

8362

2009-2010 Regular Sessions

I N A S S E M B L Y

May 15, 2009

Introduced by M. of A. SPANO, BRADLEY, ESPAILLAT, JAFFEE, MOLINARO, PHEFFER, COLTON, GUNTHER -- Multi-Sponsored by -- M. of A. ABBATE, ALESSI, BALL, CAHILL, CORWIN, FITZPATRICK, GABRYSZAK, JOHN, KOON, P. LOPEZ, McDONOUGH, McKEVITT, RABBITT, RAIA, SAYWARD, SWEENEY, THIELE, TOBACCO, WALKER -- read once and referred to the Committee on Corporations, Authorities and Commissions

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:

1 Section 1. The public authorities law is amended by adding a new
2 section 1265-b to read as follows:
3 S 1265-B. INDEPENDENT FORENSIC AUDIT. 1. THE AUTHORITY SHALL, WITHIN
4 SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, CONTRACT WITH A CERTI-
5 FIED PUBLIC ACCOUNTING FIRM FOR THE PROVISION OF AN INDEPENDENT, COMPRE-
6 HENSIVE, FORENSIC AUDIT OF THE AUTHORITY. SUCH AUDIT SHALL BE PERFORMED
7 IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.
8 SUCH AUDIT SHALL BE INDEPENDENT OF AND IN ADDITION TO THE INDEPENDENT
9 AUDIT OF THE AUTHORITY CONDUCTED PURSUANT TO SECTION TWENTY-EIGHT
10 HUNDRED TWO OF THIS CHAPTER.
11 2. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM PROVIDING THE
12 AUTHORITY'S INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT SHALL BE PROHIB-
13 ITED IN PROVIDING AUDIT SERVICES IF THE LEAD (OR COORDINATING) AUDIT
14 PARTNER (HAVING PRIMARY RESPONSIBILITY FOR THE AUDIT), OR THE AUDIT
15 PARTNER RESPONSIBLE FOR REVIEWING THE AUDIT, HAS PERFORMED AUDIT
16 SERVICES FOR THE AUTHORITY WITHIN ANY OF THE TEN PREVIOUS FISCAL YEARS
17 OF THE AUTHORITY.

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

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

4 4. IT SHALL BE PROHIBITED FOR THE CERTIFIED INDEPENDENT PUBLIC
5 ACCOUNTING FIRM TO PERFORM FOR THE AUTHORITY ANY AUDIT SERVICE IF THE
6 CHIEF EXECUTIVE OFFICER, COMPTROLLER, CHIEF FINANCIAL OFFICER, CHIEF
7 ACCOUNTING OFFICER OR ANY OTHER PERSON SERVING IN AN EQUIVALENT POSITION
8 IN THE AUTHORITY WAS EMPLOYED BY THAT CERTIFIED INDEPENDENT PUBLIC
9 ACCOUNTING FIRM AND PARTICIPATED IN ANY CAPACITY IN THE AUDIT OF THE
10 AUTHORITY AT ANY TIME IN THE PAST.

11 5. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM CONTRACTED TO
12 PERFORM THE INDEPENDENT COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY
13 SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND ELEVEN, REPORT ITS FIND-
14 INGS, CONCLUSIONS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE COMP-
15 TROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE
16 ASSEMBLY, THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE
17 COMMITTEE, THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS
18 AND MEANS COMMITTEE, THE CHAIRS AND RANKING MINORITY MEMBERS OF THE
19 SENATE AND THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS
20 COMMITTEES, AND THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE
21 AND THE ASSEMBLY TRANSPORTATION COMMITTEES.

22 S 2. This act shall take effect immediately, and shall expire and be
23 deemed repealed January 2, 2011.