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

496

2011-2012 Regular Sessions

I N  S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. ROBACH -- 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 joint budget committee on conference to resolve differences between similar but not identical legislation passed by the senate and assembly

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

Section 1. The legislative law is amended by adding a new section 53-a to read as follows:

S 53-A. JOINT BUDGET COMMITTEE ON CONFERENCE ON APPROPRIATIONS AND PROPOSED LEGISLATION OR RESOLUTIONS RELATED TO THE BUDGET. 1. WITHIN TWO DAYS OF THE PASSAGE OF APPROPRIATIONS AND PROPOSED LEGISLATION OR RESOLUTIONS RELATED TO THE BUDGET IN EACH HOUSE OF THE LEGISLATURE, WHICH ARE SIMILAR BUT NOT IDENTICAL TO THOSE OF THE OTHER HOUSE, AND WHICH, IF AGREED TO BY BOTH HOUSES, WOULD CONSTITUTE SUFFICIENT FUNDING FOR THE SUPPORT OF GOVERNMENT, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL JOINTLY CONVENE A BUDGET COMMITTEE ON CONFERENCE TO CONSIDER AND WHICH MAY REPORT UPON SUCH LEGISLATION. 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 OF EACH HOUSE. UNLESS OTHERWISE PROVIDED IN THE CERTIFICATE, 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, THAT OF EACH HOUSE'S DELEGATION AT LEAST ONE MEMBER, UPON THE RECOMMENDATION OF THE RESPECTIVE MINORITY LEADERS, SHALL REPRE-

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

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SENT THE MINORITY IN EACH HOUSE. UNLESS DELEGATED TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON FINANCE BY THE TEMPORARY PRESIDENT OF THE SENATE OR TO THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH SERVE AS CO-CHAIRPERSONS 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 MAY 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 BUDGET COMMITTEE ON CONFERENCE'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. MINORITY REPORTS MAY ALSO BE FILED.

2. FOR PURPOSES OF THIS SECTION, THE LEGISLATION TO BE CONSIDERED BY THE JOINT BUDGET COMMITTEE ON CONFERENCE MAY BE BILLS OR RESOLUTIONS OR A COMBINATION OF BILLS OR RESOLUTIONS WHICH HAVE BEEN MUTUALLY AGREED TO BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY TO CONSTITUTE LEGISLATION WHICH IS SIMILAR BUT NOT IDENTICAL.

3. THE CO-CHAIRPERSONS OF THE JOINT COMMITTEE SHALL CREATE SUBCOMMITTEES CONSISTING OF AN EQUAL NUMBER OF MEMBERS OF EACH HOUSE, BUT NOT FEWER THAN THREE MEMBERS OF EACH HOUSE, WHICH CORRESPOND TO THE MAJOR RELEVANT BUDGETARY ISSUES CONTAINED IN THE GOVERNOR'S BUDGET SUBMISSION WHICH REMAIN UNRESOLVED. AT LEAST ONE MEMBER OF THE MINORITY CONFERENCE OF EACH HOUSE AS RECOMMENDED BY THE RESPECTIVE MINORITY LEADERS SHALL BE DESIGNATED TO SERVE ON EACH SUBCOMMITTEE CREATED. SUCH SUBCOMMITTEES SHALL FACILITATE DISCUSSION, ANALYSIS, AND REVIEW OF OUTSTANDING BUDGETARY ISSUES RELEVANT TO THE BUDGETARY AREAS FOR WHICH THE SUBCOMMITTEE IS RESPONSIBLE. SUCH SUBCOMMITTEES SHALL WORK TO ACHIEVE AN APPROPRIATE ALLOCATION OF STATE FUNDS ALLOCATED FOR ITS PURPOSES AND TO DEVELOP LANGUAGE TO IMPLEMENT PROGRAMMATIC PROPOSALS INCIDENTAL TO THE ALLOCATION OF STATE FUNDS WITHIN THE SUBCOMMITTEE'S AREA OF RESPONSIBILITY. UPON AN AFFIRMATIVE VOTE OF EACH HOUSE'S DELEGATION ON THE SUBCOMMITTEE, SUCH SUBCOMMITTEE MAY REPORT ITS JOINT RECOMMENDATIONS TO THE BUDGET COMMITTEE ON CONFERENCE AT THE CONCLUSION OF SUBCOMMITTEE DELIBERATIONS. ANY MINORITY REPORT SHALL ALSO BE FORWARDED TO THE JOINT BUDGET COMMITTEE ON CONFERENCE. IN THE EVENT THAT THE SUBCOMMITTEE DOES NOT RESOLVE ALL OUTSTANDING ISSUES WITHIN THE SUBCOMMITTEE'S AREA OF RESPONSIBILITY, SUCH UNRESOLVED ISSUES SHALL BE REFERRED TO THE JOINT BUDGET COMMITTEE ON CONFERENCE FOR RESOLUTION.

S 2. This act shall take effect immediately.