

5404

2009-2010 Regular Sessions

I N S E N A T E

April 29, 2009

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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

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

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

3 S 54-B. STANDING COMMITTEE ON CONFERENCE; REFERRAL TO CONFERENCE,  
4 APPOINTMENT OF NONPARTISAN COUNSEL FOR REFERRAL. 1. BY JANUARY FIFTH OF  
5 EACH YEAR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
6 ASSEMBLY SHALL APPOINT A STANDING COMMITTEE ON CONFERENCE. SUCH COMMIT-  
7 TEE SHALL BE CONSTITUTED BY THE FILING OF A JOINT CERTIFICATE BY THE  
8 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY WITH  
9 THE SECRETARY OF THE SENATE AND CLERK OF THE ASSEMBLY AND SHALL CONSIST  
10 OF FIVE MEMBERS OF EACH HOUSE, INCLUDING AT LEAST TWO MEMBERS OF THE  
11 MINORITY OF EACH HOUSE. THE MEMBERS OF THE STANDING COMMITTEE ON CONFER-  
12 ENCE MAY BE CHANGED BY AN AGREEMENT OF THE TEMPORARY PRESIDENT OF THE  
13 SENATE AND THE SPEAKER OF THE ASSEMBLY AT ANY TIME.

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

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

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

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

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

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

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

12 (B) AT THE JOINT REQUEST OF THE PRIME SPONSOR OF THE BILL OR RESOL-  
13 UTION IN THE SENATE AND THE PRIME SPONSOR OF THE BILL OR RESOLUTION IN  
14 THE ASSEMBLY; OR

15 (C) AT THE JOINT REQUEST OF THE CHAIRS OF THE COMMITTEES WHICH DELIB-  
16 ERATED ON THE BILL OR RESOLUTION IN EACH HOUSE  
17 BE REFERRED TO THE STANDING COMMITTEE ON CONFERENCE, WHICH SHALL DISPOSE  
18 OF THE BILL OR RESOLUTION PURSUANT TO THIS SECTION.

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

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

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

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

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

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

52 (II) CONTAIN A REPORT OF THE STANDING COMMITTEE ON CONFERENCE DELIBER-  
53 ATIONS ON THE BILL OR RESOLUTION AND AN EXPLANATION REGARDING THE FAIL-  
54 URE OF THE COMMITTEE TO AGREE ON THE TEXT OF THE CONFERENCE BILL OR  
55 CONFERENCE RESOLUTION.

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

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

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

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

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

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

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

27 (C) THE LEGISLATIVE BILL DRAFTING COMMISSION AND ITS NONPARTISAN COUN-  
28 SEL SHALL MAKE AN ANNUAL REPORT TO THE LEGISLATURE ON ITS DETERMINATIONS  
29 REGARDING THE SIMILARITY OF BILLS AND RESOLUTIONS AND THE CREATION OF  
30 CONFERENCE COMMITTEES.

31 S 2. This act shall take effect immediately.