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

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2011-2012 Regular Sessions

I N  A S S E M B L Y

February 15, 2011

Introduced by M. of A. MOLINARO, McKEVITT, OAKS, CALHOUN, KOLB, BARCLAY, TOBACCO, HAWLEY, McDONOUGH, P. LOPEZ, MALLIOTAKIS, McLAUGHLIN -- Multi-Sponsored by -- M. of A. CASTELLI, CONTE, CORWIN, CROUCH, DUPREY, FINCH, GIGLIO, GOODELL, JORDAN, KATZ, KELLNER, RAIA, SAYWARD, SPANO, TEDISCO -- read once and referred to the Committee on Ways and Means

AN ACT to establish a private sector commission on cost control in New York state government; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Establishment. (a) There is hereby established the private sector commission on cost control in New York state government. The commission shall be composed of ten members to be appointed from among citizens in private life as follows: two shall be appointed by the governor; two shall be appointed by the state comptroller; two shall be appointed by the temporary president of the senate and one by the minority leader of the senate; two shall be appointed by the speaker of the assembly and one by the minority leader of the assembly. Appointments to the commission shall be made within ninety days of the date upon which this act shall have become a law.

(b) The chairperson of the commission shall be designated by the governor and such designation shall require the advice and consent of the senate.

S 2. Functions of the commission. (a) The commission shall conduct a private sector survey on cost control in New York state government and shall advise the governor, the state comptroller, the temporary president of the senate and the speaker of the assembly with respect to improving management and reducing costs.

(b) The commission shall conduct in depth reviews of the operations of every state agency, public authority, public benefit corporation, state

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

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commission or board, college or university of which a majority of the members of the governing board or body are (i) appointed by the governor or by another state officer, (ii) designated as members by virtue of their state office, or (iii) appointed or designated by any combination of the foregoing.

S 3. The commission shall provide, as they are approved by at least six of the ten members of the commission, single-agency reports and government-wide reports, which shall include a list of findings and recommendations, to the governor, the state comptroller, the temporary president of the senate and the speaker of the assembly. The recommendations shall be listed in the following categories: (a) recommendations which can be implemented without changes in statute or regulations; (b) recommendations which can only be implemented by changes in regulations; and (c) recommendations which can only be implemented by changes in statute. Along with each recommendation, where practicable, the report shall estimate the savings that could result from its implementation.

S 4. By March 1, 2012, the commission shall issue a final report to the governor, the state comptroller, the temporary president of the senate and the speaker of the assembly summarizing the findings, recommendations and estimated savings detailed in individual reports issued pursuant to section three of this act.

S 5. By December 31, 2012, the state comptroller shall issue a report to the governor, the temporary president of the senate and the speaker of the assembly detailing his or her views on the methodology used to make estimates of savings in the commission's reports and, where practicable, his or her own estimates of the savings that would result from implementation of the commission's recommendations. In this report, the state comptroller shall not include his or her views on the advisability of any of the recommendations of the commission.

S 6. In issuing reports under this act the commission shall consider providing recommendations in the following areas: (a) opportunities for increased efficiency and reduced costs in the state government that can be realized by executive action or legislation; (b) areas where managerial accountability can be enhanced and administrative control can be improved; (c) opportunities for managerial improvements over both the short and long term; (d) specific areas where further study can be justified by potential savings; (e) information and data relating to governmental expenditures, indebtedness, and personal management.

S 7. Administration. (a) The heads of state agencies, public authorities, public benefit corporations, state commissions or boards, colleges or universities that are subject to section two of this act shall, to the extent permitted by law, provide the commission and its staff units such information, including that relating to the structure, organization, personnel and operations of such entities, as may be required for carrying out the purposes of this act.

(b) Members of the commission and staff units of the commission shall serve without compensation.

(c) The division of the budget and the department of audit and control shall provide, upon the request of at least six members of the commission, overall administrative staff support to the commission and guide the day-to-day operations of the commission. The division of the budget and the department of audit and control may be utilized upon the request of at least six members of the commission, to provide such staff support as is necessary to accomplish review of individual agencies.

(d) The commission is to be funded, staffed and equipped, to the extent practicable and permitted by law, by the private sector without cost to the state.

S 8. This act shall take effect immediately and shall expire December 31, 2012 when upon such date the provisions of this act shall be deemed repealed.