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

7648

2011-2012 Regular Sessions

I N A S S E M B L Y

May 12, 2011

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

AN ACT to amend the legislative law, in relation to chief administrative officers, staff and office allocations, introduction of legislation and continuity of legislative sessions

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 three new sections 33-a, 33-b, and 33-c to read as follows:

S 33-A. CHIEF ADMINISTRATIVE OFFICERS. 1. THE SENATE AND ASSEMBLY SHALL DESIGNATE A CHIEF ADMINISTRATIVE OFFICER OF EACH HOUSE. SUCH CHIEF ADMINISTRATIVE OFFICER SHALL BE KNOWN IN THE SENATE AS THE SECRETARY OF THE SENATE. SUCH CHIEF ADMINISTRATIVE OFFICER SHALL BE KNOWN IN THE ASSEMBLY AS THE CLERK OF THE ASSEMBLY. THE CHIEF ADMINISTRATIVE OFFICER SHALL HAVE DAY TO DAY MANAGEMENT AND CONTROL OF ALL ADMINISTRATIVE OFFICES OF SENATE AND ASSEMBLY AND SHALL JOINTLY HAVE CONTROL OF JOINT OFFICES ESTABLISHED BY THIS SECTION. THE CHIEF ADMINISTRATIVE OFFICER SHALL CONDUCT HERSELF OR HIMSELF IN A NON-PARTISAN MANNER, AFFORDING TO ALL MEMBERS OF THE SENATE AND ASSEMBLY EQUAL TREATMENT AND EQUAL ACCESS TO THE ADMINISTRATIVE SERVICES OF THE LEGISLATURE.

2. THE ADMINISTRATIVE SERVICES OF THE LEGISLATURE SHALL BE COMBINED AND MANAGED JOINTLY BY THE CHIEF ADMINISTRATIVE OFFICERS. ADMINISTRATIVE SERVICES INCLUDE SERVICES RELATED TO (A) HUMAN RESOURCES SUCH AS PERSONNEL HIRING, BENEFITS MANAGEMENT, AND PAYROLL; (B) MEDIA SERVICES INCLUDING AUDIO, VIDEO, PRINT DESIGN AND PRODUCTION; (C) RESEARCH; (D) MAIL TO THE EXTENT PERMITTED BY THE UNITED STATES POSTAL SERVICE; (E) TECHNOLOGY; (F) CONTRACTING; (G) SUCH OTHER SERVICES AS ARE NECESSARY TO ADMINISTER THE BUSINESS OF THE LEGISLATURE AND DO NOT RELATE TO POLICIES OF LAW DEVELOPMENT. THE CHIEF ADMINISTRATIVE OFFICERS SHALL, IN CONSULTATION WITH THE DEPARTMENT OF CIVIL SERVICE ESTABLISH A LISTING OF TITLES FOR POSITIONS IN THE AREAS PROVIDED FOR IN THIS SUBDIVISION AND QUALI-

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

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FICATIONS AND TESTING PROCEDURES FOR THE SAME. THE CHIEF ADMINISTRATIVE OFFICER SHALL ANNUALLY REPORT TO THE COMPTROLLER THE TITLES FILLED AND THE RANK ON EXAMS, WHICH ARE HEREBY DIRECTED TO BE CREATED, OF THE POSITIONS WHO FILLED SUCH POSITIONS. ALL INCUMBENT EMPLOYEES SHALL BE GIVEN A TITLE MOST SIMILAR TO THE POSITION HE OR SHE FILLS PRESENTLY AND SHALL SCORE IN THE TOP THREE OF PERSONS WHO TEST FOR THE POSITIONS, WITHIN THE FIRST FOUR YEARS OF THE EFFECTIVE DATE OF THIS SECTION, OR HE OR SHE SHALL FORFEIT THEIR POSITION AT THE END OF THE CALENDAR YEAR WHEN THE THIRD SUCH EXAM IS GIVEN. THE CHIEF ADMINISTRATIVE OFFICERS SHALL CAUSE THE EXAMS TO BE GIVEN AT LEAST ANNUALLY FOR EACH POSITION, STARTING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 33-B. STAFF AND OFFICE ALLOCATIONS. 1. EACH MEMBER OF THE SENATE, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SHALL BE ALLOWED AN EQUAL ALLOCATION FOR THE PURPOSE OF HIRING STAFF. SUCH ALLOCATION SHALL BE KNOWN AS THE "BASIC ALLOCATION". NOTWITHSTANDING SUCH BASIC ALLOCATION: THE TEMPORARY PRESIDENT OF THE SENATE SHALL RECEIVE TWO HUNDRED PERCENT OF SUCH BASIC ALLOCATION; THE DEPUTY MAJORITY LEADER FOR LEGISLATIVE OPERATIONS AND THE MINORITY LEADER, WHO SHALL EACH RECEIVE ONE HUNDRED SEVENTY-FIVE PERCENT OF SUCH BASIC ALLOCATION. EACH MEMBER OF THE ASSEMBLY, EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SECTION, SHALL BE ALLOWED AN EQUAL ALLOCATION FOR THE PURPOSE OF HIRING STAFF. SUCH ALLOCATION SHALL BE KNOWN AS THE "BASIC ALLOCATION". NOTWITHSTANDING SUCH BASIC ALLOCATION: THE SPEAKER OF THE ASSEMBLY SHALL RECEIVE TWO HUNDRED PERCENT OF SUCH BASIC ALLOCATION; THE MAJORITY LEADER AND THE MINORITY LEADER SHALL EACH RECEIVE ONE HUNDRED SEVENTY-FIVE PERCENT OF SUCH BASIC ALLOCATION.

2. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH ALLOCATE FUNDS TO COMMITTEES AND COMMISSIONS FOR THE PURPOSES OF HIRING STAFF, WHO SHALL BE HIRED UPON THE RECOMMENDATION OF THE CHAIRPERSON. THE RANKING MINORITY MEMBER OF EACH COMMITTEE SHALL ALSO RECEIVE AN ALLOCATION TO HIRE STAFF IN AN AMOUNT OF AT LEAST FIFTY THOUSAND DOLLARS, OR ONE-THIRD OF THE AMOUNT ALLOCATED TO HIRE STAFF BY THE CHAIRPERSON, WHICHEVER IS GREATER. SUCH FIFTY THOUSAND DOLLAR AMOUNT SHALL BE SUBJECT TO INCREASE OR DECREASE BASED UPON THE SAME PERCENTAGES AS ANY INCREASE OR DECREASE IN PERSONNEL SERVICES FOR THE SENATE OR ASSEMBLY. EACH COMMITTEE SHALL BE ALLOCATED A REASONABLE AMOUNT TO HIRE STAFF WITH EXPERTISE IN THE AREAS OF LAW THOSE COMMITTEES ARE RESPONSIBLE FOR OVERSIGHT THEREOF.

3. THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY SHALL ESTABLISH POLICIES FOR THE PROVISION OF DISTRICT OFFICE(S) FOR MEMBERS OF THE LEGISLATURE. SUCH POLICIES SHALL PROVIDE FOR MORE THAN ONE DISTRICT OFFICE, THE SMALLER OF WHICH SHALL BE KNOWN AS A SATELLITE OFFICE, UPON THE DISTRICT OF SUCH MEMBER MEETING CERTAIN DEFINED, SPECIFIC GEOGRAPHIC CRITERIA, TO BE DETERMINED BY CONCURRENT RESOLUTION OF THE LEGISLATURE.

33-C. INTRODUCTION OF LEGISLATION. 1. LEGISLATION SHALL ONLY BE INTRODUCED AT THE REQUEST OF A MEMBER OF THE LEGISLATURE, OR BY A COMMITTEE BY VOTE OF THAT COMMITTEE VOTING TO INTRODUCE A BILL DRAFT BY LEGISLATURE BILL DRAFT NUMBER. THE COMMITTEE ON RULES MAY INTRODUCE LEGISLATION, HOWEVER, AT THE REQUEST OF ONE OR MORE MEMBERS IF SUCH MEMBER'S NAMES ARE PRINTED ON THE LEGISLATION INDICATING THAT THE COMMITTEE ON RULES HAS REQUESTED THE INTRODUCTION OF SUCH LEGISLATION BY THE PARTICULAR MEMBER OR MEMBERS.

2. NOTICE SHALL BE POSTED ON THE SENATE AND ASSEMBLY WEBSITES OF ALL LEGISLATION TO BE CONSIDERED, BY BILL NUMBER, AT LEAST TWENTY-FOUR HOURS

PRIOR TO ITS CONSIDERATION, UNLESS A MESSAGE OF NECESSITY HAS BEEN ISSUED BY THE GOVERNOR FOR SUCH LEGISLATION.

3. TO THE EXTENT THAT ITEMS ARE APPROPRIATED IN THE STATE BUDGET FOR SPECIFIC ORGANIZATIONS OR MUNICIPALITIES AND ARE APPROPRIATED OTHER THAN BY FORMULA, AND AT THE SPECIFIC DISCRETION AND REQUEST OF MEMBERS OF THE LEGISLATURE, AND RELATED TO PROJECTS NOT BENEFITING THE ENTIRE STATE, BUT RATHER ARE FOCUSED ON HELPING ONE OR MORE SPECIFIC MUNICIPALITIES OR ORGANIZATIONS, SUCH FUNDING SHALL BE DEEMED TO BE A "MEMBER ITEM". MEMBER ITEMS ARE HEREBY PROHIBITED UNLESS EACH MEMBER OF THE SENATE AND EACH MEMBER OF THE ASSEMBLY HAS THE OPPORTUNITY TO RECOMMEND AND HAVE INCLUDED IN THE BUDGET PROJECTS EQUALING THE SAME COST AS EVERY OTHER MEMBER OF THE SENATE OR EVERY OTHER MEMBER OF THE ASSEMBLY, AS THE CASE MAY BE. NO MEMBER OF THE SENATE OR ASSEMBLY, HOWEVER, SHALL BE ALLOCATED MEMBER ITEM FUNDING IF THEY PRESENTLY ARE CHARGED WITH A CRIME RELATING TO THIS OFFICE OR OTHERWISE RELATING TO VERACITY.

4. THE SECRETARY OF THE SENATE AND CLERK OF THE ASSEMBLY SHALL MAINTAIN DISCHARGE PETITIONS, TO BE STORED IN THE WELL OF THE SENATE AND ASSEMBLY. A DISCHARGE PETITION SHALL BE A PETITION REQUESTING A VOTE ON A PARTICULAR PIECE OF LEGISLATION OR RESOLUTION BY BILL OR RESOLUTION NUMBER. THE DISCHARGE PETITION SHALL BE FILED WITH THE SECRETARY OF THE SENATE OR CLERK OF THE ASSEMBLY BY THE BILL OR RESOLUTION SPONSOR. ALL SUCH PETITIONS SHALL BE OPEN FOR SIGNATURE DURING THE HOURS THE LEGISLATURE IS IN SESSION. UPON MORE THAN HALF THE MEMBERS OF THE SENATE OR ASSEMBLY SIGNING A DISCHARGE PETITION, SUCH LEGISLATION OR RESOLUTION SHALL BE DISCHARGED FROM ANY COMMITTEE IT IS IN, AND BROUGHT TO THE FLOOR OF THE SENATE OR ASSEMBLY FOR A VOTE WITHIN ONE WEEK, OR, IF THE REQUISITE NUMBER OF SIGNATURES ARE OBTAINED BETWEEN THE DATES OF JUNE TENTH AND SEPTEMBER FIRST, WITHIN TWENTY WEEKS, BUT IN ANY EVENT BY THE END OF THE CALENDAR YEAR. NO SIGNATURE MADE BETWEEN SEPTEMBER FIRST OF AN EVEN NUMBER CALENDAR YEAR AND DECEMBER THIRTY-FIRST, OF THAT SAME YEAR SHALL COUNT TOWARD REACHING THE MAJORITY DESCRIBED HEREIN.

S 2. 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. 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.

3. 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, BILLS WHICH APPROPRIATE PUBLIC FUNDS, OR CONCURRENT RESOLUTIONS TO AMEND THE CONSTITUTION PURSUANT TO ARTICLE NINETEEN OF THE CONSTITUTION OR BILLS SUBJECT TO THE PROVISIONS OF SECTION FIFTY OF THIS ARTICLE.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, that the senate and assembly shall, by concurrent resolution, adopt rules necessary to implement this act within twenty days after such act shall have become a law.