

1537

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the creation of an office of authorities oversight; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 4 of section 2 of the public authorities law is
2 REPEALED and a new subdivision 4 is added to read as follows:

3 4. "OFFICE OF AUTHORITIES OVERSIGHT" SHALL MEAN THE ENTITY ESTABLISHED
4 PURSUANT TO SECTION FOUR OF THIS ARTICLE.

5 S 2. Subdivision 5 of section 2 of the public authorities law, as
6 added by chapter 766 of the laws of 2005, is amended to read as follows:

7 5. "subsidiary" shall not include, for the purposes of this chapter,
8 corporations that have been certified by the parent corporation to the
9 [entity created pursuant to section twenty-seven of the chapter of the
10 laws of two thousand five which added this section] OFFICE OF AUTHORI-
11 TIES OVERSIGHT as being inactive for the past twelve months, having an
12 identical board of its parent corporation, or not having separate and
13 independent operational control. Provided, however, the parent corpo-
14 ration, in response to any request, shall address any provision or
15 provisions of this chapter.

16 S 3. Sections 1 and 2 of article 1 of the public authorities law are
17 designated title 1 and a new title heading is added to read as follows:

18 SHORT TITLE; DEFINITIONS

19 S 4. Article 1 of the public authorities law is amended by adding a
20 new title 2 to read as follows:

21 TITLE 2

22 OFFICE OF AUTHORITIES OVERSIGHT

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

LBD05625-01-9

SECTION 4. ESTABLISHMENT OF THE INDEPENDENT OFFICE OF AUTHORITIES OVERSIGHT.

5. DIRECTOR OF THE OFFICE OF AUTHORITIES OVERSIGHT.

6. POWERS AND DUTIES OF THE OFFICE OF AUTHORITIES OVERSIGHT.

7. REPORTS OF THE OFFICE OF AUTHORITIES OVERSIGHT.

S 4. ESTABLISHMENT OF THE INDEPENDENT OFFICE OF AUTHORITIES OVERSIGHT. THERE IS HEREBY ESTABLISHED THE INDEPENDENT OFFICE OF AUTHORITIES OVERSIGHT AS AN INDEPENDENT ENTITY WITHIN THE DEPARTMENT OF STATE, WHICH SHALL HAVE AND EXERCISE THE POWERS AND DUTIES PROVIDED BY THIS TITLE.

S 5. DIRECTOR OF THE OFFICE OF AUTHORITIES OVERSIGHT. THE DIRECTOR OF THE OFFICE OF AUTHORITIES OVERSIGHT SHALL BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE. THE DIRECTOR SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS BEGINNING ON THE DATE OF CONFIRMATION. THE SALARY OF THE DIRECTOR SHALL BE ESTABLISHED BY THE GOVERNOR WITHIN THE LIMIT OF FUNDS AVAILABLE THEREFOR; PROVIDED, HOWEVER, SUCH SALARY SHALL BE NO LESS THAN THE SALARIES OF CERTAIN STATE OFFICERS HOLDING THE POSITIONS INDICATED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE OF THE EXECUTIVE LAW. THE DIRECTOR MAY BE REMOVED BY THE GOVERNOR ONLY AFTER NOTICE AND OPPORTUNITY TO BE HEARD, AND ONLY FOR:

1. PERMANENT DISABILITY;

2. INEFFICIENCY;

3. NEGLECT OF DUTY;

4. MALFEASANCE; OR

5. A FELONY OR CONDUCT INVOLVING MORAL TURPITUDE.

S 6. POWERS AND DUTIES OF THE OFFICE OF AUTHORITIES OVERSIGHT. 1. THE OFFICE OF AUTHORITIES OVERSIGHT SHALL:

(A) CONDUCT REVIEWS AND ANALYSIS OF THE OPERATIONS, PRACTICES AND REPORTS OF STATE AND LOCAL AUTHORITIES TO ASSESS COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND OTHER APPLICABLE PROVISIONS OF LAW;

(B) MAINTAIN A COMPREHENSIVE INVENTORY OF STATE AND LOCAL AUTHORITIES AND SUBSIDIARIES AND THE ANNUAL REPORTS OF SUCH STATE AND LOCAL AUTHORITIES AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED OF THIS CHAPTER;

(C) ASSIST STATE AND LOCAL AUTHORITIES IN IMPROVING MANAGEMENT PRACTICES AND THE PROCEDURES BY WHICH THE ACTIVITIES AND FINANCIAL PRACTICES OF STATE AND LOCAL AUTHORITIES ARE DISCLOSED TO THE PUBLIC;

(D) MAKE RECOMMENDATIONS TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS AND RANKING MINORITY MEMBERS OF THE FOLLOWING COMMITTEES: THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE SENATE COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS AND THE ASSEMBLY COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS AND AUTHORITY BOARD MEMBERS CONCERNING OPPORTUNITIES TO IMPROVE THE PERFORMANCE, REPORTING, REFORMATION, STRUCTURE AND OVERSIGHT OF STATE AND LOCAL AUTHORITIES;

(E) PROVIDE SUCH ADDITIONAL INFORMATION AND ANALYSIS AS MAY BE REASONABLY REQUESTED BY THE LEGISLATURE AND STATE COMPTROLLER;

(F) PROMULGATE REGULATIONS TO EFFECTUATE THE PURPOSES OF THIS TITLE AND TITLE ONE OF THIS ARTICLE, AND ARTICLE NINE OF THIS CHAPTER;

(G) DEVELOP AND ISSUE, AFTER CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, A WRITTEN ACKNOWLEDGEMENT THAT A BOARD MEMBER MUST EXECUTE AT THE TIME THAT THE MEMBER TAKES AND SUBSCRIBES THEIR OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED THEIR OATH OF OFFICE, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT THEY UNDERSTAND THEIR INDEPENDENCE AND FIDUCIARY DUTIES, INCLUDING THEIR DUTY OF LOYALTY AND CARE TO THE ORGANIZATION AND COMMITMENT TO THE AUTHORITY'S MISSION;

1 (H) DEVELOP MEANS OF ENFORCING THOSE FIDUCIARY DUTIES;
2 (I) DEVELOP A COMPREHENSIVE DEFINITION OF PUBLIC AUTHORITIES INCLUDING
3 A CONSOLIDATED LISTING BY CLASS AND NAME;
4 (J) VERIFY THE EXISTENCE OF ALL AUTHORITIES LISTED IN STATE LAW;
5 (K) REVIEW THE POTENTIAL FOR CONSOLIDATION OR NAME CHANGE OF CERTAIN
6 AUTHORITIES;
7 (L) STANDARDIZE CONTENT AND FORMAT OF STATE AND LOCAL AUTHORITY ANNUAL
8 REPORTS;
9 (M) ASSESS INDIVIDUAL AUTHORITIES AND BASED UPON THEIR ABILITY AND
10 RESOURCES, SET A DATE BY WHICH CHANGES MADE PURSUANT TO THIS TITLE SHALL
11 BE IMPLEMENTED;
12 (N) ISSUE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR ON SETTING
13 DEBT LIMITATIONS FOR AUTHORITIES WITHOUT STATUTORILY REQUIRED DEBT
14 LIMITS;
15 (O) RECOMMEND TO THE LEGISLATURE AND GOVERNOR A COMPENSATION PLAN FOR
16 BOARDS OF DIRECTORS; AND
17 (P) REVIEW THE POTENTIAL FOR AND MAKE RECOMMENDATIONS TO THE LEGISLA-
18 TURE AND GOVERNOR REGARDING CHANGE IN THE TERMS OF OFFICE OF PUBLIC
19 AUTHORITIES BOARD MEMBERS.
20 2. THE OFFICE OF AUTHORITIES OVERSIGHT SHALL HAVE THE AUTHORITY TO:
21 (A) REQUEST AND RECEIVE FROM ANY STATE OR LOCAL AUTHORITY, AGENCY,
22 DEPARTMENT OR DIVISION OF THE STATE OR POLITICAL SUBDIVISION SUCH
23 ASSISTANCE, PERSONNEL, INFORMATION, BOOKS, RECORDS, OTHER DOCUMENTATION
24 AND COOPERATION AS MAY BE NECESSARY TO PERFORM ITS DUTIES;
25 (B) ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER GOVERNMENT OFFICES TO
26 EFFICIENTLY CARRY OUT ITS WORK AND NOT DUPLICATE RESOURCES;
27 (C) RECEIVE AND ACT UPON COMPLAINTS OR RECOMMENDATIONS FROM THE PUBLIC
28 OR OTHER PERSONS OR ENTITIES REGARDING ANY AUTHORITY COVERED BY THIS
29 TITLE;
30 (D) INITIATE FORMAL INVESTIGATIONS IN RESPONSE TO COMPLAINTS OR
31 APPEARANCES OF NON-COMPLIANCE BY AN AUTHORITY;
32 (E) ISSUE SUBPOENAS FOR THE PURPOSES OF EFFECTUATING THE POWERS AND
33 DUTIES OF THIS ARTICLE;
34 (F) PUBLICLY WARN AND CENSURE AUTHORITIES FOR NON-COMPLIANCE WITH THIS
35 TITLE, AND TO ESTABLISH GUIDELINES FOR SUCH ACTIONS;
36 (G) RECOMMEND TO THE ENTITY THAT APPOINTED THE OFFICER OR DIRECTOR
37 SUSPENSION OR DISMISSAL OF OFFICERS OR DIRECTORS;
38 (H) REPORT CRIMINAL ACTIVITIES TO THE ATTORNEY GENERAL AND OTHER
39 PROSECUTORIAL AGENCIES;
40 (I) COMPEL ANY AUTHORITY WHICH IS DEEMED TO BE IN NON-COMPLIANCE WITH
41 THIS TITLE AND TITLE ONE OF THIS ARTICLE OR ARTICLE NINE OF THIS CHAPTER
42 TO SUBMIT TO THE OFFICE OF AUTHORITIES OVERSIGHT A DETAILED EXPLANATION
43 OF SUCH FAILURE TO COMPLY, PROVIDED THAT WITH SUBMISSION OF SUCH
44 DETAILED EXPLANATION, THE AUTHORITY SHALL BE CONSIDERED IN COMPLIANCE
45 WITH THIS TITLE UNLESS AND UNTIL NOTIFIED OTHERWISE BY THE OFFICE OF
46 AUTHORITIES OVERSIGHT; AND
47 (J) COMMENCE A SPECIAL PROCEEDING IN SUPREME COURT, WHEN IT DOES NOT
48 RECEIVE FROM A STATE OR LOCAL AUTHORITY UPON REQUEST INFORMATION, BOOKS,
49 RECORDS OR OTHER DOCUMENTATION NECESSARY TO PERFORM ITS DUTIES, SEEKING
50 AN ORDER DIRECTING THE PRODUCTION OF THE SAME.
51 3. THE REPORTS AND NON-PROPRIETARY INFORMATION RECEIVED BY AND
52 PREPARED BY THE OFFICE OF AUTHORITIES OVERSIGHT SHALL BE MADE AVAILABLE
53 TO THE PUBLIC, TO THE EXTENT PRACTICABLE, THROUGH THE INTERNET.
54 S 7. REPORTS OF THE OFFICE OF AUTHORITIES OVERSIGHT. ON JULY FIRST,
55 TWO THOUSAND TEN AND ANNUALLY THEREAFTER THE OFFICE OF AUTHORITIES OVER-
56 SIGHT SHALL ISSUE REPORTS ON ITS FINDINGS AND ANALYSES TO THE GOVERNOR,

1 THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE,
2 THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS
3 COMMITTEE, THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE STANDING
4 COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS, THE CHAIR AND
5 RANKING MINORITY MEMBER OF THE ASSEMBLY STANDING COMMITTEE ON CORPO-
6 RATIONS, AUTHORITIES AND COMMISSIONS, THE STATE COMPTROLLER AND THE
7 ATTORNEY GENERAL, WITH CONCLUSIONS AND OPINIONS CONCERNING THE PERFORM-
8 ANCE OF PUBLIC AUTHORITIES AND TO STUDY, REVIEW AND REPORT ON THE OPER-
9 ATIONS, PRACTICES AND FINANCES OF STATE AND LOCAL AUTHORITIES AS DEFINED
10 BY SECTION TWO OF THIS ARTICLE.

11 S 5. Subdivisions 1 and 2 of section 2800 of the public authorities
12 law, subdivision 1 as amended and subdivision 2 as added by chapter 766
13 of the laws of 2005, are amended to read as follows:

14 1. State authorities. (a) For the purpose of furnishing the state with
15 systematic information regarding the status and the activities of public
16 authorities, every state authority continued or created by this chapter
17 or any other chapter of the laws of the state of New York shall submit
18 to the governor, the chairman and ranking minority member of the senate
19 finance committee, the chairman and ranking minority member of the
20 assembly ways and means committee [and], the state comptroller, AND THE
21 OFFICE OF AUTHORITIES OVERSIGHT, within ninety days after the end of its
22 fiscal year, a complete and detailed report or reports setting forth:
23 (1) its operations and accomplishments; (2) its [receipts and disburse-
24 ments, or revenues and expenses, during such fiscal year in accordance
25 with the categories or classifications established by such authority for
26 its own operating and capital outlay purposes] FINANCIAL REPORTS,
27 INCLUDING (I) AUDITED FINANCIALS IN ACCORDANCE WITH ALL APPLICABLE REGU-
28 LATIONS AND FOLLOWING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS
29 DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE STATE FINANCE LAW, (II)
30 GRANT AND SUBSIDY PROGRAMS, (III) OPERATING AND FINANCIAL RISKS, (IV)
31 CURRENT RATINGS, IF ANY, OF ITS BONDS ISSUED BY RECOGNIZED MUNICIPAL
32 BOND RATING AGENCIES AND NOTICE OF CHANGES IN SUCH RATINGS, AND (V)
33 LONG-TERM LIABILITIES, INCLUDING LEASES AND EMPLOYEE BENEFIT PLANS; (3)
34 [its assets and liabilities at the end of its fiscal year including the
35 status of reserve, depreciation, special or other funds and including
36 the receipts and payments of these funds] ITS MISSION STATEMENT AND
37 MEASUREMENTS INCLUDING ITS MOST RECENT MEASUREMENT REPORT; (4) a sched-
38 ule of its bonds and notes outstanding at the end of its fiscal year,
39 together with a statement of the amounts redeemed and incurred during
40 such fiscal year as part of a schedule of debt issuance that includes
41 the date of issuance, term, amount, interest rate and means of repay-
42 ment. Additionally, the debt schedule shall also include all refi-
43 nancings, calls, refundings, defeasements and interest rate exchange or
44 other such agreements, and for any debt issued during the reporting
45 year, the schedule shall also include a detailed list of costs of issu-
46 ance for such debt; (5) a compensation schedule, IN ADDITION TO THE
47 REPORT DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED SIX OF THIS TITLE, that
48 shall include, by position, title and name of the person holding such
49 position or title, the salary, compensation, allowance and/or benefits
50 provided to any officer, director or employee in a decision making or
51 managerial position of such authority whose salary is in excess of one
52 hundred thousand dollars; (5-A) BIOGRAPHICAL INFORMATION, NOT INCLUDING
53 CONFIDENTIAL PERSONAL INFORMATION, FOR ALL DIRECTORS AND OFFICERS AND
54 EMPLOYEES FOR WHOM SALARY REPORTING IS REQUIRED UNDER SUBPARAGRAPH FIVE
55 OF THIS PARAGRAPH; (6) the projects undertaken by such authority during
56 the past year; (7) a listing AND DESCRIPTION, IN ADDITION TO THE REPORT

1 REQUIRED BY PARAGRAPH A OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT
2 HUNDRED NINETY-SIX OF THIS ARTICLE of [(i)] all real property of such
3 authority having an estimated fair market value in excess of fifteen
4 thousand dollars that the authority [intends to dispose of; (ii) all
5 such property held by the authority at the end of the period covered by
6 the report; and (iii) all such property disposed] ACQUIRES OR DISPOSES
7 of during such period. The report shall contain [an estimate of fair
8 market value for all such property held by the authority at the end of
9 the period and] the price received OR PAID by the authority and the name
10 of the purchaser OR SELLER for all such property sold OR BOUGHT by the
11 authority during such period; (8) such authority's code of ethics; [and]
12 (9) an assessment of the effectiveness of its internal control structure
13 and procedures; (10) A COPY OF THE LEGISLATION THAT FORMS THE STATUTORY
14 BASIS OF THE AUTHORITY; (11) A DESCRIPTION OF THE AUTHORITY AND ITS
15 BOARD STRUCTURE, INCLUDING (I) NAMES OF COMMITTEES AND COMMITTEE
16 MEMBERS, (II) LISTS OF BOARD MEETINGS AND ATTENDANCE, (III) DESCRIPTIONS
17 OF MAJOR AUTHORITY UNITS, SUBSIDIARIES, AND (IV) NUMBER OF EMPLOYEES;
18 (12) ITS CHARTER, IF ANY, AND BY-LAWS; (13) A LISTING OF MATERIAL CHANG-
19 ES IN OPERATIONS AND PROGRAMS DURING THE REPORTING YEAR; (14) AT A MINI-
20 MUM A FOUR-YEAR FINANCIAL PLAN, INCLUDING (I) A CURRENT AND PROJECTED
21 CAPITAL BUDGET, AND (II) AN OPERATING BUDGET REPORT, INCLUDING AN ACTUAL
22 VERSUS ESTIMATED BUDGET, WITH AN ANALYSIS AND MEASUREMENT OF FINANCIAL
23 AND OPERATING PERFORMANCE; (15) ITS BOARD PERFORMANCE EVALUATIONS;
24 PROVIDED, HOWEVER, THAT SUCH EVALUATIONS SHALL NOT BE SUBJECT TO DISCLO-
25 SURE UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW; (16) A DESCRIPTION OF
26 THE TOTAL AMOUNTS OF ASSETS AND/OR SERVICES BOUGHT OR SOLD WITHOUT
27 COMPETITIVE BIDDING, INCLUDING (I) THE NATURE OF THOSE ASSETS AND
28 SERVICES, (II) THE NAMES OF THE COUNTERPARTIES, AND (III) WHERE THE
29 CONTRACT PRICE OR FAIR MARKET VALUE FOR GOODS PURCHASED EXCEEDS A FAIR
30 MARKET VALUE DETERMINED BY THE OFFICE OF AUTHORITIES OVERSIGHT, OR WHERE
31 THE CONTRACT PRICE FOR GOODS SOLD IS LESS THAN A FAIR MARKET VALUE, AN
32 ATTESTATION OF THE FAIR MARKET VALUE AND A DETAILED EXPLANATION EXECUTED
33 UNDER PENALTIES OF PERJURY BY THE CHIEF EXECUTIVE OFFICER AND CHIEF
34 FINANCIAL OFFICER OF THE REASONS FOR THE HIGH PRICE PURCHASE OR THE LOAN
35 PRICE SALE INCLUDING THE RELATIONSHIP, IF ANY, OF PERSONS ASSOCIATED
36 WITH THE BUYER/PURCHASER AND PERSONS ASSOCIATED WITH THE AUTHORITY
37 AND/OR THE OFFICIALS WHO APPOINTED MEMBERS TO THE AUTHORITY BOARD; AND
38 (17) A DESCRIPTION OF ANY MATERIAL PENDING LITIGATION IN WHICH THE
39 AUTHORITY IS INVOLVED AS A PARTY DURING THE REPORTING YEAR.

40 (b) [To the extent practicable, each] EACH state authority shall make
41 accessible to the public, via its official OR SHARED internet web site,
42 documentation pertaining to its mission, current activities, most recent
43 annual financial reports, current year budget and its most recent inde-
44 pendent audit report unless such information is covered by subdivision
45 two of section eighty-seven of the public officers law.

46 2. Local authorities. (a) Every local authority, continued or created
47 by this chapter or any other chapter of the laws of the state of New
48 York shall submit to the chief executive officer, the chief fiscal offi-
49 cer, the chairperson of the legislative body of the local government or
50 local governments and the [entity established pursuant to section twen-
51 ty-seven of the chapter of the laws of two thousand five which added
52 this subdivision] OFFICE OF AUTHORITIES OVERSIGHT, within ninety days
53 after the end of its fiscal year, a complete and detailed report or
54 reports setting forth: (1) its operations and accomplishments; (2) [its
55 receipts and disbursements, or revenues and expenses, during such fiscal
56 year in accordance with the categories or classifications established by

1 such authority for its own operating and capital outlay purposes] ITS
2 FINANCIAL REPORTS, INCLUDING (I) AUDITED FINANCIALS IN ACCORDANCE WITH
3 ALL APPLICABLE REGULATIONS AND FOLLOWING GENERALLY ACCEPTED ACCOUNTING
4 PRINCIPLES AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE STATE
5 FINANCE LAW, (II) GRANT AND SUBSIDY PROGRAMS, (III) OPERATING AND FINAN-
6 CIAL RISKS, (IV) CURRENT RATINGS IF ANY, OF ITS BONDS ISSUED BY RECOG-
7 NIZED MUNICIPAL BOND RATING AGENCIES AND NOTICE OF CHANGES IN SUCH
8 RATINGS, AND (V) LONG-TERM LIABILITIES, INCLUDING LEASES AND EMPLOYEE
9 BENEFIT PLANS; (3) [its assets and liabilities at the end of its fiscal
10 year including the status of reserve, depreciation, special or other
11 funds and including the receipts and payments of these funds] ITS
12 MISSION STATEMENT AND MEASUREMENTS INCLUDING ITS MOST RECENT MEASUREMENT
13 REPORT; (4) a schedule of its bonds and notes outstanding at the end of
14 its fiscal year, together with a statement of the amounts redeemed and
15 incurred during such fiscal year as part of a schedule of debt issuance
16 that includes the date of issuance, term, amount, interest rate and
17 means of repayment. Additionally, the debt schedule shall also include
18 all refinancings, calls, refundings, defeasements and interest rate
19 exchange or other such agreements, and for any debt issued during the
20 reporting year, the schedule shall also include a detailed list of costs
21 of issuance for such debt; (5) a compensation schedule IN ADDITION TO
22 THE REPORT DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED SIX OF THIS TITLE
23 that shall include, by position, title and name of the person holding
24 such position or title, the salary, compensation, allowance and/or bene-
25 fits provided to any officer, director or employee in a decision making
26 or managerial position of such authority whose salary is in excess of
27 one hundred thousand dollars; (5-A) BIOGRAPHICAL INFORMATION, NOT
28 INCLUDING CONFIDENTIAL PERSONAL INFORMATION, FOR ALL DIRECTORS AND OFFI-
29 CERS AND EMPLOYEES FOR WHOM SALARY REPORTING IS REQUIRED UNDER SUBPARA-
30 GRAPH FIVE OF THIS PARAGRAPH; (6) the projects undertaken by such
31 authority during the past year; (7) a listing AND DESCRIPTION, IN ADDI-
32 TION TO THE REPORT REQUIRED BY PARAGRAPH A OF SUBDIVISION THREE OF
33 SECTION TWENTY-EIGHT HUNDRED NINETY-SIX OF THIS ARTICLE of [(i)] all
34 real property of such authority having an estimated fair market value in
35 excess of fifteen thousand dollars that the authority [intends to
36 dispose of; (ii) all such property held by the authority at the end of
37 the period covered by the report; and (iii) all such property disposed]
38 ACQUIRES OR DISPOSES of during such period. The report shall contain [an
39 estimate of fair market value for all such property held by the authori-
40 ty at the end of the period and] the price received OR PAID by the
41 authority and the name of the purchaser OR SELLER for all such property
42 sold OR BOUGHT by the authority during such period; (8) such authority's
43 code of ethics; [and] (9) an assessment of the effectiveness of its
44 internal control structure and procedures; (10) A COPY OF THE LEGIS-
45 LATION THAT FORMS THE STATUTORY BASIS OF THE AUTHORITY; (11) A
46 DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING (I)
47 NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (II) LISTS OF BOARD MEETINGS
48 AND ATTENDANCE, (III) DESCRIPTIONS OF MAJOR AUTHORITY UNITS, SUBSID-
49 IARIES, (IV) NUMBER OF EMPLOYEES; AND (V) ORGANIZATIONAL CHART; (12) ITS
50 CHARTER, IF ANY, AND BY-LAWS; (13) A LISTING OF MATERIAL CHANGES IN
51 OPERATIONS AND PROGRAMS DURING THE REPORTING YEAR; (14) AT A MINIMUM A
52 FOUR-YEAR FINANCIAL PLAN, INCLUDING (I) A CURRENT AND PROJECTED CAPITAL
53 BUDGET, AND (II) AN OPERATING BUDGET REPORT, INCLUDING AN ACTUAL VERSUS
54 ESTIMATED BUDGET, WITH AN ANALYSIS AND MEASUREMENT OF FINANCIAL AND
55 OPERATING PERFORMANCE; (15) ITS BOARD PERFORMANCE EVALUATIONS PROVIDED,
56 HOWEVER, THAT SUCH EVALUATIONS SHALL NOT BE SUBJECT TO DISCLOSURE UNDER

1 ARTICLE SIX OF THE PUBLIC OFFICERS LAW; (16) A DESCRIPTION OF THE TOTAL
2 AMOUNTS OF ASSETS AND/OR SERVICES BOUGHT OR SOLD WITHOUT COMPETITIVE
3 BIDDING, INCLUDING (I) THE NATURE OF THOSE ASSETS AND SERVICES, (II) THE
4 NAMES OF THE COUNTERPARTIES, AND (III) WHERE THE CONTRACT PRICE OR FAIR
5 MARKET VALUE FOR GOODS PURCHASED EXCEEDS A FAIR MARKET VALUE DETERMINED
6 BY THE OFFICE OF AUTHORITIES OVERSIGHT, OR WHERE THE CONTRACT PRICE FOR
7 GOODS SOLD IS LESS THAN A FAIR MARKET VALUE, AN ATTESTATION OF THE FAIR
8 MARKET VALUE AND A DETAILED EXPLANATION EXECUTED UNDER PENALTIES OF
9 PERJURY BY THE CHIEF EXECUTIVE OFFICER AND CHIEF FINANCIAL OFFICER OF
10 THE REASONS FOR THE HIGH PRICE PURCHASE OR THE LOW PRICE SALE INCLUDING
11 THE RELATIONSHIP, IF ANY, OF PERSONS ASSOCIATED WITH THE BUYER/PURCHASER
12 AND PERSON ASSOCIATED WITH THE AUTHORITY AND/OR THE OFFICIALS WHO
13 APPOINTED MEMBERS TO THE AUTHORITY BOARD; AND (17) A DESCRIPTION OF ANY
14 MATERIAL PENDING LITIGATION IN WHICH THE AUTHORITY IS INVOLVED AS A
15 PARTY DURING THE REPORTING YEAR.

16 (b) [To the extent practicable, each] EACH local authority shall make
17 accessible to the public, via its official OR SHARED internet web site,
18 documentation pertaining to its mission, current activities, most recent
19 annual financial reports, current year budget and its most recent inde-
20 pendent audit report unless such information is covered by subdivision
21 two of section eighty-seven of the public officers law.

22 S 6. Section 2801 of the public authorities law, as amended by chapter
23 766 of the laws of 2005, is amended to read as follows:

24 S 2801. Budget reports by authorities. 1. State authorities. Every
25 state authority or commission heretofore or hereafter continued or
26 created by this chapter or any other chapter of the laws of the state of
27 New York shall submit to the governor, [chairman] THE CHAIR and ranking
28 minority member of the senate finance committee, [and chairman] THE
29 CHAIR and ranking minority member of the assembly ways and means commit-
30 tee AND THE OFFICE OF AUTHORITIES OVERSIGHT, for their information,
31 annually NOT MORE THAN ONE HUNDRED TWENTY DAYS AND not less than ninety
32 days before the commencement of its fiscal year, in the form submitted
33 to its members or trustees, budget information on operations and capital
34 construction setting forth the estimated receipts and expenditures for
35 the next fiscal year and the current fiscal year, and the actual
36 receipts and expenditures for the last completed fiscal year.

37 2. Local authorities. For the local authority fiscal year ending on or
38 after December thirty-first, two thousand seven and annually thereafter,
39 every local authority heretofore or hereafter continued or created by
40 this chapter or any other chapter of the laws of the state of New York
41 shall submit to the chief executive officer, the chief fiscal officer,
42 the chairperson of the legislative body of the local government or
43 governments and the [entity established pursuant to section twenty-seven
44 of the chapter of the laws of two thousand five which added this subdi-
45 vision,] OFFICE OF AUTHORITIES OVERSIGHT for their information, annually
46 NOT MORE THAN NINETY DAYS AND not less than sixty days before the
47 commencement of its fiscal year, in the form submitted to its members or
48 trustees, budget information on operations and capital construction
49 setting forth the estimated receipts and expenditures for the next
50 fiscal year and the current fiscal year, and the actual receipts and
51 expenditures for the last completed fiscal year.

52 3. IF ANY STATE OR LOCAL AUTHORITY HAS PROVIDED THE INFORMATION
53 REQUIRED BY THIS SECTION AS PART OF THE ANNUAL REPORT REQUIRED BY
54 SECTION TWENTY-EIGHT HUNDRED OF THIS TITLE, SUCH AUTHORITY MAY COMPLY
55 WITH THE PROVISIONS OF THIS SECTION BY REFERENCE TO SUCH INFORMATION
56 WITH ANY NECESSARY UPDATES.

1 S 7. Subdivisions 1 and 2 of section 2802 of the public authorities
2 law, subdivision 1 as amended and subdivision 2 as added by chapter 766
3 of the laws of 2005, are amended to read as follows:

4 1. State authorities. Every state authority or commission heretofore
5 or hereafter continued or created by this chapter or any other chapter
6 of the laws of the state of New York shall submit to the governor,
7 chairman and ranking minority member of the senate finance committee,
8 chairman and ranking minority member of the assembly ways and means
9 committee [and], the state comptroller, [within thirty days after
10 receipt thereof by such authority,] AND THE OFFICE OF AUTHORITIES OVER-
11 SIGHT, TOGETHER WITH THE REPORT DESCRIBED IN SECTION TWENTY-EIGHT
12 HUNDRED OF THIS TITLE, a copy of the annual independent audit report,
13 performed by a certified public accounting firm in accordance with
14 generally accepted [government] auditing standards AS DEFINED IN SUBDI-
15 VISION ELEVEN OF SECTION TWO OF THE STATE FINANCE LAW, and management
16 letter and any other external examination of the books and accounts of
17 such authority other than copies of the reports of any examinations made
18 by the state comptroller.

19 2. Local authorities. For the local authority fiscal year ending on or
20 after December thirty-first, two thousand seven and annually thereafter,
21 every local authority heretofore or hereafter continued or created by
22 this chapter or any other chapter of the laws of the state of New York
23 shall submit to the chief executive officer, the chief fiscal officer,
24 the chairperson of the legislative body of the local government or local
25 governments [and to the entity established pursuant to section twenty-
26 seven of the chapter of the laws of two thousand five which added this
27 subdivision, within thirty days after receipt thereof by such authori-
28 ty,] AND THE OFFICE OF AUTHORITIES OVERSIGHT, TOGETHER WITH THE REPORT
29 DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED OF THIS TITLE, a copy of the
30 annual independent audit report, performed by a certified public
31 accounting firm in accordance with generally accepted [government]
32 auditing standards AS DEFINED IN SUBDIVISION ELEVEN OF SECTION TWO OF
33 THE STATE FINANCE LAW, and management letter and any other external
34 examination of the books and accounts of such authority other than
35 copies of the reports of ANY examinations made by the state comptroller.

36 S 8. Section 2806 of the public authorities law, as added by chapter
37 149 of the laws of 1993, is amended to read as follows:

38 S 2806. Personnel reports by [public] STATE AND LOCAL authorities and
39 public benefit corporations. 1. Every [public] STATE AND LOCAL authority
40 and public benefit corporation shall submit to the comptroller, the
41 director of the budget [and], the chairpersons of the legislative fiscal
42 committees AND THE OFFICE OF AUTHORITIES OVERSIGHT, for their informa-
43 tion, annually, on or before the fifteenth day of January of each calen-
44 dar year, personnel information setting forth personal service schedules
45 by subsidiary, division and unit which indicate position, grade, salary
46 and title for each employee and in summary form.

47 2. IF ANY STATE OR LOCAL AUTHORITY HAS PROVIDED THE INFORMATION
48 REQUIRED BY THIS SECTION IN THE ANNUAL REPORT REQUIRED UNDER SECTION
49 TWENTY-EIGHT HUNDRED OF THIS TITLE, SUCH AUTHORITY MAY COMPLY WITH THE
50 PROVISIONS OF THIS SECTION BY REFERENCES TO SUCH INFORMATION WITH ANY
51 NECESSARY UPDATES.

52 S 9. Subdivisions 1, 4, 6 and 7 of section 2824 of the public authori-
53 ties law, as added by chapter 766 of the laws of 2005, are amended to
54 read as follows:

55 1. Board members of state and local authorities shall (a) execute
56 direct oversight of the authority's chief executive and other [senior]

1 management in the effective and ethical management of the authority; (b)
2 understand, review and monitor the implementation of fundamental finan-
3 cial and management controls and operational decisions of the authority;
4 (c) establish policies regarding the payment of salary, compensation and
5 reimbursements to, and establish rules for the time and attendance of,
6 the chief executive and [senior] management; (d) adopt a code of ethics
7 applicable to each officer, director and employee that, at a minimum,
8 includes the standards established in section seventy-four of the public
9 officers law; (e) establish written policies and procedures on personnel
10 including policies protecting employees from retaliation for disclosing
11 information concerning acts of wrongdoing, misconduct, malfeasance, or
12 other inappropriate behavior by an employee or board member of the
13 authority, investments, travel, the acquisition of real property and the
14 disposition of real and personal property and the procurement of goods
15 and services; [and] (f) adopt a defense and indemnification policy and
16 disclose such plan to any and all prospective board members; (G)
17 DISCHARGE EACH OF THEIR DUTIES AS BOARD MEMBERS, INCLUDING BUT NOT
18 LIMITED TO THOSE IMPOSED BY THIS SECTION, IN GOOD FAITH AND WITH THAT
19 DEGREE OF INDEPENDENCE, DILIGENCE, CARE AND SKILL WHICH AN ORDINARILY
20 PRUDENT PERSON WOULD EXERCISE UNDER SIMILAR CIRCUMSTANCES IN LIKE POSI-
21 TIONS, AND IN ALL WAYS CONSISTENT WITH THEIR FIDUCIARY DUTIES OF LOYALTY
22 AND DUE CARE TO THE ORGANIZATION AND OBEDIENCE TO THE AUTHORITY'S CORPO-
23 RATE PURPOSES, PROVIDED, HOWEVER, THAT ANY ACTION TAKEN BY A BOARD
24 MEMBER SERVING EX OFFICIO AFTER DISCLOSURE OF SUCH MEMBER'S CONFLICT OF
25 INTEREST BASED ON HIS OR HER PUBLIC OFFICE SHALL NOT BE EVIDENCE OF ANY
26 FAILURE TO FULFILL HIS OR HER FIDUCIARY DUTIES; (H) AT THE TIME THAT THE
27 MEMBER TAKES AND SUBSCRIBES HIS OR HER OATH OF OFFICE, OR WITHIN SIXTY
28 DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH IF THE MEMBER HAS
29 ALREADY TAKEN AND SUBSCRIBED HIS OR HER OATH OF OFFICE, EXECUTE AN
30 ACKNOWLEDGMENT, IN THE FORM PRESCRIBED BY THE OFFICE OF AUTHORITIES
31 OVERSIGHT, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE UNDER-
32 STANDS HIS OR HER ROLE, RESPONSIBILITIES, INDEPENDENCE AND FIDUCIARY
33 DUTIES IMPOSED PURSUANT TO THIS SECTION; AND (I) AT THE TIME THAT THE
34 MEMBER TAKES AND SUBSCRIBES THEIR OATH OF OFFICE, OR WITHIN SIXTY DAYS
35 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH IF THE MEMBER HAS ALREADY
36 TAKEN AND SUBSCRIBED THEIR OATH OF OFFICE, EXECUTE AN ACKNOWLEDGMENT,
37 ISSUED BY THE OFFICE OF AUTHORITIES OVERSIGHT AFTER CONSULTATION WITH
38 THE OFFICE OF THE ATTORNEY GENERAL, IN WHICH THE BOARD MEMBER ACKNOWL-
39 EDGES THAT THEY UNDERSTAND THEIR INDEPENDENCE AND FIDUCIARY DUTIES,
40 INCLUDING THEIR DUTY OF LOYALTY AND CARE TO THE ORGANIZATION AND COMMIT-
41 MENT TO THE AUTHORITY'S MISSION.

42 4. Board members of each state and local authority, or subsidiary
43 thereof, shall establish an audit committee to be comprised of NOT LESS
44 THAN THREE independent members, WHO SHALL CONSTITUTE A MAJORITY ON THE
45 COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND THE
46 DUTIES AND FUNCTIONS OF THE AUDIT COMMITTEE; PROVIDED, HOWEVER, THAT IN
47 THE EVENT THAT A BOARD HAS LESS THAN THREE INDEPENDENT MEMBERS, THE
48 BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO THE AUDIT COMMITTEE,
49 PROVIDED THAT THE INDEPENDENT MEMBERS MUST CONSTITUTE A MAJORITY OF THE
50 MEMBERS OF THE AUDIT COMMITTEE. The committee shall recommend to the
51 board the hiring of a certified independent accounting firm for such
52 authority, establish the compensation to be paid to the accounting firm
53 and provide direct oversight of the performance of the independent audit
54 performed by the accounting firm hired for such purposes.

1 6. [To the extent practicable, members] MEMBERS of the audit committee
2 [should] SHALL be familiar with corporate financial and accounting prac-
3 tices.

4 7. Board members of each state and local authority, or subsidiary
5 thereof, shall establish a governance committee to be comprised of NOT
6 LESS THAN THREE independent members, WHO SHALL CONSTITUTE A MAJORITY ON
7 THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND
8 THE DUTIES AND FUNCTIONS OF THE GOVERNANCE COMMITTEE; PROVIDED, HOWEVER,
9 THAT IN THE EVENT THAT A BOARD HAS LESS THAN THREE INDEPENDENT MEMBERS,
10 THE BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO THE GOVERNANCE COMMIT-
11 TEE, PROVIDED THAT THE INDEPENDENT MEMBERS MUST CONSTITUTE A MAJORITY OF
12 THE MEMBERS OF THE GOVERNANCE COMMITTEE. It shall be the responsibility
13 of the members of the governance committee to keep the board informed of
14 current best governance practices; to review corporate governance
15 trends; to [update] RECOMMEND UPDATES TO the authority's corporate
16 governance principles; [and] to advise appointing authorities on the
17 skills and experiences required of potential board members; TO EXAMINE
18 ETHICAL AND CONFLICT OF INTEREST ISSUES; TO PERFORM BOARD SELF-EVALUA-
19 TIONS; AND TO RECOMMEND BY-LAWS WHICH INCLUDE RULES AND PROCEDURES FOR
20 CONDUCT OF BOARD BUSINESS.

21 S 10. Section 2824 of the public authorities law is amended by adding
22 two new subdivisions 8 and 9 to read as follows:

23 8. BOARD MEMBERS OF EACH STATE AND LOCAL AUTHORITY, OR SUBSIDIARY
24 THEREOF WHICH ISSUES DEBT, SHALL ESTABLISH A FINANCE COMMITTEE TO BE
25 COMPRISED OF NOT LESS THAN THREE INDEPENDENT MEMBERS, WHO SHALL CONSTI-
26 TUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY
27 SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE COMMITTEE;
28 PROVIDED, HOWEVER, THAT IN THE EVENT THAT A BOARD HAS LESS THAN THREE
29 INDEPENDENT MEMBERS, THE BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO
30 THE FINANCE COMMITTEE, PROVIDED THAT THE INDEPENDENT MEMBERS MUST
31 CONSTITUTE A MAJORITY OF THE MEMBERS OF THE FINANCE COMMITTEE. IT SHALL
32 BE THE RESPONSIBILITY OF THE MEMBERS OF THE FINANCE COMMITTEE TO REVIEW
33 PROPOSALS FOR THE ISSUANCE OF DEBT BY THE AUTHORITY AND ITS SUBSIDIARIES
34 AND MAKE RECOMMENDATIONS.

35 9. ALL CHIEF EXECUTIVE OFFICERS OF STATE AUTHORITIES SHALL BE SUBJECT
36 TO THE ADVICE AND CONSENT OF THE SENATE.

37 S 11. The public authorities law is amended by adding a new section
38 2824-a to read as follows:

39 S 2824-A. MISSION STATEMENT AND MEASUREMENT REPORT. EACH STATE AUTHOR-
40 ITY SHALL SUBMIT TO THE OFFICE OF AUTHORITIES OVERSIGHT ON OR BEFORE
41 MARCH THIRTY-FIRST, TWO THOUSAND TEN, AND EACH LOCAL AUTHORITY SHALL
42 SUBMIT TO THE OFFICE OF AUTHORITIES OVERSIGHT ON OR BEFORE MARCH THIR-
43 TY-FIRST, TWO THOUSAND ELEVEN, A PROPOSED AUTHORITY MISSION STATEMENT
44 AND PROPOSED MEASUREMENTS. THE PROPOSED AUTHORITY MISSION STATEMENT AND
45 PROPOSED MEASUREMENTS SHALL HAVE THE FOLLOWING COMPONENTS: A BRIEF
46 MISSION STATEMENT EXPRESSING THE PURPOSE GOALS OF THE AUTHORITY; A
47 DESCRIPTION OF THE STAKEHOLDERS OF THE AUTHORITY AND THEIR REASONABLE
48 EXPECTATIONS FROM THE AUTHORITY, WHICH STAKEHOLDERS SHALL INCLUDE AT A
49 MINIMUM THE RESIDENTS AND TAXPAYERS OF THE AREA OF THE STATE SERVED BY
50 THE AUTHORITY, THE PERSONS THAT USE THE SERVICES PROVIDED BY THE AUTHOR-
51 ITY, AND THE EMPLOYEES OF THE AUTHORITY AND ANY EMPLOYEE ORGANIZATION;
52 THE GOALS OF THE AUTHORITY IN RESPONSE TO THE NEEDS OF EACH GROUP OF
53 STAKEHOLDERS; AND A LIST OF MEASUREMENTS BY WHICH PERFORMANCE OF THE
54 AUTHORITY AND THE ACHIEVEMENT OF ITS GOALS MAY BE EVALUATED. EACH
55 AUTHORITY SHALL REEXAMINE ITS MISSION STATEMENT AND MEASUREMENTS ON AN
56 ANNUAL BASIS, AND PUBLISH SELF EVALUATION BASED ON THE STATE MEASURE-

MENTS HOWEVER, SUCH REEXAMINATION MAY BE WAIVED PURSUANT TO A DETERMINATION BY THE DIRECTOR OF THE OFFICE OF AUTHORITIES OVERSIGHT THAT SUCH UNDERTAKING IS UNNECESSARY FOR AN INDIVIDUAL AUTHORITY.

S 12. Subdivision 2 of section 2825 of the public authorities law, as added by chapter 766 of the laws of 2005, is amended to read as follows:

2. Except for members who serve as members by virtue of holding a civil office of the state, the majority of the remaining members of the governing body of every state or local authority shall be independent members; provided, however, that this provision shall apply to appointments made on or after the effective date of [the] chapter SEVEN HUNDRED SIXTY-SIX of the laws of two thousand five which added this subdivision. The official or officials having the authority to appoint or remove such remaining members shall take such actions as may be necessary to satisfy this requirement. For the purposes of this section, an independent member is one who:

(a) is not, and in the past two years has not been, employed by the public authority or [an affiliate] A RELATED AUTHORITY OR PUBLIC BENEFIT CORPORATION in an executive capacity;

(b) is not, and in the past two years has not been, employed by an entity that received remuneration valued at more than fifteen thousand dollars for goods and services provided to the public authority or received any other form of financial assistance valued at more than fifteen thousand dollars from the public authority;

(c) is not a relative of an executive officer or employee in an executive position of the public authority or [an affiliate] A RELATED AUTHORITY OR PUBLIC BENEFIT CORPORATION; and

(d) is not, and in the past two years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the public authority or [an affiliate] A RELATED AUTHORITY OR PUBLIC BENEFIT CORPORATION.

S 13. The public authorities law is amended by adding a new section 2879-a to read as follows:

S 2879-A. PUBLIC AUTHORITIES CONTRACTS; LIMITATIONS. 1. PRIOR TO THEIR PUBLICATION FOR BIDS OR PROPOSALS, EACH STATE AUTHORITY SHALL SUBMIT TO THE STATE COMPTROLLER, PROPOSALS FOR CONTRACTS FOR PROCUREMENT, PUBLIC WORK, CONSTRUCTION, OR REVENUE THAT INCLUDE THE PAYMENT OF MONEY, THE EXCHANGE OF PERSONAL OR REAL PROPERTY, THE EXCHANGE OF SERVICES, OR ANY COMBINATION THEREOF, WHICH IN THE AGGREGATE MAY REASONABLY BE VALUED IN EXCESS OF ONE MILLION DOLLARS. IF THE COMPTROLLER WITHIN FORTY-FIVE DAYS OF SUCH SUBMISSION NOTIFIES THE AUTHORITY THAT, PURSUANT TO HIS OR HER AUTHORITY TO SUPERVISE THE ACCOUNTS OF PUBLIC AUTHORITIES, HE OR SHE WILL REVIEW AND APPROVE SUCH CONTRACT, SUCH CONTRACT OR AGREEMENT SHALL NOT BE A VALID ENFORCEABLE CONTRACT UNLESS SUCH CONTRACT SHALL FIRST BE APPROVED BY THE COMPTROLLER. IN THE EVENT THAT THE COMPTROLLER NOTIFIES ANY STATE AUTHORITY THAT FINAL APPROVAL SHALL BE REQUIRED AS PROVIDED BY THIS SUBDIVISION, THEN THE STATE AUTHORITY SHALL INCLUDE A PROVISION IN ALL SUCH INVITATIONS TO BID OR SOLICITATIONS FOR PROPOSALS, INFORMING THE OTHER PARTIES TO SUCH CONTRACTS THAT THE SAME ARE NOT VALID AND ENFORCEABLE WITHOUT THE COMPTROLLER'S APPROVAL.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, IF THE COMPTROLLER HAS NOT APPROVED OR DISAPPROVED ANY CONTRACT SUBJECT TO THE PROVISIONS OF SUCH SUBDIVISION WITHIN NINETY DAYS OF SUBMISSION OF SUCH CONTRACT TO HIS OR HER OFFICE, SUCH CONTRACT SHALL BE VALID AND ENFORCEABLE.

1 3. IF THE COMPTROLLER DETERMINES THAT ANY CONTRACT OR CATEGORY OF
2 CONTRACTS OF A STATE AUTHORITY, WHICH ARE NOT SUBJECT TO THE PROVISIONS
3 OF SUBDIVISION ONE OF THIS SECTION, REQUIRE DIRECT SUPERVISION IN THE
4 FORM OF PRE-APPROVAL OF SUCH CONTRACTS, AND THE COMPTROLLER SO NOTIFIES
5 SUCH STATE AUTHORITY OF SUCH DETERMINATION, THEN NO SUCH CONTRACT OR
6 AGREEMENT BY SUCH STATE AUTHORITY SELECTED FOR REVIEW BY THE COMPTROLLER
7 SHALL BE A VALID ENFORCEABLE CONTRACT UNLESS SUCH CONTRACT SHALL FIRST
8 BE APPROVED BY THE COMPTROLLER. IN THE EVENT THAT THE COMPTROLLER NOTI-
9 FIES ANY STATE AUTHORITY THAT APPROVAL SHALL BE REQUIRED AS PROVIDED BY
10 THIS SUBDIVISION, THEN THE STATE AUTHORITY SHALL INCLUDE A PROVISION IN
11 ALL SUCH CONTRACTS SELECTED FOR REVIEW, INFORMING THE OTHER PARTIES TO
12 SUCH CONTRACTS THAT THE SAME ARE NOT VALID AND ENFORCEABLE WITHOUT THE
13 COMPTROLLER'S APPROVAL.

14 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS
15 SECTION, IF THE COMPTROLLER HAS NOT APPROVED OR DISAPPROVED ANY CONTRACT
16 SUBJECT TO THE PROVISIONS OF SUCH SUBDIVISION WITHIN NINETY DAYS OF
17 SUBMISSION OF SUCH CONTRACT TO HIS OR HER OFFICE, SUCH CONTRACT SHALL BE
18 VALID AND ENFORCEABLE.

19 5. THIS SECTION SHALL NOT APPLY TO: (A) CONTRACTS ENTERED INTO FOR THE
20 ISSUANCE OF BONDED INDEBTEDNESS, EXCEPT CONTRACTS FOR PERSONAL SERVICES;
21 OR (B) CONTRACTS ENTERED INTO FOR THE PROCUREMENT OF GOODS AND/OR
22 SERVICES MADE TO MEET EMERGENCIES ARISING FROM UNFORESEEN CAUSES.

23 FOR THE PURPOSE OF THIS PARAGRAPH "EMERGENCY" SHALL MEAN AN URGENT AND
24 UNEXPECTED REQUIREMENT WHERE HEALTH AND PUBLIC SAFETY OR THE CONSERVA-
25 TION OF PUBLIC RESOURCES IS AT RISK. THE PUBLIC AUTHORITY SHALL DOCUMENT
26 IN THE PROCUREMENT RECORD, SUBJECT TO REVIEW BY THE STATE COMPTROLLER,
27 THE NATURE OF THE EMERGENCY GIVING RISE TO THE PROCUREMENT; OR (C)
28 CONTRACTS OF PURCHASE OR SALE MADE ON A RECOGNIZED MARKET FOR THE GOODS,
29 SERVICES, OR COMMODITIES IN QUESTION IN ACCORDANCE WITH STANDARD TERMS
30 AND CONDITIONS OF SALE AT A MARKET PRICE. NOTHING IN THIS SECTION SHALL
31 BE CONSTRUED TO REQUIRE ADDITIONAL OR FURTHER APPROVAL IN RELATION TO
32 COMMITMENTS, CONTRACTS, AGREEMENTS OR INDEBTEDNESS ENTERED INTO OR
33 INCURRED PRIOR TO THE EFFECTIVE DATE HEREOF.

34 6. THE PROVISIONS OF THIS SECTION DO NOT GRANT OR DIMINISH ANY POWER
35 OR RIGHT TO REVIEW CONTRACTS BEYOND OR FROM THAT WHICH THE COMPTROLLER
36 MAY HAVE PURSUANT TO HIS OR HER AUTHORITY TO SUPERVISE THE ACCOUNTS OF
37 PUBLIC AUTHORITIES. IF ANY PROVISIONS OF THIS SECTION OR ITS APPLICATION
38 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID BY A COURT OF LAST RESORT,
39 THEN THIS SECTION SHALL BE DEEMED TO BE INVALID IN ITS ENTIRETY AND
40 SHALL BE DEEMED REPEALED.

41 S 14. Subdivision 3 of section 2896 of the public authorities law, as
42 added by chapter 766 of the laws of 2005, is amended to read as follows:

43 3. a. Each public authority shall publish, not less frequently than
44 annually, a report listing all real property of the public authority.
45 Such report shall [consist of] INCLUDE a list and full description of
46 all real and personal property disposed of during such period. The
47 report shall contain the price received by the public authority and the
48 name of the purchaser for all such property sold by the public authority
49 during such period.

50 b. The public authority shall deliver copies of such report to the
51 comptroller, the director of the budget, the commissioner of general
52 services, [and] the legislature AND THE OFFICE OF AUTHORITIES OVERSIGHT.

53 S 15. Section 2975 of the public authorities law is amended by adding
54 a new subdivision 3-a to read as follows:

1 3-A. A DIRECT PORTION OF THESE FUNDS SHALL BE ALLOCATED TO FUND THE
2 OFFICE OF AUTHORITIES OVERSIGHT AS CREATED BY SECTION FOUR OF THIS CHAP-
3 TER.

4 S 16. The public authorities law is amended by adding a new section
5 2829 to read as follows:

6 S 2829. SUBSIDIARIES OF PUBLIC AUTHORITIES. 1. NOTWITHSTANDING ANY LAW
7 TO THE CONTRARY, NO STATE AUTHORITY SHALL HEREAFTER HAVE THE POWER TO
8 ORGANIZE ANY SUBSIDIARY CORPORATION UNLESS THE LEGISLATURE SHALL HAVE
9 ENACTED A LAW GRANTING SUCH STATE AUTHORITY SUCH POWER FOR THE ORGANIZA-
10 TION OF A SPECIFIC CORPORATION, PROVIDED, HOWEVER, THAT A STATE AUTHORI-
11 TY MAY ORGANIZE A SUBSIDIARY CORPORATION PURSUANT TO THE FOLLOWING
12 REQUIREMENTS:

13 (A) THE PURPOSE FOR WHICH THE SUBSIDIARY CORPORATION SHALL BE ORGAN-
14 IZED SHALL BE FOR A PROJECT OR PROJECTS WHICH THE STATE AUTHORITY HAS
15 THE POWER TO PURSUE PURSUANT TO ITS CORPORATE PURPOSES;

16 (B) THE PRIMARY REASON FOR WHICH THE SUBSIDIARY CORPORATION SHALL BE
17 ORGANIZED SHALL BE TO LIMIT THE POTENTIAL LIABILITY IMPACT OF THE
18 SUBSIDIARY'S PROJECT OR PROJECTS ON THE AUTHORITY OR BECAUSE STATE OR
19 FEDERAL LAW REQUIRES THAT THE PURPOSE OF A SUBSIDIARY BE UNDERTAKEN
20 THROUGH A SPECIFIC CORPORATE STRUCTURE; AND

21 (C) THE SUBSIDIARY CORPORATION SHALL MAKE THE REPORTS AND OTHER
22 DISCLOSURES AS ARE REQUIRED OF STATE AUTHORITIES, UNLESS THE SUBSIDIARY
23 CORPORATION'S OPERATIONS AND FINANCES ARE CONSOLIDATED WITH THOSE OF THE
24 AUTHORITY OF WHICH IT IS A SUBSIDIARY.

25 2. IN SUCH CASES WHERE A STATE AUTHORITY HAS THE POWER TO ORGANIZE A
26 SUBSIDIARY CORPORATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE
27 STATE AUTHORITY SHALL FILE, NO LESS THAN SIXTY DAYS PRIOR TO THE FORMA-
28 TION OF SUCH SUBSIDIARY, NOTICE TO THE OFFICE OF AUTHORITIES OVERSIGHT,
29 THE GOVERNOR, THE COMPTROLLER, AND THE LEGISLATURE THAT IT WILL BE
30 CREATING A SUBSIDIARY.

31 3. SUBSIDIARY CORPORATIONS FORMED UNDER SUBDIVISION ONE OF THIS
32 SECTION SHALL NOT HAVE THE AUTHORITY TO ISSUE BONDS, NOTES OR OTHER
33 DEBTS, PROVIDED, HOWEVER, THAT SUCH SUBSIDIARY CORPORATIONS MAY ISSUE
34 NOTES OR OTHER DEBT TO THE PUBLIC AUTHORITY OF WHICH IT IS A SUBSIDIARY.
35 NO SUCH DEBT ISSUED BY THE SUBSIDIARY TO ITS PARENT AUTHORITY SHALL IN
36 TOTAL EXCEED, AT ANY TIME, A PRINCIPAL AMOUNT OF FIVE HUNDRED THOUSAND
37 DOLLARS OR, DURING THE NINE MONTHS AFTER THE FORMATION OF THE SUBSID-
38 IARY, ONE MILLION DOLLARS.

39 4. THE CERTIFICATE OF INCORPORATION OR OTHER DOCUMENT FILED TO ORGAN-
40 IZE A SUBSIDIARY CORPORATION UNDER THIS SECTION SHALL STATE THAT THE
41 STATE AUTHORITY IS THE PERSON ORGANIZING THE CORPORATION.

42 5. PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED
43 TO GRANT AN AUTHORITY THE POWER TO CREATE A SUBSIDIARY WHERE THE AUTHOR-
44 ITY DOES NOT OTHERWISE HAVE THE POWER TO DO SO.

45 6. ON OR BEFORE THE FIRST DAY OF JANUARY, TWO THOUSAND TEN, AND ANNU-
46 ALLY ON SUCH DAY THEREAFTER, ANY SUBSIDIARY PUBLIC BENEFIT CORPORATION,
47 IN COOPERATION WITH ITS PARENT PUBLIC BENEFIT CORPORATION, SHALL PROVIDE
48 TO THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE
49 AND THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS
50 COMMITTEE, A REPORT ON THE SUBSIDIARY PUBLIC BENEFIT CORPORATION. SUCH
51 REPORT SHALL INCLUDE FOR EACH SUBSIDIARY:

52 (A) THE COMPLETE LEGAL NAME, ADDRESS AND CONTACT INFORMATION OF THE
53 SUBSIDIARY;

54 (B) THE STRUCTURE OF THE ORGANIZATION OF THE SUBSIDIARY, INCLUDING THE
55 NAMES AND TITLES OF EACH OF ITS MEMBERS, DIRECTORS AND OFFICERS, AS WELL
56 AS A CHART OF ITS ORGANIZATIONAL STRUCTURE;

1 (C) THE COMPLETE BYLAWS AND LEGAL ORGANIZATION PAPERS OF THE SUBSID-
2 IARY;

3 (D) A COMPLETE REPORT OF THE PURPOSE, OPERATIONS, MISSION AND PROJECTS
4 OF THE SUBSIDIARY, INCLUDING A STATEMENT OF JUSTIFICATION AS TO WHY THE
5 SUBSIDIARY IS NECESSARY TO CONTINUE ITS OPERATIONS FOR THE PUBLIC BENE-
6 FIT FOR THE PEOPLE OF THE STATE OF NEW YORK; AND

7 (E) ANY OTHER INFORMATION THE SUBSIDIARY PUBLIC BENEFIT CORPORATION
8 DEEMS IMPORTANT TO INCLUDE IN SUCH REPORT.

9 S 17. The public authorities law is amended by adding a new section
10 2856 to read as follows:

11 S 2856. CONSIDERATION OF PUBLIC AUTHORITY DEBT. ON OR BEFORE A DATE
12 FIXED BY THE OFFICE OF AUTHORITIES OVERSIGHT, EVERY AUTHORITY NOT
13 SUBJECT TO A STATUTORY LIMIT ON BONDS, NOTES, OR OTHER DEBT OBLIGATIONS
14 IT MAY ISSUE, SHALL SUBMIT TO THE OFFICE OF AUTHORITIES OVERSIGHT A
15 STATEMENT OF INTENT TO GUIDE THE AUTHORITY'S ISSUANCE AND OVERALL AMOUNT
16 OF BONDS, NOTES, OR OTHER DEBT OBLIGATIONS IT MAY ISSUE.

17 S 18. Subdivision 3 of section 2897 of the public authorities law, as
18 added by chapter 766 of the laws of 2005, is amended to read as follows:

19 3. Method of disposition. Subject to section twenty-eight hundred
20 ninety-six of this title, any public authority may dispose of property
21 for not less than the fair market value of such property by sale,
22 exchange, or transfer, for cash, credit, or other property, with or
23 without warranty, and upon such other terms and conditions as the
24 contracting officer deems proper, and it may execute such documents for
25 the transfer of title or other interest in property and take such other
26 action as it deems necessary or proper to dispose of such property under
27 the provisions of this section. Provided, however, that no disposition
28 of real property, OR any interest in real property, [or any other prop-
29 erty which because of its unique nature is not subject to fair market
30 pricing] shall be made unless an appraisal of the value of such property
31 has been made by an independent appraiser and included in the record of
32 the transaction, AND, PROVIDED FURTHER, THAT NO DISPOSITION OF ANY OTHER
33 PROPERTY, WHICH BECAUSE OF ITS UNIQUE NATURE OR THE UNIQUE CIRCUMSTANCES
34 OF THE PROPOSED TRANSACTION IS NOT READILY VALUED BY REFERENCE TO AN
35 ACTIVE MARKET FOR SIMILAR PROPERTY, SHALL BE MADE WITHOUT A SIMILAR
36 APPRAISAL.

37 S 19. Paragraphs c and d of subdivision 6 of section 2897 of the
38 public authorities law, as added by chapter 766 of the laws of 2005, are
39 amended to read as follows:

40 c. Disposals and contracts for disposal of property may be negotiated
41 or made by public auction without regard to paragraphs a and b of this
42 subdivision but subject to obtaining such competition as is feasible
43 under the circumstances, if:

44 (i) the personal property involved [is of a nature and quantity which,
45 if] HAS QUALITIES SEPARATE FROM THE UTILITARIAN PURPOSE OF SUCH PROPER-
46 TY, SUCH AS ARTISTIC QUALITY, ANTIQUITY, HISTORICAL SIGNIFICANCE, RARI-
47 TY, OR OTHER QUALITY OF SIMILAR EFFECT, THAT WOULD TEND TO INCREASE ITS
48 VALUE, OR IF THE PERSONAL PROPERTY IS TO BE SOLD IN SUCH QUANTITY THAT,
49 IF IT WERE disposed of under paragraphs a and b of this subdivision,
50 would [aversely] ADVERSELY affect the state or local market for such
51 property, and the estimated fair market value of such property and other
52 satisfactory terms of disposal can be obtained by negotiation;

53 (ii) the fair market value of the property does not exceed fifteen
54 thousand dollars;

1 (iii) bid prices after advertising therefor are not reasonable, either
2 as to all or some part of the property, or have not been independently
3 arrived at in open competition;
4 (iv) the disposal will be to the state or any political subdivision,
5 and the estimated fair market value of the property and other satisfac-
6 tory terms of disposal are obtained by negotiation; OR
7 (v) [the disposal is for an amount less than the estimated fair market
8 value of the property, the terms of such disposal are obtained by public
9 auction or negotiation, the disposal of the property is intended to
10 further the public health, safety or welfare or an economic development
11 interest of the state or a political subdivision (to include but not
12 limited to, the prevention or remediation of a substantial threat to
13 public health or safety, the creation or retention of a substantial
14 number of job opportunities, or the creation or retention of a substan-
15 tial source of revenues, or where the authority's enabling legislation
16 permits), the purpose and the terms of such disposal are documented in
17 writing and approved by resolution of the board of the public authority;
18 or
19 (vi)] such action is otherwise authorized by law.
20 d. (i) An explanatory statement shall be prepared of the circumstances
21 of each disposal by negotiation of:
22 (A) any personal property which has an estimated fair market value in
23 excess of fifteen thousand dollars;
24 (B) any real property that has an estimated fair market value in
25 excess of one hundred thousand dollars, except that any real property
26 disposed of by lease or exchange shall only be subject to clauses (C)
27 [through (E)] AND (D) of this subparagraph;
28 (C) any real property disposed of by lease [for a term of five years
29 or less], if the estimated [fair] annual rent OVER THE TERM OF THE LEASE
30 is in excess of [one hundred thousand dollars for any of such years]
31 FIFTEEN THOUSAND DOLLARS;
32 (D) [any real property disposed of by lease for a term of more than
33 five years, if the total estimated rent over the term of the lease is in
34 excess of one hundred thousand dollars; or
35 (E)] any real property or real and related personal property disposed
36 of by exchange, regardless of value, or any property any part of the
37 consideration for which is real property.
38 (ii) Each such statement shall be transmitted to the persons entitled
39 to receive copies of the report required under section twenty-eight
40 hundred ninety-six of this title not less than ninety days in advance of
41 such disposal, and a copy thereof shall be preserved in the files of the
42 public authority making such disposal.
43 S 20. Article 9 of the public authorities law is amended by adding a
44 new title 12 to read as follows:

45 TITLE 12

46 WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM

47 SECTION 2986. WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM.

48 S 2986. WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM. 1. DEFINITIONS.

49 (A) "EMPLOYEES OF STATE AND LOCAL AUTHORITIES" MEANS THOSE PERSONS
50 EMPLOYED AT STATE AND LOCAL AUTHORITIES, INCLUDING BUT NOT LIMITED TO:
51 FULL-TIME AND PART-TIME EMPLOYEES, CONTRACTORS, THOSE EMPLOYEES ON
52 PROBATION, AND TEMPORARY EMPLOYEES.

53 (B) "ATTORNEY GENERAL" SHALL MEAN THE ATTORNEY GENERAL OF THE STATE OF
54 NEW YORK.

55 (C) "WHISTLEBLOWER" SHALL MEAN ANY EMPLOYEE OF A STATE OR LOCAL
56 AUTHORITY WHO DISCLOSES INFORMATION CONCERNING ACTS OF WRONGDOING,

MISCONDUCT, MALFEASANCE, OR OTHER INAPPROPRIATE BEHAVIOR BY AN EMPLOYEE OR BOARD MEMBER OF THE AUTHORITY, INVESTMENTS, TRAVEL, THE ACQUISITION OF REAL OR PERSONAL PROPERTY AND THE DISPOSITION OF REAL OR PERSONAL PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES.

2. THE DIRECTOR OF THE OFFICE OF AUTHORITIES OVERSIGHT, AFTER CONSULTATION WITH THE ATTORNEY GENERAL, SHALL DEVELOP AND RECOMMEND TO THE LEGISLATURE A WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO (A) EVALUATING AND COMMENTING ON WHISTLEBLOWER PROGRAMS AND POLICIES BY STATE AND LOCAL AUTHORITIES PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FOUR OF THIS CHAPTER;

(B) ESTABLISHING TOLL-FREE TELEPHONE AND FACSIMILE LINES AVAILABLE TO EMPLOYEES AT STATE AND LOCAL AUTHORITIES;

(C) OFFERING ADVICE REGARDING THE EMPLOYEE'S RIGHTS UNDER APPLICABLE STATE AND FEDERAL LAWS AND ADVICE AND OPTIONS AVAILABLE TO ALL PERSONS; AND

(D) OFFERING AN OPPORTUNITY FOR EMPLOYEES OF STATE AND LOCAL AUTHORITIES TO IDENTIFY CONCERNS REGARDING ANY ISSUE AT A STATE OR LOCAL AUTHORITY.

3. ANY COMMUNICATIONS BETWEEN AN EMPLOYEE AND THE OFFICE OF AUTHORITIES OVERSIGHT PURSUANT TO THIS SECTION SHALL BE HELD STRICTLY CONFIDENTIAL BY THE OFFICE OF AUTHORITIES OVERSIGHT, UNLESS THE EMPLOYEE SPECIFICALLY WAIVES IN WRITING THE RIGHT TO CONFIDENTIALITY.

S 21. The public authorities law is amended by adding a new section 2857 to read as follows:

S 2857. ACTIONS BY AN AUTHORITY. NO STATE OR LOCAL AUTHORITY SHALL FIRE, DISCHARGE, DEMOTE, SUSPEND, THREATEN, HARASS OR DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE OF THE EMPLOYEE'S ROLE AS A WHISTLEBLOWER, INSOFAR AS THE ACTIONS TAKEN BY THE EMPLOYEE ARE LEGAL.

S 22. Article 9 of the public authorities law is amended by adding a new title 12-A to read as follows:

TITLE 12-A

PUBLIC AUTHORITIES LOBBYING CONTACTS

SECTION 2987. LOBBYING CONTACTS.

S 2987. LOBBYING CONTACTS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "LOBBYING" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION ONE-C OF THE LEGISLATIVE LAW.

(B) "LOBBYING CONTACT" SHALL MEAN ANY CONVERSATION, IN PERSON OR BY TELEPHONIC OR OTHER REMOTE MEANS, OR CORRESPONDENCE BETWEEN ANY LOBBYIST AND ANY PERSON WITHIN A STATE AUTHORITY WHO CAN MAKE OR INFLUENCE A DECISION ON ANY MATTER ON BEHALF OF THE STATE AUTHORITY, AND SHALL INCLUDE, AT A MINIMUM, ALL MEMBERS OF THE GOVERNING BOARD AND ALL OFFICERS OF THE STATE AUTHORITY.

(C) "LOBBYIST" SHALL MEAN ANY PERSON WHO CONTACTS A STATE AUTHORITY IN AN EFFORT TO OBTAIN FAVORABLE ACTION BY THE AUTHORITY ON ANY MATTER ON BEHALF OF ANOTHER PERSON.

2. EVERY STATE AUTHORITY SHALL MAINTAIN A RECORD OF ALL LOBBYING CONTACTS MADE WITH SUCH AUTHORITY.

3. EVERY MEMBER, OFFICER OR EMPLOYEE OF A STATE AUTHORITY WHO IS THE PERSON CONTACTED BY A LOBBYIST SHALL MAKE A CONTEMPORANEOUS RECORD OF SUCH CONTACT CONTAINING THE DAY AND TIME OF THE CONTACT, THE IDENTITY OF THE LOBBYIST, AND A GENERAL SUMMARY OF THE SUBSTANCE OF THE CONTACT. SUCH PERSON SHALL NOT BE REQUIRED TO MAKE A RECORD OF THE RECEIPT OF DOCUMENTARY LOBBYING CONTACTS IF THE DOCUMENT OR A COPY THEREOF IS KEPT IN A FILE RELATING TO LOBBYING CONTACTS.

1 4. EACH STATE AUTHORITY SHALL ADOPT A POLICY IMPLEMENTING THE REQUIRE-
2 MENTS OF THIS SECTION. SUCH POLICY SHALL APPOINT AN OFFICER TO WHOM ALL
3 SUCH RECORDS SHALL BE DELIVERED. SUCH OFFICER SHALL MAINTAIN SUCH
4 RECORDS FOR NOT LESS THAN SEVEN YEARS IN A FILING SYSTEM DESIGNED TO
5 ORGANIZE SUCH RECORDS IN A MANNER SO AS TO MAKE SUCH RECORDS USEFUL TO
6 DETERMINE WHETHER THE DECISIONS OF THE AUTHORITY WERE INFLUENCED BY
7 LOBBYING CONTACTS.
8 S 23. Severability. If any provision of this act or its application to
9 any person or circumstance is held invalid, this invalidity does not
10 affect other provisions or applications of this act that can be given
11 effect without the invalid provision or application, and to this end the
12 provisions of this act are declared to be severable.
13 S 24. This act shall take effect on the sixtieth day after it shall
14 have become a law.