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2009-2010 Regular Sessions

I N   S E N A T E

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Introduced by Sens. GRIFFO, ALESI, BONACIC, GOLDEN, HANNON, LARKIN, LITTLE, MAZIARZ, MORAHAN, SALAND, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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 LEGISLATURE  
12    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;

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

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

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

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1 REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT  
2 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND  
3 THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES  
4 AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

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

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

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

22 5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT  
23 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,  
24 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-  
25 BER OF EACH YEAR.

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

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

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

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

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

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

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

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

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

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

55 5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT  
56 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS,

1 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-  
2 TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF  
3 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION,  
4 MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC  
5 RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE  
6 DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES  
7 AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES,  
8 FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE  
9 NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND  
10 FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE.  
11 6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE  
12 THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE.  
13 S 2. This act shall take effect immediately.