S T A T E O F N E W Y O R K

381--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to providing for a standing committee on conference to resolve differences between similar, but not identical bills and resolutions passing the senate and assembly

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The legislative law is amended by adding a new section 54-c to read as follows:

S 54-C. STANDING COMMITTEE ON CONFERENCE; REFERRAL TO CONFERENCE, APPOINTMENT OF NONPARTISAN COUNSEL FOR REFERRAL. 1. BY JANUARY FIFTH OF EACH YEAR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL APPOINT A STANDING COMMITTEE ON CONFERENCE. SUCH COMMITTEE SHALL BE CONSTITUTED BY THE FILING OF A JOINT CERTIFICATE BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY WITH THE SECRETARY OF THE SENATE AND CLERK OF THE ASSEMBLY AND SHALL CONSIST OF FIVE MEMBERS OF EACH HOUSE, INCLUDING AT LEAST TWO MEMBERS OF THE MINORITY OF EACH HOUSE. THE MEMBERS OF THE STANDING COMMITTEE ON CONFERENCE MAY BE CHANGED BY AN AGREEMENT OF THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY AT ANY TIME.

THIS COMMITTEE SHALL BE KNOWN AS THE STANDING COMMITTEE ON CONFERENCE AND:

(A) SHALL DELIBERATE ON ALL BILLS OR RESOLUTIONS FOR CONFERENCE THAT ARE REFERRED TO IT FROM THE LEGISLATIVE LEADERS AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION OR AS REFERRED TO IT BY THE NONPARTISAN COUNSEL JOINTLY APPOINTED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) MAY APPOINT SUCH OTHER SUBCOMMITTEES AS ARE NECESSARY TO CONSIDER BILLS OR RESOLUTIONS INVOLVING PARTICULAR TOPICS THAT ARE REFERRED TO THE STANDING COMMITTEE ON CONFERENCE; AND

(C) SHALL INVITE THE PRIME SPONSORS OF THE BILL FROM EACH HOUSE TO PARTICIPATE AS NON-VOTING MEMBERS OF SUCH COMMITTEE.

2. WHENEVER A BILL OR RESOLUTION HAS PASSED THE SENATE OR THE ASSEMBLY AND SUCH BILL OR RESOLUTION CONTAINS SUBSTANTIALLY THE SAME PROVISIONS OF LAW OR ACCOMPLISHES SUBSTANTIALLY THE SAME PURPOSES AS A BILL OR RESOLUTION PASSED BY THE OTHER HOUSE, SUCH BILL OR RESOLUTION SHALL:

(A) AT THE JOINT REQUEST OF THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY; OR

(B) AT THE JOINT REQUEST OF THE PRIME SPONSOR OF THE BILL OR RESOLUTION IN THE SENATE AND THE PRIME SPONSOR OF THE BILL OR RESOLUTION IN THE ASSEMBLY; OR

(C) AT THE JOINT REQUEST OF THE CHAIRS OF THE COMMITTEES WHICH DELIBERATED ON THE BILL OR RESOLUTION IN EACH HOUSE

BE REFERRED TO THE STANDING COMMITTEE ON CONFERENCE, WHICH SHALL DISPOSE OF THE BILL OR RESOLUTION PURSUANT TO THIS SECTION.

3. IN THE ALTERNATIVE, EACH BILL OR RESOLUTION PASSED BY EACH HOUSE SHALL, AT THE WRITTEN REQUEST OF ANY MEMBER OF THE LEGISLATURE, BE EXAMINED BY A NONPARTISAN COUNSEL APPOINTED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION TO DETERMINE WHETHER A BILL OR RESOLUTION PASSED IN ONE HOUSE IS SIMILAR TO ANY BILLS OR RESOLUTIONS PASSED IN THE OTHER HOUSE. IF THE NONPARTISAN COUNSEL APPOINTED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION DETERMINES THAT ANY BILLS OR RESOLUTIONS ARE SIMILAR UNDER THE GUIDELINES SET FORTH IN THIS SECTION, THEN SUCH BILLS OR RESOLUTIONS SHALL BE REFERRED TO THE STANDING COMMITTEE ON CONFERENCE AND THAT COMMITTEE SHALL DISPOSE OF THE SIMILAR BILLS OR RESOLUTIONS AS PROVIDED IN THIS SECTION.

4. (A) WHEN SIMILAR BILLS OR RESOLUTIONS ARE REFERRED TO THE STANDING COMMITTEE ON CONFERENCE UNDER THIS SECTION, THE COMMITTEE SHALL THEREAFTER MEET WITHIN TEN CALENDAR DAYS OF THE REFERRAL AND SHALL FOLLOW THE PROCESS SET FORTH IN THIS SUBDIVISION:

(I) THE STANDING COMMITTEE ON CONFERENCE SHALL CONFERENCE THE BILL OR RESOLUTION, NEGOTIATE ANY NECESSARY CHANGES AND SHALL ISSUE A REPORT ON THE BILLS OR RESOLUTIONS SUBMITTED TO IT WITHIN FIFTEEN DAYS AFTER THE REFERRAL AS PROVIDED HEREIN; OR

(II) THE STANDING COMMITTEE ON CONFERENCE SHALL REFER SUCH BILLS OR RESOLUTIONS TO A SUBCOMMITTEE WITH JURISDICTION OVER THE SUBJECT MATTER OF SUCH BILLS OR RESOLUTIONS, WHICH COMMITTEE SHALL BE APPOINTED BY THE STANDING COMMITTEE ON CONFERENCE AND WHICH SUBCOMMITTEE SHALL CONSIST OF FOUR MEMBERS OF EACH HOUSE, INCLUDING ONE MEMBER OF THE MINORITY FROM EACH HOUSE.

(B) IN ANY EVENT, EITHER THE STANDING COMMITTEE ON CONFERENCE OR THE DULY CREATED SUBCOMMITTEE SHALL FILE A REPORT WITH THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY WHICH SHALL:

(I) CONTAIN A CONFERENCE BILL OR CONFERENCE RESOLUTION, WHICH HAS AN AGREED ON TEXT AND IS SUPPORTED BY A MAJORITY OF THE STANDING COMMITTEE ON CONFERENCE MEMBERS THAT CONFERENCED THE TWO BILLS OR RESOLUTIONS AS WELL AS A MINORITY REPORT OF THE COMMITTEE MEMBERS, IF ANY, REGARDING THE CONFERENCE BILL OR CONFERENCE RESOLUTION; OR

(II) CONTAIN A REPORT OF THE STANDING COMMITTEE ON CONFERENCE DELIBERATIONS ON THE BILL OR RESOLUTION AND AN EXPLANATION REGARDING THE FAILURE OF THE COMMITTEE TO AGREE ON THE TEXT OF THE CONFERENCE BILL OR CONFERENCE RESOLUTION.

5. ANY CONFERENCE BILL OR RESOLUTION, APPROVED BY A MAJORITY OF THE STANDING COMMITTEE ON CONFERENCE OR THE DULY CREATED SUBCOMMITTEE SHALL, IF REPORTED FAVORABLY TO THE SECRETARY OF THE SENATE AND THE CLERK OF THE ASSEMBLY, AND AFTER RECEIPT BY THOSE OFFICERS OF EACH HOUSE, BE PLACED ON THE THIRD READING CALENDAR FOR EACH HOUSE AND SUCH BILL OR RESOLUTION SHALL THEREAFTER BE SUBJECT TO ANY APPROPRIATE MOTION, INCLUDING A MOTION TO DISCHARGE OR TO ADVANCE FOR DEBATE, AT ANY TIME THEREAFTER.

6. (A) THE NONPARTISAN COUNSEL APPOINTED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION SHALL HAVE EXPERIENCE IN LEGISLATIVE BILL DRAFTING. THE COUNSEL SHALL SERVE FOR A ONE YEAR TERM, WHICH MAY BE RENEWED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION FOR A TERM OF NO MORE THAN ONE YEAR THEREAFTER. THE COUNSEL SHALL HAVE SUCH RESOURCES AS THE LEGISLATURE MAY PERMIT.

(B) IN CONSIDERING WHETHER BILLS PASSED BY BOTH HOUSES ARE SIMILAR, THE NONPARTISAN COUNSEL JOINTLY APPOINTED BY THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION SHALL CONSIDER, BUT NOT BE LIMITED TO, THE FOLLOWING FACTORS:

(I) WHETHER EACH BILL AMENDS THE SAME SECTION AND SUBDIVISION OF THE LAWS OF THE STATE OF NEW YORK;

(II) WHETHER EACH BILL CONTAINS SIMILAR LANGUAGE AND CONCEPTS EVEN THOUGH IT MAY AMEND DIFFERENT SECTIONS OF STATE LAW;

(III) WHETHER EACH BILL INCLUDES APPROPRIATIONS FROM STATE ACCOUNTS AND BENEFITS OR IMPACTS SIMILARLY-SITUATED GROUPS OF PEOPLE; AND

(IV) WHETHER EACH BILL ORIGINATED IN A SIMILAR COMMITTEE IN EACH HOUSE.

(C) THE LEGISLATIVE BILL DRAFTING COMMISSION AND ITS NONPARTISAN COUNSEL SHALL MAKE AN ANNUAL REPORT TO THE LEGISLATURE ON ITS DETERMINATIONS REGARDING THE SIMILARITY OF BILLS AND RESOLUTIONS AND THE CREATION OF CONFERENCE COMMITTEES.

S 2. This act shall take effect immediately.