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I N   S E N A T E

January 13, 2016

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

AN ACT to amend part E of chapter 60 of the laws of 2015, relating to establishing a commission on legislative, judicial and executive compensation, and providing for the powers and duties of the commission, in relation to prohibiting compensation from outside active employment

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

1     Section 1. Section 2 of part E of chapter 60 of the laws of 2015  
2 relating to establishing a commission on legislative, judicial and executive compensation, and providing for the powers and duties of the  
3 commission is amended to read as follows:  
4     S 2. 1. On the first of June of every fourth year, commencing June 1,  
5 2015, there shall be established a commission on legislative, judicial  
6 and executive compensation to examine, evaluate and make recommendations  
7 with respect to adequate levels of compensation and non-salary benefits  
8 for members of the legislature, judges and justices of the state-paid  
9 courts of the unified court system, statewide elected officials, and  
10 those state officers referred to in section 169 of the executive law.  
11     2. (a) In accordance with the provisions of this section, the commission shall examine: (1) the prevailing adequacy of pay levels and other  
12 non-salary benefits received by members of the legislature, statewide  
13 elected officials, and those state officers referred to in section 169  
14 of the executive law; and  
15     (2) the prevailing adequacy of pay levels and non-salary benefits  
16 received by the judges and justices of the state-paid courts of the  
17 unified court system and housing judges of the civil court of the city  
18 of New York and determine whether any of such pay levels warrant adjustment; and  
19     (b) The commission shall determine whether: (1) for any of the four  
20 years commencing on the first of April of such years, following the year  
21 in which the commission is established, the annual salaries for the  
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 judges and justices of the state-paid courts of the unified court system  
2 and housing judges of the civil court of the city of New York warrant an  
3 increase; and

4 (2) on the first of January after the November general election at  
5 which members of the state legislature are elected following the year in  
6 which the commission is established, and on the first of January follow-  
7 ing the next such election, the like annual salaries and allowances of  
8 members of the legislature, and salaries of statewide elected officials  
9 and state officers referred to in section 169 of the executive law  
10 warrant an increase. ADDITIONALLY, THE COMMISSION SHALL DEFINE "OUTSIDE  
11 ACTIVE EMPLOYMENT" AND THE TYPES OF PROHIBITED INCOME FOR MEMBERS OF THE  
12 LEGISLATURE PURSUANT TO SECTION 6-A OF ARTICLE 3 OF THE CONSTITUTION.

13 3. In discharging its responsibilities under subdivision two of this  
14 section, the commission shall take into account all appropriate factors  
15 including, but not limited to: the overall economic climate; rates of  
16 inflation; changes in public-sector spending; the levels of compensation  
17 and non-salary benefits received by executive branch officials and  
18 legislators of other states and of the federal government; the levels of  
19 compensation and non-salary benefits received by professionals in  
20 government, academia and private and nonprofit enterprise; [and] the  
21 state's ability to fund increases in compensation and non-salary bene-  
22 fits; AND THE DEFINITIONS OF INCOME FROM OUTSIDE ACTIVE EMPLOYMENT  
23 UTILIZED BY THE UNITED STATES CONGRESS AND OTHER STATE LEGISLATURES  
24 WHERE APPLICABLE.

25 S 2. Paragraph 7 of section 3 of part E of chapter 60 of the laws of  
26 2015 relating to establishing a commission on legislative, judicial and  
27 executive compensation, and providing for the powers and duties of the  
28 commission is amended to read as follows:

29 7. The commission shall make a report to the governor, the legislature  
30 and the chief judge of the state of its findings, conclusions, determi-  
31 nations and recommendations, if any, not later than the thirty-first of  
32 December of the year in which the commission is established for judicial  
33 compensation and the fifteenth of November the following year for  
34 [legislative and] executive compensation AND LEGISLATIVE COMPENSATION  
35 AND PROHIBITED INCOME FROM OUTSIDE ACTIVE EMPLOYMENT. Any findings,  
36 conclusions, determinations and recommendations in the report must be  
37 adopted by a majority vote of the commission and findings, conclusions,  
38 determinations and recommendations with respect to executive [and legis-  
39 lative] compensation AND LEGISLATIVE COMPENSATION AND PROHIBITED INCOME  
40 FROM OUTSIDE ACTIVE EMPLOYMENT shall also be supported by at least one  
41 member appointed by each appointing authority. Each recommendation made  
42 to implement a determination pursuant to section two of this act shall  
43 have the force of law, and shall supersede, where appropriate, incon-  
44 sistent provisions of article 7-B of the judiciary law, section 169 of  
45 the executive law, and sections 5 and 5-a of the legislative law, unless  
46 modified or abrogated by statute prior to April first of the year as to  
47 which such determination applies to judicial compensation and January  
48 first of the year as to which such determination applies to [legislative  
49 and] executive compensation AND LEGISLATIVE COMPENSATION AND PROHIBITED  
50 INCOME FROM OUTSIDE ACTIVE EMPLOYMENT.

51 S 3. This act shall take effect on the first of January next succeed-  
52 ing the date upon which the people shall approve and ratify amendments  
53 to Article III of the constitution by a majority of the electors voting  
54 thereon, as proposed by legislative bill number S.6356 of 2016.