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

3114--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. SCHROEDER -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT establishing a temporary state commission to study and investigate reducing the number of public authorities and their subsidiaries in the state of New York; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. A temporary state commission, to be known as the commission on public authority reform, hereafter referred to as the commission, is hereby created to investigate, evaluate and make recommendations concerning the scope and effectiveness involving the elimination, dissolution, consolidation or merger of public authorities and their subsidiaries in the state of New York.

S 2. (a) The commission shall consist of thirteen members, to be appointed as follows: three members to be appointed by the governor; three members to be appointed by the temporary president of the senate; three members to be appointed by the speaker of the assembly; one member to be appointed by the minority leader of the senate; one member to be appointed by the minority leader of the assembly; one member shall be appointed by the comptroller, and one member shall be appointed by the attorney general. The appointees shall have demonstrated expertise in the development and financing of public authorities. The governor shall designate the chairperson and vice-chairperson of the commission. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments or designations.

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

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(b) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this act. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor.

(c) The New York state public authorities control board shall provide the commission such facilities, assistance, and data as will enable the commission to carry out its powers and duties. Additionally, all other departments or agencies of the state or subdivisions thereof shall, at the request of the chairperson, provide the commission such facilities, assistance, and data as will enable the commission to carry out its powers and duties.

S 3. Specifically the commission shall investigate at least the following:

(a) the opportunities for the elimination, dissolution, consolidation or merger of public authorities and their subsidiaries in the state of New York; and

(b) reducing the number of all existing public authorities in the state of New York by fifty percent and reducing the number of all existing subsidiaries in the state of New York by seventy-five percent.

S 4. (a) For the accomplishment of its purposes, the commission may meet and hold public and/or private hearings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law. The commission is authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency.

(b) To the maximum extent feasible, the commission may request and shall be entitled to receive and shall utilize and be provided with such facilities, resources and data from any court in the state and from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

(c) The commission is hereby authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this act.

S 5. The commission shall make recommendations and a report of its findings. The commission shall submit such recommendations and report developed by it relating to issues involving the elimination, dissolution, consolidation or merger of public authorities and their subsidiaries in the state of New York, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate and the speaker of the assembly no later than the thirty-first day of December in the year next succeeding the year in which this act shall have become a law. The commission shall issue a binding recommendation which shall be presented to the legislature to completely accept or reject such recommendation.

S 6. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to pay the expenses incurred, including personal service, in carrying out the provisions of this act. Such moneys shall be payable out of the state treasury in the general fund to the credit of the state purposes account after audit by and on the warrant of the comptroller upon vouchers certified or

approved by the chairperson or vice-chairperson of the commission as prescribed by law.

S 7. This act shall take effect immediately; provided that the provisions of this act shall expire and be deemed repealed on the first day next succeeding the date of the submission of the report as required in section five of this act; and provided further, however, that the chairperson of the temporary commission on public authority reform shall notify the legislative bill drafting commission upon the submission of its report as provided for in section five of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.