STATE OF NEW YORK

5612

2023-2024 Regular Sessions

IN ASSEMBLY

March 17, 2023

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the office of state inspector general

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

Section 1. Subdivisions 1, 2 and 3 of section 52 of the executive law, as added by chapter 766 of the laws of 2005, are amended to read as follows:

1. There is hereby established the office of the state inspector general in the executive department. The head of the office shall be the state inspector general who shall be appointed by the governor **and confirmed by the state senate. The state inspector general shall have at least five years of demonstrated experience or expertise in accounting, public administration, or audit investigations as a certified public accountant or a certified internal auditor, and shall not have worked for any covered agency in the last five years**.

2. The state inspector general shall hold office [~~until the end of the term of the governor by whom he or she was appointed and until his or her successor is appointed and has qualified~~] **for six years**.

3. The state inspector general shall report to the secretary to the governor **and the legislature. It shall be the duty and responsibility of the state inspector general to keep the secretary to the governor and the legislature fully and currently informed by means of reports required by section fifty-three of this article and otherwise, concerning corruption, fraud, criminal activity, conflicts of interest or abuse, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action**.

§ 2. Subdivision 4 of section 53 of the executive law, as added by chapter 766 of the laws of 2005, is amended, subdivisions 5, 6 and 7 are

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

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renumbered subdivisions 6, 7 and 8, and two new subdivisions 5 and 9 are added to read as follows:

4. prepare and release to the legislature and 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;

5. report immediately to the secretary of the governor whenever the state inspector general becomes aware of particularly serious or flagrant cases of corruption, fraud, criminal activity, conflicts of interest or abuse. The secretary to the governor shall transmit any such report to the appropriate committees of the legislature within seven calendar days, together with a report by the secretary to the governor containing any comments such head deems appropriate;

9. (a) provide an annual report no later than December thirty-first to the legislature summarizing the activities of the office over the last year, including:

(i) a description of significant cases of corruption, fraud, criminal activity, conflicts of interest or abuse within covered agencies disclosed by such activities during the reporting period;

(ii) a description of the recommendations for corrective action made by the office during the reporting period with respect to significant cases of corruption, fraud, criminal activity, conflicts of interest or abuse identified pursuant to this paragraph;

(iii) an identification of each significant recommendation described in previous annual reports on which corrective action has not been completed;

(iv) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(v) a report on each investigation conducted by the office involving a senior government employee where allegations of misconduct were substantiated, including the name of the senior government official, as defined by the department or agency, if already made public by the office, and a detailed description of:

(1) the facts and circumstances of the investigation; and

(2) the status and disposition of the matter, including:

(A) if the matter was referred to the local, state, or federal prosecutors, the date of the referral; and

(B) if the agency declined the referral, the date of the declination;

(vi) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and what, if any, consequences the establishment actually imposed to hold the official accountable;

(vii) a detailed description of any attempt by covered agencies to interfere with the independence of the office, including incidents where the agency has resisted or objected to oversight activities of the office or restricted or significantly delayed access to information, including the justification of the agency for such action;

(b) these reports must be made available to the public with necessary redactions within thirty days of their delivery to the legislature.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.