S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GALEF -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to establishing the New York state independent budget office

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The legislative law is amended by adding a new article 4-B to read as follows:

ARTICLE 4-B

NEW YORK STATE INDEPENDENT BUDGET OFFICE

SECTION 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE.

76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE.

S 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. THERE SHALL HEREBY BE ESTABLISHED A NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1. IT SHALL BE THE DUTY OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE TO PROVIDE THE MEMBERS AND COMMITTEES OF THE LEGISLATURE WITH INFORMATION WHICH WILL ASSIST SUCH OFFICIALS AND BODIES IN THE DISCHARGE OF THEIR RESPONSIBILITIES WHICH ARE RELATED TO THE BUDGETARY PROCESS INCLUDING:

(A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATIONS BILLS AND PROPOSED LAWS WITH FISCAL IMPLICATIONS;

(B) INFORMATION WITH RESPECT TO ESTIMATED REVENUES AND RECEIPTS, AND CHANGING REVENUE CONDITIONS;

(C) INFORMATION WITH RESPECT TO THE PERFORMANCE AND EFFECTIVENESS OF STATE AGENCIES AND PROGRAMS; AND

(D) TO THE EXTENT PRACTICABLE, SUCH OTHER INFORMATION OR ANALYSES AS MAY BE REQUESTED BY SUCH OFFICIALS AND BODIES, AND THE GENERAL PUBLIC.

REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND

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

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THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

2. THE INDEPENDENT BUDGET OFFICE SHALL COMPLETE A FISCAL IMPACT STATEMENT: (A) FOR ANY BILL BEING CONSIDERED ON AN ASSEMBLY WAYS AND MEANS COMMITTEE AGENDA OR A SENATE FINANCE COMMITTEE AGENDA, TO THE EXTENT POSSIBLE; (B) FOR ANY BILL AT THE REQUEST OF THE SPEAKER OR MINORITY LEADER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OR MINORITY LEADER OF THE SENATE; AND (C) AT THE REQUEST OF A COMMITTEE CHAIR OR RANKING MEMBER OF A COMMITTEE FOR ANY BILL REFERRED TO THEIR RESPECTIVE COMMITTEE. FISCAL IMPACT STATEMENTS SHALL ESTIMATE THE IMPACT ON STATE REVENUES OR EXPENDITURES.

3. THE INDEPENDENT BUDGET OFFICE SHALL SUBMIT AN ANALYSIS OF THE EXECUTIVE BUDGET BY MARCH FIRST OF EACH YEAR TO THE MEMBERS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE, AND MAKE COPIES OF SUCH ANALYSIS AVAILABLE TO ALL OTHER MEMBERS OF THE LEGISLATURE AND ALL OTHER INDIVIDUALS, UPON REQUEST.

4. THE INDEPENDENT BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE, DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE PUBLIC RESPONSIBILITIES OF THE STATE.

5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY, THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTOBER OF EACH YEAR.

6. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH BY DECEMBER THIRTY-FIRST OF EACH YEAR A REPORT ANALYZING THE FISCAL OUTLOOK OF THE STATE FOR THE NEXT FIVE YEARS.

7. THE INDEPENDENT BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

8. THE INDEPENDENT BUDGET OFFICE MAY PROCURE UP-TO-DATE COMPUTER EQUIPMENT, OBTAIN THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER TECHNOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF REVENUE PROJECTIONS AND BUDGETARY REQUIREMENTS.

9. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES AND REPORTS PREPARED BY THE INDEPENDENT BUDGET OFFICE SHALL BE MADE AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC MEANS OVER THE INTERNET.

S 76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1. THE NEW YORK STATE INDEPENDENT BUDGET OFFICE SHALL BE HEADED BY A DIRECTOR WHO SHALL BE APPOINTED, UPON THE RECOMMENDATIONS OF AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE, BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL APPOINTMENT OF SUCH DIRECTOR SHALL BE MADE NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND NINE TO THE SPECIAL COMMITTEE. SUBSEQUENT RECOMMENDATIONS SHALL BE MADE BETWEEN JANUARY SECOND AND JANUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER. THE SPECIAL COMMITTEE SHALL APPOINT THE INITIAL DIRECTOR NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND NINE AND SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL FIRST, TWO THOUSAND NINE. SUBSEQUENT APPOINTMENTS SHALL BE MADE NO LATER THAN FEBRUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER.

2. (A) THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE CONSISTING OF: (I) THE CHAIR AND RANKING MEMBER OF THE ASSEMBLY WAYS AND

MEANS COMMITTEE AND THE CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE OR THEIR DESIGNEES; (II) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY; (III) THREE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND (IV) TWO MEMBERS, ONE EACH APPOINTED BY THE MINORITY LEADER IN EACH HOUSE OF THE LEGISLATURE. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE FOR SIX YEAR TERMS, PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, THREE SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND TWELVE; THREE SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN; AND THREE SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS, ACCOUNTING, PUBLIC ADMINISTRATION AND PUBLIC POLICY ANALYSIS INCLUDING AT LEAST ONE NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY AND THE BUDGET PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR OF A GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, PUBLIC AFFAIRS OR PUBLIC ADMINISTRATION LOCATED IN NEW YORK STATE; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR OF A LABOR UNION; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR TO A BUSINESS CORPORATION; AND ONE OFFICER OR FORMER OFFICER OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION INVOLVED IN BUDGET MATTERS. NO INDIVIDUAL SHALL SERVE CONSECUTIVE TERMS.

(B) THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DEVELOP GUIDELINES FOR THE BEST PRACTICES OF THE INDEPENDENT BUDGET OFFICE. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL MEET ANNUALLY WITH THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND SUGGESTIONS ON THE OVERALL PRACTICES OF THE OFFICE.

(C) MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION BUT SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN CONNECTION WITH THEIR DUTIES.

3. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF OFFICE OF THE DIRECTOR FIRST APPOINTED SHALL EXPIRE ON FEBRUARY FIFTEENTH, TWO THOUSAND FIFTEEN, AND THE TERMS OF OFFICE OF DIRECTORS SUBSEQUENTLY APPOINTED SHALL EXPIRE ON SUCH DATE IN EACH SIXTH YEAR THEREAFTER. ANY INDIVIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED. ANY DIRECTOR SERVING CONSECUTIVE TERMS SHALL BE RECOMMENDED BY THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE AND APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE FOR THE SECOND TERM. NO DIRECTOR SHALL SERVE MORE THAN TWO TERMS CONSECUTIVELY.

4. TEN PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE BUDGET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF APRIL AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO THEM BY THE DIRECTOR.

5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-

TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION, MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH STATE DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES, FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE.

6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE.

S 2. This act shall take effect immediately.