STATE OF NEW YORK

5159--A

2019-2020 Regular Sessions

IN SENATE

April 11, 2019

Introduced by Sens. MAY, GOUNARDES, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to the creation of the division of research and analysis to assist the legislature

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature seeks to create a new nonpartisan division which shall provide assistance to the legislature with analysis of issues and policies in order to facilitate the lawmaking process. This division shall serve all members of both house chambers equally and without bias. The legislature further intends to create a division that shall empower the legislature by providing independent and trustworthy information to the legislature, and will maintain adequate staffing to allow the legislature to consider the best interests of the state.

§ 2. Section 7-a of the legislative law, as amended by chapter 746 of the laws of 1974, and the third undesignated paragraph as added by chapter 867 of the laws of 1984, is amended to read as follows:

§ 7-a. Legislative library, librarian and assistants. **1. (a)** There shall be a legislative library to be located in the state capitol in rooms assigned by the commissioner of general services, conveniently accessible to the members of both houses of legislature, and such library shall be open throughout the year.

(b) Such library shall be suitably furnished, equipped and maintained under the direction of the legislative librarian, within the amount of any moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation ther-

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

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eto. There shall be, for such library, a legislative librarian and such assistant librarians and other employees as may be provided for in the legislative appropriation bill. Such librarian, assistant librarians and other employees shall be chosen by the temporary president of the senate and speaker of the assembly. One of the assistant librarians shall be assigned by the legislative librarian to have charge of the legislative correspondents' room in the capitol. The legislative librarian and assistant librarians heretofore chosen by the president of the senate and speaker of the assembly, and in office when this section as hereby amended takes effect, shall continue to serve until their successors shall be chosen. The salaries and compensation of the legislative librarian, assistant librarians and other employees shall be payable from moneys appropriated in the legislative appropriation bill. During a vacancy in the office of legislative librarian, the assistant librarian who shall have been longest in the service of the state as a legislative employee, shall be employed as acting legislative librarian with the powers and duties of such librarian, and shall receive during such period the compensation herein prescribed for the legislative librarian. Such librarian shall have charge of the legislative library, but the two houses of the legislature may, by joint rules, regulate the use of the library and prescribe the powers and duties of the legislative librarian and the assistant librarians.

(c) The legislative librarian, the assistant librarians and employees of the legislative library shall be considered to be employees of the legislature for all purposes.

2. (a) There shall be a separate division of the legislative library, known as the division of research and analysis, which shall be nonpartisan in nature and shall aid the legislature in providing research support.

(b) (1) The legislative librarian shall encourage, assist, and promote the division of research and analysis in:

(i) providing research support at the request of members of both houses of the legislature to aid such members with the analysis of issues and development of policy;

(ii) rendering to the legislature the most effective and efficient service;

(iii) responding most expeditiously, effectively, and efficiently to the special needs of the legislature; and

(iv) empowering the legislature by allowing the division of research and analysis to provide an independent source of information.

(2) The legislative librarian shall grant and accord to the division of research and analysis complete research independence and the maximum practicable administrative independence consistent with these objectives.

(c) (1) A director shall be appointed by the speaker of the assembly and the majority leader of the senate to head the division of research and analysis from a list of three nominees for such position.

(2) Such list of nominees shall be compiled and provided to the speaker of the assembly and majority leader of the senate by a committee, which shall be chaired by the chancellor of the state university of New York and comprised of the presidents of Binghamton university, the city university of New York graduate center, Stony Brook university, the state university of New York at Albany, and the state university of New York at Buffalo.

(3) The director shall serve for a term of four years and may be reappointed at the end of each term in the manner of the original appoint-

ment. The director may only be removed from office upon agreement by the temporary president of the senate and the speaker of the assembly and affirmed by a two-thirds majority vote by both the senate and the assembly.

(d) Staffing decisions for the division of research and analysis shall be at the discretion of the legislative librarian and director of the division of research and analysis and subject to appropriation by the legislature. All staffing decisions made pursuant to this paragraph shall be without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

(e) It shall be the duty of the division of research and analysis, without partisan bias, to provide the following:

(1) upon request made by a member of the legislature, prepare and transmit to such member a concise memorandum which shall provide relevant research and analysis in response to the specific request of such member. Such memorandum shall be confidential and not subject to public disclosure;

(2) upon request, or upon its own initiative in anticipation of requests, prepare and provide memoranda for general distribution regarding information, research and reference materials on general issues or legislation that the division of research and analysis shall deem useful to all members of the legislature. Such information shall be public in nature and available for public disclosure; and

(3) at the direction of the director, prepare and provide memoranda for general distribution regarding general analysis of broad issues that the division of research and analysis shall deem useful to all members of the legislature. Such information shall be public in nature and available for public disclosure.

(f) The particular nature of a request from a member of either house of the legislature, pursuant to paragraph (e) of this subdivision, shall be determined by the staff members of the division of research and analysis, with a preference of making such memoranda available to the public, if feasible, without disclosing specific legislative activity of any members of the legislature.

(g) The director of the division of research and analysis shall prepare and present to the speaker of the assembly and the majority leader of the senate at the beginning of each regular session of the legislature a separate and special report covering, in summary and in detail, all phases of activity of the division of research and analysis for the immediate preceding fiscal year, and shall include in such report a description of the efforts made by the director to make additional division of research and analysis products which are not deemed confidential products or services available for public disclosure.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.