

# STATE OF NEW YORK

4127

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

Introduced by M. of A. RA, McDONOUGH, BARCLAY, FRIEND, PALMESANO, GIGLIO, RAIA, BRABENEC, SMITH, MIKULIN -- Multi-Sponsored by -- M. of A. CROUCH, DiPIETRO, M. L. MILLER, SIMON -- 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 office of policy research and analysis

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

#### NON-PARTISAN OFFICE OF POLICY RESEARCH AND ANALYSIS

3 Section 76. Non-partisan office of policy research and analysis.

4 77. Powers and duties of the office; report.

5 § 76. Non-partisan office of policy research and analysis. 1. For  
6 purposes of this article:

7 a. "Office" means the non-partisan office of policy research and anal-  
8 ysis established in this article; and

9 b. "Director" means the director of the non-partisan office of policy  
10 research and analysis;

11 c. "Super-majority vote" means a vote requiring two-thirds of the  
12 members elected to each branch of the legislature.

13 2. There is hereby created a non-partisan office of policy research  
14 and analysis. The head of such office shall be the director who shall  
15 be appointed by a joint resolution requiring a super-majority vote of  
16 both the senate and assembly for a term of seven years. The temporary  
17 president of the senate and speaker of the assembly, in consultation  
18 with the senate minority leader and assembly minority leader shall reach  
19 a consensus on a candidate for the director position on which the senate  
20 and assembly shall vote. The director of the office shall be appointed  
21  
22

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

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1 without regard to political affiliation and solely on the basis of  
2 fitness to perform the duties assigned by this article.

3 3. A deputy director shall be appointed by the director. Any individ-  
4 ual appointed as director to fill a vacancy prior to the expiration of a  
5 term shall serve only for the unexpired portion of that term. Any indi-  
6 vidual serving as director at the expiration of the term may continue to  
7 serve until his or her successor is appointed. Any deputy director  
8 shall serve until the expiration of the term of office of the director  
9 who appointed him or her, and until his or her successor is appointed,  
10 unless sooner removed by the director.

11 4. The director shall hold no other public office while serving as  
12 the director. The director shall receive such compensation as may be  
13 fixed by the legislature.

14 5. The director may be removed by either the assembly or the senate by  
15 resolution requiring a two-thirds vote of the members elected to either  
16 branch of the legislature.

17 § 77. Powers and duties of the office; report. 1. The office shall:

18 a. provide assistance in determining the impact of proposed legis-  
19 lation or current policy at the request of a member of the senate and  
20 assembly;

21 b. provide confidential memoranda, briefings and consultations on  
22 current policy, proposed legislation, and other policy issues facing the  
23 state to senate and assembly members upon request;

24 c. deliver expert testimony and identify prospective speakers for  
25 hearings held by senate and assembly committees;

26 d. hold seminars and workshops on policy issues, the legislative proc-  
27 ess, and other topics upon request of members of the senate and assembly  
28 or at the discretion of the director of the office;

29 e. identify pertinent source materials on state policy issues upon  
30 requests of members of the senate and assembly; and

31 f. conduct long-term analysis and research projects on state policy  
32 issues at the discretion of the director or upon the request of the  
33 members of the assembly and senate.

34 2. The director may appoint analysts, assistants and such other  
35 employees as he or she may deem necessary or desirable, prescribe such  
36 employee's duties and fix such employee's compensation within the  
37 amounts appropriated and made available therefor.

38 3. a. The office shall submit a report to the temporary president of  
39 the senate, senate minority leader, the speaker of the assembly and  
40 assembly minority leader, which shall include information on requests  
41 received, services provided and a description of all non-confidential  
42 products produced by the office.

43 b. Such report shall be submitted on the first of March each year for  
44 the next succeeding fiscal year. After submission to the temporary pres-  
45 ident of the senate, senate minority leader, the speaker of the assembly  
46 and assembly minority leader, such report shall be made available to the  
47 public, upon request.

48 4. a. The office shall be funded from legislative appropriations  
49 provided annually, with equal allocations provided by the senate and the  
50 assembly as each house deems appropriate.

51 b. The director may procure, within the amounts appropriated and made  
52 available therefor, up-to-date computer equipment, obtain the services  
53 of experts and consultants in computer technology.

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

1     § 30. Duties of finance and ways and means committees and secretaries  
2     and of the non-partisan office of policy research and analysis and its  
3     director. The committees and their secretaries and of the non-partisan  
4     office of policy research and analysis and its director shall have  
5     access at all reasonable times to offices of state departments, commis-  
6     sions, boards, bureaus and offices, to institutions and to all state  
7     authorities and public works of the state and they may, for the purpose  
8     of obtaining information as to the method of operation, general condi-  
9     tion, management and needs thereof, examine the books, papers and public  
10    records therein. Notwithstanding any other provision of law such state  
11    departments, commissions, boards, bureaus, offices, state authorities  
12    and institutions shall through their proper officers or deputies furnish  
13    to such committees and the non-partisan office of policy research and  
14    analysis such data, information or statements as may be necessary for  
15    the proper exercise of their powers and duties and for the purpose of  
16    carrying into effect the provisions of this article. The finance and  
17    ways and means committee in exercising the powers and performing the  
18    duties prescribed by this article may act jointly, or separately, as  
19    they deem advisable.

20    § 3. This act shall take effect immediately.