

STATE OF NEW YORK

4001--A

2019-2020 Regular Sessions

IN SENATE

February 22, 2019

Introduced by Sens. KRUEGER, BAILEY, HOYLMAN, LIU, SERRANO, STAVISKY -- 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 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:

Section 1. The legislative law is amended by adding a new section 54-b to read as follows:

§ 54-b. Standing committee on conference; referral to conference, appointment of nonpartisan counsel for referral. 1. By January fifth of each year, the temporary president of the senate and the speaker of the assembly shall appoint a standing committee on conference. Such committee shall be constituted by the filing of a joint certificate by the temporary president of the senate and the speaker of the assembly with the secretary of the senate and clerk of the assembly. The standing committee on conference shall be composed of majority conference and minority conference members in the same proportion as the number of majority conference and minority conference members in the senate and assembly relative to the total membership of the senate and assembly. For purposes of committee composition, in the event that the proportion of either majority conference members would result in a fractional amount, the number of majority conference members shall be rounded up to the next whole number. Further, in the case of an excused absence of any committee member such committee may designate an alternate member of the conference for meetings of such committees provided written notice is provided and accepted by the temporary president of the senate and the

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

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1 speaker of the assembly at least one hour prior to the commencement of
2 such committee meeting.

3 This committee shall be known as the standing committee on conference
4 and:

5 (a) shall deliberate on all bills or resolutions for conference that
6 are referred to it from the legislative leaders as provided in subdivi-
7 sion two of this section or as referred to it by the nonpartisan counsel
8 jointly appointed by the commissioners of the legislative bill drafting
9 commission as provided in subdivision three of this section;

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

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

15 2. Whenever a bill or resolution has passed the senate or the assembly
16 and such bill or resolution contains substantially the same provisions
17 of law or accomplishes substantially the same purposes as a bill or
18 resolution passed by the other house, such bill or resolution shall:

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

21 (b) at the joint request of the prime sponsor of the bill or resol-
22 ution in the senate and the prime sponsor of the bill or resolution in
23 the assembly; or

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

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

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

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

46 (ii) the standing committee on conference shall refer such bills or
47 resolutions to a subcommittee with jurisdiction over the subject matter
48 of such bills or resolutions, which committee shall be appointed by the
49 standing committee on conference and which subcommittee shall consist of
50 four members of each house, including one member of the minority from
51 each house.

52 (b) In any event, either the standing committee on conference or the
53 duly created subcommittee shall file a report with the secretary of the
54 senate or the clerk of the assembly which shall:
55

1 (i) contain a conference bill or conference resolution, which has an
2 agreed on text and is supported by a majority of the standing committee
3 on conference members that conferenced the two bills or resolutions as
4 well as a minority report of the committee members, if any, regarding
5 the conference bill or conference resolution; or

6 (ii) contain a report of the standing committee on conference deliber-
7 ations on the bill or resolution and an explanation regarding the fail-
8 ure of the committee to agree on the text of the conference bill or
9 conference resolution.

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

18 6. (a) The nonpartisan counsel appointed by the commissioners of the
19 legislative bill drafting commission shall have experience in legisla-
20 tive bill drafting. The counsel shall serve for a one year term, which
21 may be renewed by the commissioners of the legislative bill drafting
22 commission for a term of no more than one year thereafter. The counsel
23 shall have such resources as the legislature may permit.

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

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

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

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

34 (iv) whether each bill originated in a similar committee in each
35 house.

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

40 § 2. This act shall take effect immediately.