

8392

I N S E N A T E

June 28, 2010

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

AN ACT to amend the legislative law, in relation to the creation of a 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:

3 ARTICLE 4-B

4 NON-PARTISAN LEGISLATIVE BUDGET OFFICE

5 SECTION 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE.

6 77. ASSISTANCE TO SENATE STANDING COMMITTEE ON FINANCE AND THE
7 ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS.

8 78. PUBLIC ACCESS TO BUDGET DATA.

9 79. ANNUAL REPORT.

10 S 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE. 1. THERE IS ESTABLISHED
11 AN OFFICE OF THE LEGISLATURE TO BE KNOWN AS THE NON-PARTISAN LEGISLATIVE
12 BUDGET OFFICE (HEREINAFTER REFERRED TO AS THE OFFICE). THE OFFICE SHALL
13 BE HEADED BY A DIRECTOR; AND THERE SHALL BE A DEPUTY DIRECTOR WHO SHALL
14 PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO HIM OR HER BY THE DIRECTOR
15 AND, DURING THE ABSENCE OR INCAPACITY OF THE DIRECTOR OR DURING A VACAN-
16 CY IN THAT OFFICE, SHALL ACT AS DIRECTOR.

17 2. THE DIRECTOR SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND
18 THE TEMPORARY PRESIDENT OF THE SENATE AFTER CONSIDERING RECOMMENDATIONS
19 RECEIVED FROM THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY
20 STANDING COMMITTEE ON WAYS AND MEANS WITHOUT REGARD TO POLITICAL AFFIL-
21 IATION AND SOLELY ON THE BASIS OF HIS OR HER FITNESS TO PERFORM HIS OR
22 HER DUTIES. THE DEPUTY DIRECTOR SHALL BE APPOINTED BY THE DIRECTOR.

23 3. THE TERM OF OFFICE OF THE DIRECTOR SHALL BE FOUR YEARS AND SHALL
24 EXPIRE ON JANUARY THIRD OF THE YEAR PRECEDING EACH GUBERNATORIAL
25 ELECTION. ANY INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY PRIOR
26 TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION
27 OF THAT TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF A
28 TERM MAY CONTINUE TO SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED. ANY

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

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1 DEPUTY DIRECTOR SHALL SERVE UNTIL THE EXPIRATION OF THE TERM OF OFFICE
2 OF THE DIRECTOR WHO APPOINTED HIM OR HER AND UNTIL HIS OR HER SUCCESSOR
3 IS APPOINTED, UNLESS SOONER REMOVED BY THE DIRECTOR.

4 4. THE DIRECTOR MAY BE REMOVED BY EITHER THE ASSEMBLY OR THE SENATE BY
5 RESOLUTION.

6 5. THE DIRECTOR SHALL RECEIVE COMPENSATION AT AN ANNUAL RATE OF PAY
7 THAT IS EQUAL TO THE LOWER OF THE HIGHEST ANNUAL RATE OF COMPENSATION OF
8 ANY OFFICER OF THE SENATE, OR THE HIGHEST ANNUAL RATE OF COMPENSATION OF
9 ANY OFFICER OF THE ASSEMBLY. THE DEPUTY DIRECTOR SHALL RECEIVE COMPEN-
10 SATION AT AN ANNUAL RATE OF PAY THAT IS ONE THOUSAND DOLLARS LESS THAN
11 THE ANNUAL RATE OF PAY RECEIVED BY THE DIRECTOR.

12 6. THE DIRECTOR SHALL APPOINT AND FIX THE COMPENSATION OF SUCH PERSON-
13 NEL AS MAY BE NECESSARY TO CARRY OUT THE DUTIES AND FUNCTIONS OF THE
14 OFFICE. ALL PERSONNEL OF THE OFFICE SHALL BE APPOINTED WITHOUT REGARD
15 TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF THEIR FITNESS TO
16 PERFORM THEIR DUTIES. THE DIRECTOR MAY PRESCRIBE THE DUTIES AND RESPON-
17 SIBILITIES OF THE PERSONNEL OF THE OFFICE, AND DELEGATE TO THEM AUTHORI-
18 TY TO PERFORM ANY OF THE DUTIES, POWERS, AND FUNCTIONS IMPOSED ON THE
19 OFFICE OR ON THE DIRECTOR. FOR PURPOSES OF PAY (OTHER THAN PAY OF THE
20 DIRECTOR AND DEPUTY DIRECTOR) AND EMPLOYMENT BENEFITS, RIGHTS, AND PRIV-
21 ILEGES, ALL PERSONNEL OF THE OFFICE SHALL BE TREATED AS IF THEY WERE
22 EMPLOYEES OF THE SENATE.

23 7. IN CARRYING OUT THE DUTIES AND FUNCTIONS OF THE OFFICE, THE DIREC-
24 TOR MAY PROCURE THE TEMPORARY (NOT TO EXCEED ONE YEAR) OR INTERMITTENT
25 SERVICES OF EXPERTS OR CONSULTANTS OR ORGANIZATIONS THEREOF BY CONTRACT
26 AS INDEPENDENT CONTRACTORS, OR, IN THE CASE OF INDIVIDUAL EXPERTS OR
27 CONSULTANTS, BY EMPLOYMENT AT RATES OF PAY NOT IN EXCESS OF AN AMOUNT
28 ESTABLISHED IN THE BUDGET BY THE LEGISLATURE.

29 8. THE DIRECTOR IS AUTHORIZED TO SECURE INFORMATION, DATA, ESTIMATES,
30 AND STATISTICS DIRECTLY FROM THE VARIOUS DEPARTMENTS, DIVISIONS, OFFI-
31 CERS, AGENCIES, PUBLIC AUTHORITIES AND COMMISSIONS OF THE EXECUTIVE
32 BRANCH OF GOVERNMENT AND THE REGULATORY AGENCIES AND COMMISSIONS OF THE
33 GOVERNMENT. ALL SUCH DEPARTMENTS, DIVISIONS, OFFICES, AGENCIES, PUBLIC
34 AUTHORITIES, AND COMMISSIONS SHALL FURNISH THE DIRECTOR ANY AVAILABLE
35 MATERIAL WHICH HE OR SHE DETERMINES TO BE NECESSARY IN THE PERFORMANCE
36 OF HIS OR HER DUTIES AND FUNCTIONS (OTHER THAN MATERIAL THE DISCLOSURE
37 OF WHICH WOULD BE A VIOLATION OF LAW). THE DIRECTOR IS ALSO AUTHORIZED,
38 UPON AGREEMENT WITH THE HEAD OF ANY SUCH DEPARTMENT, AGENCY, DIVISION,
39 OFFICE, COMMISSION OR PUBLIC AUTHORITY, TO UTILIZE ITS SERVICES, FACILI-
40 TIES, AND PERSONNEL WITH OR WITHOUT REIMBURSEMENT; AND THE HEAD OF EACH
41 SUCH DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORI-
42 TY IS AUTHORIZED TO PROVIDE THE OFFICE SUCH SERVICES, FACILITIES, AND
43 PERSONNEL.

44 9. IN CARRYING OUT THE DUTIES AND FUNCTIONS OF THE OFFICE, AND FOR THE
45 PURPOSE OF COORDINATING THE OPERATIONS OF THE OFFICE WITH THOSE OF OTHER
46 STATE GOVERNMENT ENTITIES WITH A VIEW TO UTILIZING MOST EFFECTIVELY THE
47 INFORMATION, SERVICES, AND CAPABILITIES OF ALL SUCH ENTITIES IN CARRYING
48 OUT THE VARIOUS RESPONSIBILITIES ASSIGNED TO EACH, THE DIRECTOR IS
49 AUTHORIZED TO OBTAIN INFORMATION, DATA, ESTIMATES, AND STATISTICS DEVEL-
50 OPED BY SUCH ENTITIES, AND (UPON AGREEMENT WITH THEM) TO UTILIZE THEIR
51 SERVICES, FACILITIES, AND PERSONNEL WITH OR WITHOUT REIMBURSEMENT.

52 10. FOR THE PURPOSES OF REVENUE LEGISLATION WHICH IS INCOME, ESTATE
53 AND GIFT, EXCISE, AND PAYROLL TAXES CONSIDERED OR ENACTED IN ANY SESSION
54 OF THE LEGISLATURE, THE OFFICE SHALL USE EXCLUSIVELY DURING THAT SESSION
55 OF THE LEGISLATURE REVENUE ESTIMATES PROVIDED TO IT BY THE SENATE STAND-
56 ING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND

1 MEANS. DURING THAT SESSION OF THE LEGISLATURE SUCH REVENUE ESTIMATES
2 SHALL BE TRANSMITTED BY THE OFFICE TO ANY COMMITTEE OF THE ASSEMBLY OR
3 THE SENATE REQUESTING SUCH ESTIMATES, AND SHALL BE USED BY SUCH COMMIT-
4 TEES IN DETERMINING SUCH ESTIMATES. THE SENATE STANDING COMMITTEE ON
5 FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS SHALL
6 DETERMINE ALL ESTIMATES WITH RESPECT TO SCORING POINTS OF ORDER AND WITH
7 RESPECT TO THE EXECUTION OF THE PURPOSES OF THIS ARTICLE.

8 11. THERE ARE AUTHORIZED TO BE APPROPRIATED TO THE OFFICE FOR EACH
9 FISCAL YEAR SUCH SUMS AS MAY BE NECESSARY TO ENABLE IT TO CARRY OUT ITS
10 DUTIES AND FUNCTIONS.

11 12. THE DIRECTOR OF THE OFFICE MAY, WITHIN APPROPRIATIONS MADE THERE-
12 FOR, PROVIDE FOR THE TRAINING AND/OR PROFESSIONAL DEVELOPMENT OF INDI-
13 VIDUALS EMPLOYED BY THE OFFICE.

14 S 77. ASSISTANCE TO SENATE STANDING COMMITTEE ON FINANCE AND THE
15 ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS. 1. IT SHALL BE THE PRIMA-
16 RY DUTY AND FUNCTION OF THE OFFICE TO PROVIDE TO THE SENATE STANDING
17 COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND
18 MEANS INFORMATION WHICH WILL ASSIST SUCH COMMITTEES IN THE DISCHARGE OF
19 ALL MATTERS WITHIN THEIR JURISDICTIONS, INCLUDING:

20 (A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATION BILLS, AND
21 OTHER BILLS AUTHORIZING OR PROVIDING NEW BUDGET AUTHORITY OR TAX EXPEND-
22 ITURES;

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

25 (C) SUCH RELATED INFORMATION AS SUCH COMMITTEE MAY REQUEST.

26 2. AT THE REQUEST OF THE SENATE STANDING COMMITTEE ON FINANCE AND/OR
27 THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS, THE OFFICE SHALL
28 PROVIDE TO SUCH COMMITTEE ANY INFORMATION WHICH WILL ASSIST IT IN THE
29 DISCHARGE OF MATTERS WITHIN ITS JURISDICTION, AND SUCH RELATED INFORMA-
30 TION AS THE COMMITTEE MAY REQUEST.

31 3. AT THE REQUEST OF ANY OTHER COMMITTEE OF THE ASSEMBLY OR THE
32 SENATE, THE OFFICE SHALL PROVIDE TO SUCH COMMITTEE ANY INFORMATION WHICH
33 WILL ASSIST IT IN THE DISCHARGE OF MATTERS WITHIN ITS JURISDICTION, AND,
34 TO THE EXTENT PRACTICABLE, SUCH ADDITIONAL INFORMATION RELATED TO THE
35 FOREGOING AS MAY BE REQUESTED. AT THE REQUEST OF ANY COMMITTEE OF THE
36 SENATE OR THE ASSEMBLY, THE OFFICE SHALL, TO THE EXTENT PRACTICABLE,
37 CONSULT WITH AND ASSIST SUCH COMMITTEE IN ANALYZING THE BUDGETARY OR
38 FINANCIAL IMPACT OF ANY PROPOSED LEGISLATION THAT MAY HAVE:

39 (A) A SIGNIFICANT BUDGETARY IMPACT ON STATE OR LOCAL GOVERNMENTS;

40 (B) A SIGNIFICANT FINANCIAL IMPACT ON THE PRIVATE SECTOR; OR

41 (C) A SIGNIFICANT EMPLOYMENT IMPACT ON THE PRIVATE SECTOR.

42 4. AT THE REQUEST OF ANY MEMBER OF THE ASSEMBLY OR SENATE, THE OFFICE
43 SHALL PROVIDE TO SUCH MEMBER ANY INFORMATION WHICH WILL ASSIST SUCH
44 MEMBER IN THE DISCHARGE OF MATTERS CONCERNING THEIR LEGISLATIVE OFFICE,
45 AND, TO THE EXTENT AVAILABLE, SUCH ADDITIONAL INFORMATION RELATED TO THE
46 FOREGOING AS MAY BE REQUESTED.

47 5. AT THE REQUEST OF THE SENATE STANDING COMMITTEE ON FINANCE AND/OR
48 THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS, PERSONNEL OF THE
49 OFFICE SHALL BE ASSIGNED, ON A TEMPORARY BASIS, TO ASSIST SUCH COMMIT-
50 TEE. AT THE REQUEST OF ANY OTHER COMMITTEE OF EITHER THE ASSEMBLY OR THE
51 SENATE, PERSONNEL OF THE OFFICE MAY BE ASSIGNED, ON A TEMPORARY BASIS,
52 TO ASSIST SUCH COMMITTEE WITH RESPECT TO MATTERS DIRECTLY RELATED TO
53 SUCH COMMITTEE'S JURISDICTION.

54 6. ON OR BEFORE FEBRUARY FIFTEENTH OF EACH YEAR, THE DIRECTOR SHALL
55 SUBMIT TO THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY
56 STANDING COMMITTEE ON WAYS AND MEANS, A REPORT, FOR THE FISCAL YEAR

1 COMMENCING ON APRIL FIRST OF THAT YEAR, WITH RESPECT TO FISCAL POLICY,
2 INCLUDING:

3 (A) ALTERNATIVE LEVELS OF TOTAL REVENUES, TOTAL NEW BUDGET AUTHORITY,
4 AND TOTAL OUTLAYS (INCLUDING RELATED SURPLUSES AND DEFICITS);

5 (B) THE LEVELS OF TAX EXPENDITURES UNDER EXISTING LAW, TAKING INTO
6 ACCOUNT PROJECTED ECONOMIC FACTORS AND ANY CHANGES IN SUCH LEVELS BASED
7 ON PROPOSALS IN THE BUDGET SUBMITTED BY THE GOVERNOR FOR SUCH FISCAL
8 YEAR; AND

9 (C) A STATEMENT OF THE LEVELS OF BUDGET AUTHORITY AND OUTLAYS FOR EACH
10 PROGRAM IDENTIFIED IN THE PROPOSED EXECUTIVE BUDGET. SUCH REPORT SHALL
11 ALSO INCLUDE A DISCUSSION OF STATE BUDGET PRIORITIES, INCLUDING ALTERNA-
12 TIVE WAYS OF ALLOCATING NEW BUDGET AUTHORITY AND BUDGET OUTLAYS FOR SUCH
13 FISCAL YEAR AMONG MAJOR PROGRAMS OR FUNCTIONAL CATEGORIES, TAKING INTO
14 ACCOUNT HOW SUCH ALTERNATIVE ALLOCATIONS WILL MEET MAJOR STATE NEEDS AND
15 AFFECT BALANCED GROWTH AND DEVELOPMENT OF THE STATE OF NEW YORK.

16 7. THE DIRECTOR SHALL FROM TIME TO TIME SUBMIT TO THE SENATE STANDING
17 COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND
18 MEANS SUCH FURTHER REPORTS (INCLUDING REPORTS REVISING THE REPORT
19 REQUIRED BY SUBDIVISION SIX OF THIS SECTION) AS MAY BE NECESSARY OR
20 APPROPRIATE TO PROVIDE SUCH COMMITTEES WITH INFORMATION, DATA, AND
21 ANALYSES FOR THE PERFORMANCE OF THEIR DUTIES AND FUNCTIONS.

22 8. ON OR BEFORE MAY FIFTEENTH OF EACH YEAR, THE DIRECTOR, AFTER
23 CONSULTATION WITH THE APPROPRIATE COMMITTEES OF THE ASSEMBLY AND SENATE,
24 SHALL SUBMIT TO THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEM-
25 BLY STANDING COMMITTEE ON WAYS AND MEANS A REPORT LISTING:

26 (A) ALL PROGRAMS AND ACTIVITIES FUNDED DURING THE FISCAL YEAR ENDING
27 MARCH THIRTY-FIRST OF THE NEXT CALENDAR YEAR FOR WHICH AUTHORIZATIONS
28 FOR APPROPRIATIONS HAVE NOT BEEN ENACTED FOR THAT FISCAL YEAR; AND

29 (B) ALL PROGRAMS AND ACTIVITIES FOR WHICH AUTHORIZATIONS FOR APPROPRI-
30 ATIONS HAVE BEEN ENACTED FOR THE FISCAL YEAR ENDING MARCH THIRTY-FIRST
31 OF THE NEXT CALENDAR YEAR, BUT FOR WHICH NO AUTHORIZATIONS FOR APPROPRI-
32 ATIONS HAVE BEEN ENACTED FOR THE FISCAL YEAR.

33 9. THE DIRECTOR MAY EQUIP THE OFFICE WITH UP-TO-DATE COMPUTER CAPABIL-
34 ITY, OBTAINED THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER TECH-
35 NOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF BUDGETARY REQUIRE-
36 MENTS.

37 10. THE DIRECTOR OF THE OFFICE SHALL CONDUCT CONTINUING STUDIES TO
38 ENHANCE COMPARISONS OF BUDGET OUTLAYS, CREDIT AUTHORITY, AND TAX EXPEND-
39 ITURES. AT THE REQUEST OF ANY CHAIRMAN OR RANKING MEMBER OF THE MINORITY
40 OF A COMMITTEE OF THE SENATE OR THE ASSEMBLY, THE DIRECTOR SHALL, TO THE
41 EXTENT PRACTICABLE, CONDUCT A STUDY OF A LEGISLATIVE PROPOSAL CONTAINING
42 A STATE MANDATE. IN CONDUCTING A STUDY ON INTERGOVERNMENTAL MANDATES,
43 THE DIRECTOR SHALL:

44 (A) SOLICIT AND CONSIDER INFORMATION OR COMMENTS FROM ELECTED OFFI-
45 CIALS (INCLUDING THEIR DESIGNATED REPRESENTATIVES) OF STATE OR LOCAL
46 GOVERNMENTS AS MAY PROVIDE HELPFUL INFORMATION OR COMMENTS;

47 (B) CONSIDER ESTABLISHING ADVISORY PANELS OF ELECTED OFFICIALS OR
48 THEIR DESIGNATED REPRESENTATIVES, OF STATE OR LOCAL GOVERNMENTS IF THE
49 DIRECTOR DETERMINES THAT SUCH ADVISORY PANELS WOULD BE HELPFUL IN
50 PERFORMING RESPONSIBILITIES OF THE DIRECTOR UNDER THIS SUBDIVISION; AND

51 (C) IF, AND TO THE EXTENT THAT THE DIRECTOR DETERMINES THAT ACCURATE
52 ESTIMATES ARE REASONABLY FEASIBLE, INCLUDE ESTIMATES OF:

53 (I) THE FUTURE DIRECT COST OF THE STATE MANDATE TO THE EXTENT THAT
54 SUCH COSTS SIGNIFICANTLY DIFFER FROM OR EXTEND BEYOND THE FIVE-YEAR
55 PERIOD AFTER THE MANDATE IS FIRST EFFECTIVE; AND

1 (II) ANY DISPROPORTIONATE BUDGETARY EFFECTS OF STATE MANDATES UPON
2 PARTICULAR INDUSTRIES OR SECTORS OF THE ECONOMY, STATE, REGION, LOCALITY
3 AND URBAN OR RURAL OR OTHER TYPES OF COMMUNITIES, AS APPROPRIATE.

4 (D) IN CONDUCTING A STUDY ON PRIVATE SECTOR MANDATES, THE DIRECTOR
5 SHALL PROVIDE ESTIMATES, IF AND TO THE EXTENT THAT THE DIRECTOR DETER-
6 MINES THAT SUCH ESTIMATES ARE REASONABLY FEASIBLE, OF:

7 (I) FUTURE COSTS OF STATE PRIVATE SECTOR MANDATES TO THE EXTENT THAT
8 SUCH MANDATES DIFFER SIGNIFICANTLY FROM OR EXTEND BEYOND THE FIVE-YEAR
9 TIME PERIOD;

10 (II) ANY DISPROPORTIONATE FINANCIAL EFFECTS OF STATE PRIVATE SECTOR
11 MANDATES AND OF ANY STATE FINANCIAL ASSISTANCE IN THE BILL OR JOINT
12 RESOLUTION UPON ANY PARTICULAR INDUSTRIES OR SECTORS OF THE ECONOMY,
13 STATE, COUNTY, REGION, LOCALITY, AND URBAN OR RURAL OR OTHER TYPES OF
14 COMMUNITIES; AND

15 (III) THE EFFECT OF STATE PRIVATE SECTOR MANDATES IN THE BILL OR JOINT
16 RESOLUTION ON THE STATE ECONOMY, INCLUDING THE EFFECT ON PRODUCTIVITY,
17 ECONOMIC GROWTH, FULL EMPLOYMENT, CREATION OF PRODUCTIVE JOBS, AND
18 INTERNATIONAL COMPETITIVENESS OF NEW YORK STATE GOODS AND SERVICES.

19 S 78. PUBLIC ACCESS TO BUDGET DATA. 1. RIGHT TO COPY. EXCEPT AS
20 PROVIDED IN SUBDIVISIONS THREE, FOUR, AND FIVE OF THIS SECTION, THE
21 DIRECTOR SHALL MAKE ALL INFORMATION, DATA, ESTIMATES, AND STATISTICS
22 OBTAINED UNDER SECTION SEVENTY-SIX OF THIS ARTICLE AVAILABLE FOR PUBLIC
23 COPYING DURING NORMAL BUSINESS HOURS, SUBJECT TO REASONABLE RULES AND
24 REGULATIONS, AND SHALL TO THE EXTENT PRACTICABLE, AT THE REQUEST OF ANY
25 PERSON, FURNISH A COPY OF ANY SUCH INFORMATION, DATA, ESTIMATES, OR
26 STATISTICS UPON PAYMENT BY SUCH PERSON OF THE COST OF MAKING AND
27 FURNISHING SUCH COPY.

28 2. INDEX. THE DIRECTOR SHALL DEVELOP AND MAINTAIN FILING, CODING, AND
29 INDEXING SYSTEMS THAT IDENTIFY THE INFORMATION, DATA, ESTIMATES, AND
30 STATISTICS TO WHICH SUBDIVISION ONE OF THIS SECTION APPLIES AND SHALL
31 MAKE SUCH SYSTEMS AVAILABLE FOR PUBLIC USE DURING NORMAL BUSINESS HOURS.

32 3. EXCEPTIONS. SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO
33 INFORMATION, DATA, ESTIMATES, AND STATISTICS WHICH:

34 (A) ARE SPECIFICALLY EXEMPTED FROM DISCLOSURE BY LAW; OR

35 (B) THE DIRECTOR DETERMINES WILL DISCLOSE:

36 (I) MATTERS NECESSARY TO BE KEPT SECRET IN THE INTERESTS OF THE PUBLIC
37 PROTECTION OF THE STATE OF NEW YORK;

38 (II) INFORMATION RELATING TO TRADE SECRETS OR FINANCIAL OR COMMERCIAL
39 INFORMATION PERTAINING SPECIFICALLY TO A GIVEN PERSON IF THE INFORMATION
40 HAS BEEN OBTAINED BY THE GOVERNMENT ON A CONFIDENTIAL BASIS, OTHER THAN
41 THROUGH AN APPLICATION BY SUCH PERSON FOR A SPECIFIC FINANCIAL OR OTHER
42 BENEFIT, AND IS REQUIRED TO BE KEPT SECRET IN ORDER TO PREVENT UNDUE
43 INJURY TO THE COMPETITIVE POSITION OF SUCH PERSON; OR

44 (III) PERSONNEL OR MEDICAL DATA OR SIMILAR DATA THE DISCLOSURE OF
45 WHICH WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVA-
46 CY;

47 UNLESS THE PORTIONS CONTAINING SUCH MATTERS, INFORMATION, OR DATA HAVE
48 EXCISED.

49 4. INFORMATION OBTAINED FOR COMMITTEES AND MEMBERS. SUBDIVISION ONE OF
50 THIS SECTION SHALL APPLY TO ANY INFORMATION, DATA, ESTIMATES, AND
51 STATISTICS OBTAINED AT THE REQUEST OF ANY COMMITTEE, OR MEMBER UNLESS
52 SUCH COMMITTEE OR MEMBER HAS INSTRUCTED THE DIRECTOR NOT TO MAKE SUCH
53 INFORMATION, DATA, ESTIMATES, OR STATISTICS AVAILABLE FOR PUBLIC COPY-
54 ING.

55 5. LEVEL OF CONFIDENTIALITY. WITH RESPECT TO INFORMATION, DATA, ESTI-
56 MATES, AND STATISTICS OBTAINED UNDER SECTION SEVENTY-SIX OF THIS ARTI-

1 CLE, THE DIRECTOR SHALL MAINTAIN THE SAME LEVEL OF CONFIDENTIALITY AS IS
2 REQUIRED BY LAW OF THE DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION
3 OR PUBLIC AUTHORITY FROM WHICH IT IS OBTAINED. OFFICERS AND EMPLOYEES OF
4 THE OFFICE SHALL BE SUBJECT TO THE SAME STATUTORY PENALTIES FOR UNAU-
5 THORIZED DISCLOSURE OR USE AS OFFICERS OR EMPLOYEES OF THE DEPARTMENT,
6 AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORITY FROM WHICH IT
7 IS OBTAINED.

8 S 79. ANNUAL REPORT. 1. THE OFFICE SHALL SUBMIT AN ANNUAL REPORT TO
9 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY
10 WHICH SHALL INCLUDE:

11 (A) DOCUMENTATION OF FISCAL POLICIES OF THE STATE, INCLUDING BUDGET
12 AUTHORITY;

13 (B) WRITTEN ESTIMATES OF ANTICIPATED STATE REVENUES FOR BUDGETARY
14 PURPOSES;

15 (C) PROJECTED ECONOMIC FACTORS AND FORECASTS; AND

16 (D) SUMMARIZATION OF THE BUDGET PROPOSED BY THE GOVERNOR PURSUANT TO
17 ARTICLE SEVEN OF THE CONSTITUTION.

18 2. SUCH REPORT SHALL BE SUBMITTED ON THE FIRST OF MARCH EACH YEAR FOR
19 THE NEXT SUCCEEDING FISCAL YEAR. AFTER SUBMISSION TO THE TEMPORARY PRES-
20 IDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, SUCH REPORT SHALL
21 BE MADE AVAILABLE TO THE PUBLIC, UPON REQUEST.

22 S 2. This act shall take effect immediately.