2830

2015-2016 Regular Sessions

IN ASSEMBLY

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

NEW YORK STATE INDEPENDENT BUDGET OFFICE

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

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

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

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

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

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

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

REQUESTS MADE BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT 23 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.

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

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

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

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

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

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

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

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

DIRECTOR OF THE NEW YORK STATE INDEPENDENT BUDGET OFFICE. 1. 42 S 76. 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 TEMPORARY PRESIDENT OF THE SENATE. THE RECOMMENDATIONS FOR THE INITIAL 46 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 SECOND AND JANUARY FIFTEENTH EVERY SIXTH YEAR THEREAFTER. THE JANUARY 51 SPECIAL COMMITTEE SHALL APPOINT THE INITIAL DIRECTOR NO LATER THAN FEBRUARY FIFTEENTH OF THE SECOND YEAR FOLLOWING THE ENACTMENT OF THIS 52 ARTICLE AND SUCH INITIAL DIRECTOR SHALL TAKE OFFICE BEGINNING APRIL 53 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.

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

(B) THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DEVELOP
GUIDELINES FOR THE BEST PRACTICES OF THE INDEPENDENT BUDGET OFFICE. THE
INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL MEET ANNUALLY WITH
THE DIRECTOR TO REVIEW SUCH GUIDELINES AND TO MAKE COMMENTS AND
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 THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE SHALL BE APPOINTED 3. 34 WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE TERM OF 35 OFFICE OF THE DIRECTOR FIRST APPOINTED SHALL EXPIRE ON FEBRUARY 36 37 FIFTEENTH, OF THE SIXTH YEAR FOLLOWING THE ENACTMENT OF THIS ARTICLE AND 38 TERMS OF OFFICE OF DIRECTORS SUBSEQUENTLY APPOINTED SHALL EXPIRE ON THE SUCH DATE IN EACH SIXTH YEAR THEREAFTER. ANY INDIVIDUAL APPOINTED TO 39 40 FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL SERVING AS DIRECTOR AT 41 THE EXPIRATION OF THE TERM MAY CONTINUE TO SERVE UNTIL A SUCCESSOR 42 IS 43 APPOINTED. ANY DIRECTOR SERVING CONSECUTIVE TERMS SHALL BE RECOMMENDED 44 BY THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE AND APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE FOR 45 THE SECOND TERM. NO DIRECTOR SHALL SERVE MORE THAN TWO TERMS CONSEC-46 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 AFTER THIS SECTION SHALL HAVE BECOME A LAW. THE DIRECTOR OF THE INDE-51 PENDENT BUDGET OFFICE SHALL APPOINT SUCH PERSONNEL AND PROCURE THE 52 SERVICES OF SUCH EXPERTS AND CONSULTANTS, WITHIN THE APPROPRIATIONS 53 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 ALL REASONABLE TIMES TO OFFICES OF STATE DEPARTMENTS, COMMISSIONS, 4 5 BOARDS, BUREAUS AND OFFICES, TO INSTITUTIONS AND TO ALL STATE AUTHORI-TIES AND PUBLIC WORKS OF THE STATE AND THEY MAY, FOR THE PURPOSE OF 6 7 OBTAINING INFORMATION AS TO THE METHOD OF OPERATION, GENERAL CONDITION, MANAGEMENT AND NEEDS THEREOF, EXAMINE THE BOOKS, PAPERS AND PUBLIC 8 RECORDS THEREIN. NOTWITHSTANDING ANY OTHER PROVISION OF LAW SUCH STATE 9 10 DEPARTMENTS, COMMISSIONS, BOARDS, BUREAUS, OFFICES, STATE AUTHORITIES AND INSTITUTIONS SHALL, THROUGH THEIR PROPER OFFICERS OR DEPUTIES, 11 FURNISH TO THE DIRECTOR SUCH DATA, INFORMATION OR STATEMENTS AS MAY BE 12 NECESSARY FOR THE PROPER EXERCISE OF HIS OR HER POWERS AND DUTIES AND 13 FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS OF THIS ARTICLE. 14 6. THE INDEPENDENT BUDGET OFFICE ADVISORY COMMITTEE SHALL DETERMINE 15 THE SALARY OF THE DIRECTOR OF THE INDEPENDENT BUDGET OFFICE. 16 S 2. This act shall take effect immediately. 17