

# STATE OF NEW YORK

8652

2017-2018 Regular Sessions

## IN ASSEMBLY

September 1, 2017

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Governmental 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 § 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;

21 (b) may appoint such other subcommittees as are necessary to consider  
22 bills or resolutions involving particular topics that are referred to  
23 the standing committee on conference; and

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

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1 (c) shall invite the prime sponsors of the bill from each house to  
2 participate as non-voting members of such committee.

3 2. Whenever a bill or resolution has passed the senate or the assembly  
4 and such bill or resolution contains substantially the same provisions  
5 of law or accomplishes substantially the same purposes as a bill or  
6 resolution passed by the other house, such bill or resolution shall:

7 (a) at the joint request of the temporary president of the senate and  
8 the speaker of the assembly; or

9 (b) at the joint request of the prime sponsor of the bill or resolu-  
10 tion in the senate and the prime sponsor of the bill or resolution in  
11 the assembly; or

12 (c) at the joint request of the chairs of the committees which delib-  
13 erated on the bill or resolution in each house  
14 be referred to the standing committee on conference, which shall dispose  
15 of the bill or resolution pursuant to this section.

16 3. In the alternative, each bill or resolution passed by each house  
17 shall, at the written request of any member of the legislature, be exam-  
18 ined by a nonpartisan counsel appointed by the commissioners of the  
19 legislative bill drafting commission to determine whether a bill or  
20 resolution passed in one house is similar to any bills or resolutions  
21 passed in the other house. If the nonpartisan counsel appointed by the  
22 commissioners of the legislative bill drafting commission determines  
23 that any bills or resolutions are similar under the guidelines set forth  
24 in this section, then such bills or resolutions shall be referred to the  
25 standing committee on conference and that committee shall dispose of the  
26 similar bills or resolutions as provided in this section.

27 4. (a) When similar bills or resolutions are referred to the standing  
28 committee on conference under this section, the committee shall there-  
29 after meet within ten calendar days of the referral and shall follow the  
30 process set forth in this subdivision:

31 (i) the standing committee on conference shall conference the bill or  
32 resolution, negotiate any necessary changes and shall issue a report on  
33 the bills or resolutions submitted to it within fifteen days after the  
34 referral as provided herein; or

35 (ii) the standing committee on conference shall refer such bills or  
36 resolutions to a subcommittee with jurisdiction over the subject matter  
37 of such bills or resolutions, which committee shall be appointed by the  
38 standing committee on conference and which subcommittee shall consist of  
39 four members of each house, including one member of the minority from  
40 each house.

41 (b) In any event, either the standing committee on conference or the  
42 duly created subcommittee shall file a report with the secretary of the  
43 senate or the clerk of the assembly which shall:

44 (i) contain a conference bill or conference resolution, which has an  
45 agreed on text and is supported by a majority of the standing committee  
46 on conference members that conferenced the two bills or resolutions as  
47 well as a minority report of the committee members, if any, regarding  
48 the conference bill or conference resolution; or

49 (ii) contain a report of the standing committee on conference deliber-  
50 ations on the bill or resolution and an explanation regarding the fail-  
51 ure of the committee to agree on the text of the conference bill or  
52 conference resolution.

53 5. Any conference bill or resolution, approved by a majority of the  
54 standing committee on conference or the duly created subcommittee shall,  
55 if reported favorably to the secretary of the senate and the clerk of  
56 the assembly, and after receipt by those officers of each house, be

1 placed on the third reading calendar for each house and such bill or  
2 resolution shall thereafter be subject to any appropriate motion,  
3 including a motion to discharge or to advance for debate, at any time  
4 thereafter.

5 6. (a) The nonpartisan counsel appointed by the commissioners of the  
6 legislative bill drafting commission shall have experience in legisla-  
7 tive bill drafting. The counsel shall serve for a one year term, which  
8 may be renewed by the commissioners of the legislative bill drafting  
9 commission for a term of no more than one year thereafter. The counsel  
10 shall have such resources as the legislature may permit.

11 (b) In considering whether bills passed by both houses are similar,  
12 the nonpartisan counsel jointly appointed by the commissioners of the  
13 legislative bill drafting commission shall consider, but not be limited  
14 to, the following factors:

15 (i) whether each bill amends the same section and subdivision of the  
16 laws of the state of New York;

17 (ii) whether each bill contains similar language and concepts even  
18 though it may amend different sections of state law;

19 (iii) whether each bill includes appropriations from state accounts  
20 and benefits or impacts similarly-situated groups of people; and

21 (iv) whether each bill originated in a similar committee in each  
22 house.

23 (c) The legislative bill drafting commission and its nonpartisan coun-  
24 sel shall make an annual report to the legislature on its determinations  
25 regarding the similarity of bills and resolutions and the creation of  
26 conference committees.

27 § 2. This act shall take effect immediately.