

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend part E of chapter 60 of the laws of 2015, establishing a commission on legislative, judicial and executive compensation, and providing for the powers and duties of the commission and for the dissolution of the commission, in relation to the powers of the members of the commission (Part);

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 PART ____

2 Section 1. Section 2 and subdivision 7 of section 3 of part E of chap-
3 ter 60 of the laws of 2015, establishing a commission on legislative,
4 judicial, and executive compensation, and providing for the powers and
5 duties of the commission and for the dissolution of the commission,
6 subdivision 7 of section 3 as amended by section 1 of part VVV of chap-
7 ter 59 of the laws of 2019, are amended to read as follows:

8 § 2. 1. (a) On the first of June of every fourth year, commencing June
9 1, 2015, there shall be established a commission on legislative, judi-
10 cial and executive compensation to examine, evaluate and make recommen-
11 dations with respect to adequate levels of compensation and non-salary
12 benefits for members of the legislature, judges and justices of the
13 state-paid courts of the unified court system, statewide elected offi-
14 cials, and those state officers referred to in section 169 of the execu-
15 tive law.

16 (b) Notwithstanding any provision of this act to the contrary, the
17 commission established in the year 2019 may examine, evaluate and make

1 recommendations with respect to adequate levels of compensation and
2 non-salary benefits for judges and justices of the state-paid courts of
3 the unified court system during its examination of and making recommen-
4 dations for legislative and executive compensation in the year 2020.

5 2. (a) In accordance with the provisions of this section, the commis-
6 sion shall examine: (1) the prevailing adequacy of pay levels and other
7 non-salary benefits received by members of the legislature, statewide
8 elected officials, and those state officers referred to in section 169
9 of the executive law; and

10 (2) the prevailing adequacy of pay levels and non-salary benefits
11 received by the judges and justices of the state-paid courts of the
12 unified court system and housing judges of the civil court of the city
13 of New York and determine whether any of such pay levels warrant adjust-
14 ment; and

15 (b) The commission shall determine whether: (1) for any of the four
16 years commencing on the first of April of such years, following the year
17 in which the commission is established or authorized by this act to
18 evaluate and make recommendations on such salaries, the annual salaries
19 for the judges and justices of the state-paid courts of the unified
20 court system and housing judges of the civil court of the city of New
21 York warrant an increase; and

22 (2) on the first of January after the November general election at
23 which members of the state legislature are elected following the year in
24 which the commission is established, and on the first of January follow-
25 ing the next such election, the like annual salaries and allowances of
26 members of the legislature, and salaries of statewide elected officials
27 and state officers referred to in section 169 of the executive law
28 warrant an increase.

1 3. In discharging its responsibilities under subdivision two of this
2 section, the commission shall take into account all appropriate factors
3 including, but not limited to: the overall economic climate; rates of
4 inflation; changes in public-sector spending; the levels of compensation
5 and non-salary benefits received by executive branch officials and
6 legislators of other states and of the federal government; the levels of
7 compensation and non-salary benefits received by professionals in
8 government, academia and private and nonprofit enterprise; and the
9 state's ability to fund increases in compensation and non-salary bene-
10 fits.

11 7. The commission shall make a report to the governor, the legislature
12 and the chief judge of the state of its findings, conclusions, determi-
13 nations and recommendations, if any, not later than the thirty-first of
14 December of the year in which the commission is established for judicial
15 compensation and the fifteenth of November the following year for legis-
16 lative and executive compensation; provided, however, the report made by
17 the commission in the year two thousand twenty regarding judicial,
18 legislative and executive compensation shall be issued not later than
19 November 15, 2020. Any findings, conclusions, determinations and recom-
20 mendations in the report must be adopted by a majority vote of the
21 commission and shall also be supported by at least one member appointed
22 by each appointing authority. Each recommendation made to implement a
23 determination pursuant to section two of this act shall have the force
24 of law, and shall supersede, where appropriate, inconsistent provisions
25 of article 7-B of the judiciary law, section 169 of the executive law,
26 and sections 5 and 5-a of the legislative law, unless modified or abro-
27 gated by statute prior to April first of the year as to which such
28 determination applies to judicial compensation and January first of the

- 1 year as to which such determination applies to legislative and executive
- 2 compensation.
- 3 § 2. This act shall take effect immediately.