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

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. BRENNAN, DINOWITZ, ORTIZ, FIELDS, EDDINGTON, COLTON, SCHROEDER, JOHN, CLARK, ENGLEBRIGHT, KAVANAGH -- Multi-Sponsored by -- M. of A. DelMONTE, GALEF, GOTTFRIED, GUNTHER, JACOBS, JAFFEE, LANCMAN, LATIMER, MAISEL, MARKEY, McENENY, MILLMAN, PHEFFER, REILLY, ROSENTHAL, SCARBOROUGH -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to audit and follow-up reviews of agencies by the state comptroller and reports of corrective action

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

Section 1. Section 170 of the executive law, as added by chapter 218 of the laws of 1977, is amended to read as follows:

S 170. Audit AND FOLLOW-UP REVIEWS of agencies by the state comptroller; reports of corrective action. 1. Whenever the state comptroller shall conduct an audit of the activities and operations of any department, bureau, board, commission, authority or any other agency or instrumentality, he OR SHE shall submit a [tenative] DRAFT copy of a report of such audit to the head of the entity audited. The head of such entity may submit a written response to such [tentative] DRAFT report within thirty days of the receipt thereof. The state comptroller shall thereafter submit a final report of such audit which shall contain a complete copy of the response, if any, submitted to the [tentative] DRAFT report. If the final report makes recommendations for corrective action, the head of the entity audited shall report within ninety days after receipt thereof to the governor, the state comptroller, the TEMPORARY president OF THE SENATE, [president pro tem and] THE minority leader of the senate, the speaker, majority and minority leaders of the assembly, and the chairman and ranking minority members of the senate finance committee and the assembly ways and means committees of the state legislature what steps were taken to implement such recommen-

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

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dations, and, where recommendations were not implemented, the reasons therefor, INCLUDING WHETHER ALTERNATE ACTIONS HAVE BEEN TAKEN THAT ESSENTIALLY MEET THE AUDITOR'S INTENT OR CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER VALID. SUCH REPORTS BY THE AGENCY AUDITED SHALL CONTINUE TO BE MADE AS HEREIN PROVIDED EVERY NINETY DAYS UNTIL ALL RECOMMENDATIONS TO WHICH THE AUDITED AGENCY CONCURS ARE FULLY IMPLEMENTED OR UNTIL CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER APPLICABLE.

2. THE STATE COMPTROLLER MAY CONDUCT FOLLOW-UP REVIEWS TO EXAMINE THE IMPLEMENTATION STATUS OF RECOMMENDATIONS OF PREVIOUSLY CONDUCTED AUDITS OF ANY DEPARTMENT, BUREAU, BOARD, COMMISSION, AUTHORITY OR ANY OTHER AGENCY OR INSTRUMENTALITY. WHEN CONDUCTING A FOLLOW-UP REVIEW, THE STATE COMPTROLLER SHALL DETERMINE WHETHER SUCH RECOMMENDATIONS WERE FULLY IMPLEMENTED, PARTIALLY IMPLEMENTED, NOT IMPLEMENTED AT ALL OR WERE NO LONGER APPLICABLE. THE STATE COMPTROLLER SHALL THEREAFTER SUBMIT THE FOLLOW-UP REVIEW TO THE AGENCY AUDITED. IF THE FOLLOW-UP REVIEW INCLUDES UNIMPLEMENTED RECOMMENDATIONS FOR CORRECTIVE ACTION AND THE AGENCY CONCURS WITH SUCH RECOMMENDATIONS, THE HEAD OF THE AUDITED AGENCY SHALL, WITHIN NINETY DAYS AFTER RECEIVING THE FOLLOW-UP REVIEW, REPORT TO THE AFOREMENTIONED STATE ENTITIES WHAT STEPS WERE TAKEN TO IMPLEMENT THE RECOMMENDATIONS AND WHERE THE RECOMMENDATIONS WERE NOT IMPLEMENTED, THE REASON THEREFOR, INCLUDING WHETHER ALTERNATE ACTIONS HAVE BEEN TAKEN THAT ESSENTIALLY MEET THE AUDITORS' INTENT OR CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER VALID. SUCH REPORTS BY THE AGENCY AUDITED SHALL CONTINUE TO BE MADE AS PROVIDED IN THIS SECTION EVERY NINETY DAYS UNTIL ALL RECOMMENDATIONS ARE FULLY IMPLEMENTED OR UNTIL CIRCUMSTANCES HAVE CHANGED AND THE RECOMMENDATIONS ARE NO LONGER APPLICABLE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.