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

6643

I N S E N A T E

March 7, 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 legislative intelligence committee

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 718 to read as follows:

S 718. LEGISLATIVE INTELLIGENCE COMMITTEE. 1. THERE IS HEREBY ESTABLISHED A LEGISLATIVE INTELLIGENCE COMMITTEE. SUCH COMMITTEE SHALL CONSIST OF TWELVE MEMBERS, THREE OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, THREE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND THREE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. MEMBERS OF THE COMMITTEE SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY. VACANCIES ON THE COMMITTEE SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. MEMBERS OF THE COMMITTEE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

2. FOR PURPOSES OF THIS SECTION, THE TERM "COUNTERTERRORISM AGENCY" SHALL MEAN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE OFFICE OF COUNTERTERRORISM, THE NEW YORK CITY POLICE DEPARTMENT COUNTER-TERRORISM FOUNDATION, INC., THE NEW YORK CITY POLICE DEPARTMENT FOUNDATION, ANY NOT-FOR-PROFIT CORPORATION OR ANY OTHER ENTITY UNDER THE JURISDICTION OF ANY CITY, COUNTY, TOWN OR VILLAGE LOCATED WITHIN THIS STATE THAT IS ESTABLISHED FOR THE PURPOSE OF ENGAGING IN COUNTERTERRORISM ACTIVITIES.

3. THE LEGISLATIVE INTELLIGENCE COMMITTEE ESTABLISHED PURSUANT TO THIS SECTION SHALL:

A. PROVIDE OVERSIGHT AND REVIEW OF ALL APPROPRIATIONS AND ALLOCATIONS TO EVERY COUNTERTERRORISM AGENCY LOCATED WITHIN THE STATE FROM ANY SOURCE;

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

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B. APPROVE THE EXPENDITURE OF ANY FUNDS MADE BY EVERY COUNTERTERRORISM AGENCY LOCATED WITHIN THE STATE PRIOR TO THE EXPENDITURE OF SUCH FUNDS;

C. CONDUCT AUDITS REGARDING THE APPROPRIATION, ALLOCATION AND EXPENDITURE OF ALL FUNDS OF EVERY COUNTERTERRORISM AGENCY LOCATED WITHIN THE STATE; AND

D. REQUIRE AND RECEIVE REPORTS FROM THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES IN A MANNER AND FREQUENCY TO BE DETERMINED BY THE COMMITTEE. SUCH REPORTS SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION REGARDING THE APPROPRIATION, ALLOCATION AND EXPENDITURE OF ALL FUNDS OF EVERY COUNTERTERRORISM AGENCY LOCATED WITHIN THE STATE, AND ANY OTHER INFORMATION THE COMMITTEE SHALL DEEM NECESSARY.

4. THE LEGISLATIVE INTELLIGENCE COMMITTEE SHALL HAVE THE POWER TO SUBPOENA AND TO TAKE TESTIMONY BY DEPOSITION AND THE POWER TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF RECORDS, IN THE SAME MANNER AS PRESCRIBED BY LAW IN JUDICIAL PROCEEDINGS IN THE COURTS OF THIS STATE.

5. THE LEGISLATIVE INTELLIGENCE COMMITTEE IS AUTHORIZED TO EMPLOY, CONTRACT FOR OR UTILIZE THE SERVICES OF ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, GOVERNMENTAL AGENCY, OR AUTHORITY TO CARRY OUT ITS POWERS AND DUTIES AUTHORIZED OR MANDATED PURSUANT TO THE PROVISIONS OF THIS SECTION.

6. MEMBERS OF THE LEGISLATIVE INTELLIGENCE COMMITTEE SHALL BE SUBJECT TO THE CONFIDENTIALITY PROTOCOL RELATED TO SENSITIVE INFORMATION AND BE SUBJECT TO REQUISITE SECURITY CLEARANCES AS ESTABLISHED BY THE FEDERAL GOVERNMENT.

S 2. This act shall take effect immediately.