

The New York City Council

Council Agenda

Stated Meeting

May 05, 2003

3:00 PM

Council Chambers - City Hall

1. **Roll Call**
2. **Invocation**
3. **Adoption of Minutes**
NONE
4. **CALL FOR STATED MEETING**

M 0576-2003 **Call for Stated Meeting - May 5, 2003**

Dear Council Members,

Please be advised that pursuant to Rule 1.00 of the Council, a Stated Meeting of the Council will take place on Monday, May 5, 2003 at 3:00 p.m.

Cordially,

Gifford Miller

Speaker

Received, Ordered, Printed and Filed

5. Messages & Papers from the Mayor

M 0577-2003

AN ACT to amend the tax law, S.4968 / A.8388

Communication from the Mayor - "AN ACT to amend the tax law, chapter 877 of the laws of 1975, chapter 880 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, all relating to the imposition of certain taxes in the city of New York, and to amend the administrative code of the city of New York, in relation to postponing expiration dates applicable to certain taxes imposed by the city of New York (Part A); to amend the tax law, in relation to the imposition and rate of personal income taxes (Part B); to amend the tax law and the administrative code of the city of New York, in relation to amending certain definitions, modifying the measure of consideration in certain transfers of controlling economic interests in real property, under the New York city real property transfer tax (Part C); to amend the local finance law, in relation to the issuance of bonds or notes with variable rates of interest (Part D); to amend the administrative code of the city of New York, in relation to setting interest rates for under payments of city income and excise taxes (Part E); to amend the administrative code of the city of New York, in relation to establishing an amnesty program authorizing the waiver of certain penalties and certain interest with respect to the payment of certain overdue tax liabilities and barring any civil, administrative or criminal action or proceeding relating thereto and establishing a hotel room occupancy tax amnesty program for small hotels authorizing the waiver of certain overdue tax liabilities and interest and penalties thereon (Part F); to amend the real property tax law, in relation to allowing an additional tax on certain class one properties in any city with a population of one million or more (Part G); to amend the tax law and the

administrative code of the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Part H); to authorize the public sale of taxicab licenses in the city of New York (Part I); to amend the tax law, in relation to increasing the sales tax in cities with a population of one million or more; and providing for the repeal of such provisions upon the expiration thereof (Part J); to amend the education law, in relation to aid for teachers of tomorrow recruitment and retention program and to amend part K of chapter 93 of the laws of 2002 amending the education law relating to aid for teachers of tomorrow recruitment and retention program, and providing for the repeal of such provisions upon expiration thereof, in relation to the effectiveness thereof (Part K); to amend the public authorities law, in relation to indebtedness of the Battery Park city authority and providing for the repeal of certain provisions upon expiration thereof (Part L); in relation to providing aid to certain cities (Part M); to amend the tax law, in relation to taxes in a city with a population of one million or more and to amend the administrative code of the city of New York, in relation to related members expense and income exclusions and add backs (Part N); to amend the public authorities law, in relation to bonds of the state of New York municipal bond bank agency (Part O); in relation to providing for the continuation of the municipal assistance corporation for the city of New York (Part P); in relation to providing aid to the city of Buffalo (Part Q); to amend the tax law, in relation to the imposition of tax on individuals (Part R); to amend the tax law, in relation to exemptions from sales and compensating use taxes for certain clothing and footwear (Part S); to amend the tax law, in relation to estimated tax on the sale or transfer of real property by nonresidents (Part T); to amend the alcoholic beverage control law, in relation to sales for off-premises consumption (Part U); to amend the public authorities law, in relation to payments made to the city of New York (Part V); to amend the tax law and the state

finance law, in relation to the disbursement of revenue from and the conduct of video lottery; and to repeal part E3 of a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B and paragraph 5 of subdivision a of section 1612 of the tax law relating thereto (Part W); to amend the tax law, in relation to related members expense and income exclusions and add backs and repealing certain provisions of such law relating thereto (Part X); to amend the state finance law and the mental hygiene law, in relation to the problem and compulsive gambling education, prevention and treatment fund (Part Y); to amend the tax law, in relation to taxes imposed on native American nation or tribe lands (Part Z); to amend the tax law, in relation to entire net income in the case of an attorney-in-fact (Part ZZ); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part A1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part B1); to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to making certain technical corrections (Part C1); to amend the racing, pari-mutuel wagering and breeding law, in relation to approval of plans of corporation or association (Part D1); to amend the environmental conservation law, in relation to waste tire management and recycling (Part E1); to make monies available to the financial assistance to business dry cleaner program for eligible dry cleaner businesses in certain

counties (Part F1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S. 1406-B and A.2106-B, in relation to services and expenses of existing family preservation centers (Part G1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to an equipment loan fund for the disabled (Part H1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part I1); to amend the social services law, in relation to certain payments for medical assistance (Part J1); to amend the public health law, in relation to general hospital inpatient reimbursement and tobacco control and insurance initiatives pool distribution (Part K1); to amend the public health law, in relation to patient services payments and audit reports; to amend chapter 462 of the laws of 1996 relating to establishing a quality incentive program, in relation to making technical corrections thereto; and to repeal section 48 of part O2 of a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, relating to implementing language qualifying appropriations made by a chapter of the laws of 2003 enacting the health and mental hygiene budget (Part L1); to amend the public health law, in relation to health care initiatives pool distributions (Part M1); and to amend the mental hygiene law, in relation to the community mental health support and workforce investment program (Part N1)". S.4968 / A.8388

State and Federal Legislation

6. **Communications from City, County & Borough Offices**
7. **Petitions and Communications**
8. **Land Use Call-Ups**
9. **Communication from the Speaker**
10. **Discussion of General Orders**
NONE
11. **Reports of Special Committees**
12. **Reports of Standing Committees**

Report of the Committee on Civil Service and Labor

Int 0096-2002-A Standards and Conduct of employment agencies.

A Local Law to amend the administrative code of the city of New York, in relation to the standards of conduct of employment agencies and employers of domestic or household employees placed by employment agencies.

Amended and Laid Over

**Res
0135-2002-A Supporting the rights and dignity of domestic workers.**

Resolution supporting the rights and dignity of domestic workers.

*Amended and Laid Over***Report of the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services**

Res 0752-2003-A **Support of the proposed landmark Settlement Agreement in the case of Brad H. v. The City of New York.**

Resolution in support of the landmark Settlement Agreement in the case of Brad H. v. The City of New York, which provides mentally ill prison inmates with all the benefits of an adequate discharge plan prior to and/or immediately upon release from City prisons or jails, as mandated in Justice Richard Braun's 2000 ruling, which ruling was unanimously affirmed by the New York State Supreme Court, Appellate Division, First Department, and denied leave to appeal to the New York Court of Appeals.

Amended and Laid Over

Report of the Committee on State and Federal Legislation

M 0577-2003 **AN ACT to amend the tax law, S.4968 / A.8388**

Communication from the Mayor - "AN ACT to amend the tax law, chapter 877 of the laws of 1975, chapter 880 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, all relating to the imposition of certain taxes in the city of New York, and to amend the administrative code of the city of New York, in relation to postponing expiration dates applicable to certain taxes imposed by the city of New York (Part A); to amend the tax law, in relation to the imposition and rate of personal income taxes (Part B); to amend the tax law and the administrative code of the city of New York, in relation to amending certain definitions, modifying the measure of consideration in certain transfers of

controlling economic interests in real property, under the New York city real property transfer tax (Part C); to amend the local finance law, in relation to the issuance of bonds or notes with variable rates of interest (Part D); to amend the administrative code of the city of New York, in relation to setting interest rates for under payments of city income and excise taxes (Part E); to amend the administrative code of the city of New York, in relation to establishing an amnesty program authorizing the waiver of certain penalties and certain interest with respect to the payment of certain overdue tax liabilities and barring any civil, administrative or criminal action or proceeding relating thereto and establishing a hotel room occupancy tax amnesty program for small hotels authorizing the waiver of certain overdue tax liabilities and interest and penalties thereon (Part F); to amend the real property tax law, in relation to allowing an additional tax on certain class one properties in any city with a population of one million or more (Part G); to amend the tax law and the administrative code of the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Part H); to authorize the public sale of taxicab licenses in the city of New York (Part I); to amend the tax law, in relation to increasing the sales tax in cities with a population of one million or more; and providing for the repeal of such provisions upon the expiration thereof (Part J); to amend the education law, in relation to aid for teachers of tomorrow recruitment and retention program and to amend part K of chapter 93 of the laws of 2002 amending the education law relating to aid for teachers of tomorrow recruitment and retention program, and providing for the repeal of such provisions upon expiration thereof, in relation to the effectiveness thereof (Part K); to amend the public authorities law, in relation to indebtedness of the Battery Park city authority and providing for the repeal of certain provisions upon expiration thereof (Part L); in relation to providing aid to certain cities (Part M); to amend the tax law,

in relation to taxes in a city with a population of one million or more and to amend the administrative code of the city of New York, in relation to related members expense and income exclusions and add backs (Part N); to amend the public authorities law, in relation to bonds of the state of New York municipal bond bank agency (Part O); in relation to providing for the continuation of the municipal assistance corporation for the city of New York (Part P); in relation to providing aid to the city of Buffalo (Part Q); to amend the tax law, in relation to the imposition of tax on individuals (Part R); to amend the tax law, in relation to exemptions from sales and compensating use taxes for certain clothing and footwear (Part S); to amend the tax law, in relation to estimated tax on the sale or transfer of real property by nonresidents (Part T); to amend the alcoholic beverage control law, in relation to sales for off-premises consumption (Part U); to amend the public authorities law, in relation to payments made to the city of New York (Part V); to amend the tax law and the state finance law, in relation to the disbursement of revenue from and the conduct of video lottery; and to repeal part E3 of a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B and paragraph 5 of subdivision a of section 1612 of the tax law relating thereto (Part W); to amend the tax law, in relation to related members expense and income exclusions and add backs and repealing certain provisions of such law relating thereto (Part X); to amend the state finance law and the mental hygiene law, in relation to the problem and compulsive gambling education, prevention and treatment fund (Part Y); to amend the tax law, in relation to taxes imposed on native American nation or tribe lands (Part Z); to amend the tax law, in relation to entire net income in the case of an attorney-in-fact (Part ZZ); to amend a chapter of the laws of 2003, amending the general business law and other laws

relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part A1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part B1); to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to making certain technical corrections (Part C1); to amend the racing, pari-mutuel wagering and breeding law, in relation to approval of plans of corporation or association (Part D1); to amend the environmental conservation law, in relation to waste tire management and recycling (Part E1); to make monies available to the financial assistance to business dry cleaner program for eligible dry cleaner businesses in certain counties (Part F1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S. 1406-B and A.2106-B, in relation to services and expenses of existing family preservation centers (Part G1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to an equipment loan fund for the disabled (Part H1); to amend a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, in relation to making technical corrections thereto (Part I1); to amend the social services law, in relation to certain payments for medical assistance (Part J1); to amend the public health law, in

relation to general hospital inpatient reimbursement and tobacco control and insurance initiatives pool distribution (Part K1); to amend the public health law, in relation to patient services payments and audit reports; to amend chapter 462 of the laws of 1996 relating to establishing a quality incentive program, in relation to making technical corrections thereto; and to repeal section 48 of part O2 of a chapter of the laws of 2003, amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, as proposed in legislative bill numbers S.1406-B and A.2106-B, relating to implementing language qualifying appropriations made by a chapter of the laws of 2003 enacting the health and mental hygiene budget (Part L1); to amend the public health law, in relation to health care initiatives pool distributions (Part M1); and to amend the mental hygiene law, in relation to the community mental health support and workforce investment program (Part N1)". S.4968 / A.8388

Preconsidered - Coupled on GO

Report of the Committee on Transportation

Res 0730-2003 **Restructure the Bd of Directors of the MTA to include voting members representing the riding public and labor.**

Resolution calling on New York State Governor George Pataki and the New York State Legislature to restructure the Board of Directors of the Metropolitan Transportation Authority to include voting members representing the riding public and labor.

Adopted and Laid Over

Res 0750-2003 **Establish an MTA operating oversight committee.**

Resolution supporting the enactment of New York State Senate bill, S.1008, that would establish a Metropolitan Transportation Authority operating oversight committee which would be responsible for reviewing all financial records and

operating budget proposals of the Metropolitan Transportation Authority.

Adopted and Laid Over

Res 0833-2003 **Preventing the MTA from authorizing any future fare increase until the Comptroller of the NYS reviews its financial plan.**

Resolution urging the legislature and the Governor of the State of New York to enact legislation preventing the Metropolitan Transportation Authority from authorizing any future fare increase until the Comptroller of the State of New York reviews its financial plan to determine whether a fare increase is reasonable or necessary.

Adopted and Laid Over

Res 0834-2003 **Direct the MTA board to rescind its approval of the recent transit fare increase.**

Resolution calling upon the Governor of the State of New York to direct the Metropolitan Transportation Authority board to rescind its approval of the recent transit fare increase.

Adopted and Laid Over

13. General Orders Calendar

Int 0052-2002-A **POW/MIA Flag Displaying**

A Local Law to amend the administrative code of the city of New York, in relation to the displaying of the POW/MIA flag

Laid Over

T1999-86 **Commissioner of Deeds**

Commissioner of Deeds

Coupled on GO

Coupled on General Order Calendar

State and Federal Legislation

M 0577-2003 **AN ACT to amend the tax law, S.4968 / A.8388**
Preconsidered - GO

General Order Calendar

T1999-86 **Commissioner of Deeds**
GO

14. Introduction & Reading of Bills

See Attached

15. Discussion of Resolutions

16. Resolutions

17. General Discussion

18. Extension of Remarks

INTRODUCTION AND READING OF BILLS

SLR 0067-2003 *By Council Members Rivera and Stewart*

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Robach, S.2980, and Assembly Members Abbate and Klein, A.6802-A, "AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system

employed as water supply police; and to amend the retirement and social security law and the general municipal law, in relation to benefits for such members who are injured in the performance of their duties".

State and Federal Legislation

SLR 0068-2003 *By Council Members Rivera, Monserrate and Stewart*

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Marchi, S.2235, "AN ACT to amend the administrative code of the city of New York, in relation to establishing a variable supplements fund for members of the New York city employees' retirement system".

State and Federal Legislation

SLR 0069-2003 *By Council Members Rivera, Fidler, Monserrate and Stewart*

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Padavan, Maltese, Marchi and Mendez, S.1475, and Assembly Members Abbate, Colton, Cymbrowitz, Pheffer, Seddio and Weisenberg, et al, A.3156, "AN ACT to amend the retirement and social security law, in relation to the employment of retired New York city police personnel".

State and Federal Legislation

SLR 0070-2003 *By Council Members Rivera, Monserrate and Stewart*

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Golden, Maltese, Marchi, Mendez and Vellella, S.3967, and Assembly Member Abbate, A.6797, "AN ACT to amend the general municipal law, in relation to special accidental death benefits payable to the dependents of deceased police and fire members".

State and Federal Legislation

SLR 0071-2003 *By Council Members Rivera, Monserrate and Stewart*

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Velella, S.4124, and Committee on Rules, A.7919, "AN ACT to amend the retirement and social security law, in relation to benefits for certain peace officers in the city of New York who are injured in the performance of their duties".

State and Federal Legislation

SLR 0072-2003

By Council Members Rivera, Monserrate and Stewart

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senators Golden, Maltese, Marchi, Mendez, Padavan and Velella, S.4186, "AN ACT to amend the administrative code of the city of New York, in relation to loans to members of the New York city fire department pension fund".

State and Federal Legislation

SLR 0073-2003

By Council Members Rivera and Stewart

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Golden, S.3993, "AN ACT to authorize James J. Smith, a member of the New York city police pension fund, to buy back certain service credit".

State and Federal Legislation

SLR 0074-2003

By Council Members Rivera and Stewart

State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Golden, S.3992, "AN ACT to allow Kevin P. McGuire to buy back certain time with the cultural institutions retirement system".

State and Federal Legislation