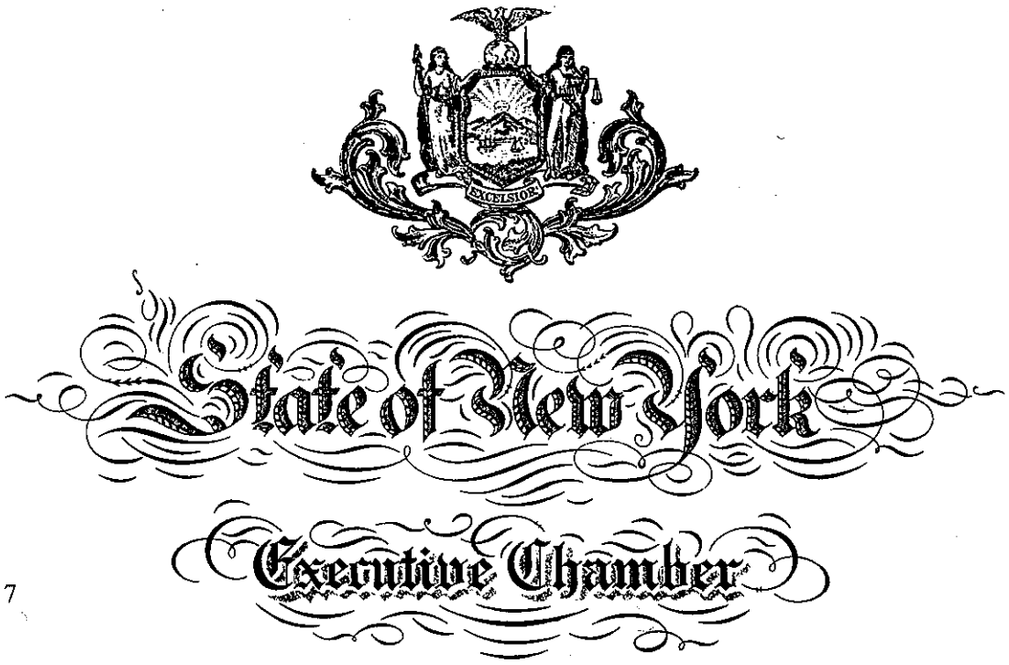

No. 7

EXECUTIVE ORDER

ESTABLISHING THE PRISON CLOSURE ADVISORY TASK FORCE

WHEREAS, the crime rate in New York State has dropped dramatically over the past decade and alternatives to incarceration have helped direct individuals convicted of many non-violent crimes into programs outside of conventional, traditional correctional facilities;

WHEREAS, as a result, the State prison population has declined by more than 20 percent over the last eleven years, but only five small facilities have been closed;

WHEREAS, the cost of maintaining the resulting empty, unused prison capacity in New York State has forced New York State to redirect resources away from many other budgetary priorities into facility maintenance that no longer serves the safety needs of New Yorkers;

WHEREAS, New York State now faces serious financial challenges in achieving a balanced budget in the 2011-12 State Fiscal Year so that its current fiscal constraints necessitate specific reductions in spending;

WHEREAS, the budget for the 2011-12 State Fiscal Year, to be in balance, requires the elimination of excess prison capacity and the closure of minimum and medium security correctional facilities that can be closed without compromising the safety of inmates and employees; and

WHEREAS, the closure of correctional facilities is a matter of great concern to both the affected communities and their representatives in the Legislature;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Prison Closure Advisory Task Force

1. There is hereby established the Prison Closure Advisory Task Force ("Task Force") that shall recommend correctional facilities classified as minimum security level and medium security level for closure during the 2011-12 State Fiscal Year sufficient to reduce excess capacity to achieve the savings provided for in the State Operations Appropriation Bill submitted by the Executive.

2. The Governor shall appoint 16 voting members of the Task Force, which shall include: ten persons with expertise in such areas as the provision of correctional services, state budgeting, business or governmental operations, labor relations, or other relevant expertise; three members of the New York State Assembly, two recommended by the Speaker of the Assembly and one recommended by the Minority Leader of the Assembly; and three members of the New York State Senate, two recommended by the Temporary President of the Senate and one recommended by the Minority Leader of the Senate. The Commissioner of Correctional Services shall serve as Chair and shall be a voting member of the Task Force.

3. Vacancies shall be filled by the Governor, and the Governor may appoint additional voting and non-voting members to the Task Force as necessary. Members of the Task Force shall serve at the pleasure of the Governor.

4. A majority of the total members of the Task Force who have been appointed shall constitute a quorum, and all recommendations of the Task Force shall require approval of a majority of its total members.

B. Cooperation with the Task Force

1. Every agency or authority of New York State shall provide to the Task Force every assistance and cooperation, including use of New York State facilities, which may be necessary or desirable to fulfill the purposes of this Executive Order.

2. Staff support necessary for the conduct of the Task Force's work may be furnished by agencies and authorities, subject to the approval of the boards of directors of such authorities.

C. Duties and Purpose

1. The Task Force is charged with identifying minimum and medium security facilities for closure in the State Fiscal Year beginning April 1, 2011, sufficient to reduce unneeded excess capacity in the state prison system. In making its selections, the Task Force shall consider the following, non-exclusive list of criteria:

a. efficiency and cost of operations of the facility;
b. physical characteristics and condition of a facility;
c. location of the facility and the ease and cost of transportation;
d. cost and method of power generation;
e. planned capital investments and status of maintenance;
f. impact on the workforce of the closure;
g. excess capacity; and
h the fiscal constraints in the Executive Budget submitted for State Fiscal Year 2011-12.

2. The Task Force shall commence its work within 10 days of enactment of the State Operations Appropriation bill. The Task Force's recommendations shall be transmitted 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 within 30 days, at which time it shall terminate its work and be relieved of all responsibilities and duties hereunder.

3. Provided that such recommendations are made in accord with the terms of this Executive Order, the Commissioner of Correctional Services shall take into account such recommendations in determining which correctional facilities he shall direct to close.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of February in the year two thousand eleven.

BY THE GOVERNOR

Secretary to the Governor