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

4637--A

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

Introduced by Sens. LANZA, BALL, CARLUCCI, KLEIN, SAVINO, VALESKY, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to directing the metropolitan transportation authority to contract for the provision of an independent forensic audit of such authority; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public authorities law is amended by adding a new section 1265-c to read as follows:

S 1265-C. INDEPENDENT FORENSIC AUDIT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AUTHORITY SHALL, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND AT ITS OWN EXPENSE, CONTRACT WITH A CERTIFIED PUBLIC ACCOUNTING FIRM FOR THE PROVISION OF AN INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY. SUCH AUDIT SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. SUCH AUDIT SHALL BE INDEPENDENT OF AND IN ADDITION TO THE INDEPENDENT AUDIT OF THE AUTHORITY CONDUCTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED TWO OF THIS CHAPTER.

2. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM PROVIDING THE AUTHORITY'S INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT SHALL BE PROHIBITED FROM PROVIDING AUDIT SERVICES IF THE LEAD (OR COORDINATING) AUDIT PARTNER (HAVING PRIMARY RESPONSIBILITY FOR THE AUDIT), OR THE AUDIT PARTNER RESPONSIBLE FOR REVIEWING THE AUDIT, HAS PERFORMED AUDIT SERVICES FOR THE AUTHORITY WITHIN ANY OF THE TEN PREVIOUS FISCAL YEARS OF THE AUTHORITY.

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

LBD10866-02-1

3. THE CERTIFIED INDEPENDENT ACCOUNTING FIRM PERFORMING THE AUDIT PURSUANT TO THIS SECTION SHALL BE PROHIBITED FROM PERFORMING ANY NON-AUDIT SERVICES FOR THE AUTHORITY CONTEMPORANEOUSLY WITH THE AUDIT.

4. IT SHALL BE PROHIBITED FOR THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM TO PERFORM FOR THE AUTHORITY ANY AUDIT SERVICE IF THE CHIEF EXECUTIVE OFFICER, COMPTROLLER, CHIEF FINANCIAL OFFICER, CHIEF ACCOUNTING OFFICER OR ANY OTHER PERSON SERVING IN AN EQUIVALENT POSITION IN THE AUTHORITY WAS AN EMPLOYEE, CONSULTANT OR INDEPENDENT CONTRACTOR OF THAT CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM AND PARTICIPATED IN ANY CAPACITY IN THE AUDIT OF THE AUTHORITY AT ANY TIME IN THE PAST.

5. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM CONTRACTED TO PERFORM THE INDEPENDENT COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND FOURTEEN, REPORT ITS FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE AND THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEES, AND THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE AND THE ASSEMBLY TRANSPORTATION COMMITTEES.

S 2. This act shall take effect immediately, and shall expire and be deemed repealed January 2, 2014.