

1637

2009-2010 Regular Sessions

I N   S E N A T E

February 3, 2009

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to creating an independent budget office to provide various offices with information which will assist in the discharge of responsibilities related to the budgetary process

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

1     Section 1. The state finance law is amended by adding a new article 17  
2     to read as follows:

3                                                             A R T I C L E   X V I I

4                                                             I N D E P E N D E N T   B U D G E T   O F F I C E

5     SECTION 250. INDEPENDENT BUDGET OFFICE.

6                     251. POWERS AND DUTIES OF THE OFFICE; REPORT.

7     S 250. INDEPENDENT BUDGET OFFICE. 1. (A) THERE SHALL BE AN INDEPENDENT  
8     BUDGET OFFICE TO BE HEADED BY A DIRECTOR WHO SHALL BE APPOINTED UPON  
9     THE RECOMMENDATION OF THE INDEPENDENT BUDGET OFFICE ADVISORY BOARD,  
10    DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, WHICH SHALL BE ESTABLISHED  
11    BY A SPECIAL COMMITTEE CONVENED FOR THE PURPOSE OF CREATING SUCH  
12    BOARD. SUCH COMMITTEE SHALL CONSIST OF AN APPOINTEE OF THE STATE COMPTROLLER,  
13    AN APPOINTEE OF THE DIRECTOR OF THE DIVISION OF BUDGET FOR THE STATE,  
14    AN APPOINTEE OF THE TEMPORARY PRESIDENT OF THE SENATE, AN APPOINTEE  
15    OF THE MINORITY LEADER OF THE SENATE, AN APPOINTEE OF THE SPEAKER  
16    OF THE ASSEMBLY, AND AN APPOINTEE OF THE MINORITY LEADER OF THE  
17    ASSEMBLY.

18    (B) THE DIRECTOR SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION  
19    AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED  
20    BY THIS SECTION. THE DIRECTOR SHALL HOLD NO OTHER PUBLIC OFFICE WHILE  
21    SERVING AS THE DIRECTOR. THE DIRECTOR SHALL RECEIVE SUCH COMPENSATION  
22    AS MAY BE FIXED BY THE ADVISORY BOARD. THE TERM OF OFFICE OF THE DIRECTOR  
23    FIRST APPOINTED SHALL EXPIRE ON AUGUST FIRST, TWO THOUSAND THIRTEEN,

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

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1 AND THE TERMS OF OFFICE OF DIRECTORS SUBSEQUENTLY APPOINTED SHALL EXPIRE  
2 ON SUCH DATE IN EACH FOURTH YEAR THEREAFTER. ANY INDIVIDUAL APPOINTED TO  
3 FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR  
4 THE UNEXPIRED PORTION OF THE TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT  
5 THE EXPIRATION OF A TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS  
6 APPOINTED.

7 2. THE DIRECTOR SHALL APPOINT SUCH PERSONNEL AND PROCURE THE SERVICES  
8 OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS AVAILABLE  
9 THEREFOR, AS MAY BE NECESSARY FOR THE DIRECTOR TO CARRY OUT THE DUTIES  
10 AND FUNCTIONS ASSIGNED HEREIN. SUCH PERSONNEL AND EXPERTS SHALL PERFORM  
11 SUCH DUTIES AS MAY BE ASSIGNED TO THEM BY THE DIRECTOR.

12 3. THE DIRECTOR SHALL BE AUTHORIZED TO SECURE SUCH INFORMATION, DATA,  
13 ESTIMATES AND STATISTICS FROM THE AGENCIES OF THE STATE AS THE DIRECTOR  
14 DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNCTIONS AND  
15 DUTIES OF THE OFFICE, AND SUCH AGENCIES SHALL PROVIDE SUCH INFORMATION,  
16 TO THE EXTENT THAT IT IS AVAILABLE, IN A TIMELY FASHION. THE LEGISLA-  
17 TURE AND EXECUTIVE SHALL PROVIDE A REPORT TO THE INDEPENDENT BUDGET  
18 OFFICE WHICH SHALL BE THE RESULT OF THE CONSENSUS ECONOMIC AND REVENUE  
19 FORECASTING CONFERENCE HELD IN ACCORDANCE WITH SUBDIVISION SIX OF  
20 SECTION TWENTY-THREE OF THIS CHAPTER. THE DIRECTOR SHALL NOT BE ENTITLED  
21 TO OBTAIN RECORDS WHICH ARE PROTECTED BY THE PRIVILEGES FOR  
22 ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY WORK PRODUCT, OR MATERIAL  
23 PREPARED FOR LITIGATION.

24 4. THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY BOARD CONSIST-  
25 ING OF SIX MEMBERS APPOINTED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION  
26 ONE OF THIS SECTION. THE MEMBERS OF THE ADVISORY BOARD SHALL SERVE FOR  
27 THREE YEAR TERMS AS FOLLOWS: OF THE MEMBERS ORIGINALLY APPOINTED, TWO  
28 SHALL SERVE UNTIL THE THIRTY-FIRST DAY OF MARCH, TWO THOUSAND TEN, TWO  
29 SHALL SERVE UNTIL THE THIRTY-FIRST DAY OF MARCH, TWO THOUSAND ELEVEN,  
30 AND TWO SHALL SERVE UNTIL THE THIRTY-FIRST DAY OF MARCH, TWO THOUSAND  
31 TWELVE. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE  
32 AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS, ACCOUNTING, PUBLIC  
33 ADMINISTRATION AND PUBLIC POLICY ANALYSIS, INCLUDING AT LEAST ONE FORMER  
34 DIRECTOR OF THE STATE DIVISION OF BUDGET, OR OF A COMPARABLE OFFICE IN  
35 ANOTHER STATE GOVERNMENTAL JURISDICTION IN THE UNITED STATES; ONE  
36 NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY AND THE  
37 BUDGETARY PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR OF A  
38 GRADUATE SCHOOL OF BUSINESS ADMINISTRATION LOCATED IN NEW YORK STATE;  
39 ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR OF A GRADUATE SCHOOL OF  
40 PUBLIC ADMINISTRATION OR PUBLIC AFFAIRS OR PUBLIC POLICY LOCATED IN NEW  
41 YORK STATE; ONE CHAIR OR FORMER CHAIR OF A GRADUATE ECONOMICS DEPARTMENT  
42 OF A COLLEGE OR UNIVERSITY LOCATED IN NEW YORK STATE; ONE OFFICER OR  
43 FORMER OFFICER OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION  
44 INVOLVED IN BUDGETARY MATTERS OR ONE OFFICER OR FORMER OFFICER OF A  
45 HUMAN SERVICES ADVOCACY ORGANIZATION INVOLVED IN BUDGET MATTERS. NO  
46 MEMBER MAY BE REAPPOINTED TO CONSECUTIVE TERMS. VACANCIES OCCURRING  
47 BECAUSE OF THE EXPIRATION OF TERMS SHALL BE FILLED PROMPTLY ON THE  
48 RECOMMENDATION OF THE ORIGINAL APPOINTING MEMBER. EACH OF THE MEMBERS OF  
49 THE ADVISORY BOARD SHALL RECEIVE, AS COMPENSATION FOR HIS OR HER  
50 SERVICES HEREUNDER, A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED  
51 DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER  
52 DUTIES HEREUNDER, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND  
53 DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO, SHALL BE REIM-  
54 BURSED FOR ALL EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER  
55 IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE. THE ADVISORY  
56 BOARD SHALL AT ITS FIRST MEETING IN EVERY EVEN NUMBERED YEAR ELECT, FROM

1 AMONG ITS MEMBERS, A CHAIR AND VICE-CHAIR WHO SHALL SERVE UNTIL THE  
2 THIRTY-FIRST DAY OF MARCH OF THE NEXT EVEN NUMBERED YEAR.

3 S 251. POWERS AND DUTIES OF THE OFFICE; REPORT. 1. THE OFFICE SHALL:

4 A. PROVIDE INFORMATION TO THE LEGISLATIVE COMMITTEES OF THE SENATE AND  
5 ASSEMBLY WITH RESPECT TO THE STATE BUDGET, APPROPRIATION BILLS AND OTHER  
6 BILLS PROVIDING BUDGET AUTHORITY OR TAX EXPENDITURES;

7 B. EXAMINE AND REVIEW ALL FINANCIAL INFORMATION OF THE STATE FOR THE  
8 PURPOSE OF RENDERING REVENUE ESTIMATES USED IN DETERMINING WHETHER ANY  
9 PROPOSED STATE BUDGET IS BALANCED;

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

13 D. PROVIDE ASSISTANCE IN DETERMINING THE FISCAL IMPACT OF PROPOSED  
14 LEGISLATION.

15 2. THE DIRECTOR MAY APPOINT BUDGET ANALYSTS, ASSISTANTS AND SUCH OTHER  
16 EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY OR DESIRABLE, PRESCRIBE SUCH  
17 EMPLOYEE'S DUTIES AND FIX SUCH EMPLOYEE'S COMPENSATION WITHIN THE  
18 AMOUNTS APPROPRIATED AND MADE AVAILABLE THEREFOR. THE DIRECTOR MAY  
19 REQUEST AND SHALL RECEIVE FROM ALL PUBLIC OFFICERS, DEPARTMENTS, AGEN-  
20 CIES AND AUTHORITIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, SUCH  
21 ASSISTANCE AND DATA AS SHALL BE NECESSARY TO PROJECT ANTICIPATED STATE  
22 REVENUES FOR BUDGETARY PURPOSES.

23 3. THE DIRECTOR SHALL FROM TIME TO TIME PUBLISH SUCH REPORTS AS MAY BE  
24 APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGET-  
25 ARY PROCESS AND OF THE BUDGET DOCUMENTS WHICH ARE PUBLISHED. THE DIREC-  
26 TOR SHALL FROM TIME TO TIME PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR  
27 APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA, AND ANALYSIS AS WILL  
28 ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO STATE  
29 REVENUES, EXPENDITURES, FINANCIAL MANAGEMENT PRACTICES AND RELATED  
30 MATTERS.

31 4. THE DIRECTOR MAY PROCURE, FOR THE OFFICE, UP-TO-DATE COMPUTER  
32 EQUIPMENT, OBTAIN THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER  
33 TECHNOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF REVENUE PROJEC-  
34 TIONS AND BUDGETARY REQUIREMENTS.

35 5. THE DIRECTOR SHALL MAKE ALL INFORMATION, DATA, ESTIMATES, AND  
36 STATISTICS OBTAINED, AND ALL STUDIES AND REPORTS PREPARED BY THE OFFICE,  
37 AVAILABLE FOR PUBLIC INSPECTION AND COPYING DURING NORMAL BUSINESS HOURS  
38 AND SHALL, TO THE EXTENT PRACTICABLE, FURNISH A COPY OF ANY SUCH INFOR-  
39 MATION OR REPORT TO ANY PERSON UPON REQUEST AT A REASONABLE COST.

40 S 2. Paragraph (b) of subdivision 6 of section 23 of the state finance  
41 law, as added by chapter 1 of the laws of 2007, is amended to read as  
42 follows:

43 (b) On or before March first in each year, the director of the budget  
44 and the secretary of the senate finance committee and the secretary of  
45 the assembly ways and means committee shall issue a joint report  
46 containing a consensus forecast of the economy and estimates of receipts  
47 for the current and the ensuing state fiscal year. Such estimates of  
48 receipts shall include, but not be limited to: expected tax receipts on  
49 an all-funds basis, projected lottery receipts, and anticipated miscel-  
50 laneous receipts to be received in the general fund. The estimate of  
51 receipts for the ensuing fiscal year contained in the report, shall be  
52 all receipts from such sources described in this subdivision available  
53 to make disbursements authorized by the appropriation bills submitted by  
54 the governor pursuant to section three of article seven of the constitu-  
55 tion for the ensuing fiscal year. THE REPORT SHALL BE DISSEMINATED TO

1 THE INDEPENDENT BUDGET OFFICE IN ACCORDANCE WITH ARTICLE SEVENTEEN OF  
2 THIS CHAPTER.  
3 S 3. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law; provided, however, that effective immediate-  
5 ly, the addition, amendment and/or repeal of any rule or regulation  
6 necessary for the implementation of this act on its effective date is  
7 authorized and directed to be made and completed on or before such  
8 effective date.