

5925

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. GALEF, DESTITO, JOHN, BRADLEY, FIELDS, RAMOS, ENGLEBRIGHT, SCHIMMINGER, FINCH, BALL, ALFANO, CALHOUN, CORWIN, KOLB, MOLINARO -- Multi-Sponsored by -- M. of A. ALESSI, BARRA, BOYLAND, BURLING, CHRISTENSEN, CLARK, COLTON, CONTE, DelMONTE, DUPREY, ERRIGO, GIGLIO, GOTTFRIED, GUNTHER, LATIMER, LIFTON, LUPARDO, MAYERSOHN, McDO- NOUGH, MILLER, MILLMAN, PAULIN, PHEFFER, QUINN, SAYWARD, SCHIMEL, THIELE, TOWNSEND, WALKER -- 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:

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

3 ARTICLE 4-B

4 NEW YORK STATE INDEPENDENT BUDGET OFFICE

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

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

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

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

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

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

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

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

5 REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT
6 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND
7 THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES
8 AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

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

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

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

26 5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT
27 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,
28 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-
29 BER OF EACH YEAR.

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

33 7. THE INDEPENDENT BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH
34 SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC
35 UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH
36 OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECES-
37 SARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS
38 WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO
39 STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

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

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

48 S 76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1.
49 THE NEW YORK STATE INDEPENDENT BUDGET OFFICE SHALL BE HEADED BY A DIREC-
50 TOR WHO SHALL BE APPOINTED, UPON THE RECOMMENDATIONS OF AN INDEPENDENT
51 BUDGET OFFICE ADVISORY COMMITTEE, BY THE SPEAKER OF THE ASSEMBLY AND THE
52 TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL
53 APPOINTMENT OF SUCH DIRECTOR SHALL BE MADE NO LATER THAN JANUARY
54 FIFTEENTH, TWO THOUSAND TEN TO THE SPECIAL COMMITTEE. SUBSEQUENT RECOM-
55 MENDATIONS SHALL BE MADE BETWEEN JANUARY SECOND AND JANUARY FIFTEENTH
56 EVERY SIXTH YEAR THEREAFTER. THE SPECIAL COMMITTEE SHALL APPOINT THE

1 INITIAL DIRECTOR NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND TEN AND
2 SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL FIRST, TWO THOU-
3 SAND TEN. SUBSEQUENT APPOINTMENTS SHALL BE MADE NO LATER THAN FEBRUARY
4 FIFTEENTH EVERY SIXTH YEAR THEREAFTER.

5 2. (A) THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE
6 CONSISTING OF (I) ONE PERSON APPOINTED BY EACH OF THE FOLLOWING OFFI-
7 CIALS AND WHO SHALL SERVE AT THE PLEASURE OF SUCH OFFICIALS; THE CHAIR
8 AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE
9 CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, AND (II) SIX
10 OTHER MEMBERS JOINTLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE
11 TEMPORARY PRESIDENT OF THE SENATE, WHO SHALL SERVE FOR SIX YEAR TERMS,
12 PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, TWO SHALL SERVE
13 FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND TWELVE; TWO SHALL
14 SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN;
15 AND TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOU-
16 SAND SIXTEEN. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTENSIVE EXPE-
17 RIENCE AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS, ACCOUNTING,
18 PUBLIC ADMINISTRATION AND PUBLIC POLICY ANALYSIS INCLUDING AT LEAST ONE
19 NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY AND THE
20 BUDGET PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR OF A
21 GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, PUBLIC AFFAIRS OR PUBLIC
22 ADMINISTRATION LOCATED IN NEW YORK STATE; ONE OFFICER OR FORMER OFFICER
23 OR ECONOMIC ADVISOR OF A LABOR UNION; ONE OFFICER OR FORMER OFFICER OR
24 ECONOMIC ADVISOR TO A BUSINESS CORPORATION; AND ONE OFFICER OR FORMER
25 OFFICER OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION INVOLVED IN
26 BUDGET MATTERS. NO INDIVIDUAL SHALL SERVE CONSECUTIVE TERMS.

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

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

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

49 4. TEN PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE BUDG-
50 ET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET
51 OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF APRIL
52 AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDE-
53 PENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE
54 SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS
55 AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT
56 THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH

1 PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO
2 THEM BY THE DIRECTOR.

3 5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT
4 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS,
5 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-
6 TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF
7 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION,
8 MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC
9 RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE
10 DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES
11 AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES,
12 FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE
13 NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND
14 FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE.

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

17 S 2. This act shall take effect immediately.