

# STATE OF NEW YORK

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1332--B

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

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Introduced by Sens. KRUEGER, BAILEY, BRESLIN, LIU, PARKER, SERRANO, STAVISKY -- 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 -- 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, the appointment of employees of the state police and the approval of certain duties 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 § 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. The superintendent of state police shall have control of  
13 all staffing decisions, resource allocation and unit assignments within  
14 the state police. If, prior to appointment, the superintendent served as  
15 a member of the state police, he or she, upon appointment, shall be  
16 entitled to continue to accrue and receive such credits and benefits as  
17 he or she would have been entitled to accrue and receive prior to  
18 appointment.

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

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(2) If, prior to his or her appointment, the superintendent shall have served as a member of the State Police for a period of ten years or more, he or she shall, provided he or she is not eligible for retirement, upon termination of service as superintendent, be reappointed, without examination, as a member of the state police in the grade held by him or her prior to appointment as superintendent, notwithstanding the absence of any vacancy in such grade. For the purpose of determining 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 January first, two thousand twenty-two, the term of service of the superintendent of the state police shall be seven years. A superintendent may not serve more than one seven-year term. The appointment of the first deputy superintendent shall also be subject to senate confirmation.

(4) Notwithstanding sections thirty-three and thirty-three-a of the public officers law, a superintendent shall be removed from office for failure to fulfill his or her duties by the governor and with a two-thirds vote of the whole number of members of each house of the legislature or in accordance with the provisions of paragraphs e, f or g of subdivision one of section thirty of the public officers law.

(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 first deputy superintendent shall assume the superintendent position. If after forty-five days the governor has not appointed a new superintendent to a full term, the first deputy superintendent shall complete the remainder of the previous superintendent's term. Upon assumption of the duties of superintendent, the first deputy superintendent shall be subject to all requirements and provisions associated with the superintendent's position. If the first deputy superintendent completes the term of a previously appointed superintendent, the first deputy is eligible for appointment to a full term as superintendent in his or her own right. All other potential replacements within the ranks of the state police or from outside its ranks for superintendent, in the event the first deputy is unable to complete the previous superintendent's position, shall have the same rights and eligibilities as the first deputy superintendent and shall be subject to all the requirements and provisions associated with the superintendent.

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

§ 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. Such description shall include whether the request was approved or denied by the superintendent of state police;

(B) a detailed description of any information, unless it is privileged or requires confidentiality, provided by the state police to the governor, and/or his or her staff, and/or to any member of the legislature,

1 and/or his or her staff, beyond the general programmatic and budgetary  
2 reporting requirements of the state police and a description of the  
3 purpose for which such information was provided;

4 (C) a description of any special disciplinary actions taken by the  
5 superintendent regarding inter- or intra-governmental affairs involving  
6 state police personnel, based upon special requests made to the state  
7 police by or on behalf of the governor, any member of the legislature  
8 and/or any other public or quasi-public entity;

9 (D) a description of each request made by or on behalf of the governor  
10 and/or his or her staff, and/or any member of the legislature and/or his  
11 or her staff, for information of any kind other than the general infor-  
12 mation provided by the state police to the executive branch, the legis-  
13 lative branch, public authorities or local government entities; and

14 (E) a description of all officer transfers to or from the executive  
15 services unit or any other unit associated with security and/or protect-  
16 ing other elected officials, and reason for the change. For transfers  
17 from the executive services unit the superintendent of state police  
18 shall include a description of what unit the officer transferred to. All  
19 officer transfers to or from the executive services unit shall require  
20 the approval of the superintendent of state police.

21 (2) The superintendent shall include a signed certification with the  
22 report that the information provided is true to the best of his or her  
23 knowledge. If such certification is found to be false, the superinten-  
24 dent may be subject to removal by the legislature.

25 (b) Every two years, commencing in two thousand twenty-two, the super-  
26 intendent shall attend a proceeding to testify before the senate finance  
27 committee, the assembly ways and means committee, the senate investi-  
28 gations and government operations committee and the assembly oversight,  
29 analysis and investigation committee to review the personnel and admin-  
30 istrative activities of the state police and the future plans and initi-  
31 ative of the state police. Such proceeding shall be conducted jointly at  
32 the direction of the temporary president of the senate and the speaker  
33 of the assembly and shall take place no later than November first of  
34 every other year during which the proceeding is conducted.

35 (c) The reporting requirements described in this section shall be in  
36 addition to, and not in lieu of, any other reporting requirements  
37 provided by law.

38 (d) As used in this section, "traditional services" means services  
39 rendered by the state police to:

40 (1) protect people and property;

41 (2) prevent and detect crime and other violations of law and pursue  
42 criminal investigations and arrest criminals; and make roads safe for  
43 all users;

44 (3) reduce the deaths, injuries and property damage caused by motor  
45 vehicle accidents through vehicle and traffic enforcement and  
46 education;

47 (4) provide disorder control and security in all types of natural  
48 and man-made emergencies; and provide for the safety and security of  
49 individuals and groups of citizens in furtherance of their rights,  
50 duties and responsibilities; and

51 (5) support other entities by creating partnerships for safety and  
52 security with individuals, groups and communities throughout the  
53 state.

54 § 3. Section 211 of the executive law, as amended by chapter 331 of  
55 the laws of 1993, is amended to read as follows:

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

22     (b) (1) Any employee appointed to the executive services unit or any  
23 other unit associated with security and/or protecting other elected  
24 and/or public officials shall hold such appointment for no more than two  
25 years after which period, the employee shall be reappointed to the posi-  
26 tion he or she held prior to the appointment to the executive services  
27 unit or any other unit associated with security and/or protecting other  
28 elected and/or public officials or to such other position and duties as  
29 are determined by the superintendent.

30     (2) No employee appointed as provided in paragraph one of this subdi-  
31 vision shall provide services that constitute a violation of the  
32 provisions of paragraph (d) of subdivision three of section seventy-four  
33 of the public officers law. Any requests for such services shall be  
34 referred by the employee to his or her superior who shall refer the  
35 request to the superintendent. The superintendent shall approve or  
36 disapprove all such requests.

37     § 4. This act shall take effect on the first of January next succeed-  
38 ing the date upon which it shall have become a law.