

STATE OF NEW YORK

7709

IN SENATE

February 9, 2018

Introduced by Sens. CROCI, DeFRANCISCO, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the workers' compensation law, the racing, pari-mutuel wagering and breeding law, the public authorities law and the public health law, in relation to the appointment and duties of various inspectors general

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 46 of the executive law is amended by adding two
2 new subdivisions 3 and 4 to read as follows:

3 3. In the event of a vacancy in the position of welfare inspector
4 general, the comptroller may appoint an acting welfare inspector gener-
5 al. The term of the acting welfare inspector general shall be nine
6 months from appointment and shall not be renewed.

7 4. The welfare inspector general shall not simultaneously hold any
8 other position in an office that has been established pursuant to
9 sections fifty-two, fifty-seven and seventy-four of this chapter,
10 section one hundred thirty-six of the workers' compensation law, section
11 twelve hundred seventy-nine of the public authorities law, section thir-
12 teen hundred sixty-eight of the racing, pari-mutuel wagering and breed-
13 ing law or section thirty-one of the public health law.

14 § 2. Subdivision 1 of section 52 of the executive law, as added by
15 chapter 766 of the laws of 2005, is amended and two new subdivisions 6
16 and 7 are added to read as follows:

17 1. There is hereby established the office of the state inspector
18 general in the executive department. The head of the office shall be the
19 state inspector general who shall be appointed by the governor, by and
20 with the advice and consent of the senate.

21 6. In the event of a vacancy in the position of state inspector gener-
22 al, the governor may appoint an acting state inspector general. The
23 term of the acting state inspector general shall be nine months from
24 appointment and shall not be renewed.

25 7. The state inspector general shall not simultaneously hold any other
26 position in an office that has been established pursuant to sections

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

LBD13694-03-8

forty-six, fifty-seven and seventy-four of this chapter, section one hundred thirty-six of the workers' compensation law, section twelve hundred seventy-nine of the public authorities law, section thirteen hundred sixty-eight of the racing, pari-mutuel wagering and breeding law or section thirty-one of the public health law.

§ 3. Subdivision 7 of section 53 of the executive law, as added by chapter 766 of the laws of 2005, is amended and a new subdivision 8 is added to read as follows:

7. establish programs for training state officers and employees regarding the prevention and elimination of corruption, fraud, criminal activity, conflicts of interest or abuse in covered agencies[~~+~~];

8. prepare and submit, no later than February first of each year, a report to the governor, the state comptroller, the attorney general, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly and the minority leader of the assembly summarizing the activities of the office during the preceding calendar year.

§ 4. Subdivision 2 of section 57 of the executive law, as added by section 1 of part PPP of chapter 59 of the laws of 2017, is amended and a new subdivision 5 is added to read as follows:

2. The inspector general shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office until the end of the term of the governor by whom he or she is appointed and until his or her successor is appointed.

5. The inspector general shall not simultaneously hold any other position that has been established pursuant to section forty-six, fifty-two or seventy-four of this chapter, section one hundred thirty-six of the workers' compensation law, section twelve hundred seventy-nine of the public authorities law, section thirteen hundred sixty-eight of the racing, pari-mutuel wagering and breeding law or section thirty-one of the public health law.

§ 5. Subdivisions 4 and 5 of section 58 of the executive law, as added by section 1 of part PPP of chapter 59 of the laws of 2017, are amended and a new subdivision 6 is added to read as follows:

4. determine with respect to such allegations whether to initiate civil or criminal prosecution, or make a referral for further investigation by an appropriate federal, state or local agency or any other office of inspector general as is warranted, and to assist in such investigations; [~~and~~]

5. prepare and release to the public written reports of such investigations, as appropriate and to the extent permitted by law, subject to redaction to protect the confidentiality of witnesses. The release of all or portions of such reports may be deferred to protect the confidentiality of ongoing investigations, provided that the inspector general shall maintain a written record that specifies the reason confidentiality is necessary under this subdivision[~~+~~]; and

6. prepare and submit, no later than February first of each year, a report to the governor, the state comptroller, the attorney general, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly and the minority leader of the assembly summarizing the activities of the office during the preceding calendar year.

§ 6. Section 74 of the executive law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. Vacancies. In the event of a vacancy in the position of inspector, the governor may appoint an acting inspector. The term of the acting

1 inspector shall be nine months from appointment and shall not be
2 renewed.

3 9. Restrictions. The inspector general shall not simultaneously hold
4 any other position that has been established pursuant to section forty-
5 six, fifty-two or fifty-seven of this chapter, section one hundred thir-
6 ty-six of the workers' compensation law, section twelve hundred seven-
7 ty-nine of the public authorities law, section thirteen hundred
8 sixty-eight of the racing, pari-mutuel wagering and breeding law or
9 section thirty-one of the public health law.

10 § 7. Subdivision 2 and paragraphs (d) and (e) of subdivision 3 of
11 section 136 of the workers' compensation law, as added by chapter 635 of
12 the laws of 1996, are amended and two new subdivisions 6 and 7 are added
13 to read as follows:

14 2. Appointment, compensation and removal. Notwithstanding any other
15 provision of law, the governor shall appoint the inspector general, by
16 and with the advice and consent of the senate. The board shall employ
17 and the governor shall fix the compensation of the inspector general.
18 The inspector general shall, and may do so without civil service exam-
19 ination, appoint and the board shall employ, such assistant inspectors
20 general and other persons as he or she deems necessary, determine their
21 duties and fix their compensation. Such assistant inspectors general
22 shall assist the inspector general in carrying out the inspector gener-
23 al's duties and responsibilities as set forth in this section and shall
24 have such powers as granted the inspector general under this section.
25 Employees appointed pursuant to this section without civil service exam-
26 ination shall be placed in the noncompetitive class of the competitive
27 service pursuant to subdivision two-a of section forty-two of the civil
28 service law and shall serve at the pleasure of the governor. The payment
29 of salaries and compensation of employees appointed pursuant to this
30 section shall be made pursuant to section one hundred forty-eight of
31 this chapter.

32 (d) to submit a written report, [~~on an annual basis~~] no later than
33 February first of each year, to the governor [~~and to~~], the chair of the
34 board, the state comptroller, the attorney general, the temporary presi-
35 dent of the senate, the minority leader of the senate, the speaker of
36 the assembly and the minority leader of the assembly listing all activ-
37 ities undertaken to the extent such activities can be disclosed pursuant
38 to subdivision five of this section; and

39 (e) to recommend legislative and regulatory changes to the governor
40 [~~and to~~], the chair of the board, and to the legislature.

41 6. Vacancies. In the event of a vacancy in the position of inspector
42 general, the governor may appoint an acting inspector general. The term
43 of the acting inspector general shall be nine months from appointment
44 and shall not be renewed.

45 7. Restrictions. The inspector general shall not simultaneously hold
46 any other position that has been established pursuant to section forty-
47 six, fifty-two, fifty-seven or seventy-four of the executive law,
48 section twelve hundred seventy-nine of the public authorities law,
49 section thirteen hundred sixty-eight of the racing, pari-mutuel wagering
50 and breeding law or section thirty-one of the public health law.

51 § 8. Section 1368 of the racing, pari-mutuel wagering and breeding
52 law, as added by chapter 174 of the laws of 2013, is amended to read as
53 follows:

54 § 1368. Establishment of the office of gaming inspector general. 1.
55 There is hereby created within the commission the office of gaming
56 inspector general. The head of the office shall be the gaming inspector

1 general who shall be appointed by the governor by and with the advice
2 and consent of the senate. The inspector general shall serve at the
3 pleasure of the governor. The inspector general shall report directly to
4 the governor. The person appointed as inspector general shall, upon his
5 or her appointment, have not less than ten years professional experience
6 in law, investigation, or auditing. The inspector general shall be
7 compensated within the limits of funds available therefor, provided,
8 however, such salary shall be no less than the salaries of certain state
9 officers holding the positions indicated in paragraph (a) of subdivision
10 one of section one hundred sixty-nine of the executive law.

11 2. In the event of a vacancy in the position of gaming inspector
12 general, the governor may appoint an acting gaming inspector general.
13 The term of the acting gaming inspector general shall be nine months
14 from appointment and shall not be renewed.

15 § 9. Section 1369 of the racing, pari-mutuel wagering and breeding
16 law, as added by chapter 174 of the laws of 2013, is amended to read as
17 follows:

18 § 1369. State gaming inspector general; functions and duties. 1. The
19 state gaming inspector general shall have the following duties and
20 responsibilities:

21 [~~1-~~] (a) receive and investigate complaints from any source, or upon
22 his or her own initiative, concerning allegations of corruption, fraud,
23 criminal activity, conflicts of interest or abuse in the commission;

24 [~~2-~~] (b) inform the commission members of such allegations and the
25 progress of investigations related thereto, unless special circumstances
26 require confidentiality;

27 [~~3-~~] (c) determine with respect to such allegations whether discipli-
28 nary action, civil or criminal prosecution, or further investigation by
29 an appropriate federal, state or local agency is warranted, and to
30 assist in such investigations;

31 [~~4-~~] (d) prepare and release to the public written reports of such
32 investigations, as appropriate and to the extent permitted by law,
33 subject to redaction to protect the confidentiality of witnesses. The
34 release of all or portions of such reports may be deferred to protect
35 the confidentiality of ongoing investigations;

36 [~~5-~~] (e) review and examine periodically the policies and procedures
37 of the commission with regard to the prevention and detection of
38 corruption, fraud, criminal activity, conflicts of interest or abuse;

39 [~~6-~~] (f) recommend remedial action to prevent or eliminate corruption,
40 fraud, criminal activity, conflicts of interest or abuse in the commis-
41 sion; [~~and~~]

42 [~~7-~~] (g) establish programs for training commission officers and
43 employees regarding the prevention and elimination of corruption, fraud,
44 criminal activity, conflicts of interest or abuse in the commission; and

45 (h) prepare and submit, no later than February first of each year, a
46 report to the governor, the state comptroller, the attorney general, the
47 temporary president of the senate, the minority leader of the senate,
48 the speaker of the assembly and the minority leader of the assembly
49 summarizing the activities of the office during the preceding calendar
50 year.

51 2. The gaming inspector general shall not simultaneously hold any
52 other position that has been established pursuant to section forty-six,
53 fifty-two, fifty-seven or seventy-four of the executive law, section one
54 hundred thirty-six of the workers' compensation law, section twelve
55 hundred seventy-nine of the public authorities law or section thirty-one
56 of the public health law.

1 § 10. Section 1279 of the public authorities law is amended by adding
2 two new subdivisions 8 and 9 to read as follows:

3 8. In the event of a vacancy in the position of inspector general, the
4 governor may appoint an acting inspector general. The term of the acting
5 inspector general shall be nine months from appointment and shall not be
6 renewed.

7 9. The inspector general shall not simultaneously hold any other posi-
8 tion that has been established pursuant to section forty-six, fifty-two,
9 fifty-seven or seventy-four of the executive law, section one hundred
10 thirty-six of the workers' compensation law, section thirteen hundred
11 sixty-eight of the racing, pari-mutuel wagering and breeding law or
12 section thirty-one of the public health law.

13 § 11. Section 31 of the public health law is amended by adding two new
14 subdivisions 4 and 5 to read as follows:

15 4. In the event of a vacancy in the position of Medicaid inspector
16 general, the governor may appoint an acting Medicaid inspector general.
17 The term of the acting Medicaid inspector general shall be nine months
18 from appointment and shall not be renewed.

19 5. The Medicaid inspector general shall not simultaneously hold any
20 other position in an office that has been established pursuant to
21 sections forty-six, fifty-two, fifty-seven and seventy-four of this
22 chapter, section one hundred thirty-six of the workers' compensation
23 law, section twelve hundred seventy-nine of the public authorities law
24 or section thirteen hundred sixty-eight of the racing, pari-mutuel
25 wagering and breeding law.

26 § 12. This act shall take effect immediately.