

2830

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. GALEF -- Multi-Sponsored by -- M. of A. BORELLI,  
GOTTFRIED, KATZ, THIELE -- read once and referred to the Committee on  
Governmental Operations

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 ASSEM-  
BLY, 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 INDEPEND-  
11 ENT 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;

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

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

23 REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT  
24 OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND

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

LBD00134-01-5

1 THE CHAIR OF THE SENATE FINANCE COMMITTEE REGARDING THE BUDGET, REVENUES  
2 AND EXPENDITURES SHALL RECEIVE PRIORITY ATTENTION.

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

12 3. THE INDEPENDENT BUDGET OFFICE SHALL SUBMIT AN ANALYSIS OF THE  
13 EXECUTIVE BUDGET BY MARCH FIRST OF EACH YEAR TO THE MEMBERS OF THE  
14 ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE, AND  
15 MAKE COPIES OF SUCH ANALYSIS AVAILABLE TO ALL OTHER MEMBERS OF THE  
16 LEGISLATURE AND ALL OTHER INDIVIDUALS, UPON REQUEST.

17 4. THE INDEPENDENT BUDGET OFFICE SHALL, TO THE EXTENT PRACTICABLE,  
18 DEVELOP PROPOSALS FOR COST EFFECTIVE ALTERNATIVE APPROACHES TO MEET THE  
19 PUBLIC RESPONSIBILITIES OF THE STATE.

20 5. THE INDEPENDENT BUDGET OFFICE SHALL PUBLISH A REPORT WITH RESPECT  
21 TO THE EXPECTED LEVELS OF STATE REVENUES BY THE FIRST DAY OF JANUARY,  
22 THE FIRST DAY OF APRIL, THE FIRST DAY OF JULY AND THE FIRST DAY OF OCTO-  
23 BER OF EACH YEAR.

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

27 7. THE INDEPENDENT BUDGET OFFICE SHALL, FROM TIME TO TIME, PUBLISH  
28 SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE THE OFFICIAL AND PUBLIC  
29 UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS. SUCH  
30 OFFICE SHALL, FROM TIME TO TIME, PUBLISH SUCH REPORTS AS MAY BE NECES-  
31 SARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA AND ANALYSIS AS  
32 WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO  
33 STATE REVENUES, EXPENDITURES, MANAGEMENT PRACTICES AND RELATED MATTERS.

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

38 9. ALL INFORMATION, DATA, ESTIMATES AND STATISTICS, AND ALL STUDIES  
39 AND REPORTS PREPARED BY THE INDEPENDENT BUDGET OFFICE SHALL BE MADE  
40 AVAILABLE TO THE PUBLIC AND SHALL ALSO BE MADE AVAILABLE BY ELECTRONIC  
41 MEANS OVER THE INTERNET.

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

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

25 (B) THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DEVELOP  
26 GUIDELINES FOR THE BEST PRACTICES OF THE INDEPENDENT BUDGET OFFICE. THE  
27 INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL MEET ANNUALLY WITH  
28 THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND  
29 SUGGESTIONS ON THE OVERALL PRACTICES OF THE OFFICE.

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

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

48 4. TEN PERCENT OF THE APPROPRIATIONS MADE TO THE DIVISION OF THE BUDG-  
49 ET SHALL BE AVAILABLE TO PAY FOR THE EXPENSES OF THE INDEPENDENT BUDGET  
50 OFFICE DURING EACH FISCAL YEAR BEGINNING WITH THE FIRST DAY OF APRIL  
51 AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDE-  
52 PENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE  
53 SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS  
54 AVAILABLE THEREFOR, AS MAY BE NECESSARY FOR SUCH DIRECTOR TO CARRY OUT  
55 THE DUTIES AND FUNCTIONS ASSIGNED PURSUANT TO THIS ARTICLE. SUCH

1 PERSONNEL AND EXPERTS SHALL PERFORM SUCH DUTIES AS MAY BE ASSIGNED TO  
2 THEM BY THE DIRECTOR.

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

15 6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE  
16 THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE.

17 S 2. This act shall take effect immediately.