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

3460

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. GRIFFO, GRISANTI, LARKIN, RANZENHOFER -- 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 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:

Section 1. The legislative law is amended by adding a new article 4-B to read as follows:

ARTICLE 4-B

NON-PARTISAN LEGISLATIVE BUDGET OFFICE

SECTION 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE.

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

78. PUBLIC ACCESS TO BUDGET DATA.

79. ANNUAL REPORT.

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

2. THE DIRECTOR SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AFTER CONSIDERING RECOMMENDATIONS RECEIVED FROM THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF HIS OR HER FITNESS TO PERFORM HIS OR HER DUTIES. THE DEPUTY DIRECTOR SHALL BE APPOINTED BY THE DIRECTOR.

3. THE TERM OF OFFICE OF THE DIRECTOR SHALL BE FOUR YEARS AND SHALL EXPIRE ON JANUARY THIRD OF THE YEAR PRECEDING EACH GUBERNATORIAL

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

LBD05964-01-1

ELECTION. ANY INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF THAT TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF A TERM MAY CONTINUE TO SERVE UNTIL HIS OR HER SUCCESSOR IS APPOINTED. ANY DEPUTY DIRECTOR SHALL SERVE UNTIL THE EXPIRATION OF THE TERM OF OFFICE OF THE DIRECTOR WHO APPOINTED HIM OR HER AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED, UNLESS SOONER REMOVED BY THE DIRECTOR.

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

5. THE DIRECTOR SHALL RECEIVE COMPENSATION AT AN ANNUAL RATE OF PAY THAT IS EQUAL TO THE LOWER OF THE HIGHEST ANNUAL RATE OF COMPENSATION OF ANY OFFICER OF THE SENATE, OR THE HIGHEST ANNUAL RATE OF COMPENSATION OF ANY OFFICER OF THE ASSEMBLY. THE DEPUTY DIRECTOR SHALL RECEIVE COMPENSATION AT AN ANNUAL RATE OF PAY THAT IS ONE THOUSAND DOLLARS LESS THAN THE ANNUAL RATE OF PAY RECEIVED BY THE DIRECTOR.

6. THE DIRECTOR SHALL APPOINT AND FIX THE COMPENSATION OF SUCH PERSONNEL AS MAY BE NECESSARY TO CARRY OUT THE DUTIES AND FUNCTIONS OF THE OFFICE. ALL PERSONNEL OF THE OFFICE SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF THEIR FITNESS TO PERFORM THEIR DUTIES. THE DIRECTOR MAY PRESCRIBE THE DUTIES AND RESPONSIBILITIES OF THE PERSONNEL OF THE OFFICE, AND DELEGATE TO THEM AUTHORITY TO PERFORM ANY OF THE DUTIES, POWERS, AND FUNCTIONS IMPOSED ON THE OFFICE OR ON THE DIRECTOR. FOR PURPOSES OF PAY (OTHER THAN PAY OF THE DIRECTOR AND DEPUTY DIRECTOR) AND EMPLOYMENT BENEFITS, RIGHTS, AND PRIVILEGES, ALL PERSONNEL OF THE OFFICE SHALL BE TREATED AS IF THEY WERE EMPLOYEES OF THE SENATE.

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

8. THE DIRECTOR IS AUTHORIZED TO SECURE INFORMATION, DATA, ESTIMATES, AND STATISTICS DIRECTLY FROM THE VARIOUS DEPARTMENTS, DIVISIONS, OFFICERS, AGENCIES, PUBLIC AUTHORITIES AND COMMISSIONS OF THE EXECUTIVE BRANCH OF GOVERNMENT AND THE REGULATORY AGENCIES AND COMMISSIONS OF THE GOVERNMENT. ALL SUCH DEPARTMENTS, DIVISIONS, OFFICES, AGENCIES, PUBLIC AUTHORITIES, AND COMMISSIONS SHALL FURNISH THE DIRECTOR ANY AVAILABLE MATERIAL WHICH HE OR SHE DETERMINES TO BE NECESSARY IN THE PERFORMANCE OF HIS OR HER DUTIES AND FUNCTIONS (OTHER THAN MATERIAL THE DISCLOSURE OF WHICH WOULD BE A VIOLATION OF LAW). THE DIRECTOR IS ALSO AUTHORIZED, UPON AGREEMENT WITH THE HEAD OF ANY SUCH DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORITY, TO UTILIZE ITS SERVICES, FACILITIES, AND PERSONNEL WITH OR WITHOUT REIMBURSEMENT; AND THE HEAD OF EACH SUCH DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORITY IS AUTHORIZED TO PROVIDE THE OFFICE SUCH SERVICES, FACILITIES, AND PERSONNEL.

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

10. FOR THE PURPOSES OF REVENUE LEGISLATION WHICH IS INCOME, ESTATE AND GIFT, EXCISE, AND PAYROLL TAXES CONSIDERED OR ENACTED IN ANY SESSION OF THE LEGISLATURE, THE OFFICE SHALL USE EXCLUSIVELY DURING THAT SESSION OF THE LEGISLATURE REVENUE ESTIMATES PROVIDED TO IT BY THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS. DURING THAT SESSION OF THE LEGISLATURE SUCH REVENUE ESTIMATES SHALL BE TRANSMITTED BY THE OFFICE TO ANY COMMITTEE OF THE ASSEMBLY OR THE SENATE REQUESTING SUCH ESTIMATES, AND SHALL BE USED BY SUCH COMMITTEES IN DETERMINING SUCH ESTIMATES. THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS SHALL DETERMINE ALL ESTIMATES WITH RESPECT TO SCORING POINTS OF ORDER AND WITH RESPECT TO THE EXECUTION OF THE PURPOSES OF THIS ARTICLE.

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

12. THE DIRECTOR OF THE OFFICE MAY, WITHIN APPROPRIATIONS MADE THEREFOR, PROVIDE FOR THE TRAINING AND/OR PROFESSIONAL DEVELOPMENT OF INDIVIDUALS EMPLOYED BY THE OFFICE.

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

(A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATION BILLS, AND OTHER BILLS AUTHORIZING OR PROVIDING NEW BUDGET AUTHORITY OR TAX EXPENDITURES;

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

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

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

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

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

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

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

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

5. AT THE REQUEST OF THE SENATE STANDING COMMITTEE ON FINANCE AND/OR THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS, PERSONNEL OF THE OFFICE SHALL BE ASSIGNED, ON A TEMPORARY BASIS, TO ASSIST SUCH COMMITTEE. AT THE REQUEST OF ANY OTHER COMMITTEE OF EITHER THE ASSEMBLY OR THE SENATE, PERSONNEL OF THE OFFICE MAY BE ASSIGNED, ON A TEMPORARY BASIS,

TO ASSIST SUCH COMMITTEE WITH RESPECT TO MATTERS DIRECTLY RELATED TO SUCH COMMITTEE'S JURISDICTION.

6. ON OR BEFORE FEBRUARY FIFTEENTH OF EACH YEAR, THE DIRECTOR SHALL SUBMIT TO THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS, A REPORT, FOR THE FISCAL YEAR COMMENCING ON APRIL FIRST OF THAT YEAR, WITH RESPECT TO FISCAL POLICY, INCLUDING:

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

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

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

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

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

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

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

9. THE DIRECTOR MAY EQUIP THE OFFICE WITH UP-TO-DATE COMPUTER CAPABILITY, OBTAINED THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER TECHNOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF BUDGETARY REQUIREMENTS.

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

(A) SOLICIT AND CONSIDER INFORMATION OR COMMENTS FROM ELECTED OFFICIALS (INCLUDING THEIR DESIGNATED REPRESENTATIVES) OF STATE OR LOCAL GOVERNMENTS AS MAY PROVIDE HELPFUL INFORMATION OR COMMENTS;

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

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

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

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

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

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

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

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

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

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

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

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

(B) THE DIRECTOR DETERMINES WILL DISCLOSE:

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

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

(III) PERSONNEL OR MEDICAL DATA OR SIMILAR DATA THE DISCLOSURE OF WHICH WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;

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

4. INFORMATION OBTAINED FOR COMMITTEES AND MEMBERS. SUBDIVISION ONE OF THIS SECTION SHALL APPLY TO ANY INFORMATION, DATA, ESTIMATES, AND STATISTICS OBTAINED AT THE REQUEST OF ANY COMMITTEE, OR MEMBER UNLESS

SUCH COMMITTEE OR MEMBER HAS INSTRUCTED THE DIRECTOR NOT TO MAKE SUCH INFORMATION, DATA, ESTIMATES, OR STATISTICS AVAILABLE FOR PUBLIC COPYING.

5. LEVEL OF CONFIDENTIALITY. WITH RESPECT TO INFORMATION, DATA, ESTIMATES, AND STATISTICS OBTAINED UNDER SECTION SEVENTY-SIX OF THIS ARTICLE, THE DIRECTOR SHALL MAINTAIN THE SAME LEVEL OF CONFIDENTIALITY AS IS REQUIRED BY LAW OF THE DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORITY FROM WHICH IT IS OBTAINED. OFFICERS AND EMPLOYEES OF THE OFFICE SHALL BE SUBJECT TO THE SAME STATUTORY PENALTIES FOR UNAUTHORIZED DISCLOSURE OR USE AS OFFICERS OR EMPLOYEES OF THE DEPARTMENT, AGENCY, DIVISION, OFFICE, COMMISSION OR PUBLIC AUTHORITY FROM WHICH IT IS OBTAINED.

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

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

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

(C) PROJECTED ECONOMIC FACTORS AND FORECASTS; AND

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

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

S 2. This act shall take effect immediately.