

5927

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. KAVANAGH, STEVENSON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to creation of the 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. POWERS AND DUTIES OF THE OFFICE; REPORT.

7 S 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE. 1. FOR PURPOSES OF THIS  
8 ARTICLE:

9 A. "OFFICE" MEANS THE NON-PARTISAN LEGISLATIVE BUDGET OFFICE ESTAB-  
10 LISHED IN THIS ARTICLE; AND

11 B. "DIRECTOR" MEANS THE DIRECTOR OF THE NON-PARTISAN LEGISLATIVE BUDG-  
12 ET OFFICE.

13 C. "SUPER-MAJORITY VOTE" MEANS A VOTE REQUIRING TWO-THIRDS OF THE  
14 MEMBERS ELECTED TO EACH BRANCH OF THE LEGISLATURE.

15 2. THERE IS HEREBY CREATED A NON-PARTISAN LEGISLATIVE BUDGET OFFICE.  
16 THE HEAD OF SUCH OFFICE SHALL BE THE DIRECTOR WHO SHALL BE APPOINTED BY  
17 A JOINT RESOLUTION REQUIRING A SUPER-MAJORITY VOTE OF BOTH OF THE SENATE  
18 AND ASSEMBLY FOR A TERM OF SEVEN YEARS. THE TEMPORARY PRESIDENT OF THE  
19 SENATE AND SPEAKER OF THE ASSEMBLY, IN CONSULTATION WITH THE SENATE  
20 MINORITY LEADER AND ASSEMBLY MINORITY LEADER SHALL REACH A CONSENSUS ON  
21 A CANDIDATE FOR THE DIRECTOR POSITION ON WHICH THE SENATE AND ASSEMBLY  
22 SHALL VOTE. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL BE  
23 APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE  
24 BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE.

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

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1 3. A DEPUTY DIRECTOR SHALL BE APPOINTED BY THE DIRECTOR. ANY INDIVID-  
2 UAL APPOINTED AS DIRECTOR TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A  
3 TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF THAT TERM. ANY INDI-  
4 VIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE TO  
5 SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED. ANY DEPUTY DIRECTOR  
6 SHALL SERVE UNTIL THE EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR  
7 WHO APPOINTED HIM OR HER, AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED,  
8 UNLESS SOONER REMOVED BY THE DIRECTOR.

9 4. THE DIRECTOR SHALL HOLD NO OTHER PUBLIC OFFICE WHILE SERVING AS  
10 THE DIRECTOR. THE DIRECTOR SHALL RECEIVE SUCH COMPENSATION AS MAY BE  
11 FIXED BY THE LEGISLATURE.

12 5. THE DIRECTOR MAY BE REMOVED BY EITHER THE ASSEMBLY OR THE SENATE BY  
13 RESOLUTION REQUIRING A TWO-THIRDS VOTE OF THE MEMBERS ELECTED TO EITHER  
14 BRANCH OF THE LEGISLATURE.

15 S 77. POWERS AND DUTIES OF THE OFFICE; REPORT. 1. THE OFFICE SHALL:

16 A. PROVIDE INFORMATION TO THE LEGISLATIVE COMMITTEES OF THE SENATE AND  
17 ASSEMBLY WITH RESPECT TO THE STATE BUDGET, APPROPRIATION AND PROGRAMMAT-  
18 IC BILLS AND OTHER BILLS PROVIDING BUDGET AUTHORITY OR TAX EXPENDITURES;

19 B. EXAMINE AND REVIEW ALL FINANCIAL AND PROGRAMMATIC INFORMATION OF  
20 THE STATE FOR THE PURPOSE OF RENDERING REVENUE ESTIMATES USED IN DETER-  
21 MINING WHETHER ANY PROPOSED STATE BUDGET IS BALANCED;

22 C. BE CHARGED WITH THE DUTY OF RENDERING ANTICIPATED REVENUE FORECAST  
23 REPORTS TO THE LEGISLATURE AND THE GOVERNOR FOR THE PURPOSES OF FACILI-  
24 TATING PASSAGE OF THE STATE BUDGET IN A TIMELY MANNER; AND

25 D. PROVIDE ASSISTANCE IN DETERMINING THE FISCAL IMPACT OF PROPOSED  
26 LEGISLATION AT THE REQUEST OF A MEMBER OF THE SENATE AND ASSEMBLY.

27 E. THE DIRECTOR SHALL DEVELOP, IN CONSULTATION WITH THE CHAIRS AND  
28 RANKING MEMBERS OF THE SENATE STANDING COMMITTEE ON FINANCE AND THE  
29 ASSEMBLY WAYS AND MEANS COMMITTEE, A PRIORITY SYSTEM FOR PROCESSING  
30 REQUESTS FROM LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGIS-  
31 LATION.

32 F. THE DIRECTOR SHALL PROVIDE ALL MEMBERS OF THE SENATE AND ASSEMBLY  
33 WITH A DESCRIPTION OF THE PRIORITY SYSTEM FOR PROCESSING REQUESTS FROM  
34 LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGISLATION.

35 2. AT THE REQUEST OF ANY COMMITTEE CHAIR OR RANKING MEMBER OF THE  
36 SENATE OR ASSEMBLY, TO THE EXTENT PRACTICABLE, THE LEGISLATIVE BUDGET  
37 OFFICE SHALL PROVIDE TO SUCH COMMITTEE ANY INFORMATION WHICH WILL ASSIST  
38 IN THE DISCHARGE OF MATTERS WITHIN THE JURISDICTION OF SUCH COMMITTEE.

39 3. THE DIRECTOR MAY APPOINT BUDGET ANALYSTS, ASSISTANTS AND SUCH OTHER  
40 EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY OR DESIRABLE, PRESCRIBE SUCH  
41 EMPLOYEE'S DUTIES AND FIX SUCH EMPLOYEE'S COMPENSATION WITHIN THE  
42 AMOUNTS APPROPRIATED AND MADE AVAILABLE THEREFOR.

43 4. A. THE OFFICE SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF  
44 THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY AND  
45 ASSEMBLY MINORITY LEADER, WHICH SHALL INCLUDE:

46 1. WRITTEN ESTIMATES OF ANTICIPATED STATE REVENUES FOR BUDGETARY  
47 PURPOSES;

48 2. PROJECTED ECONOMIC FACTORS AND FORECASTS;

49 3. SUMMARIZATION OF THE BUDGET PROPOSED BY THE GOVERNOR PURSUANT TO  
50 ARTICLE SEVEN OF THE CONSTITUTION; AND

51 4. REVENUE SOURCES THAT COULD BE USED AS ALTERNATIVES TO REVENUE  
52 SOURCES OUTLINED IN THE EXECUTIVE BUDGET.

53 B. SUCH REPORT SHALL BE SUBMITTED ON THE FIRST OF MARCH EACH YEAR FOR  
54 THE NEXT SUCCEEDING FISCAL YEAR. AFTER SUBMISSION TO THE TEMPORARY PRES-  
55 IDENT OF THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY

1 AND ASSEMBLY MINORITY LEADER, SUCH REPORT SHALL BE MADE AVAILABLE TO THE  
2 PUBLIC, UPON REQUEST.

3 5. A. THE LEGISLATIVE BUDGET OFFICE SHALL BE FUNDED FROM LEGISLATIVE  
4 APPROPRIATIONS PROVIDED ANNUALLY, WITH EQUAL ALLOCATIONS PROVIDED BY THE  
5 SENATE AND THE ASSEMBLY AS EACH HOUSE DEEMS APPROPRIATE.

6 B. THE DIRECTOR MAY PROCURE, WITHIN THE AMOUNTS APPROPRIATED AND MADE  
7 AVAILABLE THEREFOR, UP-TO-DATE COMPUTER EQUIPMENT, OBTAIN THE SERVICES  
8 OF EXPERTS AND CONSULTANTS IN COMPUTER TECHNOLOGY.

9 S 2. Section 30 of the legislative law, as amended by chapter 766 of  
10 the laws of 2005, is amended to read as follows:

11 S 30. Duties of finance and ways and means committees and secretaries  
12 AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS DIRECTOR. The committees  
13 and their secretaries AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS  
14 DIRECTOR shall have access at all reasonable times to offices of state  
15 departments, commissions, boards, bureaus and offices, to institutions  
16 and to all state authorities and public works of the state and they may,  
17 for the purpose of obtaining information as to the method of operation,  
18 general condition, management and needs thereof, examine the books,  
19 papers and public records therein. Notwithstanding any other provision  
20 of law such state departments, commissions, boards, bureaus, offices,  
21 state authorities and institutions shall through their proper officers  
22 or deputies furnish to such committees AND THE LEGISLATIVE BUDGET OFFICE  
23 such data, information or statements as may be necessary for the proper  
24 exercise of their powers and duties and for the purpose of carrying into  
25 effect the provisions of this article. The finance and ways and means  
26 committee in exercising the powers and performing the duties prescribed  
27 by this article may act jointly, or separately, as they deem advisable.

28 S 3. This act shall take effect immediately.