79

2013-2014 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 9, 2013

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:

Section 1. The legislative law is amended by adding a new article 4-B 1 2 to read as follows: 3 ARTICLE 4-B 4 NON-PARTISAN LEGISLATIVE BUDGET OFFICE SECTION 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE. 5 6 77. POWERS AND DUTIES OF THE OFFICE; REPORT. 7 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE. 1. FOR PURPOSES OF THIS S 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 С. "SUPER-MAJORITY VOTE" MEANS A VOTE REOUIRING 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. HEAD OF SUCH OFFICE SHALL BE THE DIRECTOR WHO SHALL BE APPOINTED BY 16 THE 17 A JOINT RESOLUTION REQUIRING A SUPER-MAJORITY VOTE OF BOTH OF THE SENATE AND ASSEMBLY FOR A TERM OF SEVEN YEARS. THE TEMPORARY PRESIDENT OF 18 THE ASSEMBLY, IN CONSULTATION WITH THE SENATE 19 SENATE AND SPEAKER OF THE20 MINORITY LEADER AND ASSEMBLY MINORITY LEADER SHALL REACH A CONSENSUS ON 21 CANDIDATE FOR THE DIRECTOR POSITION ON WHICH THE SENATE AND ASSEMBLY Α 22 SHALL VOTE. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL ΒE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE 23 BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. 24

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

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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 APPOINTED HIM OR HER, AND UNTIL HIS OR HER SUCCESSOR IS APPOINTED, WHO 8 UNLESS SOONER REMOVED BY THE DIRECTOR.

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

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

15 S 77. POWERS AND DUTIES OF THE OFFICE; REPORT. 1. A. THE OFFICE SHALL: 16 (I) PROVIDE INFORMATION TO THE LEGISLATIVE COMMITTEES OF THE SENATE 17 AND ASSEMBLY WITH RESPECT TO THE STATE BUDGET, APPROPRIATION AND PROGRAMMATIC BILLS AND OTHER BILLS PROVIDING BUDGET AUTHORITY OR TAX 18 19 EXPENDITURES;

20 (II) EXAMINE AND REVIEW ALL FINANCIAL AND PROGRAMMATIC INFORMATION OF 21 STATE FOR THE PURPOSE OF RENDERING REVENUE ESTIMATES USED IN DETER-THE 22 MINING WHETHER ANY PROPOSED STATE BUDGET IS BALANCED;

23 (III) BE CHARGED WITH THE DUTY OF RENDERING ANTICIPATED REVENUE FORE-24 CAST REPORTS TO THE LEGISLATURE AND THE GOVERNOR FOR THE PURPOSES OF 25 FACILITATING PASSAGE OF THE STATE BUDGET IN A TIMELY MANNER; AND

26 (IV) PROVIDE ASSISTANCE IN DETERMINING THE FISCAL IMPACT OF PROPOSED 27 LEGISLATION AT THE REQUEST OF A MEMBER OF THE SENATE AND ASSEMBLY.

28 DIRECTOR SHALL DEVELOP, IN CONSULTATION WITH THE CHAIRS AND в. THE 29 RANKING MEMBERS OF THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE, A PRIORITY SYSTEM FOR PROCESSING 30 REQUESTS FROM LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGIS-31 32 LATION.

33 DIRECTOR SHALL PROVIDE ALL MEMBERS OF THE SENATE AND ASSEMBLY C. THE 34 WITH A DESCRIPTION OF THE PRIORITY SYSTEM FOR PROCESSING REOUESTS FROM LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGISLATION. 35

THE REQUEST OF ANY COMMITTEE CHAIR OR RANKING MEMBER OF THE 36 2. AT 37 SENATE OR ASSEMBLY, TO THE EXTENT PRACTICABLE, THE LEGISLATIVE BUDGET 38 OFFICE SHALL PROVIDE TO SUCH COMMITTEE ANY INFORMATION WHICH WILL ASSIST 39 IN THE DISCHARGE OF MATTERS WITHIN THE JURISDICTION OF SUCH COMMITTEE.

40 3. THE DIRECTOR MAY APPOINT BUDGET ANALYSTS, ASSISTANTS AND SUCH OTHER EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY OR DESIRABLE, PRESCRIBE SUCH 41 EMPLOYEE'S DUTIES AND FIX SUCH EMPLOYEE'S COMPENSATION WITHIN 42 THE 43 AMOUNTS APPROPRIATED AND MADE AVAILABLE THEREFOR.

44 4. A. THE OFFICE SHALL SUBMIT A REPORT TO THE TEMPORARY PRESIDENT OF 45 THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY AND ASSEMBLY MINORITY LEADER, WHICH SHALL INCLUDE: 46

47 WRITTEN ESTIMATES OF ANTICIPATED STATE REVENUES FOR BUDGETARY (I) 48 PURPOSES;

49 (II) PROJECTED ECONOMIC FACTORS AND FORECASTS;

50 (III) SUMMARIZATION OF THE BUDGET PROPOSED BY THE GOVERNOR PURSUANT TO 51 ARTICLE SEVEN OF THE CONSTITUTION; AND

(IV) REVENUE SOURCES THAT COULD BE USED AS ALTERNATIVES TO REVENUE 52 SOURCES OUTLINED IN THE EXECUTIVE BUDGET. 53

54 Β. SUCH REPORT SHALL BE SUBMITTED ON THE FIRST OF MARCH EACH YEAR FOR 55 THE NEXT SUCCEEDING FISCAL YEAR. AFTER SUBMISSION TO THE TEMPORARY PRES-56 IDENT OF THE SENATE, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY

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

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:

S 30. Duties of finance and ways and means committees and secretaries 11 AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS DIRECTOR. 12 The committees secretaries AND OF THE LEGISLATIVE BUDGET OFFICE AND ITS 13 and their 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, general condition, management and needs thereof, examine the books, 18 papers and public records therein. Notwithstanding any other provision 19 20 law such state departments, commissions, boards, bureaus, offices, of state authorities and institutions shall through their proper 21 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.