

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

7104--A

I N S E N A T E

March 12, 2010

Introduced by Sens. KRUEGER, ADAMS, BRESLIN, DILAN, HASSELL-THOMPSON, C. JOHNSON, KLEIN, ONORATO, PARKER, SCHNEIDERMAN, SERRANO, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the appointment and reporting duties of the superintendent of the state police and the appointment of employees of the state police

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

1 Section 1. Section 210 of the executive law, as amended by chapter 169
2 of the laws of 1994, is amended to read as follows:
3 S 210. Division of state police. (A) The division of state police in
4 the executive department shall be known as the "New York State Police."
5 (B) (1) The head of the New York state police shall be the superinten-
6 dent of state police who shall be appointed by the governor by and with
7 the advice and consent of the senate, and hold office during his or her
8 pleasure. The superintendent shall be a member of the state police,
9 shall receive as salary such sum as may be appropriated by law, and
10 shall accrue such leave credits and be eligible for the same retirement
11 benefits, service credits and other benefits as any other member of the
12 state police. If, prior to appointment, the superintendent served as a
13 member of the state police, he or she, upon appointment, shall be enti-
14 tled to continue to accrue and receive such credits and benefits as he
15 or she would have been entitled to accrue and receive prior to appoint-
16 ment.
17 (2) If, prior to his or her appointment, the superintendent shall have
18 served as a member of the State Police for a period of ten years or
19 more, he or she shall, provided he or she is not eligible for retire-
20 ment, upon termination of service as superintendent, be reappointed,
21 without examination, as a member of the state police in the grade held
22 by him or her prior to appointment as superintendent, notwithstanding
23 the absence of any vacancy in such grade. For the purpose of determin-

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

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ing the annual salary to be paid upon such reappointment, the period of service as superintendent shall be counted as service in the grade to which reappointed.

(3) EFFECTIVE WITH RESPECT TO ANY INDIVIDUAL APPOINTMENT BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AFTER FEBRUARY FIRST, TWO THOUSAND ELEVEN, THE TERM OF SERVICE OF THE SUPERINTENDENT OF THE STATE POLICE SHALL BE TEN YEARS. A SUPERINTENDENT MAY NOT SERVE MORE THAN ONE TEN-YEAR TERM.

(4) A SUPERINTENDENT SHALL NOT BE REMOVED FROM OFFICE FOR FAILURE TO FULFILL HIS OR HER DUTIES OR FOR OTHER SERIOUS OFFENSES IN OFFICE EXCEPT BY A MAJORITY VOTE OF EACH HOUSE OF THE LEGISLATURE.

(5) IN THE EVENT THE SUPERINTENDENT RESIGNS FROM OFFICE, IS REMOVED FROM OFFICE OR IS INCAPABLE OF CONTINUING IN OFFICE DUE TO PHYSICAL ILLNESS, MENTAL ILLNESS OR DEATH, THE GOVERNOR SHALL APPOINT AN ACTING SUPERINTENDENT FOR A PERIOD NOT TO EXCEED FOUR MONTHS.

S 2. The executive law is amended by adding a new section 210-a to read as follows:

S 210-A. SUPERINTENDENT'S ANNUAL REPORTS AND BIENNIAL TESTIMONY. (A) THE SUPERINTENDENT SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY NO LATER THAN SEPTEMBER FIRST OF EACH YEAR.

(1) SUCH REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

(A) A DETAILED DESCRIPTION OF ANY SPECIAL REQUESTS MADE BY OR ON BEHALF OF THE GOVERNOR OR ANY MEMBER OF THE LEGISLATURE FOR SERVICES OF THE STATE POLICE BEYOND TRADITIONAL SERVICES PROVIDED BY THE STATE POLICE;

(B) A DETAILED DESCRIPTION OF ANY INFORMATION PROVIDED BY THE STATE POLICE TO THE GOVERNOR, AND/OR HIS OR HER STAFF, AND/OR TO ANY MEMBER OF THE LEGISLATURE, AND/OR HIS OR HER STAFF, BEYOND THE TRADITIONAL REPORTING REQUIREMENTS OF THE STATE POLICE AND A DESCRIPTION OF THE PURPOSE FOR WHICH SUCH INFORMATION WAS PROVIDED;

(C) A DESCRIPTION OF ANY SPECIAL DISCIPLINARY ACTIONS TAKEN BY THE SUPERINTENDENT REGARDING INTER- OR INTRA-GOVERNMENTAL AFFAIRS INVOLVING STATE POLICE PERSONNEL, BASED UPON SPECIAL REQUESTS MADE TO THE STATE POLICE BY OR ON BEHALF OF THE GOVERNOR, ANY MEMBER OF THE LEGISLATURE AND/OR ANY OTHER PUBLIC OR QUASI-PUBLIC ENTITY; AND

(D) A DESCRIPTION OF EACH REQUEST MADE BY OR ON BEHALF OF THE GOVERNOR AND/OR ANY MEMBER OF THE LEGISLATURE FOR INFORMATION OF ANY KIND OTHER THAN THE TRADITIONAL INFORMATION PROVIDED BY THE STATE POLICE TO THE EXECUTIVE BRANCH, THE LEGISLATIVE BRANCH, PUBLIC AUTHORITIES OR LOCAL GOVERNMENT ENTITIES.

(2) THE SUPERINTENDENT SHALL INCLUDE A SIGNED CERTIFICATION WITH THE REPORT THAT THE INFORMATION PROVIDED IS TRUE TO THE BEST OF HIS OR HER KNOWLEDGE. IF SUCH CERTIFICATION IS FOUND TO BE FALSE, UNTRUE OR FRAUDULENT, THE SUPERINTENDENT MAY BE SUBJECT TO SANCTIONS AND PENALTIES DEEMED APPROPRIATE BY THE LEGISLATURE.

(B) EVERY TWO YEARS, COMMENCING IN TWO THOUSAND ELEVEN, THE SUPERINTENDENT SHALL ATTEND A PROCEEDING TO TESTIFY BEFORE THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE SENATE INVESTIGATIONS AND GOVERNMENT OPERATIONS COMMITTEE AND THE ASSEMBLY OVERSIGHT, ANALYSIS AND INVESTIGATION COMMITTEE TO REVIEW THE PERSONNEL AND ADMINISTRATIVE ACTIVITIES OF THE STATE POLICE AND THE FUTURE PLANS AND INITIATIVE OF THE STATE POLICE. SUCH PROCEEDING SHALL BE CONDUCTED AT THE DIRECTION OF THE TEMPORARY PRESIDENT OF THE SENATE AND SHALL TAKE PLACE

1 NO LATER THAN NOVEMBER FIRST OF EACH YEAR DURING WHICH THE PROCEEDING IS
2 CONDUCTED.

3 (C) THE REPORTING REQUIREMENTS DESCRIBED IN THIS SECTION SHALL BE IN
4 ADDITION TO, AND NOT IN LIEU OF, ANY OTHER REPORTING REQUIREMENTS
5 PROVIDED BY LAW.

6 S 3. Section 211 of the executive law, as amended by chapter 331 of
7 the laws of 1993, is amended to read as follows:

8 S 211. Employees. (A) The superintendent may appoint such employees as
9 may be necessary and fix their compensation within such sum as may be
10 appropriated by law. Persons appointed to competitive positions within
11 the division who meet the definition of veteran or disabled veteran as
12 defined in section eighty-five of the civil service law shall be enti-
13 tled to additional credit and preference as conferred by that law and in
14 the same manner, except that, notwithstanding any law to the contrary,
15 with respect to any candidate applying for credit in a competitive exam-
16 ination for original appointment as a disabled or non-disabled veteran,
17 such candidate may apply provisionally for such credit while still an
18 active member of the armed forces. The application for provisional cred-
19 it may be made at any time between the date of his or her application
20 for the competitive examination and the date the eligible list is estab-
21 lished. In cases where there has been a provisional application, the
22 superintendent shall grant final credit only if the candidate renews his
23 or her application within ninety days following termination of the
24 candidate's military duty, and the candidate's period of eligibility on
25 the list has not expired, and the candidate satisfies the appropriate
26 statutory requirements for eligibility. Pending the granting of final
27 credit, the candidate's ranking on any eligible list shall reflect the
28 provisional credit.

29 (B) ANY EMPLOYEE APPOINTED TO THE EXECUTIVE SERVICES UNIT SHALL HOLD
30 SUCH APPOINTMENT FOR NO MORE THAN TWO YEARS AFTER WHICH PERIOD, THE
31 EMPLOYEE SHALL BE REAPPOINTED TO THE POSITION HE OR SHE HELD PRIOR TO
32 THE APPOINTMENT TO THE EXECUTIVE SERVICES UNIT OR TO SUCH OTHER POSITION
33 AND DUTIES AS ARE DETERMINED BY THE SUPERINTENDENT.

34 S 4. This act shall take effect February 1, 2011.