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

11241

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to gifts and financial disclosures; to amend the executive law, in relation to the independent commission on public integrity; to amend the legislative law, in relation to the definition of lobbyists, requiring ethics training for lobbyists and public officials, necessary transportation expenses and per diem expenses of members of the legislature, apportionment of resources for members of the legislature, continuity of legislative sessions, enacting procedures of the senate and assembly, establishing the New York state independent budget office; to amend the election law, in relation to prohibiting the use of campaign funds for personal use; and repealing certain provisions of such laws relating thereto

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

Section 1. Paragraph (a) of subdivision 1, subdivision 2 and paragraph (a) of subdivision 5 of section 73 of the public officers law, paragraph (a) of subdivision 1 and subdivision 2 as amended by chapter 813 of the laws of 1987 and paragraph (a) of subdivision 5 as amended by chapter 14 of the laws of 2007, are amended to read as follows:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the state ethics commission [or legislative ethics committee in relation to persons subject to their respective jurisdictions].

2. In addition to the prohibitions contained in subdivision seven hereof, no statewide elected official, state officer or employee, member of the legislature or legislative employee shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency OR ANY LEGISLATION OR RESOLUTION BEFORE THE STATE LEGISLATURE OR MUNICIPAL GOVERNMENT, whereby his compensation

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

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is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(a) solicit, accept or receive any gift [having more than a nominal value], whether in the form of REAL OR PERSONAL PROPERTY, money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form[, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part]. No person shall, directly or indirectly, offer or make any such gift to a statewide elected official, or any state officer or employee, member of the legislature or legislative employee [under such circumstances].

S 2. Subdivision 5-a of section 73 of the public officers law is relettered subdivision 5-b and a new subdivision 5-a is added to read as follows:

5-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION:

(A) THE FOLLOWING ITEMS MAY BE ACCEPTED:

(I) UNSOLICITED PLANTS, FRUIT, OR FLORAL ARRANGEMENTS, OR LIKE ITEMS;

(II) UNSOLICITED ADVERTISING OR PROMOTIONAL ITEMS OF NOMINAL VALUE, SUCH AS PENS AND NOTE PADS;

(III) UNSOLICITED TOKENS OR AWARDS OF APPRECIATION IN THE FORM OF A PLAQUE, TROPHY, DESK ITEM, WALL MEMENTO, OR SIMILAR ITEM;

(IV) UNSOLICITED INFORMATIONAL MATERIAL, PUBLICATIONS, OR SUBSCRIPTIONS RELATED TO THE RECIPIENT'S PERFORMANCE OF OFFICIAL DUTIES;

(V) FOOD OR BEVERAGES CONSUMED AT HOSTED RECEPTIONS WHERE ATTENDANCE IS RELATED TO OFFICIAL DUTIES;

(VI) ADMISSION TO, AND THE COST OF FOOD OR BEVERAGES CONSUMED AT, A RECEPTION, MEAL OR MEETING BY AN ORGANIZATION BEFORE WHOM THE RECIPIENT APPEARS TO SPEAK OR TO ANSWER QUESTIONS AS PART OF A PROGRAM; OR

(VII) ANY OTHER ITEM OR SERVICE EXPRESSLY PERMITTED BY THE STATE ETHICS COMMISSION.

(B) THE PROHIBITIONS OF SUBDIVISION FIVE OF THIS SECTION DO NOT APPLY IF THE GIFT IS GIVEN:

(I) BECAUSE OF THE RECIPIENT'S MEMBERSHIP IN A GROUP, A MAJORITY OF WHOSE MEMBERS ARE NOT PUBLIC OFFICIALS, AND AN EQUIVALENT GIFT IS GIVEN TO THE OTHER MEMBERS OF THE GROUP; OR

(II) BY AN INDIVIDUAL WHO IS A RELATIVE OR PERSONAL FRIEND OF THE RECIPIENT, UNLESS THAT INDIVIDUAL IS A LOBBYIST.

S 3. The opening paragraph of paragraph (a) and paragraph (b) of subdivision 6 of section 73 of the public officers law, the opening paragraph of paragraph (a) as amended by chapter 813 of the laws of 1987 and paragraph (b) as amended by chapter 14 of the laws of 2007, are amended to read as follows:

Every legislative employee not subject to the provisions of section seventy-three-a of this chapter shall, on and after December fifteenth and before the following January fifteenth, in each year, file with the [legislative ethics committee established by section eighty of the legislative law] STATE ETHICS COMMISSION a financial disclosure statement of

(b) Copies of such statements shall be open for public inspection and copying AND SHALL BE MADE AVAILABLE ON THE INTERNET.

S 4. Subparagraph (iii) of paragraph (a) of subdivision 8 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(iii) No person who has served as a member of the legislature OR AS A POLITICAL PARTY CHAIRMAN shall within a period of two years after the termination of such service receive compensation for any services on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by either house of the legislature. No legislative employee shall within a period of two years after the termination of such service receive compensation for any services on behalf of any person, firm, corporation or association to appear, practice or directly communicate before either house of the legislature to promote or oppose the passage of bills or resolutions by either house of the legislature.

S 5. Paragraphs (b), (c) and (g) of subdivision 8 of section 73 of the public officers law are REPEALED and paragraphs (d), (e), (f) and (h) are relettered paragraphs (b), (c), (d) and (e).

S 6. Subdivision 10 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission [or by the legislative ethics committee in relation to persons subject to their respective jurisdictions,] resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this chapter is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, the court of claims, where such statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this chapter

does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state ethics commission [or by the legislative ethics committee in relation to persons subject to their respective jurisdictions,] resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

S 7. Paragraph (b) of subdivision 11 of section 73 of the public officers law is REPEALED and paragraph (c) is relettered paragraph (b).

S 8. Paragraph (d) of subdivision 1 of section 73-a of the public officers law, as amended by chapter 242 of the laws of 1989, is amended and a new paragraph (m) is added to read as follows:

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (l) below or who is determined to hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the [legislative ethics committee established by section eighty of the legislative law] STATE ETHICS COMMISSION.

(M) THE TERM "LOBBYIST" SHALL HAVE THE SAME MEANING AS ASCRIBED TO IT BY SECTION ONE-C OF THE LEGISLATIVE LAW.

S 9. Subparagraph (ii) of paragraph (a) of subdivision 2 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, is amended to read as follows:

(ii) a person who is required to file an annual financial disclosure statement with the state ethics commission [or with the legislative ethics committee,] and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law [or pursuant to paragraph c of subdivision eight of section eighty of the legislative law], shall file such statement within the additional period of time granted;

S 10. Paragraphs (c) and (d) of subdivision 2 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, are amended to read as follows:

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with the [legislative ethics committee established by section eighty of the legislative law] STATE ETHICS COMMISSION. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the state ethics commission established by section ninety-four of the executive law.

(d) The [legislative ethics committee and the] state ethics commission shall obtain from the state board of elections a list of all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

S 11. Paragraphs (f) and (g) of subdivision 2 of section 73-a of the public officers law are REPEALED and paragraphs (h), (i) and (j) are relettered paragraphs (f), (g) and (h).

S 12. Paragraph 3 of subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, the third and fourth undesignated paragraphs as added by chapter 242 of the laws of 1989, is amended to read as follows:

3. (a) Marital Status ______________. If married, please give spouse's full name including maiden name where applicable.
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(b) List the names of all unemancipated children.

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Answer each of the following questions completely, with respect to calendar year _________, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under [$5,000] $10,000; Category B - [$5,000] $10,000 to under [$20,000] $30,000; Category C - [$20,000] $30,000 to under [$60,000] $50,000; Category D - [$60,000] $50,000 to under [$100,000] $70,000; Category E - [$100,000] $70,000 to under [$250,000; and] $80,000; Category F - [$250,000 or over] $80,000 TO UNDER $100,000; CATEGORY G - $100,000 TO UNDER $120,000; CATEGORY H - $120,000 TO UNDER $140,000; CATEGORY I - $140,000 TO $180,000; CATEGORY J - $180,000 TO $200,000; CATEGORY K - $200,000 TO $250,000; CATEGORY L - $250,000 TO UNDER $300,000; CATEGORY M - $300,000 TO UNDER $350,000; CATEGORY N - $350,000 TO UNDER $400,000; CATEGORY O - $400,000 TO UNDER $450,000; CATEGORY P - $450,000 TO UNDER $500,000; CATEGORY Q - $500,000 TO UNDER $750,000; CATEGORY R - $750,000 TO UNDER $1 MILLION; AND CATEGORY S - OVER $1 MILLION. A reporting individual shall indicate the Category by letter only.

Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified.

The term "calendar year" shall mean the year ending the December 31st preceding the date of filing of the annual statement.

S 13. Subparagraph (b) of paragraph 4 of subdivision 3 of section 73-a of the public officers law, as amended by chapter 242 of the laws of 1989, is amended to read as follows:

(b) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the spouse, RELATIVE WHO IS A LOBBYIST or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

S 14. Subparagraph (b) of paragraph 5 of subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, is amended to read as follows:

(b) If the spouse, RELATIVE WHO IS A LOBBYIST or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

S 15. Paragraph 5 of subdivision 3 of section 73-a of the public officers law is amended by adding a new subparagraph (c) to read as follows:

(C) LIST AND IDENTIFY THE SOURCE OF ANY INCOME (OTHER THAN FROM THE EMPLOYMENT LISTED UNDER ITEM 2 ABOVE) EARNED BY A MEMBER OF THE LEGISLATURE IN EXCESS OF $100 AND THE WORK PERFORMED TO EARN SUCH INCOME.

S 16. Paragraphs 6, 8, 9, 15, 17, 18 and 19 of subdivision 3 of section 73-a of the public officers law, paragraphs 6, 9, 15, 17, 18 and 19 as amended by chapter 242 of the laws of 1989 and paragraph 8 as added by chapter 813 of the laws of 1987, are amended to read as follows:

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse, RELATIVE WHO IS A LOBBYIST or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such

child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education OR WORKS AS A MEMBER OR EMPLOYEE OF A FIRM REQUIRED TO REGISTER WITH THE STATE LOBBYING COMMISSION AS REQUIRED BY SECTION ONE-E OF THE LEGISLATIVE LAW, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

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(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse OR SUCH INDIVIDUAL'S RELATIVE WHO IS A LOBBYIST had an investment in excess of $1,000 excluding investments in securities and interests in real property.

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9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of $1,000, received during the reporting period for which

this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative OR PERSONAL FRIEND, UNLESS SUCH RELATIVE OR PERSONAL FRIEND IS A LOBBYIST. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

15. List each assignment of income in EXCESS of $1,000, and each transfer other than to a relative, UNLESS SUCH RELATIVE IS A LOBBYIST, during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	Category of Value

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative, UNLESS SUCH RELATIVE IS A LOBBYIST.

Self/ Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value

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18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported, UNLESS SUCH RELATIVE IS A LOBBYIST.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount

19. List below all liabilities of the reporting individual and such individual's spouse, in EXCESS of $5,000 as of the date of filing of this statement, other than liabilities to a relative, UNLESS SUCH RELATIVE IS A LOBBYIST. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount

S 17. Subdivision 4 of section 73-a of the public officers law, as amended by chapter 242 of the laws of 1989, is amended to read as follows:

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the state ethics commission [or by the legislative ethics committee, as the case may be, with respect to persons subject to their respective jurisdictions]. The state ethics commission acting pursuant to subdivision thirteen of section ninety-four of the executive law [or the legislative ethics committee acting pursuant to subdivision twelve of section eighty of the legislative law, as the case may be,] may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The state ethics commission [and the legislative ethics committee] shall [each] be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the state ethics commission [or legislative ethics committee], pursuant to article seventy-eight of the civil practice law and rules.

S 18. Subdivisions 1, 2, 5, 6 and 7 of section 94 of the executive law, as amended by chapter 14 of the laws of 2007, are amended to read as follows:

1. There is established [within the department of state a] AN INDEPENDENT commission on public integrity which shall consist of [thirteen] SEVENTEEN members and shall have and exercise the powers and duties set forth in this section only with respect to statewide elected officials, MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES and state officers and employees, as defined in sections seventy-three and seventy-three-a of the public officers law, candidates for statewide elected office OR FOR THE SENATE OR THE ASSEMBLY, and the political party chairman as that term is defined in section seventy-three-a of the public officers law, lobbyists and the clients of lobbyists as such terms are defined in article one-A of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists, as such terms are defined in article one-A of the legislative law, or who have

formerly been such candidates. This section shall not revoke or rescind any regulations or advisory opinions issued by the state ethics commission and the temporary lobbying commission in effect upon the effective date of a chapter of the laws of two thousand seven which amended this section to the extent that such regulations or opinions are not inconsistent with any law of the state of New York, but such regulations and opinions shall apply only to matters over which such commissions had jurisdiction at the time such regulations and opinions were promulgated or issued. The commission shall undertake a comprehensive review of all such regulations and opinions, which will address the consistency of such regulations and opinions among each other and with the new statutory language. The commission shall, before April first, two thousand eight, report to the governor and legislature regarding such review and shall propose any regulatory changes and issue any advisory opinions necessitated by such review.

2. The members of the commission shall be appointed [by the governor provided, however, that one member] AS FOLLOWS: TWO MEMBERS shall be appointed on the nomination of the comptroller, [one member] TWO MEMBERS shall be appointed on the nomination of the attorney general, [one member] TWO MEMBERS shall be appointed on the nomination of the temporary president of the senate, [one member] TWO MEMBERS shall be appointed on the nomination of the speaker of the assembly, [one member] TWO MEMBERS shall be appointed on the nomination of the minority leader of the senate, [and one member] TWO MEMBERS shall be appointed on the nomination of the minority leader of the assembly AND FIVE MEMBERS SHALL BE APPOINTED ON THE NOMINATION OF THE GOVERNOR. [Of the seven members appointed by the governor without prior nomination, no more than four members shall belong to the same political party and no members shall be public officers or employees or hold any public office, elected or appointed.] No member shall be a member of the legislature, a candidate for member of the legislature, an employee of the legislature, a political party chairman as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or a lobbyist as defined in subdivision (a) of section one-c of the legislative law. TO THE EXTENT POSSIBLE, THE MEMBERS SHALL BE INDIVIDUALS WITH EXTENSIVE KNOWLEDGE OR EXPERIENCE IN THE FIELD OF GOVERNMENT ETHICS.

5. Any vacancy occurring on the commission shall be filled within sixty days of its occurrence[, by the governor,] in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds.

6. [Seven] NINE members of the commission shall constitute a quorum, and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy.

7. Members of the commission may be removed by the [governor] OFFICIAL RESPONSIBLE FOR THE MEMBER'S APPOINTMENT ONLY for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

S 19. Paragraph (a) of subdivision 9 of section 94 of the executive law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(a) Appoint an executive director who shall act in accordance with the policies of the commission. The commission may delegate authority to the executive director to act in the name of the commission between meetings of the commission provided such delegation is in writing and the specific powers to be delegated are enumerated. THE EXECUTIVE DIRECTOR SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR SHALL BE SIX YEARS, EXCEPT THAT THE COMMISSION MAY REMOVE THE EXECUTIVE DIRECTOR ONLY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE OR INABILITY TO DISCHARGE THE POWERS OR DUTIES OF OFFICE. ANY INDIVIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL SERVING AS EXECUTIVE DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED, EXCEPT THAT SUCH INDIVIDUAL SHALL NOT SERVE IN THAT CAPACITY IN EXCESS OF ONE YEAR. THE COMMISSION SHALL HAVE THE AUTHORITY TO REAPPOINT THE EXECUTIVE DIRECTOR FOR A SECOND TERM. NO EXECUTIVE DIRECTOR SHALL SERVE MORE THAN TWO TERMS CONSECUTIVELY;

S 20. Section 94 of the executive law is amended by adding two new subdivisions 9-a and 9-b to read as follows:

9-A. (A) THE COMMISSION SHALL DESIGN THE GENERAL CURRICULUM OF ETHICS ORIENTATION COURSES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO: EXPLANATIONS AND DISCUSSIONS OF THE ETHICS LAWS IN THE PUBLIC OFFICERS LAW, THE ELECTION LAW, THE LEGISLATIVE LAW, THE LABOR LAW, AND ADMINISTRATIVE REGULATIONS; RELEVANT INTERNAL POLICIES; SPECIFIC TECHNICAL AND LEGAL REQUIREMENTS; SUMMARIES OF ADVISORY OPINIONS; UNDERLYING PURPOSES AND PRINCIPLES OF ETHICS LAWS; EXAMPLES OF PRACTICAL APPLICATION OF THE LAWS AND PRINCIPLES; AND, A QUESTION-AND-ANSWER PARTICIPATORY SEGMENT REGARDING COMMON PROBLEMS AND SITUATIONS. THE COMMISSION SHALL PREPARE THE METHODS AND MATERIALS NECESSARY TO IMPLEMENT THE CURRICULUM AND MAKE THE MATERIALS AVAILABLE ON THE INTERNET. SUCH MATERIALS SHALL INCLUDE A COPY OF THE LAWS AND REGULATIONS OF NEW YORK PERTAINING TO LEGISLATIVE ETHICS AND CONDUCT, INCLUDING BUT NOT LIMITED TO, THOSE PROMULGATED IN THE PUBLIC OFFICERS LAW, THE ELECTION LAW, THE LEGISLATIVE LAW, AND THE LABOR LAW.

(B) THE COMMISSION SHALL:

(1) ADMINISTER THE ORIENTATION COURSES FOR MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, THE GOVERNOR, STATE AGENCY OFFICERS AND STATE AGENCY EMPLOYEES;

(2) DESIGNATE AND TRAIN INSTRUCTORS TO CONDUCT ORIENTATION; AND

(3) NOTIFY MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, THE GOVERNOR, STATE AGENCY OFFICERS AND STATE AGENCY EMPLOYEES OF THE DATE AND TIME OF ORIENTATION COURSES AND THEIR REQUIRED ATTENDANCE AT THEM.

(C) THE ORIENTATION COURSES SHALL BE CONDUCTED IN JANUARY OF EACH ODD-NUMBERED YEAR. NOTWITHSTANDING THE FOREGOING, THE COMMISSION SHALL OFFER THE ORIENTATION COURSE ON AT LEAST THREE INSTANCES WITHIN A YEAR AFTER THIS PROVISION IS ENACTED. EACH COURSE SHALL BE AT LEAST THREE HOURS IN LENGTH.

(D) EACH CURRENT MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE, THE GOVERNOR, STATE AGENCY OFFICER AND STATE AGENCY EMPLOYEE SHALL COMPLETE THE INITIAL ETHICS ORIENTATION COURSE OFFERED UNDER THIS SECTION WITHIN A YEAR AFTER THIS SECTION IS ENACTED. EACH MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE, THE GOVERNOR, STATE AGENCY OFFICER AND STATE AGENCY EMPLOYEE ELECTED OR APPOINTED AFTER THIS SECTION IS ENACTED SHALL COMPLETE THE INITIAL ORIENTATION COURSE OFFERED UNDER THIS SECTION DURING THE FIRST JANUARY IT IS OFFERED FOLLOWING HIS OR HER ELECTION OR HIRING. ANY SUCH PERSON NEED NOT COMPLETE THE INITIAL ORIENTATION COURSE IF HE OR SHE HAS PREVIOUSLY COMPLETED IT WHILE SERVING IN ANOTHER LEGIS-

LATIVE OR EXECUTIVE POSITION. THE COMMISSION MAY GRANT PERMISSION FOR ANY SUCH PERSON TO ATTEND A LATER COURSE FOR GOOD CAUSE SHOWN.

9-B. (A) WHENEVER IT DEEMS IT NECESSARY, BUT AT LEAST ONCE EVERY THREE YEARS, THE COMMISSION SHALL DESIGN THE GENERAL CURRICULUM OF A CURRENT ISSUES SEMINAR WHICH SHALL BE OFFERED ON AT LEAST TWO DIFFERENT OCCASIONS. THE CURRICULUM SHALL INCLUDE, BUT NOT BE LIMITED TO, DISCUSSION OF CHANGES IN THE ETHICS LAWS AND ADMINISTRATIVE REGULATIONS, NEW ADVISORY OPINIONS, CURRENT ETHICAL ISSUES CONFRONTING PUBLIC SERVANTS, PRACTICAL APPLICATION OF ETHICS LAWS AND PRINCIPLES TO SPECIFIC ISSUES AND SITUATIONS, AND DEVELOPMENT OF PROBLEM-SOLVING SKILLS. THE COMMISSION SHALL PREPARE THOSE METHODS AND MATERIALS NECESSARY TO IMPLEMENT THE CURRICULUM.

(B) THE COMMISSION SHALL:

(1) ADMINISTER THE CURRENT ISSUES SEMINARS FOR MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, THE GOVERNOR, STATE AGENCY OFFICERS AND STATE AGENCY EMPLOYEES WHO HAVE COMPLETED AN ETHICS ORIENTATION COURSE REQUIRED BY SUBDIVISION NINE-A OF THIS SECTION;

(2) DESIGNATE AND TRAIN INSTRUCTORS TO CONDUCT THEIR CURRENT ISSUES COURSES; AND

(3) NOTIFY MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, THE GOVERNOR, STATE AGENCY OFFICERS AND STATE AGENCY EMPLOYEES OF THE DATE AND TIME OF THESE COURSES AND THEIR REQUIRED ATTENDANCE AT THEM.

(C) EACH CURRENT ISSUES SEMINAR SHALL BE AT LEAST TWO HOURS IN LENGTH.

(D) EACH MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, THE GOVERNOR, STATE AGENCY OFFICERS AND STATE AGENCY EMPLOYEES, AFTER COMPLETION OF AN ORIENTATION TRAINING COURSE, SHALL COMPLETE ONE CURRENT ISSUES SEMINAR AT LEAST ONCE EVERY THREE YEARS.

S 21. Paragraph (b) of subdivision 12 and subdivisions 13 and 16 of section 94 of the executive law, as amended by chapter 14 of the laws of 2007, are amended to read as follows:

(b) If the commission determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: (i) to the reporting person; (ii) to the complainant if any; (iii) in the case of a statewide elected official OR A MEMBER OF THE SENATE OR ASSEMBLY, to the temporary president of the senate and the speaker of the assembly; and (iv) in the case of a state officer or employee, to the appointing authority for such person.

13. An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through seventeen of section seventy-three of the public officers law, section one hundred seven of the civil service law, or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or fraudulent omission or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of section seventy-four of the public officers law shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of section seven-

ty-four of the public officers law shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation. An individual subject to the jurisdiction of the commission who knowingly and willfully violates article one-A of the legislative law shall be subject to civil penalty as provided for in that article. Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this subdivision, other than for conduct which constitutes a violation of section one hundred seven of the civil service law, subdivisions twelve or fourteen through seventeen of section seventy-three or section seventy-four of the public officers law or article one-A of the legislative law, the commission [may, in lieu of a civil penalty,] SHALL refer a violation to the appropriate prosecutor OR TO THE ATTORNEY GENERAL and upon such conviction, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The commission may refer violations of this subdivision to the appointing authority for disciplinary action as otherwise provided by law. The commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized and commission denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraph (h) or paragraph (i) of subdivision nine of this section. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or commission denial of such a request shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the commission, pursuant to article seventy-eight of the civil practice law and rules.

16. In addition to any other powers and duties specified by law, the commission shall have the power and duty to:

(a) Promulgate rules concerning restrictions on outside activities and limitations on the receipt of gifts and honoraria by persons subject to its jurisdiction, provided, however, a violation of such rules in and of itself shall not be punishable pursuant to subdivision thirteen of this section unless the conduct constituting the violation would otherwise constitute a violation of this section; and

(b) [Conduct training programs in cooperation with the governor's office of employee relations to provide education to individuals subject to its jurisdiction; and

(c)] Administer and enforce all the provisions of this section; and

[(d)] (C) Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material;

S 22. Subdivision (a) of section 1-c of the legislative law, as added by chapter 2 of the laws of 1999, is amended to read as follows:

(a) The term "lobbyist" shall mean every person or organization retained, employed or designated by any client to engage in lobbying. The term "lobbyist" shall [not] include any officer, director, trustee, employee, counsel or agent of the state, or any municipality or subdivision thereof of New York when discharging their official duties[; except those], INCLUDING officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the education law.

S 23. Subdivisions (f) and (g) of section 1-d of the legislative law, as amended by chapter 14 of the laws of 2007, are amended and a new subdivision (h) is added to read as follows:

(f) issue advisory opinions to those under its jurisdiction. Such advisory opinions, which shall be published and made available to the public, shall not be binding upon such commission except with respect to the person to whom such opinion is rendered, provided, however, that a subsequent modification by such commission of such an advisory opinion shall operate prospectively only; [and]

(g) submit by the first day of March next following the year for which such report is made to the governor and the members of the legislature an annual report summarizing the commission's work, listing the lobbyists and clients required to register pursuant to this article and the expenses and compensation reported pursuant to this article and making recommendations with respect to this article. The commission shall make this report available free of charge to the public[.]; AND

(H) BE RESPONSIBLE FOR THE ETHICS TRAINING OF LOBBYISTS AS FOLLOWS:

(I) THE COMMISSION SHALL GATHER AND POST ON A WEBSITE MATERIALS RELEVANT TO LOBBYIST ETHICS, INCLUDING, BUT NOT LIMITED TO, THE STATUTES AND REGULATIONS OF NEW YORK RELATING TO ETHICS IN THE PUBLIC OFFICERS LAW, THE ELECTION LAW, THE LEGISLATIVE LAW, AND THE LABOR LAW. SUCH MATERIALS SHALL BE IN A FORM THAT ALLOWS THEM TO BE DOWNLOADED FROM THE INTERNET.

(II) IN CONJUNCTION WITH AN INDIVIDUAL'S INITIAL REGISTRATION AS A LOBBYIST PURSUANT TO SECTION ONE-E OF THIS ARTICLE, THE COMMISSION SHALL INFORM THAT INDIVIDUAL, IN WRITING, OF THE WEBSITE WHERE IT HAS POSTED MATERIALS RELEVANT TO LOBBYIST ETHICS AND THAT THE LOBBYIST MUST COMPLETE AN ONLINE TRAINING COURSE AND MUST INDICATE BY SIGNATURE ON A FORM PREPARED BY THE COMMISSION AND MADE AVAILABLE ON THE SAME WEBSITE, THAT HE OR SHE HAS COMPLETED SUCH COURSE.

(III) THE COMMISSION SHALL PROVIDE AN ONLINE ETHICS TRAINING COURSE FOR INDIVIDUALS REGISTERED AS LOBBYISTS PURSUANT TO SECTION ONE-E OF THIS ARTICLE. THE CURRICULUM FOR THE COURSE SHALL INCLUDE, BUT NOT BE LIMITED TO, EXPLANATIONS AND DISCUSSIONS OF THE STATUTES AND REGULATIONS OF NEW YORK CONCERNING ETHICS IN THE PUBLIC OFFICERS LAW, THE ELECTION LAW, THE LEGISLATIVE LAW, AND THE LABOR LAW, SUMMARIES OF ADVISORY OPINIONS, UNDERLYING PURPOSES AND PRINCIPLES OF THE RELEVANT LAWS, AND EXAM-

PLES OF PRACTICAL APPLICATION OF THE LAWS AND PRINCIPLES. THE COMMISSION SHALL PREPARE THOSE METHODS AND MATERIALS NECESSARY TO IMPLEMENT THE CURRICULUM.

(IV) EACH INDIVIDUAL REGISTERED AS A LOBBYIST PURSUANT TO SECTION ONE-E OF THIS ARTICLE SHALL COMPLETE A TRAINING COURSE PROVIDED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION AT LEAST ONCE IN ANY THREE-YEAR PERIOD DURING WHICH HE OR SHE IS REGISTERED AS A LOBBYIST.

S 24. Intentionally omitted.

S 25. Intentionally omitted.

S 26. Subdivision 2 of section 5 of the legislative law, as amended by section 1 of part M-1 of chapter 407 of the laws of 1999, is amended to read as follows:

2. Each member of the legislature shall receive payment of actual and necessary transportation expenses and a per diem equivalent to the most recent federal per diem rates published by the General Services Administration and set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A, while in travel status in the performance of his or her duties; and such other reasonable expenses as may be necessary for the performance of the member's responsibilities as determined by the temporary president of the senate or speaker of the assembly for their respective houses. The per diem allowances, including partial per diem allowances, shall be made pursuant to regulations promulgated by the temporary president of the senate and the speaker of the assembly for their respective houses, on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee for their respective houses. WHEN FILING A VOUCHER FOR THE PER DIEM ALLOWANCE, EACH MEMBER OF THE LEGISLATURE SHALL FILE A CERTIFICATION INCLUDED IN SUCH VOUCHER STATING THAT SUCH EXPENSES WERE INCURRED IN THE RENDERING OF LEGISLATIVE DUTIES, AND THAT THE VOUCHER IS JUST, TRUE AND CORRECT, AND THAT THE BALANCE SHOWN IS ACTUALLY DUE AND OWING, AND THE TAXES FROM WHICH THE STATE IS EXEMPT ARE EXCLUDED THEREFROM AND THE VOUCHER SUBMITTED IN ACCORDANCE WITH RULES PROMULGATED BY THE SPEAKER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OF THE SENATE.

FOR THE PAYMENT OF ACTUAL AND NECESSARY TRANSPORTATION EXPENSES THE MEMBER SHALL FILE A CERTIFICATION ON SUCH VOUCHER STATING THAT SUCH MEMBER OF THE LEGISLATURE INCURRED SUCH TRANSPORTATION EXPENSES FROM HIS OR HER OWN PERSONAL FUNDS, AND WAS NOT REIMBURSED OR PAID FROM ANY OTHER SOURCE FOR SUCH TRANSPORTATION EXPENSES, THAT SUCH EXPENSES WERE INCURRED IN THE RENDERING OF LEGISLATIVE DUTIES, AND THAT THE VOUCHER IS JUST, TRUE, AND CORRECT, AND THAT THE BALANCE SHOWN IS ACTUALLY DUE AND OWING.

S 27. Intentionally omitted.

S 28. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. STAFF ALLOCATION. 1. EXCEPT AS PROVIDED IN THIS SECTION, EVERY MEMBER OF THE STATE SENATE SHALL HAVE THE SAME STAFF ALLOCATION AS EVERY OTHER MEMBER OF THE STATE SENATE AND EVERY MEMBER OF THE ASSEMBLY SHALL HAVE THE SAME STAFF ALLOCATION AS EVERY OTHER MEMBER OF THE ASSEMBLY.

2. EVERY STATE SENATOR OR MEMBER OF THE ASSEMBLY WHO IS ASSIGNED TO SERVE AS CHAIRPERSON OF A STANDING COMMITTEE SHALL ALSO RECEIVE AN ADDITIONAL ALLOCATION DESIGNED TO REASONABLY ALLOW SUCH CHAIRPERSON TO HIRE A COMMITTEE DIRECTOR AND COMMITTEE CLERK DEDICATED TO COMMITTEE RELATED WORK. SUCH ALLOCATION SHALL BE NINETY THOUSAND DOLLARS FOR ALL COMMITTEES EXCEPT THE CODES, EDUCATION, HEALTH, AND HIGHER EDUCATION COMMITTEES IN BOTH THE SENATE AND ASSEMBLY, IN WHICH CASE SUCH ALLOCATION

SHALL BE ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS; AND TWO HUNDRED THOUSAND DOLLARS FOR THE CHAIRPERSON OF THE FINANCE COMMITTEE IN THE SENATE AND THE WAYS AND MEANS COMMITTEE IN THE ASSEMBLY.

3. EVERY STATE SENATOR OR MEMBER OF THE ASSEMBLY WHO SERVES IN THE CAPACITY AS RANKING MEMBER OF A STANDING COMMITTEE SHALL ALSO RECEIVE AN ADDITIONAL ALLOCATION DESIGNED TO REASONABLY ALLOW SUCH RANKING MEMBER TO HIRE STAFF DEDICATED TO COMMITTEE RELATED WORK. SUCH ALLOCATION SHALL BE THIRTY THOUSAND DOLLARS EXCEPT IN THE CASE OF THE CODES, EDUCATION, HEALTH, AND HIGHER EDUCATION COMMITTEES SUCH AMOUNT SHALL BE FIFTY-FIVE THOUSAND DOLLARS; AND IN THE CASE OF THE RANKING MEMBER OF THE SENATE FINANCE COMMITTEE OR RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, NINETY-FIVE THOUSAND DOLLARS.

4. ALL EMPLOYEES WHOSE SALARY IS NOT CHARGED AGAINST THE STAFF ALLOCATION OF AN INDIVIDUAL MEMBER OF THE LEGISLATURE SHALL BE DEEMED EMPLOYEES OF THE CENTRAL STAFF OF THE SENATE OR CENTRAL STAFF OF THE ASSEMBLY, AS THE CASE MAY BE. THERE SHALL BE A CENTRAL STAFF ALLOCATION WHICH SHALL ALLOW FOR THE HIRING OF INDIVIDUALS PURSUANT TO THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE MINORITY LEADER OF THE ASSEMBLY. THE PERCENTAGE OF DOLLARS TO BE ALLOCATED TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE MINORITY LEADER OF THE ASSEMBLY SHALL BE BASED UPON THE NUMBER OF MEMBERS OF THE SENATE AND NUMBER OF MEMBERS OF THE ASSEMBLY IN THE MAJORITY AND MINORITY POLITICAL PARTY OF EACH HOUSE. IN THE EVENT A MEMBER OF THE LEGISLATURE IS NOT ENROLLED IN EITHER THE MAJORITY POLITICAL PARTY IN HIS OR HER HOUSE OR THE SECOND MOST POPULATED POLITICAL PARTY IN HIS OR HER HOUSE, SUCH MEMBER MAY DECLARE THAT HE OR SHE WISHES TO HAVE HIS OR HER MEMBERSHIP COUNTED IN ONE OF THE TWO POLITICAL PARTIES SOLELY FOR THE PURPOSE OF STAFF ALLOCATION RATIOS. SUCH DECLARATION SHALL BE GIVEN IN WRITING TO THE SECRETARY OF THE SENATE OR CLERK OF THE ASSEMBLY WITHIN SEVENTY DAYS OF HIS OR HER ELECTION. THE ALLOCATION FOR CENTRAL STAFF SHALL NOT CHANGE DURING THE TWO YEAR TERM OF OFFICE WHICH COMMENCES EVERY JANUARY FIRST OF ODD NUMBERED YEARS AND ENDS AT THE END OF DECEMBER THE FOLLOWING YEAR. IN ANY EVENT, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY SHALL HAVE A MINIMUM OF THIRTY-FIVE PERCENT OF THE CENTRAL STAFF ALLOCATION AUTHORITY.

5. NOT LATER THAN THE FIRST OF JANUARY FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, THE SPEAKER OF THE ASSEMBLY AND TEMPORARY PRESIDENT OF THE SENATE SHALL ALLOCATE TO EACH MEMBER OF THE LEGISLATURE HIS OR HER STAFF ALLOCATION PURSUANT TO THIS SECTION.

6. THERE SHALL BE A CENTRALIZED RESEARCH SERVICE FOR THE SENATE AND ASSEMBLY BASED ON ASSIGNED AREAS OF RESEARCH AND EXPERTISE WHICH SHALL BE JOINTLY ADMINISTERED BY THE SECRETARY OF THE SENATE AND THE CLERK OF THE ASSEMBLY. INDIVIDUALS EMPLOYED BY SUCH CENTRALIZED RESEARCH SERVICE SHALL BE HIRED UPON THE UNANIMOUS RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY.

S 29. Section 10 of the legislative law, as amended by chapter 230 of the laws of 1949, is amended to read as follows:

S 10. Compensation of officers and employees. The secretary of the senate, the clerk of the assembly, and all other officers and employees of the senate and assembly, shall be paid the compensation fixed by the appointing officer within the amount provided by appropriation AND PURSUANT TO THE PROVISIONS OF SECTION FIVE-B OF THIS ARTICLE.

S 29-a. Sections 50 and 51 of the legislative law are REPEALED.

S 30. The legislative law is amended by adding a new article 2-B to read as follows:

ARTICLE 2-B

PROCEDURE APPLICABLE TO THE SENATE AND THE ASSEMBLY

SECTION 39-A. CHAMBERS, LOBBIES, ROOMS AND PROPERTY.
39-B. CONTENTS OF BILLS.
39-C. FISCAL IMPACT NOTES.
39-D. FISCAL NOTE IN RETIREMENT BILLS.
39-E. INTRODUCTION OF BILLS.
39-F. CO-SPONSORSHIP OF BILLS.
39-G. FINAL DAY FOR INTRODUCTION OF BILLS.
39-H. RESOLUTIONS.
39-I. AMENDMENTS TO BILLS.
39-J. READING OF BILLS.
39-K. REVISION AND ENGROSSING.
39-L. TRANSMITTAL OF BILLS TO THE GOVERNOR.
39-M. RULES REGARDING STANDING COMMITTEES.
39-N. COMMITTEE ON CONFERENCE.
39-O. MEMBERS.

S 39-A. CHAMBERS, LOBBIES, ROOMS AND PROPERTY. THE USE OF THE SENATE AND ASSEMBLY CHAMBERS, LOBBIES, ROOMS AND PROPERTY SHALL BE CONTROLLED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY. ACCESS TO ROOMS AND FACILITIES BY THE MINORITY OF EITHER HOUSE SHALL NOT BE UNREASONABLY WITHHELD AND ONCE GRANTED, NOT CHANGED WITHOUT CONSENT. THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, SHALL DIRECT THE SERGEANT-AT-ARMS OF SUCH OFFICER'S HOUSE TO PERFORM SUCH ACTS AS MAY BE NECESSARY TO PRESERVE ORDER.

S 39-B. CONTENTS OF BILLS. 1. THE TITLE OF EVERY BILL SHALL BE AS FOLLOWS:

(A) THE TITLE OF EVERY BILL SHALL BRIEFLY STATE THE SUBJECT THEREOF.

(B) THE TITLE OF EVERY BILL AMENDING OR REPEALING ANY PROVISION OF A CONSOLIDATED LAW SHALL REFER TO SUCH LAW.

(C) THE TITLE OF EVERY BILL AMENDING OR REPEALING ANY UNCONSOLIDATED LAW SHALL REFER TO SUCH LAW BY ITS SHORT TITLE, IF IT HAVE ONE; IF IT HAVE NO SHORT TITLE, THE TITLE OF SUCH BILL SHALL STATE THE CHAPTER NUMBER, YEAR OF ENACTMENT AND THE COMPLETE TITLE OF THE ORIGINAL BILL OR A SHORT SUMMARY OF THE PROVISIONS TO WHICH THE LAW RELATES.

(D) IF SUCH BILL IS AMENDING OR REPEALING A PROPOSED PROVISION OF LAW CONTAINED IN A BILL THAT HAS NOT BEEN ENACTED INTO LAW, THE TITLE SHALL STATE THE NUMBER OF THE BILL CONTAINING THE PROPOSED PROVISION OF LAW TO BE AMENDED OR REPEALED, WITH SUFFIX, IF THERE BE ONE, AND THE SUBJECT OF THE PROVISIONS TO WHICH THE AMENDATORY BILL RELATES.

2. THE BILL SECTIONS OF EVERY BILL SHALL BE AS FOLLOWS:

(A) IN ANY BILL, EACH SECTION PROPOSING AN AMENDMENT TO OR THE REPEAL OF: (I) ANY CONSOLIDATED LAW, OR ANY PART THEREOF; OR (II) THE FAMILY COURT ACT, THE COURT OF CLAIMS ACT, THE UNIFORM DISTRICT COURT ACT, THE UNIFORM JUSTICE COURT ACT, THE UNIFORM CITY COURT ACT, THE NEW YORK CITY CHARTER, THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE NEW YORK CITY CIVIL COURT ACT, THE NEW YORK CITY CRIMINAL COURT ACT, OR THE CHARTER OF THE CITY OF BUFFALO, OR ANY PART THEREOF SHALL REFER TO SUCH LAW, ACT, CHARTER OR CODE.

(B) IN ANY BILL, EACH SECTION PROPOSING AN AMENDMENT TO OR THE REPEAL OF AN UNCONSOLIDATED LAW HAVING A SHORT TITLE, OR ANY PART THEREOF, SHALL REFER TO SUCH LAW BY ITS CHAPTER NUMBER AND YEAR OF ENACTMENT AND ITS SHORT TITLE. IF AN UNCONSOLIDATED LAW SHALL HAVE NO SHORT TITLE,

EACH SECTION SHALL STATE THE CHAPTER NUMBER AND YEAR OF ENACTMENT OF SUCH LAW AND A SHORT SUMMARY OF THE PROVISIONS TO WHICH THE LAW RELATES OR THE COMPLETE TITLE OF THE ORIGINAL BILL.

(C) IF SUCH SECTION AMENDS OR REPEALS A PROPOSED PROVISION OF LAW CONTAINED IN A BILL THAT HAS NOT BEEN ENACTED INTO LAW, EACH SECTION SHALL STATE THE NUMBER OF THE BILL CONTAINING SUCH PROPOSED PROVISIONS OF LAW TO BE AMENDED OR REPEALED, WITH SUFFIX, IF THERE BE ONE.

(D) IF THE PORTION OF THE LAW PROPOSED TO BE AMENDED HAS BEEN ADDED, RENUMBERED OR AMENDED SINCE THE ORIGINAL ENACTMENT OR LAST GENERAL REVISION OF THE LAW OF WHICH IT IS A PART, SUCH SECTION SHALL ALSO STATE THE CHAPTER NUMBER AND YEAR OF THE LAST ACT ADDING, RENUMBERING OR AMENDING THE SAME, AS THE CASE MAY BE.

3. THE BODY OF EVERY BILL SHALL BE AS FOLLOWS.

(A) EVERY BILL AMENDING, ADDING TO OR REPEALING EXISTING LAW, UPON ITS INTRODUCTION, AND IF REPRINTED, MUST, IN THE BODY OF THE BILL HAVE:

(I) ALL NEW MATTER TO BE ADDED TO OR INSERTED IN EXISTING LAW UNDERSCORED;

(II) ALL MATTER TO BE ELIMINATED BY AMENDMENT FROM EXISTING LAW PRINTED IN ITS PROPER PLACE IN THE BILL ENCLOSED IN BLACK-FACED BRACKETS;

(III) THE WORD "REPEALED," WHEN ANY EXISTING LAW OR PART THEREOF IS PROPOSED TO BE REPEALED, PRINTED IN BOLDFACE TYPE; AND

(IV) WHENEVER IT IS PROPOSED TO AMEND ONLY A PART OF A WORD IN EXISTING LAW, THE WHOLE OF SUCH WORD SHALL BE PRINTED IN ITS PROPER PLACE ENCLOSED IN BLACK-FACED BRACKETS AND THE WHOLE WORD AS PROPOSED SHALL BE UNDERSCORED.

(B) WHENEVER A BILL IS AMENDED BY ELIMINATING PROPOSED NEW MATTER, SUCH NEW MATTER SHALL BE OMITTED IN THE REPRINT OF THE BILL.

4. THERE SHALL BE APPENDED AT THE END OF EVERY BILL INTRODUCED, WHICH PROPOSES THE REPEAL OR EXTENSION OF ANY EXISTING LAW, OR PART THEREOF, MERELY BY REFERENCE THERETO, WITHOUT SETTING FORTH THE TEXT THEREOF, AN EXPLANATORY NOTE WHICH SHALL BRIEFLY AND CONCISELY STATE THE SUBJECT MATTER OF THE LAW, OR PART THEREOF, PROPOSED TO BE REPEALED OR EXTENDED, UNLESS SUCH SUBJECT MATTER IS STATED IN THE TITLE OF SUCH BILL.

5. WHENEVER IT SHALL BE CALLED TO THE ATTENTION OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, THAT ANY BILL INTRODUCED IN SUCH OFFICER'S HOUSE IS NOT DRAWN OR PRINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, SUCH OFFICER MAY, IN HIS OR HER DISCRETION, DIRECT THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, TO CAUSE SUCH BILL TO BE IMMEDIATELY AMENDED AND REPRINTED SO AS TO COMPLY THEREWITH, AND WHEN REPRINTED SAID BILL SHALL BE RESTORED TO THE PLACE IT HELD WHEN SUCH DIRECTION WAS GIVEN.

6. THERE SHALL BE APPENDED TO EVERY BILL INTRODUCED, AN INTRODUCER'S MEMORANDUM SETTING FORTH THE PURPOSE OF THE BILL, A SUMMARY OF ITS PROVISIONS, A STATEMENT OF ITS FISCAL IMPACT ON THE STATE, A STATEMENT OF ITS IMPACT ON THE REGULATION OF BUSINESSES AND INDIVIDUALS AND A STATEMENT AS TO WHETHER THE BILL IMPOSES OR CHANGES ANY FINE, TERM OF IMPRISONMENT, FORFEITURE OF RIGHTS OR OTHER PENAL SANCTION, TOGETHER WITH THE NATURE OF SUCH IMPOSITION OR CHANGE IN A FORMAT AND LENGTH TO BE PRESCRIBED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY. WHENEVER A BILL IS AMENDED BY ITS SPONSOR, IT SHALL BE THE DUTY OF THE SPONSOR TO FILE AN AMENDED MEMORANDUM SETTING FORTH THE SAME MATERIAL AS REQUIRED IN THE ORIGINAL MEMORANDUM. IN ADDITION, WHENEVER A BILL IS REPORTED BY A COMMITTEE AS AMENDED, IT SHALL BE THE DUTY OF THE COMMITTEE TO SUBMIT AN AMENDED MEMORANDUM.

7. MEMBERS SHALL HAVE THE RIGHT TO HAVE ALL BILLS DRAFTED WITHIN A REASONABLE PERIOD OF TIME.

S 39-C. FISCAL IMPACT NOTES. 1. FISCAL IMPACT NOTES SHALL BE REQUIRED FOR ALL BILLS AND AMENDMENTS, OTHER THAN THOSE EXCEPTED AS PROVIDED IN SECTION FOUR HEREOF, WHICH WOULD SUBSTANTIALLY AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT OR SPECIAL DISTRICT (HEREINAFTER REFERRED TO AS "POLITICAL SUBDIVISIONS"). FOR PURPOSES OF THIS SECTION, THE TERM "SPECIAL DISTRICT" SHALL MEAN A DISTRICT POSSESSING THE POWER TO CONTRACT INDEBTEDNESS AND LEVY OR REQUIRE THE LEVY OF TAXES OR BENEFIT ASSESSMENTS UPON REAL PROPERTY.

2. FISCAL IMPACT NOTES SHALL BE DEEMED SUFFICIENT FOR PURPOSES OF THIS SECTION IF PREPARED IN CONFORMITY WITH THIS SUBDIVISION.

(A) FISCAL IMPACT UPON POLITICAL SUBDIVISIONS SHALL BE ESTIMATED ON THE BASIS OF ANY ONE OR MORE OF THE FOLLOWING:

(I) INDIVIDUAL POLITICAL SUBDIVISIONS; OR

(II) AGGREGATES OF POLITICAL SUBDIVISIONS (A) STATEWIDE OR BY LESSER GEOGRAPHIC AREA, OR (B) BY CLASSIFICATION OR SUBCLASSIFICATION OF RELEVANT CHARACTERISTICS; OR

(III) REPRESENTATIVE POLITICAL SUBDIVISIONS WITH RELEVANT CHARACTERISTICS THEREOF QUANTITATIVELY SET FORTH, E.G., POPULATION, AREA, WEIGHTED AVERAGE DAILY ATTENDANCE OF PUPILS; OR

(IV) ANY OTHER APPROPRIATE, CONVENIENT OR ACCESSIBLE GROUPING OF POLITICAL SUBDIVISIONS.

(B) FISCAL IMPACT MEASUREMENTS SHALL BE MADE IN UNITS OF MONEY, PERSONAL SERVICES, EQUIPMENT, OR ANY OTHER APPROPRIATE, CONVENIENT OR ACCESSIBLE UNITS OF MEASUREMENT.

(C) A FISCAL IMPACT NOTE FILED BY THE SPONSOR OF A BILL WHICH STATES THAT THE FISCAL IMPACT OF THE BILL IS NEGLIGIBLE SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION.

3. (A) (I) THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH DESIGNATE A PERSON IN SUCH OFFICER'S RESPECTIVE HOUSE TO EXAMINE EACH BILL IN SUCH HOUSE, WITHOUT REGARD TO ITS HOUSE OF ORIGIN, FOR THE PURPOSE OF ASCERTAINING WHETHER A FISCAL IMPACT NOTE IS REQUIRED PURSUANT TO THIS SECTION, AND IF SUCH NOTE IS REQUIRED, SUCH PERSON SHALL SO NOTIFY THE SPONSOR OF SUCH BILL.

(II) THE SPONSOR OF SUCH BILL SHALL PROVIDE SUCH FISCAL IMPACT NOTE ON A SEPARATE FORM PRESCRIBED THEREFOR BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY JOINTLY.

(III) SUCH FISCAL IMPACT NOTE SHALL STATE THE SOURCE THEREOF, WHICH MAY BE THE SPONSOR; PROVIDED, HOWEVER, THAT IN THE CASE OF A BILL PROPOSED BY A STATE DEPARTMENT OR AGENCY, SUCH NOTE SHALL BE PREPARED AND FURNISHED BY SUCH DEPARTMENT OR AGENCY. IF AN OUTSIDE ACTUARY IS UTILIZED, SUCH FISCAL IMPACT NOTES SHALL BE PREPARED BY ACTUARIES WHO SHALL ATTEST TO NO CONFLICT OF INTEREST.

(IV) SUCH DESIGNATED PERSON IN EACH HOUSE SHALL THEREUPON REVIEW EACH FISCAL IMPACT NOTE FOR COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

(B) NO BILL REQUIRING A FISCAL IMPACT NOTE SHALL BE REPORTED TO THE FLOOR OF THE HOUSE UNLESS ACCOMPANIED BY THE APPROPRIATE NOTE FOR THE VERSION OF SUCH BILL SO REPORTED, EXCEPT AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION.

(C) IF AN AMENDMENT TO A BILL HAS A FISCAL IMPACT, THE MEMBER OFFERING SUCH AMENDMENT SHALL PROVIDE THE FISCAL IMPACT NOTE REQUIRED BY SUCH AMENDMENT. IF SUCH AMENDMENT PREVAILS, THE SPONSOR SHALL PROVIDE A FISCAL IMPACT NOTE FOR THE AMENDED BILL BEFORE FINAL PASSAGE, UNLESS EXCEPTED PURSUANT TO PARAGRAPH (F) OF SUBDIVISION FOUR OF THIS SECTION.

4. EXCEPTIONS. A FISCAL IMPACT NOTE SHALL NOT BE REQUIRED FOR A BILL:

(A) SUBJECT TO THE PROVISIONS OF SECTION THIRTY-NINE-D OF THIS ARTICLE;

(B) REQUESTED BY A COUNTY, CITY, TOWN OR VILLAGE IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION (B) OF SECTION TWO OF ARTICLE NINE OF THE CONSTITUTION;

(C) WHICH PROVIDES DISCRETIONARY AUTHORITY TO A POLITICAL SUBDIVISION;

(D) SUBMITTED PURSUANT TO SECTION TWENTY-FOUR OF THE STATE FINANCE LAW;

(E) REPORTED TO THE FLOOR OF THE HOUSE BY THE RULES COMMITTEE, IF SUCH COMMITTEE, IN ITS DISCRETION, DETERMINES THAT SUCH ACTION IS IN THE PUBLIC INTEREST;

(F) WHICH HAS BEEN AMENDED ON THE FLOOR OF EITHER HOUSE, WHERE A FISCAL IMPACT NOTE WOULD OTHERWISE HAVE BEEN REQUIRED FOR SUCH AMENDED BILL BY THIS SECTION, IF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, IN SUCH OFFICER'S DISCRETION, DETERMINES THAT THE AMENDED BILL MAY BE ACTED ON IN SUCH OFFICER'S HOUSE WITHOUT SUCH NOTE; OR

(G) WHICH INADVERTENTLY PASSES THE LEGISLATURE WHERE A FISCAL IMPACT NOTE WOULD OTHERWISE HAVE BEEN REQUIRED BY THIS SECTION.

5. IF THE ESTIMATE OR ESTIMATES CONTAINED IN A FISCAL IMPACT NOTE ARE INACCURATE, SUCH INACCURACY SHALL NOT AFFECT, IMPAIR OR INVALIDATE SUCH BILL.

6. THE PROVISIONS OF THIS SECTION SHALL APPLY TO BILLS AND AMENDMENTS PROPOSED FOR INTRODUCTION AT THE TWO THOUSAND ELEVEN REGULAR LEGISLATIVE SESSION AND PERMANENTLY THEREAFTER.

S 39-D. FISCAL NOTE IN RETIREMENT BILLS. A BILL WHICH ENACTS OR AMENDS ANY PROVISION OF LAW RELATING TO A RETIREMENT SYSTEM OR PLAN OF THE STATE OF NEW YORK OR OF ANY OF ITS POLITICAL SUBDIVISIONS SHALL CONTAIN A FISCAL NOTE STATING THE ESTIMATED ANNUAL COST TO THE EMPLOYER AFFECTED AND THE SOURCE OF SUCH ESTIMATE.

S 39-E. INTRODUCTION OF BILLS. 1. EVERY BILL INTRODUCED IN EITHER HOUSE SHALL BE IN DUPLICATE AND ACCOMPANIED BY THE INTRODUCER'S MEMORANDUM IN QUADRUPLICATE. SUCH BILL SHALL BE PRESENTED BY THE INTRODUCER TO THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, WHO SHALL PROVIDE THE INTRODUCER WITH A DATE AND TIME STAMPED RECEIPT AND THEN, IN THE CASE OF AN ASSEMBLY BILL, BE DELIVERED BY THE INDEX CLERK OF THE ASSEMBLY TO THE OFFICE OF ASSEMBLY REVISION AND, IN THE CASE OF A SENATE BILL, REMAIN WITH THE OFFICE OF SENATE REVISION, FOR THE PURPOSES SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-NINE-K OF THIS ARTICLE. THEREAFTER, SUCH BILL SHALL BE REFERRED TO A STANDING COMMITTEE, OTHER THAN THE COMMITTEE ON RULES, BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, AND WITHIN FORTY-EIGHT HOURS, ASSIGNED A NUMBER, PRINTED AND PLACED ON THE DESKS OF THE MEMBERS OF THE RESPECTIVE HOUSE. THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, SHALL, ON THE DAY OF ITS INTRODUCTION, CAUSE SUCH BILL TO BE TRANSMITTED TO THE PRINTER. A COPY OF EACH BILL SHALL BE AVAILABLE FOR PUBLIC INSPECTION IN EITHER THE OFFICE OF SENATE REVISION OR THE OFFICE OF ASSEMBLY REVISION. THE OFFICE OF SENATE REVISION AND THE OFFICE OF ASSEMBLY REVISION SHALL MAINTAIN A PHOTOCOPY MACHINE FOR USE BY THE PUBLIC TO COPY ANY SUCH BILL AT A PER PAGE PRICE TO BE ESTABLISHED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, PURSUANT TO THE FREEDOM OF INFORMATION LAW.

2. ON OR AFTER NOVEMBER FIFTEENTH OF A CALENDAR YEAR, A MEMBER AND MEMBER-ELECT MAY SUBMIT A BILL, IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, FOR INTRODUCTION AT THE COMMENCEMENT OF THE FOLLOWING

LEGISLATIVE SESSION. SUCH PREFILED BILL SHALL BE ASSIGNED A NUMBER AND REFERRED TO A COMMITTEE, BUT SHALL NOT BE DEEMED INTRODUCED UNTIL THE COMMENCEMENT OF SUCH LEGISLATIVE SESSION.

3. EACH TIME A BILL IS AMENDED AND REPRINTED, A LETTER OF THE ALPHABET, STARTING WITH "A", SHALL BE ADDED TO ITS NUMBER.

4. ALL BILLS, WHETHER INTRODUCED IN EITHER HOUSE OR COMMUNICATED BY MESSAGE FROM THE SENATE OR THE ASSEMBLY, OR BY THE GOVERNOR PURSUANT TO ARTICLE SEVEN OF THE CONSTITUTION, SHALL BE DEEMED TO HAVE HAD THEIR FIRST READING UNLESS OTHERWISE ORDERED BY THE RESPECTIVE HOUSE AND SHALL BE REFERRED TO A STANDING COMMITTEE, TO CONSIDER AND REPORT THEREON. AT ANY TIME THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, MAY, WITH THE CONSENT OF SUCH OFFICER'S RESPECTIVE HOUSE, CHANGE THE REFERENCE OF ANY BILL. EVERY MESSAGE FROM THE SENATE OR ASSEMBLY COMMUNICATING AN AMENDMENT TO A BILL OF THE OTHER HOUSE SHALL, EXCEPT WITH UNANIMOUS CONSENT FOR IMMEDIATE PASSAGE, BE REFERRED TO THE COMMITTEE WHICH REPORTED THE BILL WITH POWER TO REPORT AT ANY TIME.

5. NO BILL SHALL BE INTRODUCED IN EITHER HOUSE EXCEPT IN ONE OF THE FOLLOWING MODES:

(A) BY A MEMBER;

(B) BY A REPORT OF A STANDING COMMITTEE;

(C) BY ORDER OF THE HOUSE;

(D) BY MESSAGE FROM THE SENATE OR THE ASSEMBLY; AND

(E) BY THE GOVERNOR UNDER ARTICLE SEVEN OF THE CONSTITUTION.

6. (A) ANY BILL INTRODUCED IN THE REGULAR LEGISLATIVE SESSION OF THE FIRST YEAR OF THE TERM OF THE LEGISLATURE SHALL BE DEEMED TO BE REINTRODUCED FOR THE SECOND YEAR OF SUCH TERM, PROVIDED SUCH BILL WAS:

(I) NOT REPORTED FROM A STANDING COMMITTEE;

(II) REPORTED AND REFERRED;

(III) RECOMMITTED TO A STANDING COMMITTEE; OR

(IV) REFERRED BACK TO A STANDING COMMITTEE BY THE COMMITTEE ON RULES IMMEDIATELY PRIOR TO ADJOURNMENT SINE DIE.

(B) ANY BILL WHICH IN THE FIRST YEAR OF THE TERM OF THE LEGISLATURE WAS PASSED BY EITHER HOUSE AND DID NOT BECOME LAW, WAS NOT VETOED, OR WAS SUBSTITUTED BY A BILL OF THE OTHER HOUSE WHICH DID NOT BECOME LAW OR WHICH WAS NOT VETOED, SHALL BE DEEMED TO BE REINTRODUCED FOR THE SECOND YEAR OF SUCH TERM AND SHALL BE ORDERED TO THE ORDER OF THIRD READING, EXCEPT THAT:

(I) ANY SUCH BILL WHICH IN SUCH FIRST YEAR REQUIRED A HOME RULE MESSAGE FOR PASSAGE SHALL BE REFERRED TO THE COMMITTEE TO WHICH SUCH BILL WAS ORIGINALLY REFERRED;

(II) UPON REQUEST OF THE INTRODUCER OR THE CHAIRPERSON OF THE COMMITTEE TO WHICH SUCH BILL WAS ORIGINALLY REFERRED, SUCH BILL SHALL BE COMMITTED TO THE COMMITTEE TO WHICH IT WAS ORIGINALLY REFERRED PROVIDED, HOWEVER, SUCH REQUEST MAY NOT BE MADE LATER THAN THE SECOND WEDNESDAY FOLLOWING THE COMMENCEMENT OF THE SECOND YEAR OF THE TERM OF THE LEGISLATURE;

(III) ANY SUCH BILL MAKING AN APPROPRIATION OF MONEY WHICH WAS NOT REFERRED TO A COMMITTEE PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH, SHALL BE REFERRED TO THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS; AND

(IV) UPON THE REQUEST OF THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS, ANY BILL NOT REFERRED TO A COMMITTEE PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH, WHICH IN SUCH FIRST YEAR WAS REPORTED AND REFERRED TO THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS PURSUANT TO THE

RULES OF THE RESPECTIVE HOUSE SHALL BE COMMITTED TO THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS PROVIDED, HOWEVER, SUCH REQUEST MAY NOT BE MADE LATER THAN THE SECOND WEDNESDAY FOLLOWING THE COMMENCEMENT OF THE SECOND YEAR OF THE TERM OF THE LEGISLATURE.

7. WHEN A BILL IS SUBMITTED OR PROPOSED BY THE GOVERNOR BY AUTHORITY OF ARTICLE SEVEN OF THE CONSTITUTION, IT SHALL BECOME, FOR ALL LEGISLATIVE PURPOSES, A LEGISLATIVE BILL, AND UPON RECEIPT THEREOF BY THE LEGISLATURE, IT SHALL BE ENDORSED "BUDGET BILL" AND BE GIVEN A NUMBER BY THE SECRETARY OF THE SENATE AND THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, AND SHALL BE REFERRED TO THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS, RESPECTIVELY, AND BE PRINTED. BILLS SUBMITTED BY THE GOVERNOR, OTHER THAN THOSE SUBMITTED PURSUANT TO ARTICLE SEVEN OF THE CONSTITUTION, SHALL CARRY THE DESIGNATION "INTRODUCED AT THE REQUEST OF THE GOVERNOR."

8. WHENEVER A MEMBER REQUESTS THE PREPARATION OF LEGISLATION FROM THE LEGISLATIVE BILL DRAFTING COMMISSION, THE BILL DRAFTER ASSIGNED TO PREPARE SUCH LEGISLATION SHALL DETERMINE IF A SIMILAR BILL HAS ALREADY BEEN INTRODUCED, AND, IF A SIMILAR BILL HAS BEEN INTRODUCED, THE LEGISLATIVE BILL DRAFTING COMMISSION, ON FORMS PRESCRIBED BY THE COMMISSION, SHALL NOTIFY THE MEMBER OF SUCH FACT AND INFORM HIM THAT SUBDIVISION TWO OF SECTION THIRTY-NINE-F OF THIS ARTICLE PERMITS A MEMBER TO BECOME A CO-SPONSOR OF A BILL ALREADY PRINTED BY FILING A REQUEST THEREFOR WITH THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY. NOTWITHSTANDING THAT A SIMILAR BILL HAS PREVIOUSLY BEEN INTRODUCED, A MEMBER SHALL HAVE THE RIGHT TO HAVE THE LEGISLATION REQUESTED PREPARED BY THE COMMISSION FOR INTRODUCTION.

S 39-F. CO-SPONSORSHIP OF BILLS. 1. ANY NUMBER OF MEMBERS OF EACH RESPECTIVE HOUSE MAY JOIN IN THE CO-SPONSORSHIP OF A BILL IN SUCH HOUSE. WHEN A BILL IS FIRST INTRODUCED AND BEFORE IT IS PRINTED, THE NAMES OF ALL CO-SPONSORS SHALL APPEAR ON THE PRINTED BILL UPON THE FOLLOWING CONDITIONS:

(A) CO-SPONSORS SHALL FILE A WRITTEN REQUEST TO ACT AS SUCH WITH THE SENATE REVISION CLERK OR THE INDEX CLERK OF THE ASSEMBLY ON FORMS PROVIDED. THE REQUEST SO FILED SHALL INDICATE THAT THE FIRST NAME APPEARING ON THE BILL SHALL BE DEEMED THE INTRODUCER AND ALL OTHERS DEEMED CO-SPONSORS.

(B) THE INTRODUCER SHALL AT ALL TIMES RETAIN EXCLUSIVE CONTROL OF THE BILL BUT HIS OR HER CONSENT SHALL NOT BE REQUIRED IN ORDER FOR A MEMBER TO JOIN IN THE CO-SPONSORSHIP OF SUCH BILL.

(C) AFTER A CO-SPONSORED BILL HAS BEEN PRINTED, ANY CO-SPONSORS DESIRING TO WITHDRAW FROM SUCH CO-SPONSORSHIP SHALL FILE A WRITTEN REQUEST ON FORMS PROVIDED, SO THAT SUCH MEMBER'S NAME WILL BE STRICKEN AS A CO-SPONSOR FROM THE RESPECTIVE RECORDS OF THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY. THE PRINTED BILL, HOWEVER, SHALL NOT BE REPRINTED.

2. MEMBERS OF THE LEGISLATURE AND MEMBERS-ELECT MAY CO-SPONSOR BILLS THAT HAVE BEEN PRE-FILED AND BILLS INTRODUCED AFTER THE OPENING OF EACH LEGISLATIVE SESSION UPON THE FOLLOWING CONDITIONS:

(A) AFTER A BILL HAS BEEN INTRODUCED AND PRINTED AND BEFORE FINAL PASSAGE ANY MEMBER OR MEMBERS MAY FILE WITH THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, ON FORMS PROVIDED, TO BECOME A CO-SPONSOR OF SUCH BILL, WHICH FORMS MUST BE SIGNED BY THE CO-SPONSOR.

(B) SUCH BILL SHALL NOT BE REPRINTED SOLELY FOR THE PURPOSE OF ADDING OR DELETING NAMES OF CO-SPONSORS.

(C) THE INTRODUCER SHALL AT ALL TIMES RETAIN EXCLUSIVE CONTROL OF SUCH BILL.

(D) ANY MEMBER, HAVING BECOME A CO-SPONSOR OF A BILL, MAY WITHDRAW FROM SUCH BY FILING A WRITTEN REQUEST WITH THE CLERK OF THE OFFICE OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY, RESPECTIVELY, ON FORMS PROVIDED, REQUESTING SUCH MEMBER'S NAME BE STRICKEN AS A CO-SPONSOR FROM SUCH CLERK'S RECORDS.

(E) ANY MEMBER WHO HAS BECOME A CO-SPONSOR OF A BILL IN THE MANNER SET FORTH HEREIN SHALL HAVE THE RIGHT TO DISTRIBUTE SUCH BILL BEARING THE ENDORSEMENT "CO-SPONSORED BY" AND INSERT HIS OR HER OWN NAME AS CO-SPONSOR.

S 39-G. FINAL DAY FOR INTRODUCTION OF BILLS. 1. THE FINAL DAY FOR THE UNLIMITED INTRODUCTION OF BILLS, INCLUDING THOSE RECOMMENDED BY THE STATE GOVERNMENT, LOCAL GOVERNMENTS, PUBLIC AUTHORITIES AND OTHER PUBLIC CORPORATIONS AND ALL DEPARTMENTS, AGENCIES AND OTHER INSTRUMENTALITIES THEREOF SHALL BE THE LAST TUESDAY IN MAY OF THE SECOND YEAR OF THE TERM OF THE LEGISLATURE. AFTER THE LAST TUESDAY IN MAY OF SUCH SECOND YEAR, NO BILL SHALL BE INTRODUCED EXCEPT BY THE COMMITTEE ON RULES, BY MESSAGE FROM THE SENATE OR THE ASSEMBLY OR, WITH THE CONSENT OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, BY MEMBERS ELECTED AT A SPECIAL ELECTION WHO TAKE OFFICE ON OR AFTER THE FIRST TUESDAY IN MAY.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, BILLS MAY BE INTRODUCED AT ANY TIME BY UNANIMOUS CONSENT OF THE RESPECTIVE HOUSE.

S 39-H. RESOLUTIONS. 1. ORIGINAL RESOLUTIONS, CONCURRENT OR OTHERWISE OTHER THAN PRIVILEGED RESOLUTIONS MAY BE INTRODUCED BY A MEMBER UNDER THE PROPER ORDER OF BUSINESS ON OR BEFORE THE LAST TUESDAY IN MAY OF THE SECOND YEAR OF THE TERM OF THE LEGISLATURE. AFTER THE LAST TUESDAY IN MAY OF SUCH SECOND YEAR NO SUCH RESOLUTION SHALL BE INTRODUCED EXCEPT BY THE COMMITTEE ON RULES OR BY MESSAGE FROM THE SENATE OR THE ASSEMBLY OR, WITH THE CONSENT OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, BY MEMBERS ELECTED AT A SPECIAL ELECTION WHO TAKE OFFICE ON OR AFTER THE LAST TUESDAY IN MAY. SUCH RESOLUTIONS SHALL BE IN QUADRUPLICATE AND BEAR THE NAME OF THE INTRODUCER AND SHALL BE REFERRED TO A STANDING COMMITTEE FOR CONSIDERATION AND REPORT. THE INTRODUCER SHALL BE PROVIDED WITH A DATE AND TIME STAMPED RECEIPT OF THE RESOLUTION. NO SUCH RESOLUTION MAY BE INTRODUCED UNLESS COPIES THEREOF FIRST SHALL HAVE BEEN FURNISHED, IN THE CASE OF A SENATE RESOLUTION, TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, OR, IN THE CASE OF AN ASSEMBLY RESOLUTION, TO THE SPEAKER OF THE ASSEMBLY, THE MAJORITY LEADER AND THE MINORITY LEADER OF THE ASSEMBLY. BEFORE THE RESPECTIVE HOUSE MAY VOTE ON A RESOLUTION, COPIES OF SUCH RESOLUTION SHALL BE PLACED ON EACH MEMBER'S DESK THREE DAYS PRIOR TO SUCH VOTE. IN THE CASE OF THE SENATE, THE TEMPORARY PRESIDENT OF THE SENATE, THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE AND THE DEPUTY MINORITY LEADER OF THE SENATE, AND, IN THE CASE OF THE ASSEMBLY, THE SPEAKER OF THE ASSEMBLY, THE MAJORITY LEADER AND THE MINORITY LEADER OF THE ASSEMBLY AND THE MINORITY LEADER PRO TEMPORE OF THE ASSEMBLY, MAY WAIVE THE THREE DAY REQUIREMENT.

2. THE FOLLOWING RESOLUTIONS AND MOTIONS RELATING THERETO SHALL BE CONSIDERED PRIVILEGED AND THEIR PRESENTATION AND CONSIDERATION SHALL BE IN ORDER UNDER ANY ORDER OF BUSINESS:

(A) RESOLUTIONS RECALLING A BILL FROM THE SENATE OR THE ASSEMBLY;

(B) RESOLUTIONS RETURNING A BILL TO THE SENATE OR THE ASSEMBLY;

(C) RESOLUTIONS RELATING TO THE DISPOSITION OF MATTERS IMMEDIATELY BEFORE THE HOUSE;

(D) RESOLUTIONS RELATING TO THE BUSINESS OF THE DAY INCLUDING ADJOURNMENT OR RECESS;

(E) RESOLUTIONS RELATING TO THE IMPEACHMENT OF STATE OR JUDICIAL OFFICERS;

(F) RESOLUTIONS RELATING TO PRINTING BILLS, DOCUMENTS OR CHAPTER SLIPS;

(G) RESOLUTIONS RELATING TO THE REPORTS OF JOINT LEGISLATIVE COMMITTEES; AND

(H) RESOLUTIONS IN MEMORIUM OR HONORIFIC IN NATURE.

3. MESSAGES FROM THE SENATE OR THE ASSEMBLY COMMUNICATING A CONCURRENT RESOLUTION TO THE OTHER HOUSE SHALL, IF OBJECTION IS MADE TO IMMEDIATE CONSIDERATION, BE REFERRED TO THE APPROPRIATE COMMITTEE WITH POWER TO REPORT AT ANY TIME.

4. CONCURRENT RESOLUTIONS PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE AND CONCURRENT RESOLUTIONS RATIFYING PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES SHALL, FOR ALL LEGISLATIVE PURPOSES, BE DEEMED TO BE AND TREATED AS BILLS.

5. ALL RESOLUTIONS CALLING FOR OR LEADING TO EXPENDITURES, EXCEPT RESOLUTIONS FOR PRINTING EXTRA COPIES OF BILLS, DOCUMENTS AND CHAPTER SLIPS, SHALL BE REFERRED TO THE SENATE FINANCE COMMITTEE OR THE ASSEMBLY COMMITTEE ON WAYS AND MEANS AND ALL OTHER RESOLUTIONS SHALL BE REFERRED TO THE APPROPRIATE STANDING COMMITTEE OR TO AN ASSEMBLY CALENDAR, AS THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, MAY DESIGNATE.

6. ALL RESOLUTIONS SHALL BE ADOPTED BY A MAJORITY VOTE OF THE MEMBERS PRESENT AND VOTING, PROVIDED, HOWEVER, CONCURRENT RESOLUTIONS PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OR RATIFYING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AND RESOLUTIONS CALLING FOR OR LEADING TO THE EXPENDITURE OF MONEY SHALL BE ADOPTED BY A VOTE OF A MAJORITY OF ALL THE MEMBERS ELECTED TO THE RESPECTIVE HOUSE.

S 39-I. AMENDMENTS TO BILLS. 1. NO AMENDMENT TO A BILL MAY BE OFFERED UNLESS THE MEMBER PROPOSING THE AMENDMENT DELIVERS THREE COPIES OF THE BILL WITH THE PROPOSED AMENDMENT CORRECTLY MARKED THEREON AND SIX COPIES OF THE DETAILED DESCRIPTION OF SUCH AMENDMENT TO THE RESPECTIVE CLERK OF THE SENATE OR THE ASSEMBLY.

2. A COPY OF EACH AMENDMENT OFFERED BY THE SPONSOR OF A BILL SHALL BE PROVIDED BY THE SENATE JOURNAL CLERK OR THE ASSEMBLY OFFICE OF JOURNAL OPERATIONS TO THE CHAIRPERSON AND RANKING MINORITY MEMBER OF ANY STANDING COMMITTEE THAT PREVIOUSLY REPORTED SUCH BILL.

3. PRIOR TO THE COMMENCEMENT OF DEBATE ON A BILL TO WHICH AN AMENDMENT IS OFFERED BY A MEMBER OTHER THAN THE INTRODUCER, THE CLERK OF THE SENATE OR THE ASSEMBLY, RESPECTIVELY, SHALL MAKE COPIES THEREOF AND CAUSE ONE COPY TO BE PLACED ON THE DESK OF EACH MEMBER OF THE RESPECTIVE HOUSE. WHEN THERE IS MORE THAN ONE AMENDMENT TO A BILL AND ONE OF SUCH AMENDMENTS IS ADOPTED, ANY OF THE OTHER AMENDMENTS SO OFFERED SHALL, IF SO REQUESTED BY THE MEMBER OFFERING SAME, BE DEBATED AND VOTED UPON IMMEDIATELY AFTER SUCH ADOPTION, PROVIDED, HOWEVER, THAT SUCH OTHER AMENDMENTS ARE OFFERED TO THOSE PROVISIONS OF THE BILL NOT CHANGED BY THE ADOPTED AMENDMENT AND ARE CONSISTENT WITH THE PROVISIONS OF THE ADOPTED AMENDMENT.

4. IF A MOTION TO AMEND PREVAILS, THE CLERK OF THE SENATE OR THE ASSEMBLY SHALL DISTRIBUTE COPIES OF THE BILL WITH THE AMENDMENT CORRECTLY MARKED THEREON TOGETHER WITH COPIES OF THE DETAILED DESCRIPTION OF

THE AMENDMENT TO THE APPROPRIATE SENATE OR ASSEMBLY OFFICES FOR PURPOSES OF RENUMBERING AND PRINTING THE BILL AS AMENDED.

5. NO AMENDMENT SHALL BE ALLOWED TO ANY BILL WHICH IS NOT GERMANE TO THE ORIGINAL OBJECT OR PURPOSE THEREOF.

6. A ROLL CALL OF EACH FLOOR AMENDMENT OFFERED AND CONSIDERED BEFORE EITHER HOUSE SHALL BE AVAILABLE IN ELECTRONIC FORMAT THROUGH THE LEGISLATIVE RETRIEVAL SYSTEM WITHIN TWENTY-FOUR HOURS OF THE VOTE.

S 39-J. READING OF BILLS. 1. EVERY BILL SHALL RECEIVE THREE SEPARATE READINGS, AND ON THREE DIFFERENT DAYS, PREVIOUS TO ITS PASSAGE, EXCEPT WHEN ORDERED TO A THIRD READING PURSUANT TO PARAGRAPH (B) OF SUBDIVISION SIX OF SECTION THIRTY-NINE-E OF THIS ARTICLE, BY UNANIMOUS CONSENT OR WHEN MADE A SPECIAL ORDER, OR WHEN ACCOMPANIED BY A MESSAGE OF NECESSITY PURSUANT TO SECTION FOURTEEN OF ARTICLE THREE OF THE CONSTITUTION. NO MESSAGE OF NECESSITY SHALL BE ACCEPTED FROM THE GOVERNOR UNLESS AT LEAST TWO-THIRDS OF THE MEMBERS OF THE RESPECTIVE HOUSE HAVE APPROVED THE MESSAGE.

2. BILLS PLACED ON THE ORDER OF SECOND READING, AS PROVIDED FOR IN THE RULES OF THE SENATE OR THE ASSEMBLY, SHALL BE SUBJECT TO DEBATE BEFORE THE MOTION TO ORDER THEM TO A THIRD READING IS ENTERTAINED. ONE-HALF HOUR SHALL BE ALLOWED FOR SUCH DEBATE, BUT NO PERSON SHALL SPEAK MORE THAN FIFTEEN MINUTES, EXCEPT BY CONSENT OF THE RESPECTIVE HOUSE. THE MAIN QUESTION, HOWEVER, IF ORDERED, SHALL BE ON THE ADVANCEMENT OF THE BILL; BUT WHEN AMENDMENTS ARE PENDING THE QUESTION SHALL FIRST BE TAKEN UPON SUCH AMENDMENTS IN THEIR INVERSE ORDER.

3. ALL BILLS ON THE ORDER OF SECOND READING SHALL BE ORDERED TO THIRD READING UNLESS OTHERWISE ORDERED PURSUANT TO SUBDIVISION TWO OF THIS SECTION OR PURSUANT TO AN ORDER OF THE COMMITTEE ON RULES CONSISTENT WITH THE RULES OF THE SENATE OR ASSEMBLY.

4. NO BILL SHALL BE CONSIDERED FOR THIRD READING UNTIL IT SHALL HAVE BEEN ON THE PRINTED CALENDAR OF THE RESPECTIVE HOUSE ON TWO LEGISLATIVE DAYS ON THAT ORDER, EXCEPT WHERE MADE A SPECIAL ORDER BY REPORT OF THE COMMITTEE ON RULES, IN WHICH CASE IT MAY BE CONSIDERED ON SECOND AND THIRD READING ON THE SAME DAY.

5. IN ALL CASES WHERE UNANIMOUS CONSENT IS ASKED FOR ADVANCING A BILL OR ENTERTAINING A MOTION OR RESOLUTION OUT OF ITS ORDER, IT SHALL BE THE DUTY OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, RESPECTIVELY, TO PROCLAIM SUCH REQUEST AND DETERMINE IF SUCH CONSENT WILL BE GRANTED.

6. A BILL APPEARING ON THE CALENDAR MAY BE "STARRED" BY OR AT THE REQUEST OF THE INTRODUCER, WHEREUPON ALL FURTHER ACTION ON SUCH BILL SHALL BE SUSPENDED, ALTHOUGH IT RETAINS ITS PLACE ON THE CALENDAR. OTHER THAN FOR THE PURPOSE OF AMENDMENT OR RECOMMITTAL, A STAR MAY NOT BE REMOVED FROM A BILL UNTIL ONE DAY AFTER THE REQUEST THEREFOR. A BILL ON ANY ORDER OF THIRD READING WHICH HAS BEEN LAID ASIDE BY OR AT THE REQUEST OF THE INTRODUCER ON THREE SEPARATE DAYS SHALL BE AUTOMATICALLY STARRED.

7. WHERE THERE IS A BILL IN A STANDING COMMITTEE AND THE IDENTICAL BILL OF THE OTHER HOUSE IS ON THE ORDER OF SECOND OR ANY ORDER OF THIRD READING, THE BILL IN COMMITTEE MAY BE SUBSTITUTED FOR THE BILL OF THE OTHER HOUSE UPON A MOTION BY, OR ON BEHALF OF, THE INTRODUCER AND A VOTE OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING. THE MOTION TO SUBSTITUTE MAY ALSO BE MADE ON AN IDENTICAL BILL OF THE OTHER HOUSE WHICH HAS BEEN PASSED, RECALLED, VOTE RECONSIDERED AND RESTORED TO THIRD READING.

8. (A) A BILL REPORTED TO THE CALENDAR WHICH CREATES OR EXTENDS UNFUNDED MANDATES ON LOCALITIES AND SCHOOL DISTRICTS SHALL BE SPECIF-

ICALLY IDENTIFIED ON THE CALENDAR, EITHER ON A SEPARATE MANDATE CALENDAR OR LABELED "MANDATE" ON THE REGULAR CALENDAR.

(B) A BILL REPORTED TO THE CALENDAR WHICH IMPOSES ADDITIONAL TAXES SHALL BE SPECIFICALLY IDENTIFIED ON THE CALENDAR, EITHER ON A SEPARATE TAX CALENDAR OR LABELED "TAX".

S 39-K. REVISION AND ENGROSSING. 1. THE OFFICES OF SENATE AND ASSEMBLY REVISION SHALL EXAMINE AND CORRECT ALL BILLS FOR THEIR RESPECTIVE HOUSE, FOR THE PURPOSE OF AVOIDING REPETITIONS, INSURING ACCURACY IN THE TEXT AND REFERENCES, AND CONSISTENCY WITH THE LANGUAGE OF THE EXISTING STATUTES. ANY RECOMMENDATION OF THE OFFICE OF ASSEMBLY OR SENATE REVISION WHICH REQUIRES FURTHER AMENDMENT OF THE BILL SHALL BE HANDLED BY THE MEMBER INTRODUCING IT OR BY THE MAJORITY OR MINORITY LEADER OF THE RESPECTIVE HOUSE AS A REGULAR AMENDMENT TO THE BILL.

2. ALL BILLS WHEN ORDERED TO A THIRD READING EXCEPT BILLS OF THE OTHER HOUSE WHICH HAVE NOT BEEN AMENDED IN THE SUBJECT HOUSE, OR BILLS, WHICH HAVE BEEN MADE A SPECIAL ORDER ON SECOND AND THIRD READING, SHALL BE SENT TO THE JACKETING CLERK OF THE SENATE OR THE INDEX CLERK OF THE ASSEMBLY TO BE JACKETED WITH THE PROPER JURAT FOR CERTIFICATION OF FINAL PASSAGE. EACH SUCH BILL SHALL, AFTER PASSAGE BY BOTH HOUSES, BE ENGROSSED, IF SO ORDERED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, OR STAMPED "OFFICIAL COPY" IN WHICH CASE IT SHALL BE DEEMED TO HAVE BEEN ENGROSSED.

S 39-L. TRANSMITTAL OF BILLS TO THE GOVERNOR. ALL BILLS PASSED BY ONE HOUSE AND SENT TO THE OTHER HOUSE FOR ACTION SHALL, UPON PASSAGE AND RETURN BY THE OTHER HOUSE TO THE ORIGINATING HOUSE, BE TRANSMITTED BY THE SECRETARY OF THE SENATE OR THE INDEX CLERK OF THE ASSEMBLY TO THE GOVERNOR WITHIN TEN LEGISLATIVE DAYS AFTER RECEIPT FROM THE OTHER HOUSE, EXCEPT THAT ANY BILL RETURNED FOR TRANSMITTAL TO THE ORIGINATING HOUSE AFTER THE FIRST OF MAY AND BEFORE THE FIRST OF JUNE SHALL BE TRANSMITTED TO THE GOVERNOR WITHIN THIRTY DAYS OF SUCH RECEIPT, AND ANY BILL RETURNED FOR TRANSMITTAL TO THE ORIGINATING HOUSE ON OR AFTER THE FIRST OF JUNE SHALL BE TRANSMITTED TO THE GOVERNOR WITHIN FORTY-FIVE DAYS OF SUCH RECEIPT.

S 39-M. RULES REGARDING STANDING COMMITTEES. 1. THE SENATE AND THE ASSEMBLY MAY BY THE ADOPTION OF A RESOLUTION IN EACH HOUSE ESTABLISH PROCEDURES REGARDING STANDING COMMITTEES.

2. (A) ALL STANDING COMMITTEE MEETINGS SHALL BE OPEN TO REPRESENTATIVES OF THE NEWS MEDIA AND GENERAL PUBLIC.

(B) ALL STANDING COMMITTEE MEETINGS SHALL BE TRANSCRIBED BY A STENOGRAPHER OR SHALL BE ELECTRONICALLY RECORDED BY OTHER MEANS AND TRANSCRIPTIONS OR VERBATIM RECORDINGS OF SUCH MEETINGS SHALL BE MADE AVAILABLE TO THE GENERAL PUBLIC IN THE SENATE OR ASSEMBLY PUBLIC INFORMATION OFFICE AND ON THE WEBSITE OF THE RESPECTIVE HOUSE.

(C) AT THE CONCLUSION OF A COMMITTEE MEETING THE COMMITTEE CLERK OF SUCH COMMITTEE SHALL DELIVER TO THE OFFICE OF JOURNAL OPERATIONS A ROLL CALL ON EACH OF THE BILLS CONSIDERED BY THE COMMITTEE, INDICATING THE ATTENDANCE OF THE MEMBERS AND THE AYES AND NAYS. SUCH ROLL CALL SHALL BE REPRODUCED NOT LATER THAN TWENTY-FOUR HOURS AFTER TRANSMITTAL TO SUCH OFFICE AND SHALL BE MADE AVAILABLE FOR INSPECTION BY THE GENERAL PUBLIC AND REPRESENTATIVES OF THE NEWS MEDIA IN THE SENATE OR ASSEMBLY PUBLIC INFORMATION OFFICE AND IN ELECTRONIC FORMAT THROUGH THE LEGISLATIVE RETRIEVAL SERVICE.

S 39-N. COMMITTEE ON CONFERENCE. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY MAY JOINTLY CONVENE A JOINT COMMITTEE ON CONFERENCE TO CONSIDER AND REPORT UPON SUBSTANTIALLY SIMILAR BUT NOT IDENTICAL LEGISLATION THAT HAS PASSED EACH HOUSE OF THE

LEGISLATURE. 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 THE CLERK OF THE ASSEMBLY, AND SHALL CONSIST OF THE SAME NUMBER OF MEMBERS FROM EACH HOUSE. UNLESS OTHERWISE PROVIDED IN THE CERTIFICATE OR NECESSARY TO ENSURE MINORITY PARTY REPRESENTATION AT LEAST EQUIVALENT TO THAT PARTY'S PERCENTAGE REPRESENTATION IN ITS HOUSE, THERE SHALL BE FIVE MEMBERS ON SUCH COMMITTEE FROM EACH HOUSE TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE WHO SHALL APPOINT THE MEMBERS FROM THE SENATE AND THE SPEAKER OF THE ASSEMBLY WHO SHALL APPOINT THE MEMBERS FROM THE ASSEMBLY; PROVIDED, HOWEVER, THE COMMITTEE WILL CONSIST OF MEMBERS FROM EACH PARTY PROPORTIONATE TO THE PARTIES' REPRESENTATION IN EACH HOUSE AND OF EACH HOUSE'S DELEGATION AT LEAST ONE MEMBER SHALL REPRESENT THE MINORITY IN EACH HOUSE. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT A CO-CHAIRPERSON OF THE COMMITTEE AND SUCH CO-CHAIRPERSONS SHALL CONVENE AND RECESS MEETINGS OF THE COMMITTEE. MEETINGS JOINTLY CONVENED BY THE CO-CHAIRPERSONS SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. THE COMMITTEE SHALL FILE A WRITTEN REPORT SETTING FORTH THE JOINT RECOMMENDATIONS OF A MAJORITY OF EACH HOUSE'S DELEGATION WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE ASSEMBLY OR SUCH OTHER COMMITTEES OR OFFICERS AS MAY BE SET FORTH IN THE CERTIFICATE AND SUCH REPORT MAY INCLUDE SPECIFIC BILL LANGUAGE THAT WOULD IMPLEMENT THE JOINT COMMITTEE'S RECOMMENDATIONS. NO REPORT SHALL BE FILED EXCEPT UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF EACH HOUSE'S DELEGATION ON THE COMMITTEE.

S 39-O. MEMBERS. 1. (A) ATTENDANCE OF MEMBERS IN THE BARS OF THE LEGISLATURE DURING SESSIONS OF THE LEGISLATURE SHALL BE CONTINUOUSLY RECORDED ELECTRONICALLY UNLESS OTHERWISE ORDERED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY.

(B) THE BAR OF THE SENATE SHALL BE DEEMED TO INCLUDE THE ENTIRE SENATE CHAMBER AND LOBBIES CONTIGUOUS THERETO AS DESIGNATED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE BAR OF THE ASSEMBLY SHALL BE DEEMED TO INCLUDE THE ENTIRE ASSEMBLY CHAMBER AND LOBBIES CONTIGUOUS THERETO AS DESIGNATED BY THE SPEAKER OF THE ASSEMBLY.

(C) IN ALL CASES OF THE ABSENCE OF MEMBERS DURING THE SESSION OF THE LEGISLATURE, THE MEMBERS PRESENT MAY TAKE SUCH MEASURES AS THEY SHALL DEEM NECESSARY TO SECURE THEIR PRESENCE, AND IN ADDITION TO SUSPENDING THEM FROM THE SERVICE OF THE HOUSE FOR A GIVEN PERIOD, MAY INFLICT SUCH CENSURE OR PECUNIARY PENALTY AS THEY MAY DEEM JUST ON THOSE WHO, ON BEING CALLED ON FOR THAT PURPOSE, SHALL NOT RENDER A SUFFICIENT EXCUSE FOR THEIR ABSENCE. FOR THE PURPOSE OF SECURING THE ATTENDANCE OF MEMBERS, A CALL OF THE HOUSE MAY BE MADE, BUT SUCH CALL SHALL NOT BE IN ORDER AFTER VOTING ON THE QUESTION HAS COMMENCED, UNLESS THE ROLL CALL HAS BEEN WITHDRAWN BY THE INTRODUCER. WHILE A CALL OF THE HOUSE IS IN PROGRESS NO OTHER BUSINESS SHALL BE TRANSACTED EXCEPT BY ORDER OF THE HOUSE.

2. (A) EVERY MEMBER WHO SHALL BE WITHIN THE BAR OF THE HOUSE WHEN A QUESTION IS STATED FROM THE CHAIR SHALL VOTE THEREON, PROVIDED, HOWEVER, NO VOTE SHALL BE RECORDED FOR ANY MEMBER WHO IS NOT PRESENT WITHIN THE BAR OF THE HOUSE AT THE TIME OF SUCH VOTE. THE ROLL OF ABSENTEES SHALL NOT BE CALLED MORE THAN ONCE. UNLESS OTHERWISE DIRECTED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, ALL VOTES SHALL BE RECORDED ELECTRONICALLY. A MEMBER MAY ABSTAIN FROM A VOTE ONLY ON THE GROUNDS THAT SUCH VOTE WILL CONSTITUTE A CONFLICT OF INTEREST.

(B) THE YEAS AND NAYS SHALL BE TAKEN INDIVIDUALLY OF EACH MEMBER ON THE FINAL PASSAGE OF A BILL AND ON ANY OTHER QUESTION WHENEVER REQUIRED BY ANY FIFTEEN MEMBERS (UNLESS A DIVISION BY YEAS AND NAYS BE PENDING), AND WHEN SO TAKEN EACH MEMBER'S AFFIRMATIVE OR NEGATIVE VOTE SHALL BE ENTERED THROUGH THE ELECTRONIC VOTING SYSTEM OR IN SUCH OTHER MANNER AS MAY BE PRESCRIBED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY AND ENTERED ON THE JOURNAL. SUCH ROLL CALL SHALL REMAIN OPEN FOR A PERIOD OF NOT LESS THAN ONE MINUTE, AND SHALL BE DESIGNATED A SLOW ROLL CALL. DURING SUCH ROLL CALL, NO VOTE SHALL BE RECORDED UNLESS THE MEMBER VOTING IS AT HIS OR HER REGULARLY ASSIGNED SEAT OR IS SERVING OR ACTING, IN THE CASE OF THE ASSEMBLY, AS SPEAKER, MAJORITY OR MINORITY LEADER OR, IN THE CASE OF THE SENATE, AS TEMPORARY PRESIDENT OF THE SENATE, MAJORITY OR MINORITY LEADER.

(C) IN THE EVENT A SLOW ROLL CALL IS NOT REQUIRED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, THE YEAS AND NAYS SHALL BE TAKEN BY A FAST ROLL CALL AND A MEMBER DESIRING TO VOTE IN THE NEGATIVE ON SUCH A ROLL CALL SHALL DO SO BY ENTERING A NEGATIVE VOTE THROUGH THE ELECTRONIC VOTING SYSTEM OR IN SUCH OTHER MANNER AS MAY BE PRESCRIBED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY. ALL OTHER MEMBERS SHALL BE RECORDED IN THE AFFIRMATIVE. ON SUCH A ROLL CALL THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY SHALL CALL THE NAMES OF THE MEMBERS WHO ARE RECORDED IN THE NEGATIVE.

(D) THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY MAY ALLOW A MEMBER TO RECORD HIS OR HER VOTE WITHIN FIFTEEN MINUTES AFTER THE RESULTS OF THE ROLL CALL HAVE BEEN ANNOUNCED WHEN SUCH VOTE DOES NOT CHANGE THE FINAL RESULT OF THE VOTE OF THE HOUSE AND SUCH MEMBER HAS BEEN PREVIOUSLY RECORDED ON A ROLL CALL ON A BILL DURING THE LEGISLATIVE SESSION DAY.

(E) COPIES OF ALL ROLL CALLS SHALL BE MADE AVAILABLE TO THE MAJORITY AND MINORITY LEADERS OF THE RESPECTIVE HOUSE AND REPRESENTATIVES OF THE NEWS MEDIA WITHIN THIRTY MINUTES AFTER COMPLETION THEREOF AND, AS SOON AS PRACTICABLE THEREAFTER, SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT A PLACE DESIGNATED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY.

(F) WHEN LESS THAN A QUORUM VOTE ON ANY SUBJECT UNDER THE CONSIDERATION OF THE HOUSE, IT SHALL BE IN ORDER, FOR ANY MEMBER TO MOVE FOR A CALL OF THE HOUSE. WHEREUPON THE ROLL OF MEMBERS SHALL BE CALLED BY THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY. AFTER COMPLETION OF THE CALL ONLY THE MAJORITY LEADER, OR ACTING MAJORITY LEADER, OF THE RESPECTIVE HOUSE MAY MOVE THAT THE CALL BE MADE A CLOSED CALL OF THE HOUSE. IMMEDIATELY FOLLOWING A CLOSED CALL OF THE HOUSE, THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY, UPON REQUEST, SHALL READ THE NAMES OF THE MEMBERS WHO ARE NOT PRESENT IN THE RESPECTIVE HOUSE. COPIES OF EACH CLOSED CALL SHALL BE AVAILABLE IN THE OFFICE OF JOURNAL OPERATIONS AT THE END OF EACH DAILY SESSION. IF IT IS ASCERTAINED THAT A QUORUM IS PRESENT, EITHER BY ANSWERING TO THEIR NAMES, OR BY THEIR PRESENCE IN THE HOUSE, THE YEAS AND NAYS SHALL AGAIN BE ORDERED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AND IF ANY MEMBER PRESENT REFUSES TO VOTE, SUCH REFUSAL SHALL BE DEEMED A CONTEMPT, AND UNLESS PURGED, THE HOUSE MAY ORDER THE SERGEANT-AT-ARMS TO REMOVE SAID MEMBER OR MEMBERS WITHOUT THE BAR OF THE HOUSE, AND ALL PRIVILEGES OF MEMBERSHIP SHALL BE REFUSED THE PERSON OR PERSONS SO OFFENDING UNTIL THE CONTEMPT BE DULY PURGED.

(G) A MEMBER WHO WAS ABSENT AT THE TIME A PRIOR VOTE WAS TAKEN UPON ANY MATTER MAY, WITHIN THIRTY DAYS FOLLOWING THE DATE OF HIS OR HER FIRST RECORDED VOTE SUBSEQUENT TO SUCH PRIOR VOTE, FILE A STATEMENT OF

HOW SUCH MEMBER WOULD HAVE VOTED HAD HE OR SHE BEEN PRESENT AT THE TIME OF SUCH PRIOR VOTE. SUCH STATEMENT SHALL BE IN WRITING AND FILED WITH THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY AND THE CONTENTS THEREOF SHALL BE DULY NOTED ON THE ROLL CALL BY SUCH SECRETARY OR CLERK.

(H) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, DURING EACH TWO-YEAR TERM OF THE LEGISLATURE, EACH MEMBER SHALL BE ENTITLED TO HAVE AT LEAST ONE SUBSTANTIVE PIECE OF LEGISLATION, OF HIS OR HER CHOOSING, EXCLUSIVE OF ANY BILL ACCOMPANIED BY A HOME RULE MESSAGE, DISCHARGED FROM COMMITTEE AND BROUGHT TO THE FLOOR FOR A VOTE. A MEMBER MAY BRING SUCH BILL TO THE FLOOR FOR A VOTE BY FILING A WRITTEN NOTICE WITH THE CLERK OF SENATE REVISION OR THE INDEX CLERK OF THE ASSEMBLY ON A FORM PROVIDED BY SUCH CLERK.

(I) ON THE FINAL PASSAGE OF ANY BILL WHICH IMPOSES, CONTINUES OR REVIVES A TAX, OR CREATES A DEBT OR CHARGE OR MAKES, CONTINUES OR REVIVES ANY APPROPRIATION OF PUBLIC TRUST MONEY OR PROPERTY, OR RELEASES, DISCHARGES OR COMMUTES ANY CLAIM OR DEMAND OF THE STATE, TWO-THIRDS OF ALL MEMBERS ELECTED TO THE HOUSE MUST VOTE IN THE AFFIRMATIVE FOR THE BILL TO PASS.

3. EXCEPT FOR THE ADVANCEMENT OF A BILL WHICH HAS BEEN SUBSTITUTED BY A BILL OF THE OTHER HOUSE, WHERE A BILL, ORDER, MOTION OR RESOLUTION SHALL BE ENTERED ON THE JOURNAL, THE NAME OF THE MEMBER INTRODUCING OR MOVING THE SAME SHALL ALSO BE ENTERED ON THE JOURNAL.

4. ALL WRITTEN COMMUNICATIONS FROM PUBLIC OFFICERS AND AGENCIES OF THE STATE OR LOCAL GOVERNMENTS FURNISHED TO A COMMITTEE, RESPECTING A BILL WHICH HAS BEEN REFERRED TO SUCH COMMITTEE, FOR CONSIDERATION, SHALL BE AVAILABLE TO THE INTRODUCER OF THE BILL FOR EXAMINATION. IN LIEU OF SUCH EXAMINATION, THE CHAIRPERSON OF THE COMMITTEE MAY ELECT TO FURNISH THE INTRODUCER WITH COPIES OF SUCH COMMUNICATIONS.

5. IMMEDIATELY AFTER THE COMPLETION OF THE ORDERS OF THE DAY, AND WITH THE UNANIMOUS CONSENT OF THE HOUSE, A MEMBER MAY MAKE A STATEMENT, NOT EXCEEDING FIFTEEN MINUTES IN LENGTH, CONCERNING A SUBJECT OR MATTER NOT PENDING BEFORE THE HOUSE FOR CONSIDERATION.

6. (A) NO MEMBER RISING TO DEBATE, TO GIVE NOTICE, MAKE A MOTION OR REPORT, OR TO PRESENT A PETITION OR OTHER PAPER, SHALL PROCEED UNTIL SUCH MEMBER SHALL HAVE ADDRESSED THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY FROM HIS OR HER PLACE AND HAS BEEN RECOGNIZED BY SUCH OFFICER. WHILE A MEMBER IS SPEAKING, NO MEMBER SHALL ENTERTAIN ANY PRIVATE DISCOURSE OR PASS BETWEEN THE MEMBER SPEAKING AND THE CHAIR.

(B) UNLESS OTHERWISE PROVIDED BY THIS SECTION, NO MEMBER SHALL SPEAK, EXCEPT IN HIS OR HER PLACE, NOR MORE THAN TWICE ON ANY QUESTION, WITHOUT LEAVE OF THE HOUSE AND NO MEMBER SHALL SPEAK FOR MORE THAN FIFTEEN MINUTES AT A TIME EXCEPT BY CONSENT OF TWO-THIRDS OF THE MEMBERS PRESENT; PROVIDED, HOWEVER THAT A MEMBER DESIRING TO EXPLAIN HIS OR HER VOTE UPON THE FINAL PASSAGE OF A BILL OR UPON THE PASSAGE OF A RESOLUTION REQUIRING THE EXPENDITURE OF MONEY MAY MAKE A BRIEF STATEMENT, NOT TO EXCEED TWO MINUTES, IN EXPLANATION OF SUCH VOTE; AND FURTHER PROVIDED THAT IN ADDITION TO THE FOREGOING, THE SPONSOR OF A BILL OR RESOLUTION MAY MAKE A STATEMENT NOT TO EXCEED FIVE MINUTES FOR THE PURPOSE OF OPENING DEBATE ON SUCH BILL OR RESOLUTION.

(C) IF ANY MEMBER, IN SPEAKING, TRANSGRESSES THE RULES OF THE HOUSE, THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY MAY CALL SUCH MEMBER TO ORDER, IN WHICH CASE THE MEMBER SO CALLED TO ORDER SHALL IMMEDIATELY SIT DOWN, AND SHALL NOT RISE UNLESS TO EXPLAIN OR PROCEED IN ORDER.

(D) WHILE THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY IS PUTTING A QUESTION, OR A ROLL CALL IS IN PROGRESS OR A COUNT IS BEING HAD, NO MEMBER SHALL SPEAK OR LEAVE HIS OR HER PLACE. WHEN THE HOUSE SHALL BE EQUALLY DIVIDED ON ANY QUESTION, INCLUDING THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY'S VOTE, THE QUESTION SHALL BE DEEMED TO BE LOST. ALL QUESTIONS RELATING TO THE PRIORITY OF ONE QUESTION OR SUBJECT MATTER OVER ANOTHER, UNDER THE SAME ORDER OF BUSINESS, SHALL BE DECIDED WITHOUT DEBATE. IF ANY QUESTION CONTAINS SEVERAL DISTINCT PROPOSITIONS, IT SHALL BE DIVIDED BY THE CHAIR AT THE REQUEST OF ANY MEMBER, BUT A MOTION TO STRIKE OUT AND INSERT SHALL BE INDIVISIBLE. ALL QUESTIONS OF ORDER, AS THEY SHALL OCCUR, WITH THE DECISIONS THEREON, SHALL BE ENTERED IN THE JOURNAL, AND, AT THE CLOSE OF THE SESSION, A STATEMENT OF ALL SUCH QUESTIONS AND DECISIONS SHALL BE PRINTED AT THE CLOSE OF AND AS AN APPENDIX TO THE JOURNAL.

7. (A) WHEN A MOTION TO ADJOURN IS CARRIED, THE MEMBERS AND OFFICERS SHALL KEEP THEIR SEATS AND PLACES UNTIL THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY DECLARES THE RESPECTIVE HOUSE ADJOURNED.

(B) NO MOTION TO ADJOURN SINE DIE SHALL BE IN ORDER UNTIL ALL BILLS TRANSMITTED TO THE GOVERNOR SHALL HAVE BEEN ACTED UPON BY HIM OR HER, AND IN THE CASE OF VETOED BILLS, UNTIL SUCH BILLS HAVE BEEN RETURNED TO EACH HOUSE FOR AT LEAST THREE LEGISLATIVE CALENDAR DAYS.

8. CONTEST OF ELECTION. A CONTEST OF THE ELECTION OF ANY MEMBER SHALL BE REFERRED TO THE JUDICIARY COMMITTEE FOR INVESTIGATION AND REPORT.

9. EACH MEMBER OF THE HOUSE SHALL BE ENTITLED TO AN EQUAL ALLOCATION OF PRINTED NEWSLETTERS AND OTHER PRINTED MATERIALS AND POSTAGE THEREFOR, AND STATIONERY AND OTHER SIMILAR PERQUISITES, AND EACH MEMBER SHALL RECEIVE AN EQUAL ALLOWANCE FOR STAFF PERSONNEL, EXCEPT THAT THE ALLOCATION OF STATIONERY AND OTHER SIMILAR PERQUISITES AND THE ALLOWANCE FOR STAFF PERSONNEL MAY BE GREATER FOR MEMBERS IN MAJORITY AND MINORITY LEADERSHIP POSITIONS, COMMITTEE, SUBCOMMITTEE AND TASK FORCE CHAIRPERSONS AND RANKING MINORITY MEMBERS OF COMMITTEES, SUBCOMMITTEES AND TASK FORCES. ALLOCATION OF STAFF SHALL BE AS SET FORTH IN SECTION FIVE-B OF THIS CHAPTER.

10. (A) THE USE OF LEGISLATIVE PRINTING AND MAIL FACILITIES FOR NEWSLETTERS AND OTHER FORMS OF MASS MAILINGS WHICH BEAR THE NAME OR LIKENESS OF A CANDIDATE IN A LOCAL, SPECIAL, PRIMARY OR GENERAL ELECTION SHALL BE PROHIBITED WITHIN THIRTY DAYS OF SUCH LOCAL, SPECIAL, OR PRIMARY ELECTION AND BE PROHIBITED WITHIN SIXTY DAYS OF SUCH GENERAL ELECTION. MEMBERS MAY NOT UTILIZE OTHER FORMS OF SENATE OR ASSEMBLY-FUNDED MASS COMMUNICATION MEDIA DURING SUCH THIRTY DAY AND SIXTY DAY PERIODS, RESPECTIVELY.

(B) THE SENATE AND ASSEMBLY SHALL MAINTAIN FILES CONTAINING A COPY OF EACH NEWSLETTER PROVIDED BY THE FACILITIES OF THE RESPECTIVE HOUSE WHICH FILE SHALL BE AVAILABLE TO THE PUBLIC.

(C) THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE TO ALL COMMUNICATIONS ADDRESSED TO THE GEOGRAPHIC AREA IN WHICH THE MEMBER IS RUNNING FOR ELECTION.

11. NO SENATE EMPLOYEE SHALL REMAIN ON THE SENATE PAYROLL WHILE A CANDIDATE FOR THE ASSEMBLY OR A MEMBER OF THE SENATE AND NO ASSEMBLY EMPLOYEE SHALL REMAIN ON THE ASSEMBLY PAYROLL WHILE A CANDIDATE FOR SENATOR OR MEMBER OF ASSEMBLY. FOR THE PURPOSES HEREIN, AN EMPLOYEE SHALL BE DEEMED A CANDIDATE OR MEMBER UPON THE FILING OF DESIGNATING PETITIONS FOR SUCH OFFICE OR, WHERE NOMINATIONS FOR SUCH OFFICE ARE MADE OTHER THAN BY PETITION, UPON NOMINATION. SUCH EMPLOYEE SHALL REMAIN OFF THE SENATE OR ASSEMBLY PAYROLL UNTIL SUCH TIME AS HIS OR HER CANDIDACY

SHALL CEASE OR UPON THE DAY FOLLOWING ELECTION DAY FOR SUCH OFFICE, WHICHEVER COMES FIRST.

S 30-a. Section 90 of the legislative law, as added by chapter 510 of the laws of 1999, is amended to read as follows:

S 90. Internal control responsibilities. 1. [The senate and the assembly shall each:

a. establish and maintain by rule guidelines for a system of internal control; and

b.] GUIDELINES FOR A SYSTEM OF INTERNAL CONTROLS ARE AS FOLLOWS:

(A) ALL FINANCIAL TRANSACTIONS SHALL BE EXECUTED IN ACCORDANCE WITH THE GENERAL OR SPECIFIC AUTHORIZATION OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY OR HIS OR HER DESIGNATED REPRESENTATIVE.

(B) ALL FINANCIAL TRANSACTIONS SHALL BE RECORDED IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES OR OTHER APPLICABLE CRITERIA IN A MANNER TO MAINTAIN ACCOUNTABILITY FOR ASSETS.

(C) ACCESS TO ASSETS SHALL BE PERMITTED ONLY IN ACCORDANCE WITH THE AUTHORIZATION OF THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY OR HIS OR HER DESIGNATED REPRESENTATIVE.

(D) THE RECORDED ACCOUNTABILITY FOR ASSETS SHALL BE COMPARED WITH THE EXISTING ASSETS AT REASONABLE INTERVALS AND APPROPRIATE ACTION SHALL BE TAKEN WITH RESPECT TO ANY DIFFERENCES.

(E) THE SYSTEM OF INTERNAL CONTROLS SHALL PROVIDE REASONABLE ASSURANCE THAT THE FOREGOING ARE ACCOMPLISHED.

(F) THE COMMITTEES ON HOUSE OPERATIONS OF THE SENATE AND THE ASSEMBLY, OR ANY MEMBER THEREOF, SHALL BE GRANTED FULL ACCESS TO ALL FINANCIAL RECORDS OF THE COMMITTEE'S RESPECTIVE HOUSE AND SHALL BE EMPOWERED TO CAUSE AN INDEPENDENT AUDIT THEREOF AT THE EXPENSE OF THE SUBJECT HOUSE.

2. THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY SHALL CAUSE THE ESTABLISHMENT OF A SYSTEM OF EXPENDITURE REPORTING WHEREBY EXPENDITURES OF THE RESPECTIVE HOUSE SHALL BE REPORTED BY SUCH CATEGORIES AS HE OR SHE SHALL DETERMINE. REPORTS OF EXPENDITURES FOR EACH REPORTING PERIOD SHALL BE PUBLISHED IN A FORM TO BE PRESCRIBED BY THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AND POSTED ON THE SENATE OR ASSEMBLY WEBSITE.

3. THE SENATE AND THE ASSEMBLY SHALL EACH establish and maintain a system of internal control and a program of internal control review for their respective house.

[2.] 4. In order to identify all the components of the legislature and their responsibilities for the purposes of implementing the provisions of this article, the temporary president of the senate and the speaker of the assembly shall jointly issue, and at their discretion, periodically revise a schedule which lists all components of each of their respective houses of the legislature. The temporary president of the senate and the speaker of the assembly may identify in a schedule components for which joint internal controls and internal control reviews will be established and maintained.

S 31. The legislative law is amended by adding a new section 42-a to read as follows:

S 42-A. CONTINUITY OF LEGISLATIVE SESSIONS. 1. UPON PASSAGE OF A BILL BY ONE HOUSE OF THE LEGISLATURE, SUCH BILL SHALL AUTOMATICALLY BE SENT TO THE APPROPRIATE COMMITTEE IN THE OTHER HOUSE FOR ACTION ON SUCH BILL, WHERE THAT HOUSE MAY ACT ON THE BILL AT ANY TIME DURING THE REMAINDER OF THE BIENNIAL LEGISLATIVE SESSION.

2. NO BILL REPORTED BY A STANDING COMMITTEE OF THE SENATE OR ASSEMBLY SHALL BE REFERRED BACK TO THAT COMMITTEE UNLESS SUCH BILL SHALL HAVE BEEN AMENDED.

3. EVERY BILL WHICH SHALL HAVE REACHED THE ORDER OF THIRD READING BUT WHICH SHALL NOT HAVE BEEN ACTED ON BY THE HOUSE BEFORE THE END OF THE FIRST YEAR OF THE TWO-YEAR LEGISLATIVE SESSION SHALL MAINTAIN ITS PLACE ON THE ORDER OF THIRD READING UNTIL THE HOUSE SHALL ACT ON SUCH BILL OR UNTIL THE END OF THE TWO-YEAR LEGISLATIVE SESSION UNLESS SUCH BILL SHALL HAVE BEEN AMENDED, IN WHICH CASE SUCH BILL MAY BE REFERRED BACK TO A STANDING COMMITTEE FOR RECONSIDERATION.

4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BUDGET BILLS INTRODUCED BY THE GOVERNOR PURSUANT TO ARTICLE SEVEN OF THE CONSTITUTION, BILLS REQUIRING A HOME RULE MESSAGE FROM ONE OR MORE LOCAL GOVERNMENTS PURSUANT TO ARTICLE NINE OF THE CONSTITUTION, CONCURRENT RESOLUTIONS TO AMEND THE CONSTITUTION PURSUANT TO ARTICLE NINETEEN OF THE CONSTITUTION OR BILLS SUBJECT TO THE PROVISIONS OF SECTION THIRTY-NINE-D OF THIS CHAPTER.

S 32. The legislative law is amended by adding a new article 4-B to read as follows:

ARTICLE 4-B

NEW YORK STATE INDEPENDENT BUDGET OFFICE

SECTION 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE.

76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE.

S 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. THERE SHALL HEREBY BE ESTABLISHED A NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1. IT SHALL BE THE DUTY OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE TO PROVIDE THE MEMBERS AND COMMITTEES OF THE LEGISLATURE WITH INFORMATION WHICH WILL ASSIST SUCH OFFICIALS AND BODIES IN THE DISCHARGE OF THEIR RESPONSIBILITIES WHICH ARE RELATED TO THE BUDGETARY PROCESS INCLUDING:

(A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATIONS BILLS AND PROPOSED LAWS WITH FISCAL IMPLICATIONS;

(B) INFORMATION WITH RESPECT TO ESTIMATED REVENUES AND RECEIPTS, AND CHANGING REVENUE CONDITIONS;

(C) INFORMATION WITH RESPECT TO THE PERFORMANCE AND EFFECTIVENESS OF STATE AGENCIES AND PROGRAMS; AND

(D) TO THE EXTENT PRACTICABLE, SUCH OTHER INFORMATION OR ANALYSES AS MAY BE REQUESTED BY SUCH OFFICIALS AND BODIES, AND THE GENERAL PUBLIC.

REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

2. THE INDEPENDENT BUDGET OFFICE SHALL COMPLETE A FISCAL IMPACT STATEMENT: (A) FOR ANY BILL BEING CONSIDERED ON AN ASSEMBLY WAYS AND MEANS COMMITTEE AGENDA OR A SENATE FINANCE COMMITTEE AGENDA, TO THE EXTENT POSSIBLE; (B) FOR ANY BILL AT THE REQUEST OF THE SPEAKER OR MINORITY LEADER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OR MINORITY LEADER OF THE SENATE; AND (C) AT THE REQUEST OF A COMMITTEE CHAIR OR RANKING MEMBER OF A COMMITTEE FOR ANY BILL REFERRED TO THEIR RESPECTIVE COMMITTEE. FISCAL IMPACT STATEMENTS SHALL ESTIMATE THE IMPACT ON STATE REVENUES OR EXPENDITURES.

3. THE INDEPENDENT BUDGET OFFICE SHALL SUBMIT AN ANALYSIS OF THE EXECUTIVE BUDGET BY MARCH FIRST OF EACH YEAR TO THE MEMBERS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE, AND MAKE

COPIES OF SUCH ANALYSIS AVAILABLE TO ALL OTHER MEMBERS OF THE LEGISLATURE AND ALL OTHER INDIVIDUALS, UPON REQUEST.

4. THE INDEPENDENT BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE, DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE PUBLIC RESPONSIBILITIES OF THE STATE.

5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY, THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTOBER OF EACH YEAR.

6. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH BY DECEMBER FIRST OF EACH YEAR A REPORT ANALYZING THE FISCAL OUTLOOK OF THE STATE FOR THE NEXT FIVE YEARS.

7. THE INDEPENDENT BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

8. THE INDEPENDENT BUDGET OFFICE MAY PROCURE UP-TO-DATE COMPUTER EQUIPMENT, OBTAIN THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER TECHNOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF REVENUE PROJECTIONS AND BUDGETARY REQUIREMENTS.

9. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES AND REPORTS PREPARED BY THE INDEPENDENT BUDGET OFFICE SHALL BE MADE AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC MEANS OVER THE INTERNET.

S 76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1. THE NEW YORK STATE INDEPENDENT BUDGET OFFICE SHALL BE HEADED BY A DIRECTOR WHO SHALL BE APPOINTED, UPON THE RECOMMENDATIONS OF AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE, BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL APPOINTMENT OF SUCH DIRECTOR SHALL BE MADE NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND ELEVEN TO THE SPECIAL COMMITTEE. SUBSEQUENT RECOMMENDATIONS SHALL BE MADE BETWEEN JANUARY SECOND AND JANUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER. THE SPECIAL COMMITTEE SHALL APPOINT THE INITIAL DIRECTOR NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND ELEVEN AND SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN. SUBSEQUENT APPOINTMENTS SHALL BE MADE NO LATER THAN FEBRUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER.

2. (A) THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE CONSISTING OF (I) ONE PERSON APPOINTED BY EACH OF THE FOLLOWING OFFICIALS AND WHO SHALL SERVE AT THE PLEASURE OF SUCH OFFICIALS; THE CHAIR AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, AND (II) SIX OTHER MEMBERS JOINTLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, WHO SHALL SERVE FOR SIX YEAR TERMS, PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN; TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN; AND TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS, ACCOUNTING, PUBLIC ADMINISTRATION AND PUBLIC POLICY ANALYSIS INCLUDING AT LEAST ONE NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY AND THE BUDGET PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR

OF A GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, PUBLIC AFFAIRS OR PUBLIC ADMINISTRATION LOCATED IN NEW YORK STATE; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR OF A LABOR UNION; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR TO A BUSINESS CORPORATION; AND ONE OFFICER OR FORMER OFFICER OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION INVOLVED IN BUDGET MATTERS. NO INDIVIDUAL SHALL SERVE CONSECUTIVE TERMS.

(B) THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DEVELOP GUIDELINES FOR THE BEST PRACTICES OF THE INDEPENDENT BUDGET OFFICE. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL MEET ANNUALLY WITH THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND SUGGESTIONS ON THE OVERALL PRACTICES OF THE OFFICE.

(C) MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION BUT SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN CONNECTION WITH THEIR DUTIES.

3. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF OFFICE OF THE DIRECTOR FIRST APPOINTED SHALL EXPIRE ON FEBRUARY FIFTEENTH, TWO THOUSAND SEVENTEEN, AND THE TERMS OF OFFICE OF DIRECTORS SUBSEQUENTLY APPOINTED SHALL EXPIRE ON SUCH DATE IN EACH SIXTH YEAR THEREAFTER. ANY INDIVIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED. ANY DIRECTOR SERVING CONSECUTIVE TERMS SHALL BE RECOMMENDED BY THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE AND APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE FOR THE SECOND TERM. NO DIRECTOR SHALL SERVE MORE THAN TWO TERMS CONSECUTIVELY.

4. TEN PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE BUDGET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF APRIL AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO THEM BY THE DIRECTOR.

5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORITIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION, MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES, FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE.

6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE.

S 33. Section 80 of the legislative law is REPEALED.

S 34. Intentionally omitted.

S 35. Intentionally omitted.

S 36. Section 14-130 of the election law, as added by chapter 152 of the laws of 1985, is amended to read as follows:

S 14-130. Campaign funds for personal use. 1. Contributions received by a candidate or a political committee may be expended for any lawful purpose THAT IS DIRECTLY RELATED TO PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE. Such funds shall not be converted by any person to a personal use [which is unrelated to a political campaign or the holding of a public office or party position].

2. NO CONTRIBUTION SHALL BE USED TO PAY INTEREST OR ANY OTHER FINANCE CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR THE SPOUSE OF SUCH CANDIDATE.

3. NO CONTRIBUTION SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS OF DEFENDING AGAINST CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION FOR ALLEGED VIOLATIONS OF STATE OR FEDERAL LAW COMMITTED WHILE HOLDING PUBLIC OFFICE OR BEING A CANDIDATE FOR SUCH OFFICE.

4. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE DEFINED AS EXPENDITURES THAT:

(I) ARE FOR THE PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDIVIDUAL;

(II) DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE, IMMEDIATE FAMILY OF THE CANDIDATE, OR ANY OTHER INDIVIDUAL;

(III) ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE OF A PERSON THAT WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN, INCLUDING, BUT NOT LIMITED TO, ANY EXPENSE INCURRED MORE THAN THIRTY DAYS AFTER THE CANDIDATE CEASES TO BE A CANDIDATE; OR

(IV) ARE PUT TO ANY USE FOR WHICH THE CANDIDATE WOULD BE REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER SECTION SIXTY-ONE OF THE INTERNAL REVENUE CODE, OR ANY SUBSEQUENT CORRESPONDING SECTION OF THE INTERNAL REVENUE CODE OF THE UNITED STATES.

(B) EXPENDITURES FOR PERSONAL USE SHALL INCLUDE, BUT ARE NOT LIMITED TO, EXPENSES FOR THE FOLLOWING:

(I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES, INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE CANDIDATE'S OR OFFICEHOLDER'S FAMILY. IN THE EVENT THAT ANY PROPERTY OR BUILDING IS USED FOR BOTH PERSONAL AND CAMPAIGN USE, PERSONAL USE SHALL CONSTITUTE EXPENSES RELATING TO THAT PROPERTY OR BUILDING INCURRED MORE THAN THIRTY DAYS AFTER THE CANDIDATE CEASES TO BE A CANDIDATE OR THAT EXCEED THE PRO-RATED AMOUNT FOR SUCH EXPENSES BASED ON FAIR-MARKET VALUE;

(II) MORTGAGE, RENT, OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-RESIDENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE PROPERTY USAGE;

(III) FUNERAL, CREMATION, OR BURIAL EXPENSES, INCLUDING ANY EXPENSES RELATED TO A DEATH WITHIN A CANDIDATE'S OR OFFICEHOLDER'S FAMILY;

(IV) CLOTHING, OTHER THAN ITEMS OF DE MINIMIS VALUE THAT ARE USED IN THE CAMPAIGN;

(V) TUITION PAYMENTS;

(VI) CHILDCARE COSTS;

(VII) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECREATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S PREMISES;

(VIII) SALARY PAYMENTS TO ANY PERSON WHOSE SERVICES ARE NOT SOLELY FOR CAMPAIGN PURPOSES;

(IX) SALARY PAYMENTS TO A MEMBER OF A CANDIDATE'S FAMILY, UNLESS THE FAMILY MEMBER IS PROVIDING BONA FIDE SERVICES TO THE CAMPAIGN. IF A FAMILY MEMBER PROVIDES BONA FIDE SERVICES TO A CAMPAIGN, ANY SALARY PAYMENTS IN EXCESS OF THE FAIR MARKET VALUE OF THE SERVICES PROVIDED SHALL BE CONSIDERED PAYMENTS FOR PERSONAL USE;

(X) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER ACTIVITY;

(XI) PAYMENT OF ANY FINES, FEES, OR PENALTIES ASSESSED PURSUANT TO THIS CHAPTER;

(XII) AUTOMOBILE PURCHASES;

(XIII) AUTOMOBILE LEASES;

(XIV) TRAVEL EXPENSES, UNLESS USED SOLELY FOR CAMPAIGN PURPOSES. IF A CANDIDATE USES CAMPAIGN FUNDS TO PAY EXPENSES ASSOCIATED WITH TRAVEL THAT INVOLVES BOTH PERSONAL ACTIVITIES AND CAMPAIGN ACTIVITIES, THE INCREMENTAL EXPENSES THAT RESULT FROM THE PERSONAL ACTIVITIES SHALL BE CONSIDERED FOR PERSONAL USE UNLESS THE PERSON OR PERSONS BENEFITING FROM THE USE REIMBURSES THE CAMPAIGN ACCOUNT WITHIN THIRTY DAYS FOR THE FULL AMOUNT OF THE INCREMENTAL EXPENSES; AND

(XV) ANY OTHER EXPENDITURE DESIGNATED BY THE STATE ETHICS COMMISSION AS CONSTITUTING PERSONAL USE.

5. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING EQUIPMENT OR PROPERTY FROM HIS PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR INDIRECTLY WITH HIM TO AID OR PARTICIPATE IN HIS NOMINATION OR ELECTION, INCLUDING AN EXPLORATORY COMMITTEE, PROVIDED THAT THE CANDIDATE AND HIS CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT. SUCH AGREEMENT SHALL INCLUDE THE LEASE OR RENTAL PRICE, WHICH SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT. THE CANDIDATE SHALL NOT RECEIVE LEASE OR RENTAL PAYMENTS WHICH, IN THE AGGREGATE, EXCEED THE COST OF PURCHASING THE EQUIPMENT OR PROPERTY.

S 37. Intentionally omitted.

S 38. Intentionally omitted.

S 39. Intentionally omitted.

S 40. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.