

# STATE OF NEW YORK

10098

## IN ASSEMBLY

March 12, 2020

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 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. The standing  
10 committee on conference shall be composed of majority conference and  
11 minority conference members in the same proportion as the number of  
12 majority conference and minority conference members in the senate and  
13 assembly relative to the total membership of the senate and assembly.  
14 For purposes of committee composition, in the event that the proportion  
15 of either majority conference members would result in a fractional  
16 amount, the number of majority conference members shall be rounded up to  
17 the next whole number. Further, in the case of an excused absence of any  
18 committee member such committee may designate an alternate member of the  
19 conference for meetings of such committees provided written notice is  
20 provided and accepted by the temporary president of the senate and the  
21 speaker of the assembly at least one hour prior to the commencement of  
22 such committee meeting.

23 This committee shall be known as the standing committee on conference  
24 and:

25 (a) shall deliberate on all bills or resolutions for conference that  
26 are referred to it from the legislative leaders as provided in subdivi-

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

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1 sion two of this section or as referred to it by the nonpartisan counsel  
2 jointly appointed by the commissioners of the legislative bill drafting  
3 commission as provided in subdivision three of this section;

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

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

9 2. Whenever a bill or resolution has passed the senate or the assembly  
10 and such bill or resolution contains substantially the same provisions  
11 of law or accomplishes substantially the same purposes as a bill or  
12 resolution passed by the other house, such bill or resolution shall:

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

15 (b) at the joint request of the prime sponsor of the bill or resol-  
16 ution in the senate and the prime sponsor of the bill or resolution in  
17 the assembly; or

18 (c) at the joint request of the chairs of the committees which deliberated on the bill or resolution in each house  
19 be referred to the standing committee on conference, which shall dispose  
20 of the bill or resolution pursuant to this section.

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

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

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

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

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

49 (i) contain a conference bill or conference resolution, which has an  
50 agreed on text and is supported by a majority of the standing committee  
51 on conference members that conferenced the two bills or resolutions as  
52 well as a minority report of the committee members, if any, regarding  
53 the conference bill or conference resolution; or

54 (ii) contain a report of the standing committee on conference deliber-  
55 ations on the bill or resolution and an explanation regarding the fail-  
56

1 ure of the committee to agree on the text of the conference bill or  
2 conference resolution.

3 5. Any conference bill or resolution, approved by a majority of the  
4 standing committee on conference or the duly created subcommittee shall,  
5 if reported favorably to the secretary of the senate and the clerk of  
6 the assembly, and after receipt by those officers of each house, be  
7 placed on the third reading calendar for each house and such bill or  
8 resolution shall thereafter be subject to any appropriate motion,  
9 including a motion to discharge or to advance for debate, at any time  
10 thereafter.

11 6. (a) The nonpartisan counsel appointed by the commissioners of the  
12 legislative bill drafting commission shall have experience in legisla-  
13 tive bill drafting. The counsel shall serve for a one year term, which  
14 may be renewed by the commissioners of the legislative bill drafting  
15 commission for a term of no more than one year thereafter. The counsel  
16 shall have such resources as the legislature may permit.

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

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

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

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

27 (iv) whether each bill originated in a similar committee in each  
28 house.

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

33 § 2. This act shall take effect immediately.