

4005--B

2013-2014 Regular Sessions

I N S E N A T E

March 4, 2013

Introduced by Sens. GRIFFO, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to establishing the New York state independent 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 NEW YORK STATE INDEPENDENT BUDGET OFFICE

5 SECTION 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET
6 OFFICE.

7 76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE.

8 S 75. POWERS AND DUTIES OF THE NEW YORK STATE INDEPENDENT BUDGET
9 OFFICE. THERE SHALL HEREBY BE ESTABLISHED A NEW YORK STATE INDEPENDENT
10 BUDGET OFFICE. 1. IT SHALL BE THE DUTY OF THE NEW YORK STATE INDEPENDENT
11 BUDGET OFFICE TO PROVIDE THE MEMBERS AND COMMITTEES OF THE LEGISLA-
12 TURE WITH INFORMATION WHICH WILL ASSIST SUCH OFFICIALS AND BODIES IN THE
13 DISCHARGE OF THEIR RESPONSIBILITIES WHICH ARE RELATED TO THE BUDGETARY
14 PROCESS INCLUDING:

15 (A) INFORMATION WITH RESPECT TO THE BUDGET, APPROPRIATIONS BILLS AND
16 PROPOSED LAWS WITH FISCAL IMPLICATIONS;

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

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

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1 (C) INFORMATION WITH RESPECT TO THE PERFORMANCE AND EFFECTIVENESS OF
2 STATE AGENCIES AND PROGRAMS; AND

3 (D) TO THE EXTENT PRACTICABLE, SUCH OTHER INFORMATION OR ANALYSES AS
4 MAY BE REQUESTED BY SUCH OFFICIALS AND BODIES, AND THE GENERAL PUBLIC.

5 REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT
6 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND
7 THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES
8 AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

9 2. THE INDEPENDENT BUDGET OFFICE SHALL COMPLETE A FISCAL IMPACT
10 STATEMENT: (A) FOR ANY BILL BEING CONSIDERED ON AN ASSEMBLY WAYS AND
11 MEANS COMMITTEE AGENDA OR A SENATE FINANCE COMMITTEE AGENDA, TO THE
12 EXTENT POSSIBLE; (B) FOR ANY BILL AT THE REQUEST OF THE SPEAKER OR
13 MINORITY LEADER OF THE ASSEMBLY OR THE TEMPORARY PRESIDENT OR MINORITY
14 LEADER OF THE SENATE; AND (C) AT THE REQUEST OF A COMMITTEE CHAIR OR
15 RANKING MEMBER OF A COMMITTEE FOR ANY BILL REFERRED TO THEIR RESPECTIVE
16 COMMITTEE. FISCAL IMPACT STATEMENTS SHALL ESTIMATE THE IMPACT ON STATE
17 REVENUES OR EXPENDITURES.

18 3. THE INDEPENDENT BUDGET OFFICE SHALL SUBMIT AN ANALYSIS OF THE
19 EXECUTIVE BUDGET BY MARCH FIRST OF EACH YEAR TO THE MEMBERS OF THE
20 ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE, AND
21 MAKE COPIES OF SUCH ANALYSIS AVAILABLE TO ALL OTHER MEMBERS OF THE
22 LEGISLATURE AND ALL OTHER INDIVIDUALS, UPON REQUEST.

23 4. THE INDEPENDENT BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE,
24 DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE
25 PUBLIC RESPONSIBILITIES OF THE STATE.

26 5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT
27 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,
28 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-
29 BER OF EACH YEAR.

30 6. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH BY DECEMBER FIRST OF
31 EACH YEAR A REPORT ANALYZING THE FISCAL OUTLOOK OF THE STATE FOR THE
32 NEXT FIVE YEARS.

33 7. THE INDEPENDENT BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH
34 SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC
35 UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH
36 OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECES-
37 SARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS
38 WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO
39 STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

40 8. THE INDEPENDENT BUDGET OFFICE MAY PROCURE UP-TO-DATE COMPUTER
41 EQUIPMENT, OBTAIN THE SERVICES OF EXPERTS AND CONSULTANTS IN COMPUTER
42 TECHNOLOGY, AND DEVELOP TECHNIQUES FOR THE EVALUATION OF REVENUE PROJEC-
43 TIONS AND BUDGETARY REQUIREMENTS.

44 9. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES
45 AND REPORTS PREPARED BY THE INDEPENDENT BUDGET OFFICE SHALL BE MADE
46 AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC
47 MEANS OVER THE INTERNET.

48 S 76. DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1.
49 THE NEW YORK STATE INDEPENDENT BUDGET OFFICE SHALL BE HEADED BY A DIREC-
50 TOR WHO SHALL BE APPOINTED, UPON THE RECOMMENDATIONS OF AN INDEPENDENT
51 BUDGET OFFICE ADVISORY COMMITTEE, BY THE SPEAKER OF THE ASSEMBLY AND THE
52 TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL
53 APPOINTMENT OF SUCH DIRECTOR SHALL BE MADE NO LATER THAN JANUARY
54 FIFTEENTH OF THE SECOND YEAR FOLLOWING THE ENACTMENT OF THIS ARTICLE TO
55 THE SPECIAL COMMITTEE. SUBSEQUENT RECOMMENDATIONS SHALL BE MADE BETWEEN
56 JANUARY SECOND AND JANUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER. THE

1 SPECIAL COMMITTEE SHALL APPOINT THE INITIAL DIRECTOR NO LATER THAN
2 FEBRUARY FIFTEENTH OF THE SECOND YEAR FOLLOWING THE ENACTMENT OF THIS
3 ARTICLE AND SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL
4 FIRST OF THE SECOND YEAR FOLLOWING THE ENACTMENT OF THIS ARTICLE.
5 SUBSEQUENT APPOINTMENTS SHALL BE MADE NO LATER THAN FEBRUARY FIFTEENTH
6 EVERY SIXTH YEAR THEREAFTER.

7 2. (A) THERE SHALL BE AN INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE
8 CONSISTING OF (I) ONE PERSON APPOINTED BY EACH OF THE FOLLOWING OFFI-
9 CIALS AND WHO SHALL SERVE AT THE PLEASURE OF SUCH OFFICIALS; THE CHAIR
10 AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE
11 CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, AND (II) SIX
12 OTHER MEMBERS JOINTLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE
13 TEMPORARY PRESIDENT OF THE SENATE, WHO SHALL SERVE FOR SIX YEAR TERMS,
14 PROVIDED, HOWEVER THAT OF THE MEMBERS FIRST APPOINTED, TWO SHALL SERVE
15 FOR TERMS EXPIRING ON MARCH THIRTY-FIRST, OF THE SECOND YEAR FOLLOWING
16 THE ENACTMENT OF THIS ARTICLE; TWO SHALL SERVE FOR TERMS EXPIRING ON
17 MARCH THIRTY-FIRST, OF THE FOURTH YEAR FOLLOWING THE ENACTMENT OF THIS
18 ARTICLE; AND TWO SHALL SERVE FOR TERMS EXPIRING ON MARCH THIRTY-FIRST,
19 OF THE SIXTH YEAR FOLLOWING THE ENACTMENT OF THIS ARTICLE. THE MEMBERS
20 SHALL ALL BE INDIVIDUALS WITH EXTENSIVE EXPERIENCE AND KNOWLEDGE IN THE
21 FIELDS OF FINANCE, ECONOMICS, ACCOUNTING, PUBLIC ADMINISTRATION AND
22 PUBLIC POLICY ANALYSIS INCLUDING AT LEAST ONE NATIONALLY RECOGNIZED
23 EXPERT IN THE FIELDS OF BUDGET THEORY AND THE BUDGET PROCESS; ONE DEAN
24 OR DIRECTOR OR FORMER DEAN OR DIRECTOR OF A GRADUATE SCHOOL OF BUSINESS
25 ADMINISTRATION, PUBLIC AFFAIRS OR PUBLIC ADMINISTRATION LOCATED IN NEW
26 YORK STATE; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR OF A LABOR
27 UNION; ONE OFFICER OR FORMER OFFICER OR ECONOMIC ADVISOR TO A BUSINESS
28 CORPORATION; AND ONE OFFICER OR FORMER OFFICER OF A CIVIC OR PUBLIC
29 INTEREST ADVOCACY ORGANIZATION INVOLVED IN BUDGET MATTERS. NO INDIVID-
30 UAL SHALL SERVE CONSECUTIVE TERMS.

31 (B) THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DEVELOP
32 GUIDELINES FOR THE BEST PRACTICES OF THE INDEPENDENT BUDGET OFFICE. THE
33 INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL MEET ANNUALLY WITH
34 THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND
35 SUGGESTIONS ON THE OVERALL PRACTICES OF THE OFFICE.

36 (C) MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION
37 BUT SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN CONNECTION
38 WITH THEIR DUTIES.

39 3. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL BE APPOINTED
40 WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF
41 FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF
42 OFFICE OF THE DIRECTOR FIRST APPOINTED SHALL EXPIRE ON FEBRUARY
43 FIFTEENTH, OF THE SIXTH YEAR FOLLOWING THE ENACTMENT OF THIS ARTICLE AND
44 THE TERMS OF OFFICE OF DIRECTORS SUBSEQUENTLY APPOINTED SHALL EXPIRE ON
45 SUCH DATE IN EACH SIXTH YEAR THEREAFTER. ANY INDIVIDUAL APPOINTED TO
46 FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR
47 THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT
48 THE EXPIRATION OF THE TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS
49 APPOINTED. ANY DIRECTOR SERVING CONSECUTIVE TERMS SHALL BE RECOMMENDED
50 BY THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE AND APPOINTED BY THE
51 SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE FOR
52 THE SECOND TERM. NO DIRECTOR SHALL SERVE MORE THAN TWO TERMS CONSEC-
53 UTIVELY.

54 4. TEN PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE BUDG-
55 ET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET
56 OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF APRIL

1 AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDE-
2 PENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE
3 SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS
4 AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT
5 THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH
6 PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO
7 THEM BY THE DIRECTOR.

8 5. THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL HAVE ACCESS AT
9 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS,
10 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-
11 TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF
12 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION,
13 MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC
14 RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE
15 DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES
16 AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES,
17 FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE
18 NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND
19 FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE.

20 6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE
21 THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE.

22 S 2. This act shall take effect immediately.