RULES OF THE ASSEMBLY OF THE STATE OF NEW YORK

2017-2018

Rules of the Assembly for the years 2017–2018, as adopted by Assembly

Resolution number 6 of 2017.

Permanent Joint Rules of the Senate and Assembly, as adopted by Concurrent Resolution numbers 459 (Senate) and 544 (Assembly) of 1984 and as amended by Concurrent Resolution number 260 (Senate) of 1995 and as amended by Concurrent Resolution number 147 (Assembly) of 2007 and as amended by Concurrent Resolution numbers 2775 (Senate) and 787 (Assembly) of 2009.

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RULE I SPEAKER

Section 1. Powers and Duties. The Speaker shall:

a. take the chair each day at the hour to which the House adjourned;

b. call the House to order, lead the Members of the Assembly in the Pledge of Allegiance to the Flag of the United States of America, and, except in the absence of a quorum, proceed to business in the manner prescribed in these Rules; and

c. possess the powers and perform the duties herein prescribed. The Speaker:

1. shall preserve order and decorum, name the member entitled to the floor when more than one member seeks to be recognized and, in debate, prevent personal reflections and confine members to the question under discussion;

2. shall decide all questions of order subject to appeal to the House and on every appeal shall have the right, from the Chair, to assign the reason for such decision; in case of such appeal no member shall speak more than once, nor for more than 15 minutes;

3. shall appoint the chairpersons and members of all committees thereof, except where the House shall otherwise order;

4. shall create such sub-committees of each standing committee, jointly with the chairperson of the standing committee, as may be deemed necessary;

5. shall appoint the chairpersons and members of all sub-committees thereof, except where the House shall otherwise order;

6. may designate by an appointment in writing duly entered upon the Journal of the House, any member to perform the duties of the Chair for a period not exceeding five consecutive legislative days, but for no longer period, except by special consent of the House and the member so designated shall be, during the time designated, vested with all the powers and duties conferred by these rules and section 40 of the legislative law;

7. shall not be required to vote in ordinary legislative proceedings, except where such vote would be decisive;

8. shall be a member and Chairperson of the Committee on Rules;

9. shall appoint a Majority Leader, who shall be a member of the Committee on Rules, and who, together with the Minority Leader, shall be a member ex-officio of all other standing committees of the House, and entitled to the same rights and privileges as other members of said committees except the right to vote;

10. shall appoint such other officers as he or she deems necessary to the conduct of the affairs of the Assembly;

11. may direct a standing committee to conduct any investigation which the Assembly or a committee thereof is authorized to conduct, provided, however, that the Speaker may not so direct the Committee on Oversight, Analysis and Investigation unless requested in writing by a majority of the membership of such Committee;

12. shall execute the judgment of the House, without debate, in cases of adjudged breach of its privileges; and

13. may create such task forces of the Assembly as he or she may deem necessary or advisable and shall appoint the chairperson and members of each such task force.

14. shall adopt rules and regulations, and take such other measures as may be necessary to provide for the establishment and maintenance of a system of internal controls and a program of internal control review for the Assembly in accordance with the guidelines set forth in Rule VII hereof.

§ 2. Vacancy. Whenever a vacancy shall occur in the office of the Speaker, the Majority Leader shall be the Acting Speaker until the Assembly shall re-assemble.

§ 3. Assembly Chamber, lobbies, rooms and property.

a. The use of the Assembly Chamber, lobbies, rooms and property shall be controlled by the Speaker. He or she shall direct the Sergeant-at-Arms to perform such acts as may be necessary to preserve order.

b. The following persons shall be entitled to admission to the floor of the House during the session thereof:

1. the Governor and Lieutenant-Governor;

2. the members and former members of the Assembly and the Senate;

3. the elected State officers and their deputies;

4. persons in the exercise of an official duty directly connected to the business of the House; and

5. the representatives of the news media designated by the Speaker.

c. No other person shall be admitted to the floor during the session, except upon the permission of the Speaker or by vote of the House; and persons so admitted shall be allowed to occupy places only in the seats in the rear of the Assembly Chamber. Such permission may be revoked by the Speaker, at pleasure, or upon order of the House.

d. No person shall be admitted to the floor of the Assembly Chamber who is interested in pending or contemplated legislation, or who is employed by or receives compensation from any public or private source for influencing legislation.

e. No person other than a member shall occupy the chair of a member during the session of the House.

f. No person shall have access to or be permitted within or by the Clerk's desk during the session of the House, except officers of the House in the discharge of their official duties.

g. The Speaker may, at pleasure, recognize a member for the purpose of introducing guests in the chamber.

§ 4. Sergeant-at-Arms. Subject to the direction of the Speaker, the Sergeant-at-Arms shall enforce the Rules of the House, enforce order in the Assembly Chamber, lobbies and rooms, exclude all persons from the floor except such as are entitled to the privileges of the same and perform such other duties as the Speaker may direct.

§ 5. Sexual harassment policy. The Speaker shall promulgate a policy prohibiting sexual harassment, which shall, at a minimum, be applicable to members of the Assembly and Assembly staff, define the conduct which is prohibited, establish a process for the resolution of complaints of such conduct, and provide for appropriate training for all members of the Assembly and Assembly staff. Nothing contained herein shall be deemed to require the repromulgation of a sexual harassment policy statement which is already in effect and which meets the requirements of this rule. Copies of the sexual harassment policy promulgated hereunder shall be distributed to all members of the Assembly and Assembly staff and shall be available to the public.

§ 6. Affirmative action policy. The Speaker shall promulgate a policy with respect to affirmative action, which shall, at a minimum:

a. prohibit employment discrimination on the basis of race, color, creed, sex, religion, age, sexual orientation, national origin, disability, genetic predisposition or carrier status, marital status or military status;

b. appoint an affirmative action officer who shall report annually to the Speaker;

c. create an affirmative action advisory committee to assist the affirmative action officer in the implementation of such policy;

d. require that the human resources office of the Assembly undertake recruitment of minority and protected-class individuals;

e. establish a process for the resolution of complaints of discrimination; and,

f. create a system by which such policy is disseminated and enforced.

Nothing contained herein shall be deemed to require the repromulgation of an affirmative action policy which is already in effect and which meets the requirements of this rule. Copies of the affirmative action policy promulgated hereunder shall be distributed to all members of the Assembly and Assembly staff and shall be available to the public.

§ 7. Non-fraternization policy. The Speaker shall promulgate a policy prohibiting fraternization with student interns, which shall at a minimum, be applicable to members of the Assembly and Assembly staff, define the conduct which is prohibited, and establish a procedure for investigation of alleged violations of the policy. Nothing contained herein shall be deemed to require promulgation of a non-fraternization policy which is already in effect and which meets the requirement of this rule.

Copies of the non-fraternization policy promulgated hereunder shall be distributed to all members of the Assembly and Assembly staff and shall be available to the public.

§ 8. Budget adoption schedule. Within ten days of submission of the budget by the Governor, the Speaker shall promulgate a schedule of dates for consideration and passage of the budget appropriation and related bills. Such dates shall include dates for public hearings on such bills, dates for the issuance of forecasts and dates for the passage of such appropriation bills. Such schedule, to the extent practicable, shall be promulgated jointly with the Temporary President of the Senate. Provided, however, upon the adoption of a budget adoption schedule pursuant to Joint Rule II, the provisions of such Joint Rule shall supercede the provisions of this section.

RULE II ORDER OF BUSINESS AND MOTIONS

Section 1. Stenographer. It shall be the duty of the Stenographer of the Assembly to be present at every session of the House. A daily stenographic record of the proceedings of the House shall be made and copies thereof shall be available to the public, at a place designated by the Speaker, within ten days following the date upon which the proceedings took place.

§ 2. Hours in session. The House shall convene at 2:00 P.M. on Monday and 11:00 A.M. on other days unless otherwise ordered. No session shall extend beyond eight hours nor shall it occur between 10:00 P.M. and 8:00 A.M. provided, however, the House may remain in session to complete action on a measure or measures being debated or to take action on a measure or measures if a message of necessity has been received from the governor in connection with such measure or measures or upon a majority vote of all of the members elected to the Assembly. For the purposes of this section, the passage of time shall be observed in accordance with section fifty-two of the general construction law and shall not include time that the House is in recess or standing at ease.

§ 3. Order of business.

a. The first business of each day's session shall be the reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein, provided, however, that such reading of the Journal may be waived, without debate, upon a majority vote of the members present and provided further that on any day on which bills on any order of third reading are before the House for final disposition, and a vote is to be taken thereon, a roll call of the members shall be taken for attendance purposes prior to the reading of such Journal. Such roll call may be taken by electronic device. Immediately thereafter, except on days and at times set apart for the consideration of special orders, the order of business, which shall not be departed from except by a vote of two-thirds of the members present, to be determined by a call of the roll, shall be as follows:

1. messages from the Governor and from the Senate, communications from State officers and reports from State institutions;
2. introduction of bills and reference to committee;
3. reports of committees;
4. bills on second reading;
5. bills on third reading;
6. Assembly bills amended by the Senate; and
7. introduction of original resolutions.

b. At the commencement of each day's session the Majority Leader, or his or her designee, shall announce a schedule of legislation intended for consent and debate. All bills appearing on the order of third reading or the order of special second and third reading for the first time shall be included within such schedule.

c. Notwithstanding the provisions of subdivision a of this section, messages from the Governor and Senate, communications and reports from State officers, reports from the Judiciary Committee which involve the right of a member to his or her seat and reports from the Committee on Rules shall be received at any time.

d. When consideration of the orders of the day is not finished, those not acted upon shall be the orders for the next and each succeeding day until disposed of, and shall be entered first in the Calendar without change in their order.

e. Any matter may be made a special order for any particular day by the assent of two-thirds of the members present. When so made, a similar vote shall be required to rescind or postpone such matter.

f. Petitions, memorials and remonstrances may be presented to the Clerk of the Assembly at the close of each day's session.

§ 4. Assembly Calendar. All Assembly calendars shall be delineated in a form prescribed by the Speaker. Each such calendar shall as applicable, list bills on special order of second and third reading, bills on special order of third reading, bills on order of third reading, starred bills, and resolutions, and shall further delineate any bills newly reported to the calendar, bills amended on third reading, bills for which there is a home rule message, and bills that require a fiscal note pursuant to section 50 or 51 of the Legislative Law and Joint Rule I. There shall be an index of such delineated material.

§ 5. Motions; previous questions.

a. When a question is before the Assembly, only the following motions shall be received, and such motions shall have precedence in the order stated:

1. for an adjournment of the House;
2. a call of the House;
3. for the previous question;
4. to lay on the table;
5. to postpone to a certain day;
6. to commit;
7. to amend;
8. to postpone indefinitely; and
9. to strike from the Calendar.

b. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or within the three legislative days next succeeding such day, and except in the case of a vote on the final passage of a bill, by a member who voted in the majority, providing, however, that the vote upon the final passage of a bill recalled from the Senate may be reconsidered at any time after it is returned to the House. A motion to reconsider may be made under any order of business but shall be considered only under the order of business in which the vote proposed to be reconsidered occurred. The motion to reconsider the vote on the final passage of any bill shall be privileged to any member, but no motion for the reconsideration of any vote shall be in order, after a bill, resolution, message, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the House, unless subsequently recalled by a vote of the House and in possession of the Clerk of the Assembly.

c. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon the following motions:

1. to adjourn;
2. to lay on the table;
3. to take from the table; and
4. for the previous question.

d. The “previous question” shall be put as follows: “Shall the main question now be put?” and until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The “main question” shall be the advancement or passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order.

RULE III BILLS AND RESOLUTIONS

Section 1. Contents.

a. Title.

1. The title of every bill shall briefly state the subject thereof.
2. The title of every bill amending or repealing any provision of a consolidated law shall refer to such law.
3. The title of every bill amending or repealing any unconsolidated law shall refer to such law by its short title, if it have one; if it have no short title, the title of such bill shall state the chapter number, year of enactment and the complete title of the original bill or a short summary of the provisions to which the law relates.
4. If such bill is amending or repealing a proposed provision of law contained in a bill that has not been enacted into law, the title shall state the number of the bill containing the proposed provision of law to be amended or repealed, with suffix, if there be one, and the subject of the provisions to which the amendatory bill relates.

b. Bill sections.

1. In any bill, each section proposing an amendment to or the repeal of: (i) any consolidated law, or any part thereof; or (ii) the Family Court Act, the Court of Claims Act, the Uniform District Court Act, the Uniform Justice Court Act, the Uniform City Court Act, the New York City Charter, the Administrative Code of the City of New York, the New York City Civil Court Act, the New York City Criminal Court Act, or the Charter of the City of Buffalo, or any part thereof shall refer to such law, act, charter or code.
2. In any bill, each section proposing an amendment to or the repeal of an unconsolidated law having a short title, or any part thereof, shall refer to such law by its chapter number and year of enactment and its short title. If an unconsolidated law shall have no short title, each section shall state the chapter number and year of enactment of such law and a short summary of the provisions to which the law relates or the complete title of the original bill.
3. If such section amends or repeals a proposed provision of law contained in a bill that has not been enacted into law, each section shall state the number of the bill containing such proposed provisions of law to be amended or repealed, with suffix, if there be one.
4. If the portion of the law proposed to be amended has been added, renumbered or amended since the original enactment or last general revision of the law of which it is a part, such section shall also state the chapter number and year of the last act adding, renumbering or amending the same, as the case may be.

c. Body.

1. Every bill amending, adding to or repealing existing law, upon its introduction, and if reprinted, must, in the body of the bill have:
   - **a.** All new matter to be added to or inserted in existing law underscored;
   - **b.** All matter to be eliminated by amendment from existing law printed in its proper place in the bill enclosed in black-faced brackets;
   - **c.** The word “repealed,” when any existing law or part thereof is proposed to be repealed, printed in boldface type; and
   - **d.** Whenever it is proposed to amend only a part of a word in existing law, the whole of such word shall be printed in its proper place enclosed in black-faced brackets and the whole word as proposed shall be underscored.
2. Whenever a bill is amended by eliminating proposed new matter, such new matter shall be omitted in the reprint of the bill.

d. Explanatory note.

There shall be appended at the end of every bill introduced in the Assembly, which proposes the repeal or extension of any existing law, or part thereof, merely by reference thereto, without setting forth the text thereof, an explanatory note which shall briefly and concisely state the subject matter of the law, or part thereof, proposed to be repealed or extended, unless such subject matter is stated in the title of such bill.

e. Nonconforming bills.

Whenever it shall be called to the attention of the Speaker that any bill introduced is not drawn or printed in accordance with the provisions of this Rule, the Speaker may, in his or her discretion, direct the Index Clerk to cause such bill to be immediately amended and reprinted so as to comply therewith, and when reprinted said bill shall be restored to the place it held when such direction was given.

f. Introducer's memorandum.

There shall be appended to every bill introduced in the Assembly, an introducer's memorandum setting forth the purpose of the bill, a summary of its provisions, a statement of its fiscal impact on the state and its localities, a statement of its impact on the regulation of businesses and individuals and a statement as to whether the bill imposes or changes any fine, term of imprisonment, forfeiture of rights or other penal sanction, together with the nature of such imposition or change. Whenever a bill is amended by its sponsor, it shall be the duty of the sponsor to file an amended memorandum setting forth the same material as required in the original memorandum, and describing the differences between the original and amended versions. In addition, whenever a bill is reported by a committee as amended, it shall be the duty of the committee to submit an amended memorandum. Such memorandum shall be submitted in a written or electronic format to be prescribed by the Speaker.

§ 2. Introduction.

a. Every bill to be introduced in the House shall be in a draft form prescribed by the Legislative Bill Drafting Commission and accompanied by the introducer's memorandum. Such bill draft shall be presented by the introducer to the Index Clerk and delivered by the Index Clerk to the Office of Assembly Revision for the purposes set forth in subdivision a of section eight of this Rule. Thereafter, such bill shall be referred to a standing committee, other than the Committee on Rules, by the Speaker, assigned a number, printed and placed on the desks of the members consistent with section nine of this Rule. The Index Clerk shall, on the day of its introduction, cause such bill to be transmitted to the printer. A copy of each bill shall be available to the public.

b. On or after November fifteenth of a calendar year, a member and member-elect may submit a bill, in accordance with subdivision a of this section, for introduction at the commencement of the following legislative session. Such prefiled bill shall be assigned a number and referred to a committee, but shall not be deemed introduced until the commencement of such legislative session.

c. Each time a bill is amended and reprinted, a letter of the alphabet, starting with "A", shall be added to its number.

d. All bills, whether introduced in the House or communicated by message from the Senate, or by the Governor pursuant to Article VII of the Constitution, shall be deemed to have had their first reading unless otherwise ordered by the House and shall be referred to a standing committee, to consider and report thereon. At any time the Speaker may, with the consent of the House, change the reference of any bill. Every message from the Senate communicating an amendment to an Assembly bill shall, except with unanimous consent for immediate passage, be referred to the committee which reported the bill with power to report at any time.

e. No bill shall be introduced in the House except in one of the following modes:

1. by a member;
2. by a report of a standing committee;
3. by order of the House;
4. by message from the Senate; and
5. by the Governor under Article VII of the Constitution.

f.

1. Any Assembly bill introduced in the regular legislative session of the first year of the term of the Assembly shall be deemed to be reintroduced for the second year of such term, provided such bill was:
   - **a.** not reported from a standing committee;
   - **b.** reported and referred;
   - **c.** recommitted to a standing committee; or
   - **d.** referred back to a standing committee by the Committee on Rules immediately prior to adjournment sine die.
2. Any Assembly bill introduced in the first year of the term of the Assembly, shall be deemed to be reintroduced for the second year of such term and referred to the committee where the bill was last referred, except that: (i) any bill that was last referred to the Committee on Rules shall be referred to the committee that reported the bill to the Committee on Rules; (ii) any bill that was on order of third reading shall be ordered to the order of third reading; (iii) any bill that was passed by the Assembly and did not become law, was not vetoed, or was substituted by a Senate bill which did not become law or was not vetoed, shall be ordered to the order of third reading, and further provided that:
   - **a.** any such bill which in such first year required a fiscal note as required by section 50 of the Legislative Law or home rule message for passage shall be referred to the committee to which such bill was originally referred;
   - **b.** upon request of the introducer or the chairperson of the committee to which such bill was originally referred, such bill shall be committed to the committee to which it was originally referred provided, however, such request may not be made later than the second Wednesday following the commencement of the second year of the term of the Assembly;

c. any such bill making an appropriation of money which was not referred to a committee pursuant to the provisions of this paragraph, shall be referred to the Committee on Ways and Means; and

d. upon the request of the chairperson of the Committee on Ways and Means, any bill not referred to a committee pursuant to subparagraph (a) or (b) of this paragraph, which in such first year was reported and referred to the Committee on Ways and Means pursuant to section six of Rule IV shall be committed to the Committee on Ways and Means provided, however, such request may not be made later than the second Wednesday following the commencement of the second year of the term of the Assembly.

g. When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill, and upon receipt thereof by the Assembly it shall be endorsed "Budget Bill" and be given a number by the Index Clerk, and shall be referred to the Committee on Ways and Means and be printed. Bills submitted by the Governor, other than those submitted pursuant to Article VII of the Constitution, shall carry the designation "Introduced at the request of the Governor".

h. Whenever a member requests the preparation of legislation from the Legislative Bill Drafting Commission, the bill drafter assigned to prepare such legislation shall determine if a similar bill has already been introduced, and, if a similar bill has been introduced, the Legislative Bill Drafting Commission, on forms prescribed by the Commission, shall notify the member of such fact and inform him that subdivision b of section three of this Rule permits a member to become a multi-sponsor of a bill already printed by filing a request therefor with the Index Clerk.

Notwithstanding that a similar bill has previously been introduced, a member shall have the right to have the legislation requested prepared by the Commission for introduction.

i. Whenever a bill requires a fiscal impact note pursuant to section 51 of the Legislative Law and Joint Rule I, or a home rule message pursuant to Article IX of the Constitution, such fiscal impact note or record of receipt of the home rule message shall be made available through the Assembly Public Information Office, the Assembly Internet site and the Legislative Retrieval System.

§ 3. Multi-sponsorship.

a. Any number of members of the Assembly may join in the multi-sponsorship of a bill. When a bill is first introduced and before it is printed, the names of all multi-sponsors shall appear on the printed bill upon the following conditions:

1. Multi-sponsors shall file a written or electronic request to act as such with the Index Clerk of the Assembly on forms provided. The request so filed shall indicate that the first name appearing on the bill shall be deemed the introducer and all others deemed multi-sponsors.
2. The introducer shall at all times retain exclusive control of the bill.
3. After a multi-sponsored bill has been printed, any multi-sponsor desiring to withdraw from such multi-sponsorship shall file a written request on forms provided, so that such member's name will be stricken as a multi-sponsor from the records of the Index Clerk. The printed bill, however, shall not be reprinted.

b. Members of the Assembly and members-elect may multi-sponsor bills that have been pre-filed and bills introduced after the opening of each legislative session upon the following conditions:

1. After a bill has been introduced and printed and before final passage any member or members may file with the Index Clerk, on forms provided, to become a multi-sponsor of such bill, which forms must be signed by the introducer and the multi-sponsor.
2. Such bill shall not be reprinted solely for the purpose of adding or deleting names of multi-sponsors.
3. The introducer shall at all times retain exclusive control of such bill.
4. Any member, having become a multi-sponsor of a bill, may withdraw from such by filing a written request with the Index Clerk, on forms provided, requesting such member's name be stricken as a multi-sponsor from such clerk's records.
5. Any member who has become a multi-sponsor of a bill in the manner set forth herein shall have the right to distribute such bill bearing the endorsement "multi-sponsored by" and insert his or her own name as multi-sponsor.

§ 4. Final day.

a. The final day for the unlimited introduction of bills, including those recommended by the state government, local governments, public authorities and other public corporations and all departments, agencies and other instrumentalities thereof shall be the last Tuesday in May of the second year of the term of the Assembly.

After the last Tuesday in May of such second year, no bill shall be introduced except by the Committee on Rules, by message from the Senate or, with the consent of the Speaker, by members elected at a special election who take office on or after the first Tuesday in May.

b. Notwithstanding the provisions of subdivision a of this section, bills may be introduced at any time by unanimous consent of the House.

§ 5. Resolutions.

a. Original resolutions, concurrent or otherwise other than privileged resolutions may be introduced by a member under the proper order of business on or before the last Tuesday in May of the second year of the term of the Assembly. After the last Tuesday in May of such second year no such resolution shall be introduced except by the Committee on Rules or by message from the Senate or, with the consent of the Speaker, by members elected at a special election who take office on or after the last Tuesday in May. Such resolutions shall be in quadruplicate and bear the name of the introducer and shall be referred to a standing committee for consideration and report. No such resolution may be introduced unless copies thereof first shall have been furnished to the Speaker, the Majority Leader and the Minority Leader. Before the House may vote on a resolution, copies of such resolution shall be placed on each member's desk prior to such vote in written or electronic format.

b. The following resolutions and motions relating thereto shall be considered privileged and their presentation and consideration shall be in order under any order of business:

1. resolutions recalling a bill from the Senate;
2. resolutions returning a bill to the Senate;
3. resolutions relating to the disposition of matters immediately before the House;
4. resolutions relating to the business of the day including adjournment or recess;
5. resolutions relating to the impeachment of State or judicial officers;
6. resolutions relating to printing bills, documents or chapter slips;
7. resolutions relating to the reports of joint legislative committees; and
8. resolutions in memoriam or honorific in nature, provided, however, that such resolutions shall be placed on each member's desk in either written or electronic format prior to their consideration.

c. Messages from the Senate communicating a concurrent resolution shall, if objection is made to immediate consideration, be referred to the appropriate committee with power to report at any time.

d. Concurrent resolutions proposing amendments to the Constitution of the State and concurrent resolutions ratifying proposed amendments to the Constitution of the United States shall, for all legislative purposes, be deemed to be and treated as bills.

e. All resolutions calling for or leading to expenditures, except resolutions for printing extra copies of bills, documents and chapter slips, shall be referred to the Committee on Ways and Means and all other resolutions shall be referred to the appropriate standing committee or to an assembly calendar, as the Speaker may designate.

f. All resolutions shall be adopted by a majority vote of the members present and voting, provided, however, concurrent resolutions proposing amendments to the Constitution of the State or ratifying amendments to the Constitution of the United States and resolutions calling for or leading to the expenditure of money shall be adopted by a vote of a majority of all the members elected to the Assembly.

§ 6. Amendments.

a. No amendment to a bill may be offered unless the member proposing the amendment delivers three copies of the bill with the proposed amendment correctly marked thereon and six copies of the detailed description of such amendment to the Clerk of the Assembly.

b. A copy of each amendment offered by the sponsor of a bill shall be provided by Journal Operations to the chairperson and ranking minority member of any standing committee that previously reported such bill.

c. Prior to the commencement of debate on a bill to which an amendment is offered by a member other than the introducer, the Clerk of the Assembly shall make copies thereof and cause one copy to be placed on the desk of each member of the House. When there is more than one amendment to a bill and one of such amendments is adopted, any of the other amendments so offered shall, if so requested by the member offering same, be debated and voted upon immediately after such adoption, provided, however, that such other amendments are offered to those provisions of the bill not changed by the adopted amendment and are consistent with the provisions of the adopted amendment.

d. If a motion to amend prevails, the Clerk of the Assembly shall distribute copies of the bill with the amendment correctly marked thereon together with copies of the detailed description of the amendment to the appropriate Assembly offices for purposes of renumbering and printing the bill as amended.

e. No amendment shall be allowed to any bill which is not germane to the original object or purpose thereof.

§ 7. Reading of bills.

a. Every bill shall receive three separate readings, and on three different days, previous to its passage, except when ordered to a third reading pursuant to paragraph two of subdivision f of section two of this Rule, by unanimous consent or when made a special order, or when accompanied by a message of necessity pursuant to section 14 of Article III of the Constitution.

b. Bills placed on the order of second reading, as provided for in subdivision g of section six of Rule IV, shall be subject to debate before the motion to order them to a third reading is entertained. One-half hour shall be allowed for such debate, but no person shall speak more than fifteen minutes, except by consent of the House. The main question, however, if ordered, shall be on the advancement of the bill; but when amendments are pending the question shall first be taken upon such amendments in their inverse order.

c. All bills on the order of second reading shall be ordered to third reading unless otherwise ordered pursuant to subdivision b of this section or pursuant to paragraph one of subdivision b of section ten of Rule IV.

d. No bill shall be considered for third reading until it shall have been on the printed Calendar of the House on two legislative days on that order, except where made a special order by report of the Committee on Rules, in which case it may be considered on second and third reading on the same day.

e. In all cases where unanimous consent is asked for advancing a bill or entertaining a motion or resolution out of its order, it shall be the duty of the Speaker to proclaim such request and determine if such consent will be granted.

f. A bill appearing on the Calendar may be "starred" by or at the request of the introducer, whereupon all further action on such bill shall be suspended, although it retains its place on the Calendar. Other than for the purpose of amendment or recommittal, a star may not be removed from a bill until one day after the request therefor. A bill on any order of third reading which has been laid aside by or at the request of the introducer on three separate days shall be automatically starred.

g. Substitution of Bills. Where there is a Senate bill in a standing committee and the identical Assembly bill is on the order of second or any order of third reading, the Senate bill may be substituted for the Assembly bill upon a motion by, or on behalf of, the introducer and a vote of a majority of the members present and voting. The motion to substitute may also be made on an identical Assembly bill which has been passed, recalled, vote reconsidered and restored to third reading.

§ 8. Revision and engrossing.

a. The Office of Assembly Revision shall examine and correct all bills, for the purpose of avoiding repetitions, insuring accuracy in the text and references, and consistency with the language of the existing statutes. Any recommendation of the Office of Assembly Revision which requires further amendment of the bill shall be handled by the member introducing it or by the Majority or Minority Leader as a regular amendment to the bill.

b. All bills when ordered to a third reading except Senate bills which have not been amended in the House, or bills, which have been made a special order on second and third reading, shall be sent to the Index Clerk to be jacketed with the proper jurat for certification of final passage. Each such bill shall, after passage by both Houses, be engrossed, if so ordered by the Speaker, or stamped "Official Copy" in which case it shall be deemed to have been engrossed.

§ 9. Printing and placement on the desks. For the purposes of these Rules, any requirement for the copying, printing, reprinting or placement of bills on the desks of members may be satisfied with either bills printed on paper or bills in electronic format as described in section fourteen of Article III of the Constitution.

§ 10. Transmittal of bills to the Governor. All Assembly bills passed by the Assembly and sent to the Senate for action shall, upon passage and return by the Senate to the Assembly, be transmitted by the Index Clerk to the Governor within ten legislative days after receipt from the Senate, except that any bill returned for transmittal to the Assembly after the first of May and before the first of June shall be transmitted to the Governor within thirty days of such receipt, and any bill returned for transmittal to the Assembly on or after the first of June shall be transmitted to the Governor within forty-five days of such receipt.

RULE IV COMMITTEES

Section 1. Standing Committees.

a. The standing committees shall be as follows:

Name of Committee	Number of Members
Aging	30
Agriculture	23
Alcoholism and Drug Abuse	14
Banks	31
Children and Families	17
Cities	16
Codes	22
Consumer Affairs and Protection	16
Corporations, Authorities and Commissions	26
Correction	13
Economic Development, Job Creation, Commerce and Industry	26
Education	31
Election Law	16
Energy	17
Environmental Conservation	30
Ethics and Guidance	8
Governmental Employees	14
Governmental Operations	14
Health	26
Higher Education	26
Housing	28
Insurance	25
Judiciary	21
Labor	29
Libraries and Education Technology	9
Local Governments	20
Mental Health	13
Oversight, Analysis and Investigation	7
Racing and Wagering	11
Real Property Taxation	10
Rules	31
Small Business	17
Social Services	18
Tourism, Parks, Arts and Sports Development	21
Transportation	26
Veterans' Affairs	19
Ways and Means	35

b. The number of majority members of each standing committee shall be in the same ratio as the majority members of the House are to the entire membership of the House, with all fractional members being credited to the majority; provided, however that there shall be at least one minority member on each standing committee; and further provided that the Standing Committee on Ethics and Guidance shall consist of an equal number of majority and minority members. A member who in any calendar year has three or more unexcused absences, as determined by the chairperson or ranking minority member, as appropriate, from any regularly scheduled meeting of a standing committee at which bills are scheduled to be considered shall be removed from one or more of the standing committees to which he or she is assigned. The standing committee shall notify the member upon each unexcused absence and shall notify the Committee on Committees upon the second and any subsequent unexcused absences. The Committee on Committees shall notify the member of any resulting reduction in his or her committee assignments.

c. Members of the Assembly shall serve on no more than six standing committees; provided, however that members serving as the chairperson of a standing committee shall serve on no more than five standing committees. Such limitations shall not apply to a member of the Assembly serving as an ex officio member of a committee pursuant to paragraph nine of subdivision c of section one of Rule I or for any member serving on a standing committee on an interim basis.

d. All standing committees shall operate on an annual basis and their jurisdiction shall include, but not be limited to, the subject matter of each bill or resolution referred to them by the Speaker. Each standing committee shall propose legislative action and conduct such studies and investigations as may relate to matter within their jurisdiction. Each standing committee shall, furthermore, devote substantial efforts to the oversight and analysis of the activities, including but not limited to the implementation and administration of programs, of departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within its jurisdiction. After adjournment sine die of the Legislature in an odd numbered year, standing committees may consider and act on pre-filed bills and bills carried over pursuant to subdivision f of section two of Rule III and may report such bills to the order of second reading for consideration by the Assembly at the next succeeding regular legislative session.

e. No select, joint or joint legislative committee, except for the Temporary Joint Legislative Committee on Disaster Preparedness and Response, shall be created to make special studies or investigations by Assembly resolution or by any other resolution requiring the approval or concurrence of the Assembly except that an Assembly standing committee or subcommittee, or the staff thereof, may jointly consider, study or investigate with an appropriate Assembly or Senate standing committee or subcommittee or the staff thereof any subject matter which is within their jurisdiction.

§ 2. Meetings of standing committees.

a. Meetings of standing committees. Standing committees shall hold meetings at a regular weekly time and day as scheduled by the committee chairperson in consultation with the committee coordinators, as designated by the Speaker, and such set time shall be posted on the Assembly committee board and Assembly Internet site. The weekly committee schedule shall be available the preceding Thursday, as provided for in subdivision b of this section. If on the first Tuesday of any month of the regular legislative session, excluding January, a standing committee shall have 50 or more bills pending committee action, such committee shall be required to meet at least once during such month to consider legislation.

b. Each chairperson of a standing committee shall, by the Thursday of the week preceding, furnish to the Speaker, the Majority and Minority Leaders, and make available in written or electronic format to each member of such committee, a copy of the agenda of all meetings scheduled for the following week, together with a copy of the introducer's memorandum for each bill listed on such agenda. Further, each chairperson shall furnish to the Speaker, the Majority and Minority Leaders and to the ranking minority member of such committee, a list of all bills referred to such committee to date together with the above agenda and memoranda. In addition, copies of such agenda shall be made available not later than such Thursday to representatives of the news media and to the general public by the filing thereof with the Legislative Library and the Assembly Public Information Office, and shall be made available on the Assembly Internet site and the Legislative Retrieval System. The notice provisions of this subdivision and of subdivision c shall not apply to the Committee on Rules. Nothing contained in this subdivision shall be deemed to waive any of the provisions of article seven of the Public Officers Law known as the "Open Meetings Law".

c. The chairperson of a standing committee may call a special meeting or add or delete items on the agenda of a regular meeting by giving twenty-four hour notice of the agenda of such special meeting or such additions or deletions in the same manner and to the same extent as notice of agenda for regular meetings, provided, however, that such notice shall not be required if a message of necessity has been received from the governor in connection with the bill under consideration or the ranking minority member of the committee consents thereto.

d. All standing committee meetings shall be open to representatives of the news media and general public, except that the committee, upon a two-thirds vote of the members of the committee present or upon a majority vote of the total membership of the committee, whichever is the greater, may hold an executive session at which only members of such committee shall be in attendance. The subjects to be acted upon at the executive session shall be limited to the subjects enumerated in section one hundred five of the Public Officers Law. No bill shall be voted upon at such executive session. No committee shall vote to report any bill unless a majority of all the members thereof is actually present. The affirmative vote of a majority of all the members appointed to a standing committee shall be necessary to every report. The negative vote of such a majority shall be necessary to defeat a bill in committee. No proxy vote shall be valid.

e. At the conclusion of a committee meeting the committee clerk of such committee shall deliver to the Office of Journal Operations a roll call on each of the bills considered by the committee and on each vote to hold an executive session indicating the attendance of the members and the ayes and nays. Such roll call shall be reproduced not later than 24 hours after transmittal to such Office and shall be made available for inspection by the general public and representatives of the news media in the Assembly Public Information Office, the Assembly Internet site and the Legislative Retrieval System.

f. The report of a committee upon any matter referred to it other than a bill, may include a brief statement of the opinion of any member or members of the committee voting in either the majority or minority.

g. The audio and/or video broadcast of committee meetings shall be made available on the Assembly Internet site when practicable, and shall be subject to the same requirements as apply to televised proceedings of Assembly sessions pursuant to Rule X.

§ 3. Sub-committees. A sub-committee of a standing committee created pursuant to paragraph four of subdivision c of section one of Rule I shall be comprised of at least three members of the standing committee; provided, however that there shall be at least one minority member on each subcommittee. The chairperson of such standing committee may request that a sub-committee report back to the committee within a specified period of time with respect to the following: analysis and recommendations regarding a bill referred to the standing committee; recommendations for proposed legislative action; and the findings and recommendations of the sub-committee resulting from any hearings, studies or investigations relating to matter within the jurisdiction of the standing committee. Any report issued by a sub-committee to a standing committee must be in writing and indicate any dissenting opinion. Meetings of sub-committees shall be subject to the provisions of article seven of the Public Officers Law known as the "Open Meetings Law".

§ 4. Hearings.

a. During each legislative session, chairpersons of standing committees may call public hearings to permit interested persons, groups or organizations the opportunity to testify orally or in writing on legislation or other matters pending before such standing committee provided, however, that each chairperson shall call such public hearings upon a petition signed by a majority of the members of the committee. Such testimony if submitted in writing shall be posted on the Assembly Internet site to the extent practicable.

b. Consistent with the provisions of subdivision d of section one of Rule IV hereof, the chairperson of each standing committee shall call at least one public hearing after the adoption of the state budget regarding the implementation and administration of programs of departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within the jurisdiction of such committee. The purpose of such public hearing shall include, but not be limited to, the impact, if any, of the state budget on the implementation and administration of the programs within such entities' jurisdiction.

c. Other public hearings may be called by committee chairpersons with prior consent of the Speaker and in accordance with procedure established by law.

d. Each chairperson shall prepare a schedule setting forth the date and place for hearings and the subject matter to be considered thereat. Copies of such schedule shall be made available to the general public and representatives of the news media at least seven days prior to the date of such hearing and filed with the Assembly Public Information Office.

§ 5. Consideration of bills; requests by sponsor.

a. Each standing committee may consider any bill referred to it at any time if otherwise in conformity with these Rules.

1. In considering any bill, a standing committee may vote favorably, unfavorably or to hold the bill for further action and/or study, provided, however, that a motion to hold which fails shall not be deemed to satisfy a request for consideration. Insofar as may be practicable, each standing committee shall vote upon such bills in the order in which such requests are filed, provided, however, that a chairperson may schedule the consideration of bills jointly if such bills deal with similar subject matter.

2. No bill shall be considered by a standing committee unless the final printed copy of the bill has been available to each member of the committee for at least seven days and copies thereof have been available to the general public and representatives of the news media for at least such period of time. A bill reported by a standing committee with amendments shall not be deemed to be a new bill for the purposes of the provisions of this subdivision requiring bills to be available for at least seven days prior to consideration by a standing committee. Provided, however, that upon consent of a majority of the members of such committee, any bill which is not in compliance with the foregoing provisions of this paragraph, may be transmitted to the Committee on Rules for further action in accordance with the provisions of subparagraph (b) of paragraph one of subdivision b of section ten of this Rule.

b. The sponsor of a bill referred to a standing committee may require the committee to formally vote upon such bill by filing a request therefor on an appropriate written or electronic form to be furnished by the Office of Journal Operations. With respect to such request for consideration:

1. The clerk of each standing committee, upon receiving such a request must immediately issue a receipt therefor acknowledging the date and time of filing;

2. Requests for consideration may be submitted on bills that are printed, as follows:

a. no later than the last Tuesday in March of the second year of the term of the Assembly, except that after the last Tuesday in March of such second year through the third Tuesday in April each member may submit a total of five additional requests for consideration with a committee of original jurisdiction, and a copy of such additional request shall be filed by the Committee Clerk with the Committee on Standing Committees. Committees having original jurisdiction over bills upon which a request for consideration has been filed shall schedule all such bills for committee consideration by the first Tuesday in May of the second year of the term of the Assembly; and

b. in the case of a bill that is referred to a subsequent standing committee, such request shall be submitted within thirty days after such referral;

3. Except with respect to bills referred to a standing committee pursuant to the provisions of item (iii) of subparagraph two of paragraph f of section two of Rule III, requests for consideration of any bill introduced by or at the request of a member may be made only once in any two year term of the Assembly;

4. Once a committee has acted pursuant to such request, such committee shall not be required, during such two year term, to again consider such bill or to consider any substantially duplicative bill introduced by, or at the request of such member subsequent to the consideration of such bill by the committee; and

5. With respect to a bill sponsored by the Committee on Rules at the request of a member, either the Committee or the member at whose request the bill has been introduced may file a request for consideration.

6. In addition to the foregoing provisions of this section, sponsors may file requests for committee consideration for up to five individual bills in the first year of the two year term as follows:

   a. no later than the second Tuesday in April of the first year of the term of the Assembly, each member may submit a total of five bill requests for consideration with a committee of original jurisdiction, provided, however, that no member shall submit more than one of these five bill requests with the same standing committee, and a copy of such request shall be filed by the Committee Clerk with the Committee on Standing Committees. Committees having original jurisdiction over bills upon which a request for consideration has been filed shall schedule all such bills for committee consideration by the first Tuesday in May of the first year of the term of the Assembly; and

   b. in the case of a bill that is referred to a subsequent standing committee, such request shall be submitted within thirty days after such referral.

§ 6. Reports.

a. A standing committee may report any bill, either with or without amendments, or it may report adversely to the same or it may report that a bill has been held for further action and/or study. Upon a favorable report of the committee on an Assembly Bill amended by the Senate, the bill shall appear upon the Calendar under the heading “Assembly Bills amended by the Senate”.

b. A report of a committee must contain the name of the committee making the same, the matter reported on, the name of the introducer and if a bill or resolution, the number of such bill or resolution. Such report shall state whether such matter was reported:

   1. favorably, with or without amendments or referred to another committee;

   2. for the consideration of the House;

   3. adversely;

   4. for concurring in Senate amendments;

   5. for repassing a Senate bill which has been recalled and amended; or

   6. held for further action and/or study.

c. If the report be on a resolution, petition, memorial or remonstrance it must contain the recommendations, if any, of the committee thereon.

d. A list of the bills reported under their final numbers shall be filed by the clerks of the committees with the Speaker, the Majority Leader, the Minority Leader, the Clerk of the Assembly, the Office of Assembly Revision and the Index Clerk. The Committee on Rules shall not be required to file such lists with the Speaker, the Majority Leader or the Minority Leader.

e. All bills, except budget appropriation bills, reported favorably or for consideration, if reported with amendments, shall be reprinted immediately, and all new matter proposed by the committee to be added or inserted in existing law shall be underscored and all matter to be eliminated from existing law, shall be printed in its proper place enclosed in black-faced brackets. Where a committee amends a bill by eliminating proposed new matter, such new matter shall be omitted in the reprint of the bill.

f. All budget appropriation bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted, and the amendments proposed by the committee shall be underscored in their proper place except in cases where the committee recommends eliminating certain words or figures, in which cases such words or figures shall be printed enclosed in black-faced brackets.

g. All bills favorably reported shall, if the report be agreed to, be placed on the order of second reading, except that any bill providing for a state appropriation, or creating or increasing a charge (i) upon the state or (ii) upon a local government shall, when favorably reported by any committee other than the Committee on Ways and Means, be referred to the Committee on Ways and Means. In the event such a bill is not referred to the Committee on Ways and Means, the chairperson of such Committee may require such referral, subject to the approval of the Speaker. Where a committee report is not agreed to, the bill shall be before the House for disposition.

h. Any bill, the subject matter of which is also within the jurisdiction of another committee of the House may, subject to the approval of the Speaker, be favorably reported and referred or simply referred to such other committee for review and recommendation only.

i. Any bill which is referred to a standing committee other than the Committee on Codes and which:

   1. imposes or changes any fine, term of imprisonment, forfeiture of rights or other penal sanction; or

2. relates to the procedure by which such fine, term of imprisonment, forfeiture of rights or other penal sanction is imposed or changed, shall, when favorably reported by the committee having original jurisdiction, be referred to the Committee on Codes for the purpose of having such Committee review and consider only such penalty or procedural provisions of such bill and to thereafter favorably report such bill with amendments, if necessary, to such penalty or procedural provisions. In the event that such a bill is not referred to the Committee on Codes, the chairperson of such Committee may require such referral, subject to the approval of the Speaker.

j. Where a bill has been reported adversely, and such report shall be agreed to by the House, it shall be considered rejected. No bill shall be reported adversely by any committee until ten days after the reference of such bill to the committee and the bill shall have been printed and been upon the desks of the members for ten days.

k. No bill shall be reported by a committee, except in its last amended form at the time of such report. Whenever a bill which is in committee is amended, the clerk of such committee shall promptly return to the Office of Journal Operations the original copy of such bill.

l. Where a "home rule" request, or a certificate of necessity or an emergency message from the Governor is required as provided in any section of Article IX or Article XIII of the Constitution, such request, certificate or message must be filed with the Office of Journal Operations before such bill can be reported by a committee.

m. Concurrent resolutions proposing amendments to the State Constitution shall be initially referred to the standing committee having jurisdiction over the subject matter of the contents of such resolution. Such concurrent resolution shall, when favorably reported by such committee, be referred to the Committee on Judiciary for final consideration. In the event that such a resolution is not referred to the Committee on Judiciary, the chairperson of such Committee may require such referral subject to the approval of the Speaker.

n. On and after the first legislative day in June, all bills favorably reported by a standing committee which would otherwise be placed on the order of second reading shall be referred, in accordance with paragraph one of subdivision b of section ten of Rule IV, to the Committee on Rules.

§ 7. Discharge.

a. No standing committee shall be discharged from the consideration of a bill or resolution until after the printed bill or resolution has been assigned by the Index Clerk to the committee and only in accordance with the provisions of this section.

b. A standing committee shall not be discharged from the consideration of a bill or resolution except upon motion and by a vote of a majority of all the members elected to the Assembly. No such motion shall be in order, until the committee has had sixty days from the date of referral to such committee to consider such bill nor shall such motion be in order on or after the first Tuesday in May except with unanimous consent of the members or in the discretion of the Speaker where proper notice has been given prior to the first Tuesday in May.

c.

1. On any legislative day, not more than one motion to discharge shall be in order;
2. A motion to discharge may only be made by the sponsor of the bill or resolution who has timely filed a request for consideration pursuant to section five of this rule.

d. Each motion to discharge, when timely made, shall be placed on the Motion to Discharge Calendar, which shall be printed within two legislative days. No motion to discharge may be considered by the House until such motion has been on such calendar for a period of five calendar legislative days.

§ 8. Committee action reports.

a. All committees shall have the authority to act upon bills until the adjournment sine die of the House.

b. Each committee shall, upon adjournment sine die of the House, file an action report which includes a summary of its action on all bills originally referred to it, setting forth the total number of such bills, and the number thereof:

1. reported to the House;
2. defeated in committee;
3. otherwise disposed of; and
4. held for further consideration and action.

§ 9. Annual reports by standing committees. On or before December fifteenth in each year each standing committee shall make a report to the Speaker of the Assembly of its activities together with its legislative proposals.

§ 10. Committee on Rules.

a. At any time during the session, a bill or resolution may be introduced by the Committee on Rules and shall be referred to a committee; provided however that all bills shall be referred to a standing committee other than the Committee on Rules, for consideration. A bill or resolution introduced at the request of a member shall, if the member so requests, have his or her name included on both the original and printed copies of the bill or resolution as follows:

"Introduced by the Committee on Rules (at the request of M. of A.....)."

b. The general functions of the Committee on Rules shall be:

1. to determine the order on the Calendar of bills reported by the other standing committees of the Assembly and such Committee shall be deemed to be a standing committee only for the purpose of regulating Calendar practices including:

   a. the introduction of a bill;

   b. the ordering of a bill directly to special order of second and third reading transmitted to it from any other standing committee as provided by these Rules;

   c. the ordering of a bill, otherwise on second reading, directly to a special order of second and third reading; and

   d. the review of each message of necessity issued by the Governor pursuant to Article III of the Constitution and the ordering of a bill to a special order of second and third reading for which any such message has been issued; provided, however that prior to the ordering of a bill for second and third reading, such message must be accepted by an affirmative vote of a majority of all the members of the Committee on Rules;

2. to regulate the housekeeping practices of the Assembly;

3. to establish minimum qualifications for each category of staff employees; and

4. to establish and maintain minimum duties and standards of effectiveness for all staff employees.

§ 11. Assembly Graduate Scholar and Internship Committee. There shall be an Assembly Graduate Scholar and Internship Committee to consist of the Speaker Pro Tempore, Majority Leader, Deputy Majority Leader, Assistant Speaker, Minority Leader, Chairperson of the Higher Education Committee, Ranking Minority Member of the Ways and Means Committee and Ranking Minority Member of the Higher Education Committee. The Speaker shall appoint the chairperson from among the membership of this Committee.

§ 12. Assembly Committee on Conference Committees. There shall be an Assembly Committee on Conference Committees to consist of five members; provided, however that there shall be at least one minority member on such committee. The Speaker shall appoint the chairperson from among the membership of the committee. Such committee shall meet at least once a month during the regular Legislative Session, excluding January, and as necessary to review legislation passed by both houses for the purpose of making recommendations for the convening of conference committees pursuant to Joint Rule II of the Permanent Joint Rules of the Senate and Assembly. The committee shall review requests for conference committee made by the introducer of legislation. Recommendations issued by the committee must be in writing and indicate any dissenting opinion. Meetings of the Assembly Committee on Conference Committees shall be subject to the provisions of article seven of the Public Officers Law known as the “Open Meetings Law”.

§ 13. Ethics training. The Standing Committee on Ethics and Guidance shall develop and regularly update a course of instruction for all members and employees of the Assembly with regard to the laws and policies governing their conduct. The committee shall recommend to the Speaker an ethics training plan for implementing and scheduling such course of instruction.

Section 1. Attendance.

a. Attendance of members in the bar of the House during sessions of the House shall be continuously recorded electronically unless otherwise ordered by the Speaker.

b. The bar of the House shall be deemed to include the entire Assembly Chamber and lobbies contiguous thereto as designated by the Speaker.

c. In all cases of the absence of members during the session of the House, the members present may take such measures as they shall deem necessary to secure their presence, and in addition to suspending them from the service of the House for a given period, may inflict such censure or pecuniary penalty as they may deem just on those who, on being called on for that purpose, shall not render a sufficient excuse for their absence. For the purpose of securing the attendance of members, a call of the House may be made, but such call shall not be in order after voting on the question has commenced, unless the roll call has been withdrawn by the introducer. While a call of the House is in progress no other business shall be transacted except by order of the House.

§ 2. Voting.

a. Every member who shall be within the bar of the House when a question is stated from the Chair shall vote thereon, provided, however, no vote shall be recorded for any member who is not present within the bar of the House at the time of such vote. The roll of absentees shall not be called more than once. Unless otherwise directed by the Speaker, all votes shall be recorded electronically. A member may abstain from a vote only on the grounds that such vote will constitute a conflict of interest.

b. The yeas and nays shall be taken individually of each member on the final passage of a bill and on any other question whenever required by any fifteen members (unless a division by yeas and nays be pending), and when so taken each member's affirmative or negative vote shall be entered through the electronic voting system or in such other manner as may be prescribed by the Speaker and entered on the Journal. Such roll call shall remain open for a period of not less than one minute, and shall be designated a slow roll call. During such roll call, no vote shall be recorded unless the member voting is at his or her regularly assigned seat or is serving or acting as Speaker, Majority or Minority Leader.

c. In the event a slow roll call is not required pursuant to subdivision b, the yeas and nays shall be taken by a fast roll call and a member desiring to vote in the negative on such a roll call shall do so by entering a negative vote through the electronic voting system or in such other manner as may be prescribed by the Speaker. All other members shall be recorded in the affirmative. On such a roll call the Clerk of the Assembly shall call the names of the members who are recorded in the negative.

d. The Speaker may allow a member to record his or her vote within fifteen minutes after the results of the roll call have been announced when such vote does not change the final result of the vote of the House and such member has been previously recorded on a roll call on a bill during the legislative session day.

e. Copies of all roll calls, including all recorded procedural votes, shall be made available to the Majority and Minority Leaders and representatives of the news media within thirty minutes after completion thereof and, as soon as practicable thereafter, shall be made available for public inspection at a place designated by the Speaker, and made available on the Assembly Internet site and the Legislative Retrieval System.

f. When less than a quorum vote on any subject under the consideration of the House, it shall be in order, for any member to move for a call of the House. Whereupon the roll of members shall be called by the Clerk of the Assembly. After completion of the call only the Majority Leader, or acting Majority Leader, may move that the call be made a closed call of the House. Immediately following a closed call of the House, the Clerk of the Assembly, upon request, shall read the names of the members who are not present in the House. Copies of each closed call shall be available in the Office of Journal Operations at the end of each daily session. If it is ascertained that a quorum is present, either by answering to their names, or by their presence in the House, the yeas and nays shall again be ordered by the Speaker, and if any member present refuses to vote, such refusal shall be deemed a contempt, and unless purged, the House may order the Sergeant-at-Arms to remove said member or members without the bar of the House, and all privileges of membership shall be refused the person or persons so offending until the contempt be duly purged.

g. A member who was absent at the time a prior vote was taken upon any matter may, within thirty days following the date of his or her first recorded vote subsequent to such prior vote, file a statement of how such member would have voted had he or she been present at the time of such prior vote. Such statement shall be in writing and filed with the Clerk of the Assembly and the contents thereof shall be duly noted on the roll call by such Clerk.

§ 3. Name on Journal. Except for the advancement of a Senate bill which has been substituted for an Assembly bill, where a bill, order, motion or resolution shall be entered on the Journal, the name of the member introducing or moving the same shall also be entered on the Journal.

§ 4. Communications respecting bills. All written communications from public officers and agencies of the State or local governments furnished to a committee, respecting a bill which has been referred to such committee, for consideration, shall be available to the introducer of the bill for examination. In lieu of such examination, the chairperson of the committee may elect to furnish the introducer with copies of such communications.

§ 5. Making a Statement. Immediately after the completion of the orders of the day, and with the unanimous consent of the House, a member may make a statement, not exceeding fifteen minutes in length, concerning a subject or matter not pending before the House for consideration.

§ 6. Debate.

a. No member rising to debate, to give notice, make a motion or report, or to present a petition or other paper, shall proceed until such member shall have addressed the Speaker from his or her place and has been recognized by the Speaker. While a member is speaking, no member shall entertain any private discourse or pass between the member speaking and the Chair.

b. Unless otherwise provided by these Rules, no member shall speak, except in his or her place, nor more than twice on any question, without leave of the House and no member shall speak for more than fifteen minutes at a time except by consent of two-thirds of the members present; provided, however that a member desiring to explain his or her vote upon the final passage of a bill or upon the passage of a resolution requiring the expenditure of money may make a brief statement, not to exceed two minutes, in explanation of such vote; and further provided that in addition to the foregoing, the sponsor of a bill or resolution may make a statement not to exceed five minutes for the purpose of opening debate on such bill or resolution.

c. If any member, in speaking, transgresses the Rules of the House, the Speaker may call such member to order, in which case the member so called to order shall immediately sit down, and shall not rise unless to explain or proceed in order.

d. While the Speaker is putting a question, or a roll call is in progress or a count is being had, no member shall speak or leave his or her place. When the House shall be equally divided on any question, including the Speaker's vote, the question shall be deemed to be lost. All questions relating to the priority of one question or subject matter over another, under the same order of business, shall be decided without debate. If any question contains several distinct propositions, it shall be divided by the Chair at the request of any member, but a motion to strike out and insert shall be indivisible. All questions of order, as they shall occur, with the decisions thereon, shall be entered in the Journal, and, at the close of the session, a statement of all such questions and decisions shall be printed at the close of and as an appendix to the Journal.

§ 7. Adjournment.

a. When a motion to adjourn is carried, the members and officers shall keep their seats and places until the Speaker declares the House adjourned.

b. No motion to adjourn sine die shall be in order until all bills transmitted to the Governor shall have been acted upon by him or her, and in the case of vetoed bills, until such bills have been returned to each House for at least three legislative calendar days.

§ 8. Contest of election. A contest of the election of any member shall be referred to the Judiciary Committee for investigation and report.

§ 9. Staff, materials and other perquisites. Each member of the House shall be entitled to an equal allocation of printed newsletters and other printed materials and postage therefor, and stationery and other similar perquisites, and each member shall receive an equal allowance for staff personnel, except that the allocation of stationery and other similar perquisites and the allowance for staff personnel may be greater for members in majority and minority leadership positions, committee, subcommittee and task force chairpersons and ranking minority members of committees, subcommittees and task forces. Such greater allotment or staff shall be commensurate with the additional duties assigned to such member.

§ 10. Use of legislative printing, mail and mass communication facilities.

a. The use of legislative printing and mail facilities for newsletters and other forms of mass mailings which bear the name or likeness of a candidate in a local, special, primary or general election shall be prohibited within thirty days of such local, special, or primary election and be prohibited within sixty days of such general election. Members may not utilize other forms of Assembly-funded mass communication media during such thirty day and sixty day periods, respectively.

b. The Assembly shall maintain a file containing a copy of each newsletter provided by Assembly facilities which file shall be available to the public.

c. The provisions of this section shall be applicable to all communications addressed to the geographic area in which the member is running for election.

§ 11. Employee candidates for Senator or member of Assembly. No Assembly employee shall remain on the Assembly payroll while a candidate for Senator or member of Assembly. For the purposes herein, an employee shall be deemed a candidate for Senator or member of the Assembly upon the filing of designating petitions for such office or, where nominations for such office are made other than by petition, upon nomination. Such employee shall remain off the Assembly payroll until such time as his or her candidacy shall cease or upon the day following election day for such office, whichever comes first.

RULE VI ORGANIZATION OF THE HOUSE

Section 1. Opening Day. Pursuant to section four of Article XIII of the Constitution, the Assembly shall convene on the first Wednesday after the first Monday in January at 12:00 noon in the Assembly Chamber.

§ 2. First Year Procedure.

a. In every odd-numbered year, the Clerk of the Assembly during the prior year shall convene the Assembly as Acting Clerk thereof, unless otherwise provided by the Members of Assembly present.

b. A member of the clergy shall offer prayer.

c. The Acting Clerk of the Assembly or designee thereof shall administer the ceremonial oath of office to the Members of Assembly en banc.

d. The Acting Clerk of the Assembly or designee thereof shall lead the Members of Assembly in the Pledge of Allegiance to the Flag of the United States of America.

e. The Acting Clerk of the Assembly shall call the roll to ascertain the presence of a quorum.

f. Nominations shall be in order for the office of Speaker of the Assembly for a term of two years, and a vote shall be had thereon.

g. Nominations shall be in order for the office of the Clerk of the Assembly for a term of two years, and a vote shall be had thereon.

h. Nominations shall be in order for the office of Official Stenographer of the Assembly for a term of two years, and a vote shall be had thereon.

i. Nominations shall be in order for the office of Sergeant-at-Arms of the Assembly for a term of two years, and a vote shall be had thereon.

§ 3. Minority Leader. The recognized leader of the Minority shall be the Minority Leader of the Assembly for a term of two years.

§ 4. Continuity and Applicability. Section two of this Rule shall continue and apply on the first Wednesday following the first Monday in January following a general election of the Members of Assembly, notwithstanding that the rules of the House have not yet been adopted by the Members of Assembly, unless otherwise provided by the Members of Assembly present.

RULE VII GUIDELINES FOR A SYSTEM OF INTERNAL CONTROLS

Section 1. Internal Controls. Pursuant to Article six of the Legislative Law as enacted by the New York State Governmental Accountability, Audit and Internal Control Act of 1999, the following guidelines for a System of Internal Controls are hereby established.

a. All financial transactions shall be executed in accordance with the general or specific authorization of the Speaker or his or her designated representative.

b. All financial transactions shall be recorded in conformity with generally accepted accounting principles or other applicable criteria in a manner to maintain accountability for assets.

c. Access to assets shall be permitted only in accordance with the authorization of the Speaker or his or her designated representative.

d. The recorded accountability for assets shall be compared with the existing assets at reasonable intervals and appropriate action shall be taken with respect to any differences.

e. The System of Internal Controls shall provide reasonable assurance that the foregoing are accomplished.

§ 2. Expenditure reporting. Not later than January thirty-first, nineteen hundred ninety-six, the Speaker shall cause the establishment of a system of expenditure reporting whereby expenditures of the House shall be reported by such categories as he or she shall determine. Reports of expenditures by such system shall be published in a written and electronic form to be prescribed by the Speaker, and shall report on all expenditures of the House during each preceding reporting period. Such report shall be made available on the Assembly Internet site.

RULE VIII PUBLIC ACCESS TO RECORDS

Section 1. Intent. It is the intent of the Assembly that central administrative records maintained by the Assembly be governed by the same presumption of disclosure which governs access to executive agency records, with similar enumerated exceptions.

§ 2. Disclosure policy.

a. In addition to any records required to be made available pursuant to the provisions of section eighty-eight of the public officers law and the rules and regulations promulgated thereunder, all other existing records maintained by the Assembly shall be available for public inspection and copying, except that the Assembly may deny access to records or portions thereof that:

1. are specifically exempted from disclosure by state or federal statute or a Rule of the Assembly, or Permanent Joint Rule of the Senate and Assembly;
2. if disclosed would constitute an unwarranted invasion of personal privacy as defined in subdivisions two and two-a of section eighty-nine or section ninety-six of the public officers law, including, but not limited to:
   - a. the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of such person; or
   - b. names, addresses, numbers or other personal identifying details of telephone communications or mail correspondence made by or to Members of the Assembly or employees thereof;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. if disclosed would impair negotiations relating to pending or proposed legislation;
5. are trade secrets or proprietary information which, if disclosed, would cause substantial harm to the subject enterprise;
6. are compiled for legislative purposes and which, if disclosed, would:
   - a. interfere with legislative investigations, law enforcement investigations or judicial proceedings;
   - b. deprive a person of a right to a fair trial or impartial adjudication;
   - c. identify a confidential source or disclose information relating to a legislative or criminal investigation; or
   - d. reveal criminal or legislative investigative techniques or procedures, except routine techniques and procedures;
7. if disclosed would endanger the life or safety of any person;
8. are inter-agency or intra-agency materials which are not:
   - a. statistical or factual tabulations of data of or with respect to, material otherwise available for public inspection and copying pursuant to section eighty-eight of the public officers law;
   - b. instructions to staff that affect members of the public;
   - c. final reports and formal opinions submitted to the legislature;
   - d. final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees, or commissions of the legislature;
9. are computer access codes;
10. are material prepared for litigation or constituting attorney work product.

b. For purposes of this rule, “agency” shall have the same meaning as that term is defined in section eighty-six of the public officers law, but shall also include either or both houses of the legislature.

c. In order to facilitate access to records made available in accordance with this rule, a copy of this rule shall be posted at a public location to be determined by the Assembly.

d. The determination of the Assembly, with respect to the denial of access to any materials of such house to which access is sought under this rule shall be final and not subject to further review.

§ 3. Public information office. There shall be an Assembly Public Information Office to provide and disseminate information to the media and to the general public in accordance with the provisions of the “Freedom of Information Law” and this rule. The Assembly Internet site shall include an online request form for any request of records submitted under the “Freedom of Information Law” and this rule, and shall include a guide to the public inspection and copying of legislative records.

RULE IX AMENDMENT AND SUSPENSION OF RULES

Section 1. Amendment of Rules. No standing Rule or order of the House shall be amended unless three days' notice shall have been given of the motion therefor; nor shall such amendment be made unless by a vote of a majority of all the members elected to the Assembly.

§ 2. Suspension of Rules.

a. No standing Rule or order of the House shall be suspended unless one day's notice shall have been given of the motion therefor; nor shall such suspension be made unless by a vote of a majority of all the members elected to the Assembly.

b. Such notice and motion shall, in all cases, state specifically the object of the suspension, and every case of suspension of a Rule under such notice and motion shall be held to apply only to the object specified therein.

c. Such notice shall be given and such motion made under the order of business in which the matter proposed to be advanced by the suspension shall stand, provided, however, such notice shall not be required on the last day of the session.

§ 3. Unanimous Consent. Any Rule or order may be amended or suspended by unanimous consent without prior notice.

RULE X TELEVISING ASSEMBLY SESSION

Section 1. Televised Proceedings; Broadcast. Any televised proceedings of sessions of the New York State Assembly shall be made available for statewide television broadcast, pursuant to the following:

a. All televised proceedings of the Assembly session shall be unedited, except that only accredited news organizations, educational institutions, and public affairs documentary programs may utilize any portion of the Assembly television feed.

b. No portion of the televised proceedings (either live or taped) authorized pursuant to this section may be utilized for:

1. campaign or political purposes or to promote or oppose a ballot issue or the candidacy of any person for any elective office; or
2. any paid commercial advertisements.

§ 2. Televised Proceedings; Ownership. The televised proceedings of sessions of the New York State Assembly as provided for in section one of this Rule, in any form, shall be deemed the property of the New York State Assembly.

§ 3. Televised Proceedings; Internet. All televised proceedings as provided for in this rule shall be made available promptly on the Assembly Internet site.

JOINT RULE I

Section 1. Requirement of Fiscal Impact Notes. Fiscal impact notes shall be required for all bills and amendments, other than those excepted as provided in section four hereof, which would substantially affect the revenues or expenses, or both, of any county, city, town, village, school district or special district (hereinafter referred to as "political subdivisions"). For purposes of this Joint Rule and section 51 of the Legislative Law, the term "special district" shall mean a district possessing the power to contract indebtedness and levy or require the levy of taxes or benefit assessments upon real property.

§ 2. Sufficiency and Contents of Fiscal Impact Notes. Fiscal impact notes shall be deemed sufficient for purposes of this Joint Rule if prepared in conformity with this section.

A. Scope of fiscal estimates. Fiscal impact upon political subdivisions shall be estimated on the basis of any one or more of the following:

(i) Individual political subdivisions; or

(ii) Aggregates of political subdivisions (a) statewide or by lesser geographic area, or (b) by classification or subclassification of relevant characteristics; or

(iii) Representative political subdivisions with relevant characteristics thereof quantitatively set forth, e.g., population, area, weighted average daily attendance of pupils; or

(iv) Any other appropriate, convenient or accessible grouping of political subdivisions.

B. Units of measurement. Fiscal impact measurements shall be made in units of money, personal services, equipment, or any other appropriate, convenient or accessible units of measurement.

C. Negligible Impact. A fiscal impact note filed by the sponsor of a bill which states that the fiscal impact of the bill is negligible shall be deemed to be in compliance with this Joint Rule.

§ 3. Procedure.

A.

(i) The Temporary President of the Senate and the Speaker of the Assembly shall each designate a person in such officer's respective house to examine each bill in such house, without regard to its house of origin, for the purpose of ascertaining whether a fiscal impact note is required pursuant to this Joint Rule, and if such note is required, such person shall so notify the sponsor of such bill.

(ii) The sponsor of such bill shall provide such fiscal impact note on a separate form prescribed therefor by the Temporary President of the Senate and the Speaker of the Assembly jointly.

(iii) Such fiscal impact note shall state the source thereof, which may be the sponsor; provided, however, that in the case of a bill proposed by a state department or agency, such note shall be prepared and furnished by such department or agency.

(iv) Such designated person in each house shall thereupon review each fiscal impact note for compliance with the provisions of this Joint Rule.

B. No bill requiring a fiscal impact note shall be reported to the floor of the house unless accompanied by the appropriate note for the version of such bill so reported, except as provided in section four hereof.

C. If an amendment to a bill has a fiscal impact, the member offering such amendment shall provide the fiscal impact note required by such amendment. If such amendment prevails, the sponsor shall provide a fiscal impact note for the amended bill before final passage, unless excepted pursuant to subdivision F of section four hereof.

§ 4. Exceptions. A fiscal impact note shall not be required for a bill:

A. subject to the provisions of section 50 of the Legislative Law;

B. requested by a county, city, town or village in accordance with the provisions of paragraph two of subdivision (b) of section two of Article IX of the Constitution;

C. which provides discretionary authority to a political subdivision;

D. submitted pursuant to section 24 of the State Finance Law;

E. reported to the floor of the House by the Rules Committee, if such committee, in its discretion, determines that such action is in the public interest;

F. which has been amended on the floor of either house, where a fiscal impact note would otherwise have been required for such amended bill by this Joint Rule and section 51 of the Legislative Law, if the Temporary President of the Senate or the Speaker of the Assembly, respectively, in such officer's discretion, determines that the amended bill may be acted on in such officer's house without such note; or

G. which inadvertently passes the Legislature where a fiscal impact note would otherwise have been required by this Joint Rule and section 51 of the Legislative Law.

§ 5. Effect of Inaccuracy. If the estimate or estimates contained in a fiscal impact note are inaccurate, such inaccuracy shall not affect, impair or invalidate such bill.

§ 6. Application. The provisions of this Joint Rule shall apply to bills and amendments proposed for introduction at the nineteen hundred eighty-five regular legislative session and permanently thereafter.

JOINT RULE II

Section 1. Committee on Conference. The Temporary President of the Senate and the Speaker of the Assembly may jointly convene a Joint Committee on Conference to consider and report upon substantially similar but not identical legislation that has passed each House of the Legislature. 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 the Clerk of the Assembly, and shall consist of the same number of members from each House. Unless otherwise provided in the certificate, there shall be five members on such committee from each House to be appointed by the Temporary President of the Senate who shall appoint the members from the Senate and the Speaker of the Assembly who shall appoint the members from the Assembly; provided, however, that of each House's delegation at least one member shall represent the minority in each House. The Temporary President of the Senate and the Speaker of the Assembly shall each appoint a co-chairperson of the committee and such co-chairpersons shall convene and recess meetings of the committee. Meetings jointly convened by the co-chairpersons shall be subject to the provisions of Article 7 of the Public Officers Law. The committee shall file a written report setting forth the joint recommendations of a majority of each House's delegation with the Secretary of the Senate and the Clerk of the Assembly or such other committees or officers as may be set forth in the certificate and such report may include specific bill language that would implement the joint committee's recommendations. No report shall be filed except upon the affirmative vote of a majority of the members of each House's delegation on the committee.

JOINT RULE III

Section 1. Budget Consideration Schedule. In accordance with section 54-a of the Legislative Law, within ten days of the submission of the budget by the Governor pursuant to article VII of the Constitution, the Temporary President of the Senate and the Speaker of the Assembly shall promulgate a schedule of dates for considering and acting upon such submission. Such schedule shall include the dates for those actions required to be taken by the legislature pursuant to section 53 of the Legislative Law, dates for the convening of a joint budget conference committee or committees as provided herein, and a date by which such committee or committees shall issue a final report or reports.

§ 2. Joint Budget Conference Committee. In accordance with section 54-a of the Legislative Law, within ten days of the submission of the budget by the Governor pursuant to article VII of the Constitution, the Temporary President of the Senate and the Speaker of the Assembly shall jointly establish a Joint Budget Conference Committee and, as they deem necessary, any number of subcommittees subordinate to such Joint Budget Conference Committee, to consider and reconcile such budget resolutions or bills passed by, or as may be passed by, the Senate and Assembly. Such Joint Budget Conference Committee shall be constituted and conducted as prescribed in Joint Rule II and shall file its written report in accord with the schedule established pursuant to section 1 of this rule.

JOINT RULE IV

Section 1. Joint Advisory Board on Broadcast of State Government Proceedings. The Temporary President of the Senate and the Speaker of the Assembly shall convene a bi-partisan, bi-cameral joint advisory board to oversee current and future broadcast of New York State Government proceedings. This board shall consist of eight members of whom three shall be appointed by the Temporary President of the Senate, three members shall be appointed by the Speaker of the Assembly and one member shall be appointed by each of the minority leaders of each house. The appointments shall be of members of the respective houses of the Legislature. The Temporary President of the Senate and the Speaker of the Assembly shall each appoint a co-chair of the board.

§ 2. Duties of the Joint Advisory Board. The joint advisory board shall engage in such activities as it deems necessary for the preparation and formulation of a report to review the efficacy of current programming and explore future expansion of such to include additional legislative and other governmental proceedings, as well as other related public policy and educational material. The report shall include specific recommendations concerning the broadcast or webcast on the Internet of all legislative committee meetings. On or before November 1, 2009, the report shall be submitted to the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly.

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