

**RULES COMMITTEE
of the
Suffolk County Legislature**

Minutes

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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 **February 11, 2004**.

Members Present:

Legislator Allan Binder - Chairman
Legislator Michael Caracciolo - Vice-Chair
Legislator Jon Cooper
Presiding Officer Joseph Caracappa.

Also in Attendance:

Mea Knapp - Counsel to the Legislature
Ellen Martin - Aide to Legislator Binder
Meaghan O'Reilly - Aide to Presiding Officer Caracappa
Dan Hickey - Aide to Presiding Officer Caracappa.
Jim Spero - Director/Budget Review Office
Roger Podd - Intergovernmental Relations/County Executive's Office
Ivan Young - Intergovernmental Relations/County Executive's Office
All Other Interested Parties.

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Minutes Taken By:

Alison Mahoney - Court Stenographer

(* The meeting was called to order at 3:58 P.M. *)

CHAIRMAN BINDER:

The Rules Committee will come to order. Can I have the Presiding Officer, Mr. Caracappa, lead us in the pledge?

Salutation

All right. The first meeting of the Rules Committee -- and I mean first by the first in the history of the Suffolk County Legislature -- will now come to order. All these people are coming to see our first Rules Committee; can you imagine that? It has nothing to do with the fact that a Special Meeting was called at four o'clock.

Let me just start off by saying that the Rules Committee is obviously -- was and probably will continue to be a controversial subject. Its intent is not as some would have it to be as a way for partisan politics, no matter how I am particularly categorized or characterized. The Rules Committee is to help the Legislature do its business with order, decorum and professionalism and to make sure that the Legislature runs in a fashion that's less haphazard.

I think what I'm going to ask on every piece of legislation, so I'll ask Counsel to interrupt me if I forget to ask, but on each legislation I'm going to ask Counsel if the legislation is correct as to form, if there's any question as to form or as to legality or to substance, but it's a legal question and whether it's been raised in any of the committees or by the County Executive or if there are any questions floating out there, and those are one of the things on each legislation we're going to be asking.

Different than other committees, in other committees what generally happens is there is a motion that's made to either approve or to table or to table subject to call or to discharge, if it's not approved or not discharged the bill is defeated and deemed defeated and the only way for it to come out is for a discharge motion. In this committee, there will be only one motion that can be made on the floor and that's a motion to report. And what happens is if a motion to report is passed and that's with members -- the vote of three members of the committee, if it's reported then it's reported out to the full Legislature and can be then put on the agenda and is eligible for a vote by the full Legislature. If there is no motion made it is not defeated; as would happen in another committee, if no motions are made then it would be defeated for lack of a motion or if there was no second, for lack of a second.

A bill cannot be defeated in the Rules Committee for lack of a motion or lack of a second, if

there is no motion, if there is no second it just stays on the agenda because there is no way to defeat any legislation that's on the Rules Committee agenda. So that's why there isn't even a motion to table in order, because if you consider if we had a motion to report that didn't pass and a motion to table that didn't pass, the effect would be that we'd still have the bill in committee as if it were tabled. So it almost doesn't matter whether we want to table it or not, if it doesn't get reported essentially the bill is tabled.

So there is only really one motion, if members want to make the motion, if members want to make a second. There's a motion to report, a second on the report, if there are three votes it will be reported; if there are not three votes it will stay in committee and will be taken up at a subsequent or next or future Rules Committee meeting.

So I don't know if there are any questions on that. If members are comfortable and they understand the rules of the game and the rules of the Rules Committee, I think they're pretty straight-forward. People can speak if they would like to speak before the Rules Committee, as every committee of the Legislature, they're allowed to do that. We really won't be, I would hope not, having long debates on substance, that really needs to be taken up in the main committees before they got -- before it got here, the idea here is really more administrative. So with that said, if there are no more questions --

LEG. COOPER:

Mr. Chairman, I have one question.

CHAIRMAN BINDER:

Sure.

LEG. COOPER:

For a motion to report to be successful, I assume that it requires a vote of three.

CHAIRMAN BINDER:

Three.

LEG. COOPER:

Regardless of how many committee members are actually present.

CHAIRMAN BINDER:

Right, right. For anything to be reported out of the committee three votes are necessary, right. And then since there's no tabling, there's no question of a majority of those sitting, it's always going to be three votes to report something out. Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, I know this is the inaugural meeting, in the future, I would hope that staff could provide members of this committee which, as you know, follows -- is the conclusion of our committee cycle, that we have an agenda, not on only an agenda prepared but copies of the resolutions.

CHAIRMAN BINDER:

Okay. I hadn't considered the question of having the copies of the resolutions, we can try to do that, it could be voluminous, I'm concerned, but let's see if we can do that. And because you brought up the agenda, let me make an announcement as to how this will work with an agenda.

Because this is the last meeting and it's right after -- and it will always be right after another -- the next to last meeting, and before that really on the same day there will probably be two committees, we really won't be able to do an agenda most likely until the last two committees meet because we won't be sure of what will be on the Rules Committee agenda, so they won't be sent out to offices. If you want a status, members of the committee can always call my office and say, "We're two days into committee day, it's Wednesday, tomorrow we have -- what do we have for the first two days of committees, what's on the agenda so far?" Because the committees, the agenda is really rolling until we hit the time actually of the committee and then often my staff is going to scramble.

What's going to happen is they're going to put it on disk for two days, everything, until they get to the last day and then monitor during the last day those eligible for the Rules Committee, they'll will come, they'll be put on an agenda and then they'll be put out, so we'll really almost have last minute to look at these. But if you want to know, like I say, for the first two days, you can always call my office, we'll tell you where we are in the process. Legislator Cooper with an inquisitive look.

LEG. COOPER:

It's just been my policy to review legislation that will be before a committee that I'm a member

of in advance of the committee meeting, and I take the responsibility very seriously. And particularly with the Rules Committee, we're going to be making some very important decisions and I'm really concerned. And I understand the practical problems that you're dealing with the way it's set up right now with the Rules Committee meeting on Thursday normally, and there will not be an opportunity for you to provide us with information about even a listing of the resolutions that will be before the Rules Committee let alone copies of the resolutions themselves. Might it not make sense, if there is agreement among the majority members of the committee, that we move the Rules Committee to a Friday meeting, that would give you one day to put together a list of the bills that would be on the agenda, disseminate it to the members of the committee.

CHAIRMAN BINDER:

That was considered. It's a problem in that Friday they're putting together the agenda for the Legislature. The -- at least we give the Clerk's Office Friday to know everything's on the agenda. This is the Thursday normally before the Tuesday meeting, so this is the last opportunity for us to pass something, get it to the Clerk's Office and the Clerk to scramble to get it on to an agenda and get us those agendas. There's a timing question on everything. So that's why I would suggest to call my office on Wednesday, we can tell you where we are so you'll have two days and if you want to know, we can also tell you this is the possibility for tomorrow, meaning Thursday if you want to look, these are the let's say four possible bills in the two committees that might come out so you want to look them over, they may or may not be on the agenda but here's the possibility. So you can -- it takes a little bit more effort on our part to stay up with this because we have to watch the committees to see what's coming out. And that's how I'm doing it, too, I'm the same way you are, I want to see what it is before I walk into the committee so I'm relying on my staff to keep me on a rolling basis up on what's coming out. Legislator Caracappa.

P.O. CARACAPPA:

Thank you, Mr. Chairman. The reason why there's such a short period of time, originally we were going to have bills come out of -- or Local Laws and Charter Laws, Senses and Home Rules that go through the Rules Committee to the next cycle go through -- after they come out of their primary committee, the next cycle they would go through the Rules Committee as it's first passed through the Rules Committee. In cooperation, in the spirit of cooperation and based on some criticism that I had received in trying to set this committee up, Chairman Binder and

myself and other members of the Legislature came up with this compromise so that Rules would be at the end of the week of a current committee cycle, that we would be able to pass bills through as they normally would during the normal committee cycle so that legislation, important legislation that we all agree on wouldn't be bottled up for an extra cycle. That's why there's a little bit of a problem with relation to -- I don't think it's a problem, but why you don't have bills in front of you and the agenda comes out so late.

We want this committee not to be a committee of being obstructionists, we want it to be exactly what the Chairman had pointed out earlier. We don't want to hold up bills and that's why we had this system in place today. And just let the record reflect, I'm serving today not as a full-time member of the Rules Committee but in my capacity as Presiding Officer due to the absence of two of our members this afternoon.

CHAIRMAN BINDER:

Thank you. I would also encourage members of the Legislature to let me know and let other members of this committee know, and I think maybe I will send out a memo to this effect, if there are -- there's legislation that's come through, they think came through too fast, they haven't had a chance to review. A lot of times what will happen is we'll get to the Legislature and you'll have a number of members saying, "Wait a minute, this just came out. I'm not on committee, I haven't seen it and really haven't studied it," so there might be four or five members, I've seen that happen and we've tabled things on the floor; it's kind of messy to do it that way. I'd rather four or five members call this committee, members of this committee and then we -- that's one of the things we should do, we should hold it up here if members are calling in saying, "Could you do me a favor?", unless we really think it's got to go out to the floor, it's timely, it's time sensitive.

It is the kind of thing where members can call us and tell us, "Do me a favor" -- I mean Republican and Democrat, not on a partisan basis --

"I just have not had the chance to review, it's moving too quickly."

So that is something that we can also do and that will help members out. And it will move the full meeting along a lot faster not having to deal with it.

I don't have any cards for anyone to come before the committee. Is there anyone that did want to come before the committee, I want to give that opportunity for anyone. If not, then we're going to go right to the agenda.

The first bill on the agenda is **1004-04 - Adopting Local Law No. 2004, to expand the scope of Suffolk County Electrical Licensing to include Electrical Inspection Agencies (Lindsay)**. Let me ask Counsel, was there or is there any question on the form or substance, any legal questions, whether internal to the Legislature or with the County Executive's Office?

MS. KNAPP:

Not to my knowledge.

CHAIRMAN BINDER:

Thank you. Legislator Caracciolo.

LEG. CARACCIOLO:

Just a brief explanation.

CHAIRMAN BINDER:

If Counsel can give an explanation of the bill.

MS. KNAPP:

We already have a Local Law to license certain professions, including electricians. And there is such a thing as an Electrical Inspection Agent and this is somebody who comes in and inspects the work that electricians do and they had been inadvertently omitted from the licensing law; this would extend it.

LEG. CARACCIOLO:

Okay. Motion to approve.

P.O. CARACAPPA:

Motion to report.

CHAIRMAN BINDER:

Motion to report.

LEG. COOPER:

Second.

CHAIRMAN BINDER:

We have to get used to that. Motion to report by Legislator Caracciolo, second by Legislator Cooper. All those in favor? Opposed? **1004 is reported out of the committee (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).**

LEG. COOPER:

Mr. Chairman, if I could make a request on the next agenda. If you could possibly make a notation of the vote tallies?

CHAIRMAN BINDER:

Okay, yeah, that was -- I'm trying to think of all the things I mean.

I wanted to say. That will be on the next agenda; it was actually my intention and it was a miscommunication that I had with my staff. So we can get the vote tallies from the committee so we know what happened there and we'll make sure that's on the next -- this is going to be a tweaking process I think over time.

1005-04 - Adopting Local Law No. 2004, amending Living Wage Law to provide conformity (Lindsay). Again, I ask Counsel if there's a question as to form or substance raised by other -- either a Legislator or Executive.

MS. KNAPP:

I'm just reminded, I was going to say that this is real tweaking, that these changes to the Living Wage Law were literally words that the reviewers noticed that really misspoke. However, Mary Jean Kelly, my assistant, has just reminded me that they keep rereading it and found another of what I would view almost as technical or scrivener's error and we have just -- have we filed that yet or are we waiting until Friday?

MS. KELLY:

No, it's going to be filed.

MS. KNAPP:

Okay, the amended copy deadline is Friday so we were planning on filing that on Friday.

CHAIRMAN BINDER:

Then let me say this. I don't think that this is time sensitive, and can I confirm that with Counsel, it's not a time sensitive piece of legislation?

MS. KNAPP:

Considering the fact that it's about the third time that we've made these very small corrections, no.

CHAIRMAN BINDER:

All right. So I would suggest that no motion be made. I'm not going to make a motion. If there's not we'll move on to the next if I don't hear a motion. Okay, ***no motion was made on that, we'll move on to 1018.***

1018 - Adopting Local Law No. 2004, a Local Law defining income for Senior Citizens Real Property Tax Exemption (County Executive). Is there any form or substance, questions, legal questions?

MS. KNAPP:

Not to my knowledge, no.

CHAIRMAN BINDER:

Okay. I think we all know which -- unless somebody wants to make an explanation, I think we all pretty much -- motion to report by Legislator Caracciolo, second by Legislator Cooper. All those in favor? Opposed? ***1018 is reported (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).***

1019-04 - Adopting Local Law No. 2004, a Local Law expanding First Time Homeowner County Property Tax Exemption (County Executive).

LEG. CARACCIOLO:

Same motion.

CHAIRMAN BINDER:

Let me just ask if there's any question as to form or substance, legal questions?

MS. KNAPP:

No.

CHAIRMAN BINDER:

Okay, there are none. We have the same motion, same second, same vote. ***1019 is reported (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).***

1020 - Adopting Local Law No. 2004, a Local Law defining income for Disabled Persons Real Property Tax Exemption (County Executive). Same question; is there a form or a substance question?

MS. KNAPP:

Not to my knowledge, no.

CHAIRMAN BINDER:

No question on it.

LEG. CARACCILO:

Same motion.

CHAIRMAN BINDER:

Same motion, same second, same vote. ***1020 is reported (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).***

1085 - Adopting Local Law No. 2004, a Local Law to repeal annual audit of County forfeiture funds (Caracappa). First the question, is there any question as to form or substance?

MS. KNAPP:

No.

CHAIRMAN BINDER:

There is none. If you can give us an explanation of the bill, I would ask Legislator Caracappa but better we ask Counsel as a general rule.

MS. KNAPP:

We were paying I believe, or if the resources existed within the Comptroller's Office, the Comptroller was doing what I understand to be a duplicative audit and as a cost savings measure the Comptroller would prefer not to do these because he feels that they do just consume too many resources. So it would repeal an existing requirement.

P.O. CARACAPPA:

Mr. Chairman?

CHAIRMAN BINDER:

Legislator Caracappa.

P.O. CARACAPPA:

Just a brief background. This was originally past Presiding Officer Postal's bill. Remember in our last December meeting we had both the District Attorney and the Comptroller come before the Legislature during the public hearing process and spoke very much in favor of this bill. I picked up the sponsorship at the beginning of the year for the reasons stated by Counsel and more, I believe it's an appropriate resolution.

CHAIRMAN BINDER:

Motion by Legislator Caracappa?

LEG. CARACCIOLO:

Mr. Chairman?

CHAIRMAN BINDER:

Yes, Legislator Caracciolo.

LEG. CARACCIOLO:

Just for the benefit of the record of this committee, both the District Attorney and the County Comptroller indicated all Federal funding that they receive, forfeiture funds, are audited and go through a review process internal to Federal agencies. And therefore, if there were any

discrepancies or any cause for concern, they would be picked up and that essentially this would free up staff and personnel time in the County Comptroller's Office.

CHAIRMAN BINDER:

Right. We have a motion by Legislator Caracappa to report, second by Legislator Cooper. All those in favor? Opposed? **1085 is reported (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).**

Sense 1-2004 - Memorializing Sense Resolution requesting the State of New York to establish school district subsidy for affordable workforce housing (Binder). It's my Sense Resolution, I'm not going to be making a motion on that today, so we'll will move on to the next.

Sense 2-2004 - Memorializing Sense Resolution requesting the State of New York to adopt tougher standards for employees of homes certified for operation through the New York State Office of Mental Retardation and Developmental Disabilities (NYS OMRDD). I'm not even concerned as to form and motion, so I think on the Sense Resolutions I won't be asking the same question because they don't have the impact of law.

Is there a motion on it? Motion by Legislator Caracappa, second by Legislator Cooper. All those in favor? Opposed? **Sense 2 is reported out (Vote: 4-0-0-2 - Not Present: Legislators Crecca & Lindsay).**

Sense 3-2004 - Memorializing Sense Resolution requesting the State of New York to adopt pay equity for all employees (Caracappa).

P.O. CARACAPPA:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Caracappa, second by Legislator Cooper.

LEG. COOPER:

Explanation.

CHAIRMAN BINDER:

Explanation by Counsel.

MS. KNAPP:

This is a bill that's been before the State Legislature in the past.

My understanding is that the Assembly has passed it; am I right about that?

P.O. CARACAPPA:

Yes.

MS. KNAPP:

The Assembly passed it and it's now before the Senate. Basically what the title refers to it as, it's something like the old comparable worth, to assure that primarily women are paid on a comparable basis to men.

LEG. COOPER:

I'll will second that.

CHAIRMAN BINDER:

Second by Legislator Cooper. All those in favor? Opposed?

Sense 3 is reported out (Vote: 4-0-0-0 - Not Present: Legislators Crecca & Lindsay).

That kind of reminds me because as we got maybe a touch more controversial, I wanted another thing clear, I meant to say it in the beginning before we voted. But it should be known that votes in the Rules Committee do not display a member's support or opposition to legislation. So when we -- we will get information on the bill, I would hope that we're not going to be construing member's votes to report as they vote in support of the substance of the legislation. We're not here really to pass on and talk about the substance, we're here to move legislation through to the Legislature in an orderly fashion. So I want to make that very clear, no member should feel constrained by the substance as to whether they're going to vote for or against something in terms of reporting. Legislator Caracappa.

P.O. CARACAPPA:

Just as we close, I just want to say to those who had concerns about the Rules Committee, those who were against the Rules Committee that this wasn't so bad, was it?

CHAIRMAN BINDER:

I don't think so. We are -- motion to adjourn by myself, second by Legislator Caracciolo. All those in favor? Opposed? We are adjourned.

(*The meeting was adjourned at 4:21 P.M.*)

***Legislator Allan Binder, Chairman
Rules Committee***