

# STATE OF NEW YORK

---

2054--A

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

---

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 § 2. 1. On the first of June of every fourth year, commencing June 1,  
5 ~~[2015]~~ 2018, there shall be established a commission on legislative,  
6 judicial and executive compensation to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary  
7 benefits for members of the legislature, judges and justices of the  
8 state-paid courts of the unified court system, statewide elected officials, and those state officers referred to in section 169 of the executive  
9 law.

10 2. (a) In accordance with the provisions of this section, the commission shall examine: (1) the prevailing adequacy of pay levels and other  
11 non-salary benefits received by members of the legislature, statewide  
12 elected officials, and those state officers referred to in section 169  
13 of the executive law; and

14 (2) the prevailing adequacy of pay levels and non-salary benefits  
15 received by the judges and justices of the state-paid courts of the  
16 unified court system and housing judges of the civil court of the city  
17  
18  
19  
20

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

LBD04645-02-7

1 of New York and determine whether any of such pay levels warrant adjust-  
2 ment; and

3 (b) The commission shall determine whether: (1) for any of the four  
4 years commencing on the first of April of such years, following the year  
5 in which the commission is established, the annual salaries for the  
6 judges and justices of the state-paid courts of the unified court system  
7 and housing judges of the civil court of the city of New York warrant an  
8 increase; and

9 (2) on the first of January after the November general election at  
10 which members of the state legislature are elected following the year in  
11 which the commission is established, and on the first of January follow-  
12 ing the next such election, the like annual salaries and allowances of  
13 members of the legislature, and salaries of statewide elected officials  
14 and state officers referred to in section 169 of the executive law  
15 warrant an increase. Additionally, the commission shall define "outside  
16 active employment" and the types of prohibited income for members of the  
17 legislature pursuant to section 6-a of article 3 of the constitution.

18 3. In discharging its responsibilities under subdivision two of this  
19 section, the commission shall take into account all appropriate factors  
20 including, but not limited to: the overall economic climate; rates of  
21 inflation; changes in public-sector spending; the levels of compensation  
22 and non-salary benefits received by executive branch officials and  
23 legislators of other states and of the federal government; the levels of  
24 compensation and non-salary benefits received by professionals in  
25 government, academia and private and nonprofit enterprise; ~~and~~ the  
26 state's ability to fund increases in compensation and non-salary bene-  
27 fits; and the definitions of income from outside active employment  
28 utilized by the United States Congress and other state legislatures  
29 where applicable.

30 § 2. Paragraph 7 of section 3 of part E of chapter 60 of the laws of  
31 2015 relating to establishing a commission on legislative, judicial and  
32 executive compensation, and providing for the powers and duties of the  
33 commission is amended to read as follows:

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

1     § 3. This act shall take effect on the first of January next succeed-  
2 ing the date upon which the people shall approve and ratify amendments  
3 to Article III of the constitution by a majority of the electors voting  
4 thereon, as proposed by legislative bill number S.2056 of 2017.