like that.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BINDER:

We have a motion and a second. All those in favor? Opposed? **Sense 13 is reported.**

(Vote: 5 - 0)

Sense 14 - Memorializing resolution requesting the Long Island Power Authority (LIPA) to provide \$25 million in energy initiative funding, which they should absolutely be doing. It is terrible that they would give one county and not the other. Motion by Legislator

Crecca. Second by myself.

LEG. COOPER:

Can we take that as a motion?

CHAIRMAN BINDER:

Motion by Legislator Crecca, second by myself. All those in favor? Opposed? **Sense 14 is reported to the next meeting. (Vote: 5 - 0)**

Sense 15 - Memorializing resolution requesting State of New York enact amendments to the hotel/motel tax. Motion by Legislator Crecca to report, second by myself.

LEG. CARACCIOLO:

Explanation, Mr. Chairman.

LEG. CRECCA:

This would increase our current hotel -- well, this wouldn't do it. This would ask for state legislation permitting us to raise our current hotel/motel tax, which is currently three quarters of one percent or point 75 percent to three percent, which is what Nassau County is and still far below New York City and some of the other jurisdictions here in New York. It would raise annual revenues from what is currently about \$1.2 million to about \$4.6 million for a net gain of 3.4 million annually. That money would be broken up; that LICDB would still get the current amount they get, which is a half of one percent. There's a slight increase or an increase, I should say, to historical preservation as well as cultural affairs, which they also receive money. In addition, the Parks Department receives, I believe, it's -- will be receiving .1775 percent of the money. And, a small portion of it goes to the General Fund. All to -- with the idea that this money would support tourism in the County.

CHAIRMAN BINDER:

We have a motion to report and we have a second. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BINDER:

Opposed by Legislator Caracciolo. **Sense 15 is reported to the next full Legislature meeting. (Vote: 4 - 1)**

Is there any other business to come before the Rules Committee? I think by the next -- the next committee meeting, we will have -- Legislator Crecca said he's putting on the table a rule change. So we'll have actually a discussion on a particular bill. We'll have that before us at the next meeting. If nothing else, motion to adjourn, second by Legislator Crecca. All those in favor? Opposed? We are adjourned.

(THE MEETING WAS ADJOURNED AT 3:46 PM)