S T A T E O F N E W Y O R K

10413

I N A S S E M B L Y

March 25, 2010

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Correction

AN ACT to establish a temporary state commission to recommend the closure of state correctional facilities; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. A temporary state commission, to be known as the temporary state commission on the closure of state correctional facilities (hereinafter "commission") is hereby established to examine, evaluate and make recommendations on the closure of state correctional facilities, including correctional facility annexes or any other special housing unit established to confine inmates in accordance with the provisions of subdivision 6 of section 137 of the correction law. Such commission shall assess the local economic impact from the closure of such facilities and shall research alternative economic development projects to make local communities less dependent on state correctional facilities.

S 2. a. The commission shall consist of 9 members to be appointed as follows: 3 members shall be appointed by the governor and shall include the commissioner of the department of correctional services and a representative of the empire state development corporation; 3 members shall be appointed by the temporary president of the senate and 3 by the speaker of the assembly. No person shall be a member of such commission while such person is a member of the senate or assembly. Any vacancy on such commission shall be filled in the same manner as the original appointment was made. A chairperson and vice chairperson of such commission shall be elected by a majority of its members, all members being present.

b. Except as provided in subdivision a of this section, no member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

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

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S 3. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

S 4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor. Such commission may meet and hold public and/or private hearings within or without the state, and shall have all powers of a legislative committee pursuant to the legislative law.

S 5. For the accomplishment of its purposes, the commission shall be authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency.

S 6. The commission may request and shall receive from any court of the state and from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

S 7. The commission is hereby authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this act.

S 8. The commissioner shall make a report of its findings and shall submit the plan developed by it for the closure of certain state correctional facilities, including any recommendations for a legislative act as it may deem necessary and appropriate, to the governor, the temporary president of the senate and the speaker of the assembly no later than the thirty-first of December in the year next succeeding the year in which this act shall have become a law.

S 9. This act shall take effect immediately and shall continue in full force and effect until the thirty-first of December in the year next succeeding the year in which it shall have become a law when upon such date the provisions of this act shall be deemed repealed.