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

79

2013-2014 Regular Sessions

I N A S S E M B L Y

(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 to read as follows:

ARTICLE 4-B

NON-PARTISAN LEGISLATIVE BUDGET OFFICE

SECTION 76. NON-PARTISAN LEGISLATIVE BUDGET OFFICE.

77. POWERS AND DUTIES OF THE OFFICE; REPORT.

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

A. "OFFICE" MEANS THE NON-PARTISAN LEGISLATIVE BUDGET OFFICE ESTABLISHED IN THIS ARTICLE; AND

B. "DIRECTOR" MEANS THE DIRECTOR OF THE NON-PARTISAN LEGISLATIVE BUDGET OFFICE.

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

2. THERE IS HEREBY CREATED A NON-PARTISAN LEGISLATIVE BUDGET OFFICE. THE HEAD OF SUCH OFFICE SHALL BE THE DIRECTOR WHO SHALL BE APPOINTED BY 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 THE SENATE AND SPEAKER OF THE ASSEMBLY, IN CONSULTATION WITH THE SENATE MINORITY LEADER AND ASSEMBLY MINORITY LEADER SHALL REACH A CONSENSUS ON A CANDIDATE FOR THE DIRECTOR POSITION ON WHICH THE SENATE AND ASSEMBLY SHALL VOTE. THE DIRECTOR OF THE LEGISLATIVE BUDGET OFFICE SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE 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.

3. A DEPUTY DIRECTOR SHALL BE APPOINTED BY THE DIRECTOR. 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. ANY INDIVIDUAL SERVING AS DIRECTOR AT THE EXPIRATION OF THE 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 SHALL HOLD NO OTHER PUBLIC OFFICE WHILE SERVING AS THE DIRECTOR. THE DIRECTOR SHALL RECEIVE SUCH COMPENSATION AS MAY BE FIXED BY THE LEGISLATURE.

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

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

(I) PROVIDE INFORMATION TO THE LEGISLATIVE COMMITTEES OF THE SENATE AND ASSEMBLY WITH RESPECT TO THE STATE BUDGET, APPROPRIATION AND PROGRAMMATIC BILLS AND OTHER BILLS PROVIDING BUDGET AUTHORITY OR TAX EXPENDITURES;

(II) EXAMINE AND REVIEW ALL FINANCIAL AND PROGRAMMATIC INFORMATION OF THE STATE FOR THE PURPOSE OF RENDERING REVENUE ESTIMATES USED IN DETERMINING WHETHER ANY PROPOSED STATE BUDGET IS BALANCED;

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

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

B. THE DIRECTOR SHALL DEVELOP, IN CONSULTATION WITH THE CHAIRS AND RANKING MEMBERS OF THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE, A PRIORITY SYSTEM FOR PROCESSING REQUESTS FROM LEGISLATORS FOR FISCAL IMPACT STATEMENTS FOR THEIR LEGISLATION.

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

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

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

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

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

(II) PROJECTED ECONOMIC FACTORS AND FORECASTS;

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

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

B. 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, SENATE MINORITY LEADER, THE SPEAKER OF THE ASSEMBLY

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

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

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

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

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

S 3. This act shall take effect immediately.