

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

653--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to creation of the non-partisan legislative budget office

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

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

ARTICLE 4-B

NON-PARTISAN LEGISLATIVE BUDGET OFFICE

3 SECTION 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE.

4 77. POWERS AND DUTIES OF THE OFFICE; REPORT.

5 S 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE. 1. FOR PURPOSES OF THIS
6 ARTICLE:

7 A. "OFFICE" MEANS THE NON-PARTISAN LEGISLATIVE BUDGET OFFICE ESTAB-
8 LISHED IN THIS ARTICLE; AND

9 B. "DIRECTOR" MEANS THE DIRECTOR OF THE NON-PARTISAN LEGISLATIVE BUDG-
10 ET OFFICE.

11 C. "SUPER-MAJORITY VOTE" MEANS A VOTE REQUIRING TWO-THIRDS OF THE
12 MEMBERS ELECTED TO EACH BRANCH OF THE LEGISLATURE.

13 2. THERE IS HEREBY CREATED A NON-PARTISAN LEGISLATIVE BUDGET OFFICE.
14 THE HEAD OF SUCH OFFICE SHALL BE THE DIRECTOR WHO SHALL BE APPOINTED BY
15 A JOINT RESOLUTION REQUIRING A SUPER-MAJORITY VOTE OF BOTH OF THE SENATE
16 AND ASSEMBLY FOR A TERM OF SEVEN YEARS. THE TEMPORARY PRESIDENT OF THE
17 SENATE AND SPEAKER OF THE ASSEMBLY, IN CONSULTATION WITH THE SENATE
18 MINORITY LEADER AND ASSEMBLY MINORITY LEADER SHALL REACH A CONSENSUS ON
19 A CANDIDATE FOR THE DIRECTOR POSITION ON WHICH THE SENATE AND ASSEMBLY
20 [] IS OLD LAW TO BE OMITTED.
21

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

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1 SHALL VOTE. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL BE
2 APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE
3 BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE.

4 3. A DEPUTY DIRECTOR SHALL BE APPOINTED BY THE DIRECTOR. ANY INDIVID-
5 UAL APPOINTED AS DIRECTOR TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A
6 TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF THAT TERM. ANY INDI-
7 VIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE TO
8 SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED. ANY DEPUTY DIRECTOR
9 SHALL SERVE UNTIL THE EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR
10 WHO APPOINTED HIM OR HER, AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED,
11 UNLESS SOONER REMOVED BY THE DIRECTOR.

12 4. THE DIRECTOR SHALL HOLD NO OTHER PUBLIC OFFICE WHILE SERVING AS
13 THE DIRECTOR. THE DIRECTOR SHALL RECEIVE SUCH COMPENSATION AS MAY BE
14 FIXED BY THE LEGISLATURE.

15 5. THE DIRECTOR MAY BE REMOVED BY EITHER THE ASSEMBLY OR THE SENATE BY
16 RESOLUTION REQUIRING A TWO-THIRDS VOTE OF THE MEMBERS ELECTED TO EITHER
17 BRANCH OF THE LEGISLATURE.

18 S 77. POWERS AND DUTIES OF THE OFFICE; REPORT. 1. THE OFFICE SHALL:

19 A. PROVIDE INFORMATION TO THE LEGISLATIVE COMMITTEES OF THE SENATE AND
20 ASSEMBLY WITH RESPECT TO THE STATE BUDGET, APPROPRIATION AND PROGRAMMAT-
21 IC BILLS AND OTHER BILLS PROVIDING BUDGET AUTHORITY OR TAX EXPENDITURES;

22 B. EXAMINE AND REVIEW ALL FINANCIAL AND PROGRAMMATIC INFORMATION OF
23 THE STATE FOR THE PURPOSE OF RENDERING REVENUE ESTIMATES USED IN DETER-
24 MINING WHETHER ANY PROPOSED STATE BUDGET IS BALANCED;

25 C. BE CHARGED WITH THE DUTY OF RENDERING ANTICIPATED REVENUE FORECAST
26 REPORTS TO THE LEGISLATURE AND THE GOVERNOR FOR THE PURPOSES OF FACILI-
27 TATING PASSAGE OF THE STATE BUDGET IN A TIMELY MANNER; AND

28 D. PROVIDE ASSISTANCE IN DETERMINING THE FISCAL IMPACT OF PROPOSED
29 LEGISLATION AT THE REQUEST OF A MEMBER OF THE SENATE AND ASSEMBLY.

30 E. THE DIRECTOR SHALL DEVELOP, IN CONSULTATION WITH THE CHAIRS AND
31 RANKING MEMBERS OF THE SENATE STANDING COMMITTEE ON FINANCE AND THE
32 ASSEMBLY WAYS AND MEANS COMMITTEE, A PRIORITY SYSTEM FOR PROCESSING
33 REQUESTS FROM LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGIS-
34 LATION.

35 F. THE DIRECTOR SHALL PROVIDE ALL MEMBERS OF THE SENATE AND ASSEMBLY
36 WITH A DESCRIPTION OF THE PRIORITY SYSTEM FOR PROCESSING REQUESTS FROM
37 LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGISLATION.

38 2. AT THE REQUEST OF ANY COMMITTEE CHAIR OR RANKING MEMBER OF THE
39 SENATE OR ASSEMBLY, TO THE EXTENT PRACTICABLE, THE LEGISLATIVE BUDGET
40 OFFICE SHALL PROVIDE TO SUCH COMMITTEE ANY INFORMATION WHICH WILL ASSIST
41 IN THE DISCHARGE OF MATTERS WITHIN THE JURISDICTION OF SUCH COMMITTEE.

42 3. THE DIRECTOR MAY APPOINT BUDGET ANALYSTS, ASSISTANTS AND SUCH OTHER
43 EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY OR DESIRABLE, PRESCRIBE SUCH
44 EMPLOYEE'S DUTIES AND FIX SUCH EMPLOYEE'S COMPENSATION WITHIN THE
45 AMOUNTS APPROPRIATED AND MADE AVAILABLE THEREFOR.

46 4. A. THE OFFICE SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF
47 THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY AND
48 ASSEMBLY MINORITY LEADER, WHICH SHALL INCLUDE:

49 1. WRITTEN ESTIMATES OF ANTICIPATED STATE REVENUES FOR BUDGETARY
50 PURPOSES;

51 2. PROJECTED ECONOMIC FACTORS AND FORECASTS;

52 3. SUMMARIZATION OF THE BUDGET PROPOSED BY THE GOVERNOR PURSUANT TO
53 ARTICLE SEVEN OF THE CONSTITUTION; AND

54 4. REVENUE SOURCES THAT COULD BE USED AS ALTERNATIVES TO REVENUE
55 SOURCES OUTLINED IN THE EXECUTIVE BUDGET.

1 B. SUCH REPORT SHALL BE SUBMITTED ON THE FIRST OF MARCH EACH YEAR FOR
2 THE NEXT SUCCEEDING FISCAL YEAR. AFTER SUBMISSION TO THE TEMPORARY PRES-
3 IDENT OF THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY
4 AND ASSEMBLY MINORITY LEADER, SUCH REPORT SHALL BE MADE AVAILABLE TO THE
5 PUBLIC, UPON REQUEST.

6 5. A. THE LEGISLATIVE BUDGET OFFICE SHALL BE FUNDED FROM LEGISLATIVE
7 APPROPRIATIONS PROVIDED ANNUALLY, WITH EQUAL ALLOCATIONS PROVIDED BY THE
8 SENATE AND THE ASSEMBLY AS EACH HOUSE DEEMS APPROPRIATE.

9 B. THE DIRECTOR MAY PROCURE, WITHIN THE AMOUNTS APPROPRIATED AND MADE
10 AVAILABLE THEREFOR, UP-TO-DATE COMPUTER EQUIPMENT, OBTAIN THE SERVICES
11 OF EXPERTS AND CONSULTANTS IN COMPUTER TECHNOLOGY.

12 S 2. Section 30 of the legislative law, as amended by chapter 766 of
13 the laws of 2005, is amended to read as follows:

14 S 30. Duties of finance and ways and means committees and secretaries
15 AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS DIRECTOR. The committees
16 and their secretaries AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS
17 DIRECTOR shall have access at all reasonable times to offices of state
18 departments, commissions, boards, bureaus and offices, to institutions
19 and to all state authorities and public works of the state and they may,
20 for the purpose of obtaining information as to the method of operation,
21 general condition, management and needs thereof, examine the books,
22 papers and public records therein. Notwithstanding any other provision
23 of law such state departments, commissions, boards, bureaus, offices,
24 state authorities and institutions shall through their proper officers
25 or deputies furnish to such committees AND THE LEGISLATIVE BUDGET OFFICE
26 such data, information or statements as may be necessary for the proper
27 exercise of their powers and duties and for the purpose of carrying into
28 effect the provisions of this article. The finance and ways and means
29 committee in exercising the powers and performing the duties prescribed
30 by this article may act jointly, or separately, as they deem advisable.

31 S 3. This act shall take effect immediately.