

**MEETING NO. 23
NOVEMBER 29, 2006**

ERIE COUNTY LEGISLATURE

**ERIE COUNTY LEGISLATURE
SPECIAL SESSION
MEETING NO. 23
NOVEMBER 29, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

An Invocation was lead by Pastor Sarah Gordy.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 – No tabled items.

Item 2 – No Minutes for approval.

LOCAL LAWS

Item 3 – MS. WHYTE presented the following Local Law and moved for immediate consideration and approval. MR. SMITH seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED.

**COUNTY OF ERIE
LOCAL LAW NO. ____-2006
LOCAL LAW INTRO. NO. ____-2006**

A LOCAL LAW in relation to a mandatory notification requirement for commercial and residential lawn pesticide applications.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1. Title.

This law shall be known as the Erie County Mandatory Pesticide Notification Act.

Section 2. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that individuals and their personal property can come into unintended contact with pesticides applied on abutting property

from commercial and residential lawn applications. This Legislature further finds that pesticides may pose health and safety risks to the citizens of this County.

In December 2003, through passage of Erie County Local Law No. 8 of 2003, Erie County opted into the New York State pesticide notification program for one year. The Erie County Local Law provided for a one-year sunset provision, with the required review by the Erie County Environmental Management Council at the end of the year to determine the effectiveness of the law.

On October 5, 2004, the Erie County Environmental Management Council submitted its one-year review to the Erie County Legislature and the Erie County Executive. The Council recommended that the Pesticide Notification Law be renewed. The County Legislature and Executive reenacted the law in late 2005, this time for a two-year period. Due to procedural circumstances, the law could not be implemented by the County Department of Health until 2006. The law did not require the Erie County Environmental Management Council to evaluate its implementation, but the ECEMC continued to monitor the implementation and enforcement of the law by the County Department of Health, the compliance with the law by the commercial lawn care industry, retailers, and do-it-yourself applicators, and the ongoing and ever evolving educational programs offered to the public.

On October 25, 2006, the Erie County Environmental Management Council reported that Erie County has successfully implemented the Neighbor Notification Law in 2006 and that the Neighbor Notification Law should be renewed again for 2007. Specifically, the ECEMC concluded that the implementation and efficacy of the Neighbor Notification Law can reasonably be expected to continue to improve each subsequent year that it is in effect through continued outreach and education programs for the public, and continued compliance monitoring of commercial applicators, retailers, and do-it-yourself applicators by the Department of Health. In addition, the ECEMC determined that since the Neighbor Notification Law has been successfully tested twice, and its successful implementation has been demonstrated that this law can and should be enacted permanently.

Therefore, the Erie County Legislature does hereby conclude that Erie County should adopt the notice requirements for the commercial and residential lawn application of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this Local Law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and the regulations promulgated thereunder.

Section 3. Definitions.

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law:

- a. "Abutting property" shall mean any property which has any boundary or boundary point in common with the property on which the pesticide is to be applied.
- b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric

- corporation as those terms are defined in the transportation corporations law, which applies pesticides.
- c. "Commercial lawn application" means the application of pesticide to ground, trees, or shrubs on public or private outdoor property. For the purposes of this local law the following shall not be considered commercial lawn application:
- (1) the application of pesticide for the purpose of producing an agricultural commodity;
 - (2) residential application of pesticides;
 - (3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
 - (4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building, or public park; and
 - (5) the application of pesticides on golf courses or turf farms.
- d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.
- e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.
- f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-0303 of the New York Environmental Conservation Law.
- g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.
- h. "Pesticide" means:
- (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
 - (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- i. "Premises" means land and improvements or appurtenances or any part thereof.
- j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this local law the following shall not be considered residential lawn application:
- (1) the application of pesticides for the purpose of producing an agricultural commodity;
 - (2) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
 - (3) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York

- Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
 (4) the application of pesticides on golf courses or turf farms.

Section 4. Notification Requirements For Commercial And Residential Lawn Applications.

The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York Environmental Conservation Law.

a. Retail Consumer Information Sign.

(1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. Prior Notification of Commercial Lawn Applications.

(1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of the New York Environmental Conservation Law, to:

- a. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to
- b. owners, owners' agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

(2) Such prior notification provisions shall not apply to the following:

- a. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);
- b. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
- c. the use of non-volatile insect or rodent bait in a tamper resistant container;
- d. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;
- e. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;
- f. the use of boric acid and disodium octaborate tetrahydrate;
- g. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

- h. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
 - i. the application of a pesticide by direct injection into a plant or the ground;
 - j. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
 - k. the application of a pesticide to the ground or turf of any cemetery; and
 - l. any emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number, or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.
- c. Posting of Residential Lawn Applications.
- (1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.
 - (2) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

Section 5. Enforcement.

Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Erie County Department of Health shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in Section 6 of this law and shall be payable to and deposited with Erie County.

Section 6. Penalties.

a. Administrative Sanctions.

- (1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense after a hearing

or opportunity to be heard.

- (2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to subdivision b(1)(b) of section 4 of this local law (Prior Notification of Commercial Lawn Applications), and a person who violates any provision of subdivision c of section 4 (Posting of Residential Lawn Applications), shall for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation after a hearing or opportunity to be heard.
- (3) A person who violates the provisions of subdivision a of section 3 of this local law (Retail Consumer Information Sign) shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation after a hearing or opportunity to be heard.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

- (1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 or in section 20.20 of the New York Penal Law who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.
- (2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the

person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Notice Requirements to State Officials.

a. Within twenty days after adoption of this law, the Clerk of the Erie County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Attorney General.

Section 9. Repeals.

Erie County Local Law No. 1 of 2005 is hereby repealed.

Section 10. Effective Date.

a. This local law shall take effect on the first day of January after it shall have been adopted and filed with the Office of the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 4 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT/BUDGET COMMITTEE from further consideration of COMM. 19E-2 as amended. MR. SMITH seconded. MR. RANZENHOFER and MR. MILLS voted in the negative.

CARRIED. (13-2)

RE: 2007 Tentative Budget

****** Copies of the 2007 Tentative Budget are available in the Office of the Clerk of the Erie County Legislature***

**Erie County Legislature
 2007
 Erie County Budget
 Majority Caucus
 Budget Amendments
 Book A
 Operating Funds
 Amendment to Comm. 19E-2**

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SAP fund	Fund Center	Account Name	SAP Account	2007 Executive Reco	Legislative Adjustment	2007 Legislative Adopted
110	120	STATE AID-SERV FOR RECEIPNTS	407680	11,720,390	162,500	11,882,890.00
110	11310	NEW CLERK FEES	444449	750,000	(750,000)	-
110	12610	STATE AID- PROBATION SRVS	406000	1,244,066	54,264	1,298,330.00
110	12700	STATE AID-PHW,GMC,MEO	405540	1,457,238	(119,541)	1,337,697.00
110	12730	STATE AID-FR LABORATORIES	406560	1,691,376	(22,028)	1,669,348.00
110	12730	COMMUNITY SANITATION & FOOD	416020	1,395,718	(273,809)	1,121,909.00
110	12740	STATE AID- TOXICOLGY LAB	405180	728,348	(91,078)	637,270.00
110	16410	PARK PARKING FEES	418504	500,000	(500,000)	-
110	16410	PARKS & REC CHARGES-BOAT LAUNCH	418505	10,002	(10,002)	-
110	16410	SALE OF FOREST PRODUCTS	418550	270,000	(270,000)	-
Total Fund 110 Revenue Adjustment				19,767,138	(1,819,694)	17,947,444
Impact of Adjustments to Highway Fund						
210	123	INTERFUND-SUBSIDY	486000	3,347,154	(32,130)	3,315,024.00
Impact of Adjustments to Debt Service Fund						
310	17200	USE OF FUND BALANCE	402190	1,338,874	822,000	2,160,874.00
310	17200	INTERFUND-SUBSIDIES	486000	53,705,168	(822,000)	52,883,168.00

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Total Adjustment 55,044,042 - 55,044,042

SAP fund	Fund Center	Account Name	SAP Account	2007 Executive Reco	Legislative Adjustment	2007 Legislative Adopted
110	100	FULL-TIME SALARIES	500000	1,464,642	54,502	1,519,144.00
110	100	PART-TIME WAGES	500010	179,274	9,686	188,960.00
110	100	OTHER EXPENSES	530000	226,890	(96,789)	130,101.00
	Total	Legislature		1,870,806	(32,601)	1,838,205.00
110	105	FULL-TIME SALARIES	500000	3,587,978	(114,186)	3,473,792.00
110	105	REPAIRS & MAINTENANCE	506200	350,000	(15,000)	335,000.00
110	105	LAB & TECH EQUIP	561410	850,000	(25,000)	825,000.00
	Total	Division of Information and Support Services		4,787,978	(154,186)	4,633,792.00
110	116	FULL-TIME SALARIES	500000	38,243,681	29,316	38,272,997.00
	Total	Jail Management		38,243,681	29,316	38,272,997.00
110	120	ID YOUTH BUREAU SRVS	912630		250,000	250,000.00
	Total	Social Services			250,000	250,000.00

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110	10210	FULL-TIME SALARIES	500000	1,415,025	(91,466)	1,323,559.00
	Total	Budget, Management and Finance		1,415,025	(91,466)	1,323,559.00
110	10710	AUTO SUPPLIES	505600	1,554,100	(54,100)	1,500,000.00
	Total	Bureau of Fleet Services		1,554,100	(54,100)	1,500,000.00
110	10910	PRO SER CNT AND FEES	516020	158,200	20,000	178,200.00
	Total	Office of Public Advocacy		158,200	20,000	178,200.00
110	11510	FULL-TIME SALARIES	500000	8,127,043	(121,874)	8,005,169.00
	Total	Sheriff Division		8,127,043	(121,874)	8,005,169.00
110	12220	FULL-TIME SALARIES	500000	4,902,618	(140,911)	4,761,707.00
110	12220	OVERTIME	501000	200,000	(10,000)	190,000.00
110	12220	MAINTENANCE CONTRACTS	516030	500,000	(25,000)	475,000.00
	Total	DPW - Buildings and Grounds		5,602,618	(175,911)	5,426,707.00
110	12610	FULL-TIME SALARIES	500000	5,527,637	251,220	5,778,857.00
	Total	Probation		5,527,637	251,220	5,778,857.00

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110	12630	OPERATION PRIME TIME	516010		-	250,000	250,000.00
110	12630	ID YOUTH BUREAU SRVS	912630		-	(250,000)	(250,000.00)
	Total	Youth Bureau			-	-	-
110	12700	FULL-TIME SALARIES	500000	3,889,583		(181,657)	3,707,926.00
110	12700	REGULAR PART TIME WAGES	500020	505,249		(59,201)	446,048.00
	Total	Health Division		4,394,832		(240,858)	4,153,974.00
110	12730	FULL-TIME SALARIES	500000	3,829,126		(24,669)	3,804,457.00
110	12730	MEDICAL SUPPLIES	505800	1,321,287		(21,287)	1,300,000.00
110	12730	LOCAL MILEAGE REIMBURSEMENT	510000	123,600		(6,600)	117,000.00
	Total	Health - Public Health Lab		5,274,013		(52,556)	5,221,457.00
110	12740	FULL-TIME SALARIES	500000	1,488,760		(263,454)	1,225,306.00
110	12740	OTHER EMPLOYEE PYMTS	500350			-	80,000.00
	Total	Health - Medical Examiner's Division		1,488,760		(183,454)	1,305,306.00
110	14010	FRINGE BENEFITS	502000			(363,587)	(363,587.00)
110	14010	REDUCTIONS FROM PERSONAL SERVICES	504990	(2,300,000)		(500,000)	(2,800,000.00)
110	14010	COUNTY CONTINGENCY (Sales Tax Offset)	598900			-	3,250,000.00
	Total	County Wide Budget Accounts					

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					(2,300,000)	2,386,413	86,413.00	
110	14020	INTERFUND-ROAD	570020	3,347,154	(32,130)		3,315,024.00	
110	14020	ID GENERAL DEBT SRV	570040	48,208,133	(822,000)		47,386,133.00	
	Total	County Wide Interfund Accounts		51,555,287	(854,130)		50,701,157.00	
110	14030	COUNTY RESIDENTS ENROLLED COMM COLL	520020	3,150,000	495,000		3,645,000.00	
	Total	ECC Payments		3,150,000	495,000		3,645,000.00	
110	15000	FULL-TIME SALARIES	500000	205,534	2,294,466		2,500,000.00	
110	15000	PART-TIME WAGES	500010		228,000		228,000.00	
110	15000	REGULAR PART TIME WAGES	500020		170,000		170,000.00	
110	15000	RESERVE FOR DEMOCRATIC PERSONNEL	500200	1,297,233	(1,297,233)		-	
110	15000	RESERVE FOR REPUBLICAN PERSONNEL	500200	1,297,233	(1,297,233)		-	
110	15000	SHIFT DIFFERENTIAL	500300		3,000		3,000.00	
110	15000	HOLIDAY WORKED	500330		37,000		37,000.00	
110	15000	OTHER EMPLOYEE PYMTS	500350		3,000		3,000.00	
110	15000	OVERTIME	501000		180,000		180,000.00	
110	15000	OFFICE SUPPLIES	505000	375,000	(75,000)		300,000.00	
110	15000	PRO SER CNT AND FEES	516020	1,926,574	(347,074)		1,579,500.00	

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110	15000	OTHER EXPENSES	530000	489,200	(139,200)	350,000.00
110	15000	RENTAL CHARGES	545000	397,366	(22,366)	375,000.00
	Total	Board of Elections		5,988,140	(262,640)	5,725,500.00
110	16010	FULL-TIME SALARIES	500000	1,727,794	(47,003)	1,680,791.00
	Total	Law		1,727,794	(47,003)	1,680,791.00
110	16200	FULL-TIME SALARIES	500000	1,047,251	(60,511)	986,740.00
	Total	Environment & Planning		1,047,251	(60,511)	986,740.00
110	16410	FULL-TIME SALARIES	500000	1,974,832	(101,182)	1,873,650.00
110	16410	PART-TIME WAGES	500010	203,352	(145,000)	58,352.00
110	16410	OVERTIME	501000	110,000	(6,000)	104,000.00
	Total	Parks		2,288,184	(252,182)	2,036,002.00
110	16440	FULL-TIME SALARIES	500000	2,002,241	(37,134)	1,965,107.00
110	16440	REPAIRS & MAINTENANCE	506200	112,000	100,000	212,000.00
	Total	Parks - City of Buffalo		2,114,241	62,866	2,177,107.00
110	16500	FULL-TIME SALARIES	500000	3,955,085	(175,549)	3,779,536.00
110	16500	OVERTIME	501000			

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				228,000	(28,000)	200,000.00
	Total	Central Police Services		4,183,085	(203,549)	3,979,536.00
110	16700	FULL-TIME SALARIES	500000	468,226	23,475	491,701.00
	Total	Emergency Services		468,226	23,475	491,701.00
110	1332010	COOP EXTENSION SERVICE OF ERIE CO	516000	150,000	140,000	290,000.00
110	1332010	ERIE COUNTY SOIL & WATER CONSERVATION	516000	150,000	15,000	165,000.00
110	1332010	COMMUNITY AGENCIES VIVE CASA	516000		75,000	75,000.00
	Total	Community/Neighborhood Development		300,000	230,000	530,000.00
110	1333020	AFRICAN AMERICAN CULTURAL CENTER	516000	79,380	60,000	139,380.00
110	1333020	ALBRIGHT-KNOX ART GALLERY	516000	540,000	(11,545)	528,455.00
110	1333020	ALLEYWAY THEATRE	516000	7,500	(160)	7,340.00
110	1333020	ARTS IN EDUCATION INSTITUTE OF WNY, INC.	516000	10,500	(224)	10,276.00
110	1333020	BALLET ARTISTS OF WNY (NEGLIA)	516000	9,750	(208)	9,542.00
110	1333020	BIG ORBIT GALLERY	516000	11,250	(241)	11,009.00
110	1333020	BFLO & ERIE CO HISTORICAL SOCIETY	516000	405,000	(8,659)	396,341.00
110	1333020	BUFFALO ARTS STUDIO	516000	21,000	(449)	20,551.00
110	1333020	BUFFALO CITY BALLET	516000	14,000	(299)	13,701.00

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110	1333020	BUFFALO NAVAL & SERVICEMANS PARK	516000	15,000	(321)	14,679.00
110	1333020	BFLO PHILHARMONIC ORCH SOCIETY	516000	900,000	(19,242)	880,758.00
110	1333020	BUFFALO SOCIETY NATURAL SCIENCES	516000	825,000	(17,639)	807,361.00
110	1333020	BURCHFIELD PENNEY	516000	49,500	(1,058)	48,442.00
110	1333020	CEPA	516000	45,000	(962)	44,038.00
110	1333020	EL MUSEO GALLERY	516000	7,000	(150)	6,850.00
110	1333020	EXPLORE AND MORE	516000	15,000	(321)	14,679.00
110	1333020	GRAYCLIFF	516000	22,500	(481)	22,019.00
110	1333020	HALLWALLS	516000	54,000	(1,155)	52,845.00
110	1333020	HAMBURG NATURAL HISTORY MUSEUM	516000	45,000	(962)	44,038.00
110	1333020	IRISH CLASSICAL THEATRE	516000	67,500	(1,443)	66,057.00
110	1333020	JUST BUFFALO	516000	45,077	(964)	44,113.00
110	1333020	KAVINOKY THEATER	516000	4,500	(96)	4,404.00
110	1333020	LOCUST STREET NEIGHBORHOOD ART CLASSES	516000	11,250	(241)	11,009.00
110	1333020	MARTIN HOUSE RESTORATION	516000	150,000	(3,207)	146,793.00
110	1333020	MUSICALFARE THEATRE	516000	27,000	(577)	26,423.00
110	1333020	PIERCE ARROW MUSEUM	516000	10,000	(214)	9,786.00
110	1333020	SHAKESPEARE IN THE PARK	516000	72,000	(1,539)	70,461.00
110	1333020	SQUEAKY WHEEL	516000	13,500	(289)	13,211.00
110	1333020	STUDIO THEATER SCHOOL	516000			

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				180,000	(3,848)	176,152.00
110	1333020	THEATRE OF YOUTH	516000	55,469	(1,186)	54,283.00
110	1333020	THEODORE ROOSEVELT INAUGURAL SITE	516000	22,500	(481)	22,019.00
110	1333020	UJIMA COMPANY	516000	20,300	(434)	19,866.00
110	1333020	YOUNG AUDIENCES OF WNY	516000	7,500	(160)	7,340.00
110	1333020	AMERICAN LEGION BAND OF TONAWANDAS	516000		2,000	2,000.00
110	1333020	ARTS COUNCIL IN BUFFALO & ERIE COUNTY	516000		2,000	2,000.00
110	1333020	BUFFALO OLMSTED PARKS CONSERVANCY	516000		2,000	2,000.00
110	1333020	BUFFALO PHILHARMONIC CHORUS	516000		2,000	2,000.00
110	1333020	COMMUNITY MUSIC SCHOOL OF BUFFALO	516000		2,000	2,000.00
110	1333020	FOLKLORIC DANCE	516000		2,000	2,000.00
110	1333020	GARDNER'S PICK OF THE CROP DANCE	516000		2,000	2,000.00
110	1333020	LANCASTER OPERA HOUSE	516000		2,000	2,000.00
110	1333020	NEW PHOENIX THEATRE	516000		2,000	2,000.00
110	1333020	POLISH ARTS CLUB OF BUFFALO	516000		2,000	2,000.00
110	1333020	WESTERN NEW YORK ARTISTS GROUP	516000		2,000	2,000.00
110	1333020	ZOOLOGICAL SOCIETY OF BUFFALO	516000	1,600,000	(34,208)	1,565,792.00
	Total	Cultural Resource Advisory Board		5,362,976	(30,963)	5,332,013.00
		Total Appropriation Increase Fund 110			930,306	

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140	12110	FULL-TIME SALARIES	500000	118,155	(71,771)	46,384.00
140	12110	UTILITY CHARGES	515000	56,035,000	71,771	56,106,771.00
	Total	Utilities Fund-(DPW)		56,153,155	-	56,153,155.00
210	123	FULL-TIME SALARIES	500000	6,743,110	(32,130)	6,710,980.00
	Total	Highways (DPW)		6,743,110	(32,130)	6,710,980.00
820	420	SERVICE RESTORATION REQUEST	504999		500,000	500,000.00
	Total	Library			-	500,000
		Total Adjustment				2,328,482

Fund	Fund Center	Dept	Title	JG	Status	Reference Page	Position #	Budg. Amnt	Leg. Action	County Share	Savings
110	105	DISS	Director of Support Serv	16	Vacant	Book A-pg 66	51002709	\$83,356	Delete	100%	(\$83,356)
110	105	DISS	Laborer	3	Vacant	Book A-pg 69	5546	\$30,830	Delete	100%	(\$30,830)
								Department Total			(\$114,186)
110	16410	Dept.Parks/Rec	Deputy Comm. Of Rec	15	Vacant	Book A-pg 462	2322	\$58,750	Delete	100%	(\$58,750)
110	16410	Dept.Parks/Rec	Park Maintenance Worker III	7	Vacant	Book A-pg 466	51001748	\$42,432	Delete	100%	(\$42,432)
								Department Total			(\$101,182)
110	16440	Parks/Buf.Parks	Park Utility Worker City	5	Vacant	Book A-pg 473	51000289	\$33,752	Delete	100%	(\$33,752)
110	10210	Budget/Mngt/Fin	Director-Center for Coopertive	17	Vacant	Book A-pg 21	51000064	\$91,466	Delete	100%	(\$91,466)

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110	11510	Sheriff Division	Detective Deputy	9	Vacant	Book A-pg 352	2956	\$56,378	Delete	100%	(\$56,378)
110	12210	DPW B & G	Dep. Comm. Of Bldgs & Grnds	16	Vacant	Book A-pg 440	2324	\$65,029	Delete	100%	(\$65,029)
110	12210	DPW B & G	Head Laborer	4	Vacant	Book A-pg 440	5491	\$25,646	Delete	100%	(\$25,646)
110	12210	DPW B & G	Laborer	3	Vacant	Book A-pg 440	5527	\$24,590	Delete	100%	(\$24,590)
Department Total										(\$115,265)	
110	12700	Health Division	Account Clerk Typist	4	Vacant	Book A-pg 284	57	\$30,930	Delete	64%	(\$19,795)
110	12700	Health Division	Personnel Supervisor (Health)	13	Vacant	Book A-pg 285	7216	\$60,547	Delete	64%	(\$38,750)
110	12700	Health Division	Public Health Nurse SP	9	Vacant	Book A-pg 289	7656	\$50,939	Delete	64%	(\$32,601)
Department Total										(\$91,146)	
110	12700	Health Division	Medical Director RPT	20	Vacant	Book A-pg 286	51002732	\$59,201	Delete	64%	(\$37,889)
110	12730	Public Health Lab	Clerk Stenographer	2	Vacant	Book A-pg 310	1541	\$24,669	Delete	64%	(\$15,788)
210	123	Highways	Laborer-Highways	3	Vacant	Book A - page 542	5732	\$32,130	Delete	100%	(\$32,130)
Total Adjustment										(\$689,182)	

Department	Fund Center	Cost Center	Title	Job Group	Executive Recommended	Number	% of County Share	Legislature Adopted	No	Difference *
Sheriff Patrol	11510	1151030	Sgt. Patrol	9	\$42,584	1	100%	\$0	0	(\$42,584)
Law Dept	16010	1601050	Legal Steno	6	\$31,705	1	100%	\$0	0	(\$31,705)
Environment and Planning	16200	1620010	Director of Inter-Municipal Coop	15	\$60,511	1	100%	\$0	0	(\$60,511)
Central Police Services	16500	1650030	Director of Information review	16	\$71,777	1	100%	\$0	0	(\$71,777)

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Buildings and Grounds	12220	1222040	Building Guard	4	\$51,292	2	100%	\$25,646	1	(\$25,646)
Medical Examiner	12740	1274010	Chief Med Examiner	26	\$178,008	1	64%	\$0	0	(\$113,925)
DPW	12110	1211010	Utilities Fund Principal Engineer	16	\$71,777	1	0%	\$0	0	\$0
Parks	16410	1641010	Park Ranger	15	\$150,000	1	100%	\$0	0	(\$150,000)
Probation	12610	1261020	Probation Officer	11	\$167,480	4	82%	\$418,700	9	\$206,000
Sheriff-Corr. Facility	116	1163050	Registered Nurse	8	\$0	0	100%	\$35,708	1	\$35,708
Emergency Services	16700	1670010	Clerk/Typist	1	\$0	0	100%	\$23,475	1	\$23,475
Legislature	110	1003030	Budget Analyst	14	\$0	0	100%	\$54,502	1	\$54,502
Legislature	110	1005017	Counsel	56	\$12,314	1	100%	\$22,000	1	\$9,686
Parks	16410	1641055	Life Guard PT	46	\$9,597	4	100%	\$14,597	5	\$5,000
TOTAL										(\$161,777)

Jobs eliminated (\$496,148)

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Jobs added \$334,371

(\$161,777)

<u>DEPARTMENT</u>	<u>FUND CENTER</u>	<u>COST CENTER</u>	<u>TITLE</u>	<u>JG</u>	<u>EXECUTIVE RECOMMENDED</u>	<u>% OF COUNTY SHARE</u>	<u>LEGISLATIVE ADOPTED</u>	<u>DIFFERENCE</u>	<u>LEGISLATIVE ACTION</u>
County Attorney	16010	1601010	County Attorney	21B	\$130,204	100%	\$0		DELETE
County Attorney	16010	1601010	County Attorney	21A	\$0	100%	\$127,000	\$3,204	RESTORE
County Attorney	16010	1601010	Assistant County Attorney	15	\$75,306	100%	\$0		DELETE
County Attorney	16010	1601010	Assistant County Attorney	14	\$0	100%	\$69,410	\$5,896	RESTORE
County Attorney	16010	1601010	Assistant County Attorney	16	\$83,356	100%	\$0		DELETE
County Attorney	16010	1601010	Assistant County Attorney	15	\$0	100%	\$77,158	\$6,198	RESTORE
Health	12700	1271003	Commissioner of Health	25	\$153,460	64%	\$0		DELETE
Health	12700	1271003	Commissioner of Health	21	\$0	64%	\$127,100	\$16,870	RESTORE
Health	12700	1271006	Senior Contracts Specialists	12	\$59,259	64%	\$0		DELETE

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Health	12700	1271006	Contracts Specialists	9	\$46,378	64%	\$46,378	\$8,244	RESTORE
Medical Examiner	12740	1274010	Associate Chief Medical Examiner (2)	23	\$308,830	64%	\$0		DELETE
Medical Examiner	12740	1274010	Associate Chief Medical Examiner (2)	19	\$231,594	64%	\$231,594	\$49,431	RESTORE
Medical Examiner	12740	1274010	Pathological Laboratory Worker (3)	6	\$103,385	64%	\$0		DELETE
Medical Examiner	12740	1274010	Pathological Laboratory Worker (3)	5	\$95,175	64%	\$95,175	\$5,254	RESTORE
Sheriff	11510	1151010	Personnel Clerk	7	\$40,843	100%	\$0		DELETE
Sheriff	11510	1151010	Personnel Clerk	6	\$37,140	100%	\$37,140	\$3,703	RESTORE
CPS	16500	1650010	Commissioner	19	\$105,855	100%	\$0		DELETE
CPS	16500	1650010	Commissioner	18	\$96,462	100%	\$96,462	\$9,393	RESTORE
CPS	16500	1650030	Police Complaint Writers	7	\$888,426	100%	\$0		DELETE
CPS	16500	1650030	Police Complaint Writers	7	\$794,047	100%	\$794,047	\$94,379	RESTORE
BUFFALO CITY PARKS	16440	1644010	Supervisor of Rinks and Pools	7	\$41,157	100%	\$0		DELETE

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BUFFALO CITY PARKS	16440	1644010	Supervisor of Rinks and Pools	6	\$37,775	100%	\$37,775	\$3,382	RESTORE
Sheriff	11510	1151010	Confidential Aide	6	\$35,202	100%	\$0		DELETE
Sheriff	11510	1151010	Receptionist	3	\$28,725	100%	\$28,725	\$6,477	RESTORE
Sheriff	11510	1151010	Confidential Aide	6	\$35,202	100%	\$0		DELETE
Sheriff	11510	1151010	Receptionist	3	\$29,201	100%	\$29,201	\$6,001	RESTORE
Sheriff	11510	1151010	Confidential Aide	6	\$35,202	100%	\$0		DELETE
Sheriff	11510	1151010	Account Clerk	4	\$32,092	100%	\$32,092	\$3,110	RESTORE
Sheriff	11510	1151010	Confidential Aide	6	\$35,202	100%	\$0		DELETE
Sheriff	11510	1151010	Data Entry Operator	4	\$31,581	100%	\$31,581	\$3,621	RESTORE
Sheriff-Jail Management	116	1161010	Confidential Aide	6	\$35,593	100%	\$0		DELETE
Sheriff-Jail Management	116	1161010	Receptionist	3	\$29,201	100%	\$29,201	\$6,392	RESTORE
								\$231,556	Savings

**Erie County Legislature
2007
Erie County Budget
Majority Caucus
Budget Amendments
Book B
Operating Funds
Amendment to Comm. 19E-2**

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #69

WHEREAS, the 2007 Executive Recommended assumed a growth in sales tax collections of approximately 2.5% over 2006 actual projections, and

WHEREAS, a review of sales tax collections as of the end of October 2006 indicates a lower than anticipated increase in sales tax, and

WHEREAS, the Erie County Comptroller has identified this shortfall as an issue of concern for the 2007 Budget, and

WHEREAS, it would be prudent to adjust the 2007 Budget to be prepared in case the sales tax collections in 2007 are lower than the amount assumed in the Executive Budget.

NOW THEREFORE BE IT

RESOLVED, that a contingency account shall be established in the 2007 Legislative Adopted Budget in the amount of \$3,250,000 to be utilized only in the event that actual sales tax collections are lower than the projected Executive Budget 2007 sales tax revenue.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #70

WHEREAS, the 2007 Executive Recommended Budget estimated revenue for the Hotel Occupancy Tax to be at the same level as 2006, and

WHEREAS, revenue from said tax is utilized to fund the economic development activity of the Convention and Visitors Bureau, and

WHEREAS, based on 2006 Hotel Occupancy Tax collections there is a strong indication that 2007 revenue will actually exceed 2007 Executive Budget amounts by approximately \$500,000.00.

NOW THEREFORE BE IT

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RESOLVED, that the Erie County Legislature requests that the County Executive draft a resolution to be submitted in January, 2007 to increase the funding for the Convention and Visitors Bureau by \$500,000 to generate an increase in Erie County tourism activity.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION # 71

WHEREAS, year-end 2005 financial reports indicate a negative undesignated fund balance of \$7.808 million in the Erie County Road Fund, and

WHEREAS, it is the request of the Erie County Legislature that the County Executive should take all steps available to eliminate the negative fund balance within a reasonable amount of time.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive submit a resolution to the Erie County Legislature by March 1, 2007 outlining in detail the steps to be taken to lower and eventually eliminate the negative fund balance in the Erie County Road Fund by the end of calendar year 2010.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #72

RESOLVED, that all county employees due an incremental earned step increase in pay, including legislative district office staff and those entitled to a contractual increase pursuant to a collective bargaining agreement shall receive a cost of living allowance in the form of a step increase in pay.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #73

RESOLVED, all persons employed to provide services to Erie County as a consultant working on a contractual basis must have that contract approved by the Erie County Legislature prior to providing any services or receiving any payment under the contract.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #74

RESOLVED, that the Commissioner of Personnel is directed to file monthly reports with the Clerk of the Erie County Legislature identifying all vacant funded positions and such reports shall

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include the length that each position has been vacant, the salary for each position, the source of funding for each vacant position and the County's share of the funding for each position.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #75

RESOLVED, that the Erie County Legislature shall hold mid-year budget hearings for the express purpose of monitoring the Administration's management of the budget on a department by department basis; such hearings shall include a review of the performance and management efficiency of all county departments and agencies.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION # 76

RESOLVED, the Erie County Legislature does hereby direct the Commissioner of Public Works to present to the Legislature, no later than March 1, 2007, an itemized and specific list of all road, bridge and reconstruction projects scheduled for 2007, such list shall include the funding source and the local share cost for each project contained on the list.

ADD THE FOLOWING AS A NEW BUDGET RESOLUTION #77

RESOLVED, the Erie County Legislature will fully fund all projects for which the County is contractually obligated to provide and will review and make a determination on all other proposed capital project requests on a case by case basis.

ADD THE FOLLOWING AS A NEW BUDGET RESOLUTION #78

RESOLVED, notwithstanding the language contained in Resolve # 3 of the 2007 Budget, the County Executive shall not fill any position at a per diem or other rate without prior approval of the Erie County Legislature.

ADD THE FOLLOWING AS NEW BUDGET RESOLUTION #79

WHEREAS, the Erie County Legislature has expressed concern about the continuing practice of the Administration to borrow monies in order to subsidize the Consolidated Local Streets and Highway Improvement Program ("CHIPS") Fund and to facilitate payment of operating expenses; and

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WHEREAS, the Erie County Legislature, the Erie County Director of Budget, Management and Finance and the Erie County Fiscal Stability Authority have expressed concern about this practice since such borrowing creates a situation where recurring CHIPS expenditures exceed recurring CHIPS revenue; and

WHEREAS, this practice imposes significant increased costs upon the taxpayers of Erie County.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive take the necessary steps to phase out the use of this practice regarding the CHIPS Fund and submit to the Legislature a resolution by March 1, 2007 detailing a plan to eliminate this practice by 2010.

ADD THE FOLLOWING AS A NEW BUDGET RESOLUTION #80

WHEREAS, it is the expressed intent of the Erie County Legislature that no positions currently at the Board of Elections are deleted as a result of this budget amendment and that all positions currently at the Board of Elections shall remain at their current rate of pay pending a final personnel run by the Department of Budget, Management and Finance; however the total amount of salary shall not exceed the total personnel amounts allocated to the Board of Elections in this budget. Nothing in these amendments limits the legal rights of the Board of Elections.

ADD THE FOLLOWING AS A NEW BUDGET RESOLUTION #81

RESOLVED, that the Budget Director is hereby directed to incorporate all of the above 2007 Budget Resolutions and sequentially number all 2007 Adopted Budget Resolutions.

MS. WHYTE moved lay Comm. 19E-2 as amended on the table. MR. KENNEDY seconded. MR. RANZENHOFER and MR. MILLS voted in the negative.

CARRIED. (13-2)

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 5 – (COMM. 23E-1) Calling Special Session

Received, Filed and Printed.

November 22, 2006

MEETING NO. 23
NOVEMBER 29, 2006

ERIE COUNTY LEGISLATURE

Mr. Robert Graber
 Clerk, Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, N.Y. 14202

Dear Mr. Graber:

It has come to my attention that an additional item needs to be discussed at the November 29, 2006 Special Meeting of the Erie County Legislature.

Pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on WEDNESDAY, NOVEMBER 29, 2006 at ONE O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will include:

- The County Executive's tentative 2007 budget;
- Revenue initiatives necessary to implement the 2007 budget;
- Local Law No. 10-2006, A Local Law in relation to a mandatory notification requirement for commercial and residential lawn pesticide application.

The items on the agenda will include consideration of the Discharge from the Finance & Management Committee – Comm. 19E-2 as amended; consideration of revenue initiatives necessary to implement the 2007 budget; consideration of Local Law No. 10-2006; as well as my Letter Calling the Special Meeting, and the Clerk of the Legislature's Memo to Legislators.

Sincerely,

Lynn M. Marinelli
 Chair, Erie County Legislator

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 6 – (COMM. 23D-1) Special Meeting Notice

Received, Filed and Printed.

To: All Members of the Erie County Legislature
 From: Robert M. Graber, Clerk
 Subject: SPECIAL MEETING NOTICE

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PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chairperson Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature to be held on WEDNESDAY, NOVEMBER 29, 2006 at ONE O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will include:

- The County Executive's tentative 2007 budget;
- Revenue initiatives necessary to implement the 2007 budget;
- Local Law No. 10-2006, A Local Law in relation to a mandatory notification requirement for commercial and residential lawn pesticide application.

The items on the agenda will include consideration of the Discharge from the Finance & Management Committee – Comm. 19E-2 as amended; consideration of revenue initiatives necessary to implement 2007 budget; consideration of Local Law No. 10-2006; as well as my Letter Calling the Special Meeting, and the Clerk of the Legislature's Memo to Legislators.

Thank you.

MS. WHYTE moved to recess until December 1, 2006 at 1:30 p.m. (11/29/06 at 1:28 p.m.).
 MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to reconvene (12/1/06 at 2:04 p.m.). MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. WHYTE moved to take Comm. 19E-2 as amended off the table. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 338

RE: 2007 Tentative Budget

***See above for text of Comm. 19E-2

MS. WHYTE moved to further amend the item. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO BE SUBMITTED BY LEGISLATORS
 LOUGHRAN, MARINELLI, WHYTE, KOZUB, KENNEDY, HOLT, KONST,
 SMITH, MAZUR, IANNELLO and REYNOLDS

MEETING NO. 23
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DELETE Budget Resolution No. 72 in its entirety.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded. MR. WEINSTEIN, MR. MILLS, MR. RANZENHOFER and MS. LOCKLEAR voted in the negative.

CARRIED. (11-4)

***Legislators Holt and Kozub left the Legislature chambers and are no longer present.

ADJOURNMENT

Item 8 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. SMITH moved that the Legislature adjourn until Tuesday, December 5, 2006 at 2 p.m. Eastern Standard Time. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Tuesday, December 5, 2006 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE