

STATE OF NEW YORK

3468

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. ENGLEBRIGHT, QUART -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to establishing the 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:

ARTICLE 4-B

INDEPENDENT BUDGET OFFICE

5 Section 75. Powers and duties of the independent budget office.

6 76. Director of the independent budget office.

7 § 75. Powers and duties of the independent budget office. There shall
8 hereby be established an independent budget office. 1. It shall be the
9 duty of the independent budget office to provide the members and commit-
10 tees of the legislature with information which will assist such offi-
11 cial and bodies in the discharge of their responsibilities which are
12 related to the budgetary process including:

13 (a) information with respect to the budget, appropriations bills and
14 proposed laws with fiscal implications;

15 (b) information with respect to estimated revenues and receipts, and
16 changing revenue conditions;

17 (c) information with respect to the performance and effectiveness of
18 state agencies and programs; and

19 (d) to the extent practicable, such other information or analyses as
20 may be requested by such officials and bodies, and the general public.

21 Requests made by the speaker of the assembly, the temporary president
22 of the senate, the chair of the assembly ways and means committee and
23 the chair of the senate finance committee regarding the budget, revenues
24 and expenditures shall receive priority attention.

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

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1 2. The independent budget office shall complete a fiscal impact
2 statement: (a) for any bill being considered on an assembly ways and
3 means committee agenda or a senate finance committee agenda, to the
4 extent possible; (b) for any bill at the request of the speaker or
5 minority leader of the assembly or the temporary president or minority
6 leader of the senate; and (c) at the request of a committee chair or
7 ranking member of a committee for any bill referred to their respective
8 committee. Fiscal impact statements shall estimate the impact on state
9 revenues or expenditures.

10 3. The independent budget office shall submit an analysis of the
11 executive budget by March first of each year to the members of the
12 assembly ways and means committee and the senate finance committee, and
13 make copies of such analysis available to all other members of the
14 legislature and all other individuals, upon request.

15 4. The independent budget office shall, to the extent practicable,
16 develop proposals for cost effective alternative approaches to meet the
17 public responsibilities of the state.

18 5. The independent budget office shall publish a report with respect
19 to the expected levels of state revenues by the first day of January,
20 the first day of April, the first day of July and the first day of Octo-
21 ber of each year.

22 6. The independent budget office shall publish by December thirty-
23 first of each year a report analyzing the fiscal outlook of the state
24 for the next five years.

25 7. The independent budget office shall, from time to time, publish
26 such reports as may be appropriate to enhance the official and public
27 understanding of the budgetary process and of the budget documents. Such
28 office shall, from time to time, publish such reports as may be neces-
29 sary or appropriate to provide such information, data and analysis as
30 will enhance official and public understanding of matters relating to
31 state revenues, expenditures, management practices and related matters.

32 8. The independent budget office may procure up-to-date computer
33 equipment, obtain the services of experts and consultants in computer
34 technology, and develop techniques for the evaluation of revenue projec-
35 tions and budgetary requirements.

36 9. All information, data, estimates and statistics, and all studies
37 and reports prepared by the independent budget office shall be made
38 available to the public and shall also be made available by electronic
39 means over the internet.

40 § 76. Director of the independent budget office. 1. The independent
41 budget office shall be headed by a director who shall be jointly
42 appointed, upon the recommendations of an independent budget office
43 advisory committee, by the speaker of the assembly and the temporary
44 president of the senate. The recommendations for the initial appointment
45 of such director shall be made no later than January fifteenth, two
46 thousand eighteen to the committee. Subsequent recommendations shall be
47 made between January second and January fifteenth every sixth year ther-
48 eafter. The committee shall appoint the initial director no later than
49 February fifteenth, two thousand eighteen and such initial director
50 shall take office beginning April first, two thousand eighteen. Subse-
51 quent appointments shall be made no later than February fifteenth every
52 sixth year thereafter.

53 2. (a) There shall be an independent budget office advisory committee
54 consisting of: (i) the chair and ranking minority member of the assembly
55 ways and means committee and the chair and ranking minority member of
56 the senate finance committee or their designees; (ii) three members

1 appointed by the speaker of the assembly; (iii) three members appointed
2 by the temporary president of the senate; and (iv) two members, one each
3 appointed by the minority leader in each house of the legislature. The
4 members of the advisory committee shall serve for six year terms,
5 provided, however that of the members first appointed, three shall serve
6 for terms expiring on March thirty-first, two thousand twenty; three
7 shall serve for terms expiring on March thirty-first, two thousand twenty-
8 ty-two; and three shall serve for terms expiring on March thirty-first,
9 two thousand twenty-four. The members shall all be individuals with
10 extensive experience and knowledge in the fields of finance, economics,
11 accounting, public administration and public policy analysis including
12 at least one nationally recognized expert in the fields of budget theory
13 and the budget process; one dean or director or former dean or director
14 of a graduate school of business administration, public affairs or
15 public administration located in the state; one officer or former offi-
16 cer or economic advisor of a labor union; one officer or former officer
17 or economic advisor to a business corporation; and one officer or former
18 officer of a civic or public interest advocacy organization involved in
19 budget matters. No individual shall serve consecutive terms.

20 (b) The independent budget office advisory committee shall develop
21 guidelines for the best practices of the independent budget office. The
22 independent budget office advisory committee shall meet annually with
23 the director to review such guidelines and to make comments and
24 suggestions on the overall practices of the office.

25 (c) Members of the advisory committee shall receive no compensation
26 but shall be reimbursed for reasonable expenses incurred in connection
27 with their duties.

28 3. The director of the independent budget office shall be appointed
29 without regard to political affiliation and solely on the basis of
30 fitness to perform the duties assigned by this article. The term of
31 office of the director first appointed shall expire on February
32 fifteenth, two thousand twenty-four, and the terms of office of direc-
33 tors subsequently appointed shall expire on such date in each sixth year
34 thereafter. Any individual appointed to fill a vacancy prior to the
35 expiration of a term shall serve only for the unexpired portion of such
36 term. An individual serving as director at the expiration of the term
37 may continue to serve until a successor is appointed. Any director
38 serving consecutive terms shall be recommended by the independent budget
39 office advisory committee and jointly appointed by the speaker of the
40 assembly and the temporary president of the senate for the second term.
41 No director shall serve more than two terms consecutively.

42 4. Ten percent of the appropriations made to the division of the budg-
43 et shall be available to pay for the expenses of the independent budget
44 office during each fiscal year beginning with the first day of April
45 after this section shall have become a law. The director of the inde-
46 pendent budget office shall appoint such personnel and procure the
47 services of such experts and consultants, within the appropriations
48 available therefor, as may be necessary for such director to carry out
49 the duties and functions assigned pursuant to this article. Such
50 personnel and experts shall perform such duties as may be assigned to
51 them by the director.

52 5. The director of the independent budget office shall have access at
53 all reasonable times to offices of state departments, commissions,
54 boards, bureaus and offices, to institutions and to all state authori-
55 ties and public works of the state and they may, for the purpose of
56 obtaining information as to the method of operation, general condition,

1 management and needs thereof, examine the books, papers and public
2 records therein. Notwithstanding any other provision of law, such state
3 departments, commissions, boards, bureaus, offices, state authorities
4 and institutions shall, through their proper officers or deputies,
5 furnish to the director such data, information or statements as may be
6 necessary for the proper exercise of his or her powers and duties and
7 for the purpose of carrying into effect the provisions of this article.

8 6. The independent budget office advisory committee shall determine
9 the salary of the director of the independent budget office.

10 § 2. This act shall take effect immediately.