

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:

1 Section 1. A temporary state commission, to be known as the temporary
2 state commission on the closure of state correctional facilities (here-
3 inafter "commission") is hereby established to examine, evaluate and
4 make recommendations on the closure of state correctional facilities,
5 including correctional facility annexes or any other special housing
6 unit established to confine inmates in accordance with the provisions of
7 subdivision 6 of section 137 of the correction law. Such commission
8 shall assess the local economic impact from the closure of such facili-
9 ties and shall research alternative economic development projects to
10 make local communities less dependent on state correctional facilities.
11 S 2. a. The commission shall consist of 9 members to be appointed as
12 follows: 3 members shall be appointed by the governor and shall include
13 the commissioner of the department of correctional services and a repre-
14 sentative of the empire state development corporation; 3 members shall
15 be appointed by the temporary president of the senate and 3 by the
16 speaker of the assembly. No person shall be a member of such commission
17 while such person is a member of the senate or assembly. Any vacancy on
18 such commission shall be filled in the same manner as the original
19 appointment was made. A chairperson and vice chairperson of such commis-
20 sion shall be elected by a majority of its members, all members being
21 present.
22 b. Except as provided in subdivision a of this section, no member,
23 officer or employee of the commission shall be disqualified from holding
24 any other public office or employment, nor shall he or she forfeit any
25 such office or employment by reason of his or her appointment hereunder,
26 notwithstanding the provisions of any general, special or local law,
27 ordinance or city charter.

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

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

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

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

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

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

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

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