

7285

I N S E N A T E

May 2, 2012

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

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.

23 REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT  
24 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND  
25 THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES  
26 AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

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

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

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

15 4. THE INDEPENDENT BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE,  
16 DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE  
17 PUBLIC RESPONSIBILITIES OF THE STATE.

18 5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT  
19 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,  
20 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-  
21 BER OF EACH YEAR.

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

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

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

36 9. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES  
37 AND REPORTS PREPARED BY THE INDEPENDENT BUDGET OFFICE SHALL BE MADE  
38 AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC  
39 MEANS OVER THE INTERNET.

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

53 2. (A) THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE  
54 CONSISTING OF (I) ONE PERSON APPOINTED BY EACH OF THE FOLLOWING OFFI-  
55 CIALS AND WHO SHALL SERVE AT THE PLEASURE OF SUCH OFFICIALS; THE CHAIR  
56 AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE

1 CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, AND (II) SIX  
2 OTHER MEMBERS JOINTLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE  
3 TEMPORARY PRESIDENT OF THE SENATE, WHO SHALL SERVE FOR SIX YEAR TERMS,  
4 PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, TWO SHALL SERVE  
5 FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN; TWO  
6 SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, TWO THOUSAND  
7 SEVENTEEN; AND TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST,  
8 TWO THOUSAND NINETEEN. THE MEMBERS SHALL ALL BE INDIVIDUALS WITH EXTEN-  
9 SIVE EXPERIENCE AND KNOWLEDGE IN THE FIELDS OF FINANCE, ECONOMICS,  
10 ACCOUNTING, PUBLIC ADMINISTRATION AND PUBLIC POLICY ANALYSIS INCLUDING  
11 AT LEAST ONE NATIONALLY RECOGNIZED EXPERT IN THE FIELDS OF BUDGET THEORY  
12 AND THE BUDGET PROCESS; ONE DEAN OR DIRECTOR OR FORMER DEAN OR DIRECTOR  
13 OF A GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, PUBLIC AFFAIRS OR  
14 PUBLIC ADMINISTRATION LOCATED IN NEW YORK STATE; ONE OFFICER OR FORMER  
15 OFFICER OR ECONOMIC ADVISOR OF A LABOR UNION; ONE OFFICER OR FORMER  
16 OFFICER OR ECONOMIC ADVISOR TO A BUSINESS CORPORATION; AND ONE OFFICER  
17 OR FORMER OFFICER OF A CIVIC OR PUBLIC INTEREST ADVOCACY ORGANIZATION  
18 INVOLVED IN BUDGET MATTERS. NO INDIVIDUAL SHALL SERVE CONSECUTIVE  
19 TERMS.

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

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

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

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

52 5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT  
53 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS,  
54 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-  
55 TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF  
56 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION,

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