


1 the provisions of section 5-a of the legislative law as amended by  
2 sections two and two-a of this act shall take effect on January 1, 1995,  
3 and provided further that, the provisions of article 5-A of the legisla-  
4 tive law as added by section eight of this act shall expire June 30,  
5 [2018] 2019 when upon such date the provisions of such article shall be  
6 deemed repealed; and provided further that section twelve of this act  
7 shall be deemed to have been in full force and effect on and after April  
8 10, 1994.

9 S 3. This act shall take effect immediately, provided, however, if  
10 section two of this act shall take effect on or after June 30, 2018  
11 section two of this act shall be deemed to have been in full force and  
12 effect on and after June 30, 2018.

13  PART HHH

14 Section 1. There is hereby established a compensation committee to  
15 examine, evaluate and make recommendations with respect to adequate  
16 levels of compensation, non-salary benefits, and allowances pursuant to  
17 section 5-a of the legislative law, for members of the legislature,  
18 statewide elected officials, and those state officers referred to in  
19 section 169 of the executive law. The committee shall be comprised of  
20 the chief judge of the state of New York, the comptroller of the state  
21 of New York, the chairman of the State University of New York board of  
22 trustees and 52nd comptroller for the state of New York, the comptroller  
23 for the city of New York, and the chairman of the city university of New  
24 York board of trustees and 42nd comptroller for the city of New York.

25 S 2. 1. In accordance with the provisions of this act, the committee  
26 shall examine the prevailing adequacy of pay levels, allowances pursuant  
27 to section 5-a of the legislative law, and other non-salary benefits,  
28 for members of the legislature, statewide elected officials, and those  
29 state officers referred to in section 169 of the executive law.

30 2. The committee shall determine whether, on January 1, 2019, the  
31 annual salary and allowances of members of the legislature, statewide  
32 elected officials, and salaries of state officers referred to in section  
33 169 of the executive law, warrant an increase.

34 3. In discharging its responsibilities under subdivision two of this  
35 section, the committee shall take into account all appropriate factors  
36 including, but not limited to: the parties' performance and timely  
37 fulfillment of their statutory and Constitutional responsibilities; the  
38 overall economic climate; rates of inflation; changes in public-sector  
39 spending; the levels of compensation and non-salary benefits received by  
40 executive branch officials and legislators of other states and of the  
41 federal government; the levels of compensation and non-salary benefits  
42 received by comparable professionals in government, academia and private  
43 and nonprofit enterprise; the ability to attract talent in competition  
44 with comparable private sector positions; and the state's ability to  
45 fund increases in compensation and non-salary benefits.

46 4. a. The committee may implement cost-of-living adjustments that  
47 apply annually and/or phase-in salary adjustments annually for 3 years,  
48 provided that no such adjustment shall be implemented beyond January 1,  
49 2021.

50 b. Any phase-in of a salary increase or cost of living adjustment will  
51 be conditioned upon performance of the executive and legislative branch  
52 and upon the timely legislative passage of the budget for the preceding  
53 year.

1 c. For purposes of paragraph b of this subdivision, the term "legisla-  
2 tive passage of the budget" shall have the same meaning as defined in  
3 subdivision 3 of section 5 of the legislative law.

4 S 3. 1. The committee shall only meet within the state and must hold  
5 at least one hearing at which the public will be afforded an opportunity  
6 to provide comments. The committee may hold additional public hearings  
7 as it deems necessary. Such additional hearings, if any, may allow for a  
8 public comment period.

9 2. The members of the committee shall receive no compensation for  
10 their services but shall be allowed their actual and necessary expenses  
11 incurred in the performance of their duties hereunder. Nothing  
12 contained herein shall prohibit a member of the committee from receiving  
13 his or her salary earned by reason of their state employee position. The  
14 members of the committee shall perform the duties herein personally, no  
15 delegation of authority or attendance is allowed.

16 3. No member of the committee shall be disqualified from holding any  
17 other public office or employment, nor shall he or she forfeit any such  
18 office or employment by reason of his or her appointment pursuant to  
19 this section, notwithstanding the provisions of any general, special or  
20 local law, regulation, ordinance or city charter.

21 4. To the maximum extent feasible, the committee shall be entitled to  
22 request and receive and shall utilize and be provided with such facili-  
23 ties, resources and data of any court, department, division, board,  
24 bureau, committee, agency or public authority of the state or any poli-  
25 tical subdivision thereof as it may reasonably request to properly carry  
26 out its powers and duties pursuant to this act.

27 5. The committee may request, and shall receive, reasonable assistance  
28 from state agency personnel as is necessary for the performance of its  
29 function.

30 S 4. 1. The committee shall make a report to the governor and the  
31 legislature of its findings, conclusions, determinations and recommenda-  
32 tions, if any, and should submit such report by December 10, 2018. Any  
33 findings, conclusions, determinations and recommendations in the report  
34 must be adopted by a majority vote of the committee. Each member of the  
35 committee shall report their vote and describe their reasoning for their  
36 determination.

37 2. Each recommendation made to implement a determination pursuant to  
38 section two of this act shall have the force of law, and shall super-  
39 sede, where appropriate, inconsistent provisions of section 169 of the  
40 executive law, and sections 5 and 5-a of the legislative law, unless  
41 modified or abrogated by statute prior to January first of the year as  
42 to which such determination applies to legislative and executive compen-  
43 sation.

44 S 5. Date of entitlement to salary increase. Notwithstanding the  
45 provisions of this act or of any other law, each phase of an increase in  
46 salary or compensation of any member, official, or officer provided for  
47 by this act shall be added to the salary or compensation of such member,  
48 statewide elected official, or officer at the beginning of that payroll  
49 period the first day of which is nearest to, but not prior to, the  
50 effective date of such increase as provided in this act. The annual  
51 salaries as prescribed pursuant to this act, whenever adjusted pursuant  
52 to the provisions of this act, shall be rounded to the nearest multiple  
53 of one hundred dollars.

54 S 6. Notwithstanding Part E of chapter 60 of the laws of 2015, the  
55 committee established pursuant to this act, while in existence, shall  
56 make all determinations of legislative salaries and allowances and sala-

1 ries of statewide elected officials and those officers referred to in  
2 section 169 of the executive law. Upon the repeal of the committee  
3 created by this act, the commission established under Part E of chapter  
4 60 of the laws of 2015 shall resume its responsibility to review and  
5 examine such salaries and allowances in accordance with the terms of  
6 such Part E.

7 S 7. This act shall take effect immediately and shall expire and be  
8 deemed repealed December 31, 2018; provided, however, any recommenda-  
9 tions of the committee that have been determined prior to such date,  
10 including 3 annual cost of living or salary adjustments, shall continue  
11 to be in effect until amended or repealed by a subsequent recommendation  
12 of the commission on legislative, judicial and executive compensation or  
13 by passage of a new statute.

14 PART III

15 Section 1. Section 5 of part HH of chapter 59 of the laws of 2014,  
16 amending the tax law relating to a musical and theatrical production  
17 credit, is amended to read as follows:

18 S 5. This act shall take effect immediately, provided that section two  
19 of this act shall take effect on January 1, 2015, and shall apply to  
20 taxable years beginning on or after January 1, 2015, with respect to  
21 "qualified production expenditures" and "transportation expenditures"  
22 paid or incurred on or after such effective date, regardless of whether  
23 the production of the qualified musical or theatrical production  
24 commenced before such date, provided further that this act shall expire  
25 and be deemed repealed [4] 8 years after such date.

26 S 2. This act shall take effect immediately.

27 PART JJJ

28 Section 1. Short title. This act shall be known an may be cited as the  
29 "Democracy Protection Act".

30 S 2. Section 14-100 of the election law is amended by adding a new  
31 subdivision 17 to read as follows:

32 17. "FOREIGN NATIONAL" MEANS FOREIGN NATIONAL AS SUCH TERM IS DEFINED  
33 BY SUBSECTION (B) OF SECTION 30121 OF TITLE 52 OF THE UNITED STATES  
34 CODE.

35 S 3. Section 14-106 of the election law, as amended by section 3 of  
36 subpart C of part H of chapter 55 of the laws of 2014, is amended to  
37 read as follows:

38 S 14-106. Political communication. The statements required to be filed  
39 under the provisions of this article next succeeding a primary, general  
40 or special election shall be accompanied by a copy of all broadcast,  
41 cable or satellite schedules and scripts, [internet] PAID INTERNET OR  
42 DIGITAL, print and other types of advertisements, pamphlets, circulars,  
43 flyers, brochures, letterheads and other printed matter purchased or  
44 produced, and reproductions of statements or information published to  
45 five hundred or more members of a general public audience by computer or  
46 other electronic device including but not limited to electronic mail or  
47 text message, purchased in connection with such election by or under the  
48 authority of the person filing the statement or the committee or the  
49 person on whose behalf it is filed, as the case may be. Such copies,  
50 schedules and scripts shall be preserved by the officer with whom or the  
51 board with which it is required to be filed for a period of one year  
52 from the date of filing thereof.