

LEGISLATIVE AND RESEARCH COMMITTEE MINUTES
JULY 5, 2006 – 3:00 P.M.

Present: Chairman A. Johnson; Supervisors Connors, Raymond, Sausville, Trottier, DeCerco Thompson, Richardson, Wood and Gutheil; Harry MacAvoy, NYS Assembly Staff; Bob Reilly, Assemblyman, 109th District; Roy McDonald, Assemblyman, 112th District; Teresa R. Sayward, Assemblywoman, 113th District; Minority Leader, James Tedisco; Press.

Chairman A. Johnson called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Connors, seconded by Mr. Trottier the Minutes of the May 4, 2006 meeting were approved unanimously.

Mr. Tedisco said legislatively, we are proud of what was accomplished during the recent legislative session with the finalization of a property tax rebate, capping of the gasoline tax and DNA legislation. Mr. Tedisco said it is impossible to control the pricing of gasoline as it moves around; however, there is a piece in the bill that relates to gouging. Hopefully, the Attorney General will take a look at that, if there are changes in the gasoline short-term relief. In terms of the DNA legislation, approximately 85% of crimes committed will be required to submit to DNA testing and level two and level three sex offenders will now be entered into a life time registry.

Mr. Reilly sighted problems in both education and healthcare. He stated that 1/percent of the student population in the state do not receive a high school diploma, and the healthcare industry in this state is systemically flawed, with more than \$47 billion in Medicaid in the State. The Assembly restored \$119 billion in tax aid relief, which is particularly important to Saratoga County where the majority of people are sending their children to college. Also the legislature and Governor for the first time, put a lot of capital money into education with an additional \$6 million for school districts. A shift has taken place from a property tax base support for education to income based. The challenges that we face are not only to build the infrastructure for what is going to come, but to preserve land and the racing industry, he said.

Ms. Sayward commended the Saratoga County District Attorney for having played a significant role in the passing of the DNA bill by stressing the importance of having a DNA tool. This is truly the fingerprint of the 21st Century.

Ms. Sayward said the fastest growing employer in the State of New York is the public sector. To keep the economy strong, we really need to look at reducing taxes, so that the private sector can become the largest employer?

Mr. Johnson presented a list of topics that committee members were interested in sharing as follows:

Civil Confinement:

Ms. Sayward said the people of New York State are asking for some kind of civil confinement law, not a patchwork quilt, where depending on what community you live in the rules might be different. They are asking for a uniform state law that will cover that issue. She said that political party lines would come together on a bill that will be uniform throughout the State with regard to sexual predators and civil confinement.

Mr. Reilly said, we cannot be deceived in thinking that if we keep sexual predators in a certain area or confine them that, in fact, the problem is solved. One area that needs a lot more work is awareness in education. Although, there is a sex offender registry, people are really not aware of the registry and what they can do.

Ms. Raymond sighted an incident last October at Saratoga Springs High School where there was an attempted kidnapping of a female student. Ms. Raymond said it was her understanding , that if the law was passed tomorrow, it would apply to people convicted after tomorrow. Every day that you don't do something, that is another day that more people are covered by the old laws or lack of laws. "Just pass something" , "You can go back and adjust it later."

Mr. Tedesco said the bill that will be passed would deal with the ones that are incarcerated right now and will be released in the next several years. There are 5,000 individuals who will be released from prison over the next two to three years, which are level three sexual predators. They are the ones that we want to test to find out if they are still a danger to the community and keep them in a facility.

OUTSIDE BURNING IN FIRE PLACES

Mrs. Raymond said there is a bill that talks about regulating Outdoor Wood Burning Stoves. I hope no one rushes to comment on this until they better understand the roll that those furnaces place in rural areas. We are talking about people who are using them to heat their homes and hot water throughout the year. The bill that has been proposed talks about not being able to use them from May to November, she said.

Mr. Tedesco said if something does not go into place in terms of regulations in New York State, the Federal guidelines will go into place effect April of 2007.

Ms. Raymond expressed concern for reasonable regulations in terms of distance from other dwellings and height of chimneys, etc. In a lot of rural areas, homeowners have invested a lot of money and taken out their normal hot water system.

LENGTH OF SERVICE AWARD PROGRAM

Mr. Connors said volunteer fire departments have what is called the "Length of Service Award Program". When a volunteer firefighter participating in the program in one community transfers from one fire district to another fire district he or she may not bring their years of service with them to the new fire district. This is a deficiency in the program, which can only be corrected by an act of the legislature, he stated.

Mr. Connors said work continues in cooperation with the Saratoga Chamber of Commerce, Supervisors and Mayors along the Hudson River with regard to the requirement by the General Electric Company, that during the process of cleaning the Hudson River of PCB's, that navigational dredging be done in the Champlain Canal. In communities like Stillwater, the future economic engine is going to be vested in large part, by the navigable qualities of the Hudson River, he said. Having the General Electric Company out there removing PCB's and not requiring them to also dredge the canal at the same time is "penny wise and pound foolish" he said. It is as a result of the PCB's where they are that has prevented ENCON from giving the Department of Transportation the necessary permits to dredge because of the PCB's.

Mr. Connors requested help from the legislators, to assist the Department of Environmental Conservation to ensure the river front communities that this important economic engine be preserved.

PUBLIC SAFETY

Mr. Connors said residents in his community have said there are some industries in the State and some railroads that are permitting remote controlled locomotives. In the western part of the state a railroad employee was killed within the last six months as the result of a defective remote control locomotive, he said. This is of particular concern in Saratoga County where there is industry that deals with hazardous waste, toxic waste and flammable products, he said.

Mr. Gutheil expressed concern that citizens are not getting the benefit of the reduced gas tax. He said he would be working with the Legislative and Research Committee to determine if the money is going back to the consumer. If not, then the county needs to look at whether they want to stay in or reverse their position, and set up a fund, by taking the money and giving it back to the people.

Mr. Gutheil asked if the legislature was planning to do anything, or if the county should be working with the Attorney General?

Mr. Tedesco said there was legislation passed with reference to gouging. He said, if you think that a gas station is gouging, you should report that to the Attorney General.

On a motion made by Ms. Raymond, seconded by Mr. Connors the meeting was adjourned.

Respectfully submitted,

Chris Sansom