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

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Introduced by M. of A. MORELLE, FARRELL, DESTITO -- Multi-Sponsored by -- M. of A. ABBATE, MAGEE, PHEFFER, P. RIVERA, SWEENEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to the contents of the budget, providing for a "current services budget," a "baseline receipts estimate," public access to budget information and to requiring public hearings by the division of the budget in preparation of the executive budget

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

Section 1. Section 22 of the state finance law is amended by adding three new subdivisions 17, 18 and 19 to read as follows:

17. (A) INCLUDE A "CURRENT SERVICES BUDGET" PROJECTING THE COST OF CONTINUING LEVELS OF ACTIVITY AND PROGRAMS AUTHORIZED FOR THE CURRENT STATE FISCAL YEAR AS WELL AS PROVISIONS OF LAW SCHEDULED TO TAKE EFFECT THROUGH THE CONCLUSION OF THE ENSUING STATE FISCAL YEAR. CALCULATION OF CURRENT SERVICES BUDGET PROJECTIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ELEMENTS:

(1) ADJUSTMENTS FOR AUTHORIZED INTERCHANGES, TRANSFERS AND DEFICIENCIES;

(2) ADJUSTMENTS FOR ANNUALIZATIONS, OR THE FULL YEAR COST OF IMPLEMENTING CURRENT STATE FISCAL YEAR BUDGET ACTIONS, ESPECIALLY NEW INITIATIVES WHICH RECEIVED PARTIAL YEAR FUNDING;

(3) ELIMINATION OF NON-RECURRING COSTS;

(4) ADJUSTMENTS FOR INFLATION COSTS ASSOCIATED WITH MEETING NONPERSONAL SERVICE EXPENDITURES;

(5) ADJUSTMENTS FOR NEGOTIATED PERSONAL SERVICE CONTRACTUAL AGREEMENTS AND RELATED FRINGE BENEFIT COSTS; AND

(6) ADJUSTMENTS FOR CURRENTLY ENACTED STATUTORY CHANGES SCHEDULED TO TAKE EFFECT IN THE CURRENT OR ENSUING STATE FISCAL YEAR, ENTITLEMENT GROWTH, AND POPULATION DRIVEN SERVICE DELIVERY GROWTH.

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

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(B) CURRENT SERVICE BUDGET PROJECTIONS SHALL BE PRESENTED IN A STANDARDIZED TABULAR FORMAT SHOWING A COMPARISON WITH CURRENT YEAR APPROPRIATIONS, CURRENT YEAR ADJUSTED APPROPRIATIONS AND APPROPRIATIONS RECOMMENDED BY THE GOVERNOR FOR THE FOLLOWING STATE FISCAL YEAR. THESE COMPARISONS SHALL BE MADE AT THE FOLLOWING LEVEL OF DETAIL, WHERE APPLICABLE, AND IN THE FOLLOWING ORDER:

(1) STATE AGENCY RECEIVING AN APPROPRIATION, MISCELLANEOUS AGENCY OR APPROPRIATION, GENERAL STATE CHARGES, DEBT SERVICE, PUBLIC AUTHORITY, LEGISLATURE AND JUDICIARY;

(2) PROGRAM;

(3) PURPOSE WHICH SHALL INCLUDE STATE OPERATIONS, LOCAL ASSISTANCE, AND CAPITAL PROJECTS;

(4) FUND TYPE WHICH SHALL INCLUDE GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, DEBT SERVICE FUNDS AND FEDERAL FUNDS; AND

(5) OBJECT LEVEL WHICH SHALL INCLUDE PERSONAL SERVICE, NONPERSONAL SERVICE, AND MAINTENANCE UNDISTRIBUTED.

(C) ACCOMPANYING THE STANDARDIZED TABULAR COMPARISON SHALL BE A BRIEF NARRATIVE DESCRIPTION INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(1) EFFECTS OF THE GOVERNOR'S RECOMMENDED APPROPRIATIONS ON THE CURRENT SERVICES BUDGET INCLUDING ANY CHANGES THE AGENCY WILL BE REQUIRED TO MAKE TO PROVIDE THESE SERVICES AT THE RECOMMENDED FUNDING LEVEL; AND

(2) ELEMENTS INCLUDED IN THE CURRENT SERVICES BUDGET CALCULATION TOGETHER WITH COST PROJECTIONS AND RATES, WHERE APPLICABLE, BY PROGRAM FOR ANNUALIZATIONS AND NON-RECURRING ITEMS, INFLATION, NEGOTIATED PERSONAL SERVICE CONTRACTUAL AGREEMENTS AND RELATED FRINGE BENEFITS, AND ANY STATUTORY, ENTITLEMENT, AND POPULATION DRIVEN SERVICE GROWTH.

18. (A) INCLUDE A "BASELINE RECEIPTS ESTIMATE" PROJECTING STATE RECEIPTS UNDER CURRENTLY ENACTED LAW AS WELL AS PROVISIONS OF LAW SCHEDULED TO TAKE EFFECT IN THE ENSUING STATE FISCAL YEAR. THE BASELINE RECEIPTS ESTIMATE SHALL BE PRESENTED IN A STANDARDIZED TABULAR FORMAT SHOWING A COMPARISON WITH PRIOR YEAR ACTUAL RECEIPTS, CURRENT YEAR PROJECTED RECEIPTS, AND RECEIPTS PROJECTED FOR THE ENSUING STATE FISCAL YEAR. THE BASELINE RECEIPTS ESTIMATE PROJECTED FOR THE ENSUING STATE FISCAL YEAR SHALL INCLUDE A SEPARATE PROJECTION FOR RECEIPTS UNDER CURRENTLY ENACTED LAW, A SEPARATE PROJECTION FOR RECEIPTS WHICH ASSUMES THE SAME LAW, INCLUDING THE SAME TAX STRUCTURE, IS IN PLACE FOR THE ENSUING YEAR AS IN THE CURRENT YEAR, AND A SEPARATE PROJECTION FOR ANY LAW CHANGES PROPOSED BY THE GOVERNOR. THESE COMPARISONS SHALL BE MADE AT THE FOLLOWING LEVEL OF DETAIL, WHERE APPLICABLE:

(1) FUND TYPE WHICH SHALL INCLUDE GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, DEBT SERVICE FUNDS AND FEDERAL FUNDS;

(2) TAX;

(3) MISCELLANEOUS RECEIPTS BY EACH COMPONENT PART; AND

(4) ANY OTHER REVENUE SOURCE WHICH ACCOUNTS FOR AT LEAST ONE-TENTH OF ONE PER CENTUM OF ALL RECEIPTS WITHIN EACH FUND TYPE.

(B) ACCOMPANYING THE STANDARDIZED TABULAR COMPARISON SHALL BE A BRIEF NARRATIVE DESCRIPTION OF THE UNDERLYING ECONOMIC ASSUMPTIONS USED IN PROJECTING THE BASELINE RECEIPTS ESTIMATE TOGETHER WITH MAJOR ECONOMIC VARIABLES USED INCLUDING BUT NOT LIMITED TO WAGES, EMPLOYMENT, INTEREST RATES, INFLATION, CORPORATE PROFITS AND PROPERTY INCOME.

(C) THE BASELINE RECEIPTS ESTIMATE SHALL ALSO INCLUDE, PRESENTED IN A STANDARDIZED TABULAR FORMAT, A COMPARISON OF THE ESTIMATES FOR THE ECONOMIC VARIABLES USED TO PROJECT THE CURRENT AND ENSUING YEAR'S RECEIPTS ESTIMATES WITH THE PRIOR YEAR ACTUAL DATA SERIES AS NATIONALLY PUBLISHED BY THE UNITED STATES GOVERNMENT. IF A SERIES OF DATA IS USED

TO ESTIMATE RECEIPTS IN THE CURRENT OR ENSUING YEAR, BUT DIFFERS FROM A SERIES OF DATA NATIONALLY PUBLISHED BY THE UNITED STATES GOVERNMENT, THEN AN ESTIMATION CONSISTENT WITH THE SERIES OF DATA NATIONALLY PUBLISHED BY THE UNITED STATES GOVERNMENT MUST BE PROVIDED.

19. INCLUDE IN THE EXECUTIVE BUDGET DOCUMENT INFORMATION WHICH WILL CONTRIBUTE TO AND FACILITATE THE PUBLIC'S UNDERSTANDING OF THE BUDGET AND BUDGET PROCESS. SUCH INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO: A DESCRIPTION OF THE PURPOSE FOR EACH DEPARTMENT AND AGENCY, THE STATUTORY AUTHORIZATION FOR EACH DEPARTMENT OR AGENCY, A SUMMARY OF THE PURPOSE OF EACH BUDGETARY PROGRAM IN EACH DEPARTMENT OR AGENCY, THE PRESENTATION OF DEPARTMENTAL ORGANIZATION CHARTS AND, IN THE CASE OF THE EXECUTIVE DEPARTMENT, ORGANIZATION CHARTS FOR EACH AGENCY THEREOF; AND INFORMATION ABOUT HOW THE PUBLIC MAY CONTACT EACH DEPARTMENT AND AGENCY FOR FURTHER INFORMATION.

S 2. Section 23 of the state finance law is amended by adding a new subdivision 7 to read as follows:

7. NOTIFICATION. INFORMATION REQUIRED BY SUBDIVISIONS ONE, THREE, FIVE, EIGHT, NINE, TEN, ELEVEN, AND THIRTEEN OF SECTION TWENTY-TWO OF THIS ARTICLE SHALL BE REVISED TO REFLECT LEGISLATIVE ACTION ON THE EXECUTIVE BUDGET AND SHALL BE PRESENTED TO THE LEGISLATURE AND THE PUBLIC WITHIN THIRTY DAYS OF FINAL LEGISLATIVE ACTION ON APPROPRIATION BILLS, NOT INCLUDING ANY DEFICIENCY OR SUPPLEMENTARY APPROPRIATION BILLS.

S 3. The state finance law is amended by adding a new section 28 to read as follows:

S 28. PUBLIC ACCESS TO BUDGET INFORMATION. THE GOVERNOR SHALL CAUSE TO BE MADE READILY AVAILABLE TO THE LEGISLATURE AND THE PUBLIC IN ELECTRONIC FORM, ALL PUBLIC DOCUMENTS PERTAINING TO THE BUDGET PROCESS, INCLUDING BUT NOT LIMITED TO THE EXECUTIVE BUDGET DOCUMENT, ALL APPROPRIATION BILLS AND THIRTY-DAY AMENDMENTS.

S 4. The state finance law is amended by adding a new section 22-d to read as follows:

S 22-D. PUBLIC HEARINGS. IN PREPARATION OF THE EXECUTIVE BUDGET, THE DIVISION OF THE BUDGET NO LATER THAN DECEMBER FIRST OF EACH YEAR, SHALL CONDUCT PUBLIC HEARINGS AT WHICH THE HEAD OF EACH DEPARTMENT, DIVISION AND OFFICE SHALL TESTIFY WITH REGARD TO ITS PROPOSED BUDGET FOR THE ENSUING FISCAL YEAR. THE CHAIRS OR DESIGNATED STAFF OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE SHALL RECEIVE COPIES OF SUCH BUDGET PROPOSALS PRIOR TO THE HEARING AND SHALL BE ENTITLED TO PARTICIPATE AND TO MAKE INQUIRIES CONCERNING ANY PART OF THE PROPOSED BUDGET OF SUCH DEPARTMENT, DIVISION AND OFFICE. THE PUBLIC MAY BE INVITED TO TESTIFY AT SUCH HEARINGS.

S 5. This act shall take effect immediately.