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

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I N S E N A T E

February 16, 2012

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing a sensitivity training program for persons in active military service of the state

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

Section 1. The executive law is amended by adding a new section 192 to read as follows:

S 192. SENSITIVITY TRAINING PROGRAM; MILITARY SERVICE. 1. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "SENSITIVITY TRAINING PROGRAM" SHALL MEAN A PROGRAM DESIGNED TO DEVELOP A PERSON'S AWARENESS AND UNDERSTANDING OF HIM OR HER SELF, OTHER INDIVIDUALS AND THE RELATIONSHIP BETWEEN THE TWO, INCLUDING THE AWARENESS AND UNDERSTANDING OF SUCH PERSON'S PREJUDICES AND INTOLERANCE TOWARD OTHERS.

B. "NEW YORK NATIONAL GUARD" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION ONE OF THE MILITARY LAW.

C. "THE NAVAL MILITIA" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SUBDIVISION TWO OF SECTION ONE OF THE MILITARY LAW.

D. "FORCE OF THE ORGANIZED MILITIA" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SUBDIVISION NINE OF SECTION ONE OF THE MILITARY LAW.

E. "MILITARY SERVICE OF THE STATE" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SUBDIVISION FIVE OF SECTION ONE OF THE MILITARY LAW.

F. "ACTIVE MILITARY SERVICE OF THE UNITED STATES" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SUBDIVISION EIGHT OF SECTION ONE OF THE MILITARY LAW.

2. THE DIVISION OF MILITARY AND NAVAL AFFAIRS IS AUTHORIZED AND DIRECTED TO DEVELOP AND IMPLEMENT A SENSITIVITY TRAINING PROGRAM FOR EVERY PERSON IN ACTIVE SERVICE WITH THE NEW YORK NATIONAL GUARD, THE NAVAL MILITIA, OR ANY OTHER FORCE OF THE ORGANIZED MILITIA, OR WHO IS OTHERWISE IN THE MILITARY SERVICE OF THE STATE, AND ANY EMPLOYEE OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS THAT THE ADJUTANT GENERAL SHALL

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

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REQUIRE. SUCH DIVISION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT SUCH PROGRAM, PROVIDED, THAT:

A. SUCH PROGRAM SHALL BE ATTENDED BY EVERY PERSON OR EMPLOYEE SUBJECT TO THE PROVISIONS OF THIS SECTION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION;

B. ANY SUCH PERSON OR EMPLOYEE WHO IS FIRST APPOINTED, ENLISTED OR EMPLOYED TO SERVE IN ANY SUCH ORGANIZATION OR WORK IN SUCH DIVISION SHALL ATTEND SUCH TRAINING PROGRAM WITHIN SIXTY DAYS OF SUCH APPOINTMENT, ENLISTMENT OR EMPLOYMENT; AND

C. EVERY PERSON OR EMPLOYEE SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL PERIODICALLY RECEIVE SUCH TRAINING, PROVIDED THAT SUCH PERIOD SHALL NOT EXCEED TWO YEARS.

3. TO THE EXTENT PRACTICABLE AND NOT INCONSISTENT WITH FEDERAL LAW, EVERY RESIDENT OF THIS STATE WHO IS IN ACTIVE MILITARY SERVICE OF THE UNITED STATES SHALL ATTEND THE SENSITIVITY TRAINING PROGRAM REQUIRED BY THIS SECTION.

S 2. Severability. If any clause, sentence, paragraph, section of part of this act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.