

Third Extraordinary Session

I N S E N A T E

November 29, 2010

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT in relation to establishing a special commission on compensation, and providing for their powers and duties; and to provide periodic salary increases to state officers

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

1 Section 1. (a) On the first of April of every fourth year, commencing
2 April 1, 2011, there shall be established for such year a commission on
3 judicial compensation to examine, evaluate and make recommendations with
4 respect to adequate levels of compensation and non-salary benefits for
5 judges and justices of the state-paid courts of the unified court
6 system. In accordance with the provisions of this section, the commis-
7 sion shall:
8 (i) examine the prevailing adequacy of pay levels and non-salary bene-
9 fits received by the judges and justices of the state-paid courts of the
10 unified court system and housing judges of the civil court of the city
11 of New York and determine whether any of such pay levels warrant adjust-
12 ment; and
13 (ii) determine whether, for any of the four years commencing on the
14 first of April of such years, following the year in which the commission
15 is established, the annual salaries for the judges and justices of the
16 state-paid courts of the unified court system and housing judges of the
17 civil court of the city of New York warrant adjustment.
18 In discharging its responsibilities under paragraphs (i) and (ii) of
19 this subdivision, the commission shall take into account all appropriate
20 factors including, but not limited to: the overall economic climate;
21 rates of inflation; changes in public-sector spending; the levels of
22 compensation and non-salary benefits received by judges, executive
23 branch officials and legislators of other states and of the federal

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

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1 government; the levels of compensation and non-salary benefits received
2 by professionals in government, academia and private and nonprofit
3 enterprise; and the state's ability to fund increases in compensation
4 and non-salary benefits.

5 (b) The commission shall consist of 7 members to be appointed as
6 follows: 3 shall be appointed by the governor; 1 shall be appointed by
7 the temporary president of the senate; 1 shall be appointed by the
8 speaker of the assembly; and 2 shall be appointed by the chief judge of
9 the state. Of the members appointed by an official pursuant to this
10 subdivision, where such official has more than one such appointment, at
11 least one-half (at least a majority, in the case of the governor) shall
12 not be employees of the state or any political subdivision thereof, and
13 at least one-half shall not be members of the bar of the state. The
14 governor shall designate the chair of the commission from among the
15 members so appointed. Vacancies in the commission shall be filled in the
16 same manner as original appointments. To the extent practicable, members
17 of the commission shall have experience in one or more of the following:
18 determination of executive compensation, human resource administration
19 and financial management.

20 (c) The commission may meet within and without the state, may hold
21 public hearings and shall have all the powers of a legislative committee
22 pursuant to the legislative law.

23 (d) The members of the commission shall receive no compensation for
24 their services but shall be allowed their actual and necessary expenses
25 incurred in the performance of their duties hereunder.

26 (e) No member of the commission shall be disqualified from holding any
27 other public office or employment, nor shall he or she forfeit any such
28 office or employment by reason of his or her appointment pursuant to
29 this section, notwithstanding the provisions of any general, special or
30 local law, regulation, ordinance or city charter.

31 (f) To the maximum extent feasible, the commission shall be entitled
32 to request and receive and shall utilize and be provided with such
33 facilities, resources and data of any court, department, division,
34 board, bureau, commission, agency or public authority of the state or
35 any political subdivision thereof as it may reasonably request to carry
36 out properly its powers and duties pursuant to this section.

37 (g) The commission may request, and shall receive, reasonable assist-
38 ance from state agency personnel as necessary for the performance of its
39 functions.

40 (h) The commission shall make a report to the governor, the legisla-
41 ture and the chief judge of the state of its findings, conclusions,
42 determinations and recommendations, if any, not later than one hundred
43 fifty days after its establishment. Each recommendation made to imple-
44 ment a determination pursuant to paragraph (ii) of subdivision (a) of
45 this section shall have the force of law, and shall supersede inconsis-
46 tent provisions of article 7-B of the judiciary law, unless modified or
47 abrogated by statute prior to April first of the year as to which such
48 determination applies.

49 (i) Upon the making of its report as provided in subdivision (h) of
50 this section, each commission established pursuant to this section shall
51 be deemed dissolved.

52 S 2. Date of entitlement to salary increase. Notwithstanding the
53 provisions of this act or of any other law, each increase in salary or
54 compensation of any officer or employee provided by this act shall be
55 added to the salary or compensation of such officer or employee at the
56 beginning of that payroll period the first day of which is nearest to

1 the effective date of such increase as provided in this act, or at the
2 beginning of the earlier of two payroll periods the first days of which
3 are nearest but equally near to the effective date of such increase as
4 provided in this act; provided, however, the payment of such salary
5 increase pursuant to this section on a date prior thereto instead of on
6 such effective date, shall not operate to confer any additional salary
7 rights or benefits on such officer or employee.

8 S 3. The annual salaries as prescribed pursuant to this act for the
9 state-paid judges and justices of the unified court system whenever
10 adjusted pursuant to the provisions of this act, shall be rounded up to
11 the nearest multiple of one hundred dollars.

12 S 4. This act shall take effect immediately.