

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 deliberated on the bill or resolution in each house
13 be referred to the standing committee on conference, which shall dispose
14 of the bill or resolution pursuant to this section.

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

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

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

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

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

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

48 (ii) contain a report of the standing committee on conference deliberations on the bill or resolution and an explanation regarding the failure of the committee to agree on the text of the conference bill or conference resolution.

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