

3806

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I N S E N A T E

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Introduced by Sens. FLANAGAN, ALESI, DeFRANCISCO, HANNON, LARKIN, LAVALLE, LITTLE, MORAHAN, PADAVAN, WINNER -- 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, the general municipal law and the racing, pari-mutuel wagering and breeding law, in relation to points of clarification; to amend the public authorities law, in relation to prohibiting the formation of a subsidiary of a public authority without prior permission of the legislature and repealing certain provisions of the public authorities law and the public authorities accountability act of 2005 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2 REPEALED and a new subdivision 4 is added to read as follows: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. "AUTHORITY BUDGET OFFICE" SHALL MEAN THE ENTITY ESTABLISHED PURSU-
4 ANT 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] AUTHORITY BUDGET
11 OFFICE as being inactive for the past twelve months, having an identical
12 board of its parent corporation, or not having separate and independent
13 operational control. Provided, however, the parent corporation, in
14 response to any request, shall address any provision or provisions of
15 this chapter.
16 S 3. The public authorities law is amended by adding a new section 3
17 to read as follows:

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

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1 S 3. FISCAL YEAR. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRA-
2 RY, EFFECTIVE JULY FIRST, TWO THOUSAND ELEVEN, AND EACH YEAR THEREAFTER,
3 THE FISCAL YEAR OF ALL STATE AUTHORITIES AND LOCAL AUTHORITIES SHALL
4 COMMENCE ON THE FIRST DAY OF JULY, PROVIDED, HOWEVER, THAT ANY STATE OR
5 LOCAL AUTHORITY THAT SHALL NOTIFY THE AUTHORITY BUDGET OFFICE PRIOR TO
6 JULY FIRST, TWO THOUSAND ELEVEN, THAT THERE EXIST GOOD REASONS WHY SUCH
7 AUTHORITY SHOULD NOT CHANGE ITS FISCAL YEAR, SHALL NOT BE REQUIRED TO
8 COMPLY WITH THIS SECTION. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOU-
9 SAND ELEVEN, THE AUTHORITY BUDGET OFFICE SHALL SUBMIT TO THE GOVERNOR,
10 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A
11 REPORT LISTING EACH STATE AND LOCAL AUTHORITY THAT HAS SO NOTIFIED THE
12 AUTHORITY BUDGET OFFICE TOGETHER WITH AN EVALUATION OF THE REASONS STAT-
13 ED IN SUCH NOTIFICATION AND A RECOMMENDATION AS TO WHETHER EACH SUCH
14 AUTHORITY SHOULD BE ALLOWED TO CONTINUE WITH ITS CURRENT FISCAL YEAR OR
15 BE REQUIRED BY FURTHER ACT OF THE LEGISLATURE TO CHANGE THE COMMENCEMENT
16 OF ITS FISCAL YEAR TO JULY FIRST. SUCH REPORT SHALL ALSO LIST EACH
17 SECTION OF LAW THAT ESTABLISHES A FISCAL YEAR FOR ANY STATE OR LOCAL
18 AUTHORITY THAT DOES NOT COMMENCE ON JULY FIRST.

19 S 4. Section 1299-uu of the public authorities law, as added by chap-
20 ter 1124 of the laws of 1969, is amended to read as follows:

21 S 1299-uu. Fiscal year. The fiscal year of the authority shall begin
22 on the first day of April. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL
23 FIRST, TWO THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY
24 SECTION THREE OF THIS CHAPTER.

25 S 5. Section 1320 of the public authorities law, as added by chapter
26 460 of the laws of 1970, is amended to read as follows:

27 S 1320. Fiscal year. The fiscal year of the authority shall begin on
28 the first day of April. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL
29 FIRST, TWO THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY
30 SECTION THREE OF THIS CHAPTER.

31 S 6. Section 1345 of the public authorities law, as added by chapter
32 714 of the laws of 1970, is amended to read as follows:

33 S 1345. Fiscal year. The fiscal year of the authority shall begin on
34 the first day of April. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL
35 FIRST, TWO THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY
36 SECTION THREE OF THIS CHAPTER.

37 S 7. Section 27 of chapter 766 of the laws of 2005, constituting the
38 public authorities accountability act of 2005, is REPEALED.

39 S 8. Sections 1, 2 and 3 of article 1 of the public authorities law
40 are designated title 1 and a new title heading is added to read as
41 follows:

42 SHORT TITLE; DEFINITIONS; FISCAL YEAR

43 S 9. Article 1 of the public authorities law is amended by adding a
44 new title 2 to read as follows:

45 TITLE 2

46 AUTHORITY BUDGET OFFICE

47 SECTION 4. ESTABLISHMENT OF THE AUTHORITY BUDGET OFFICE.

48 5. DIRECTOR OF THE AUTHORITY BUDGET OFFICE.

49 6. POWERS AND DUTIES OF THE AUTHORITY BUDGET OFFICE.

50 7. REPORTS OF THE AUTHORITY BUDGET OFFICE.

51 S 4. ESTABLISHMENT OF THE AUTHORITY BUDGET OFFICE. THERE SHALL BE AN
52 AUTHORITIES BUDGET OFFICE WHICH SHALL HAVE AND EXERCISE THE POWERS AND
53 DUTIES PROVIDED BY THIS TITLE. THE AUTHORITY BUDGET OFFICE SHALL NOT BE
54 A UNIT OF THE EXECUTIVE DEPARTMENT OR ANY OF ITS COMPONENTS, INCLUDING
55 BUT NOT LIMITED TO THE DIVISION OF THE BUDGET. THE HEAD OF THE AUTHORI-
56 TY BUDGET OFFICE SHALL BE THE DIRECTOR OF THE AUTHORITY BUDGET OFFICE,

1 WHO SHALL BE CHOSEN IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN
2 SECTION FIVE OF THIS TITLE.

3 S 5. DIRECTOR OF THE AUTHORITY BUDGET OFFICE. THE DIRECTOR OF THE
4 AUTHORITY BUDGET OFFICE SHALL BE APPOINTED FOR A TERM THAT SHALL BEGIN
5 ON THE DATE OF APPOINTMENT, AND SHALL END ON THE THIRTY-FIRST OF MARCH
6 OF THE FIFTH CALENDAR YEAR BEGINNING AFTER THE EFFECTIVE DATE OF THIS
7 TITLE. ALL SUBSEQUENT DIRECTORS SHALL BE APPOINTED FOR A FIVE YEAR TERM.
8 THE DIRECTOR OF THE AUTHORITY BUDGET OFFICE SHALL BE APPOINTED BY A
9 SPECIAL COMMITTEE CONVENED FOR THIS PURPOSE. SUCH COMMITTEE SHALL
10 CONSIST OF THE GOVERNOR, THE COMPTROLLER, THE ATTORNEY GENERAL, THE
11 TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY AND
12 SHALL ACT BY UNANIMOUS VOTE WITHIN FORTY-FIVE DAYS AFTER THE OFFICE
13 BECOMES VACANT. IN THE EVENT THAT A VACANCY SHALL OCCUR FOR ANY REASON
14 DURING ANY FIVE YEAR TERM, THE VACANCY SHALL BE FILLED AS PRESCRIBED IN
15 THIS SECTION FOR THE REMAINDER OF THE UNCOMPLETED TERM, PROVIDED, HOWEV-
16 ER, THAT IF THE UNCOMPLETED TERM IS LESS THAN TWO YEARS, THE COMMITTEE
17 MAY RECOMMEND THAT THE NEW DIRECTOR SERVE A FULL FIVE YEAR TERM. THE
18 SALARY OF THE DIRECTOR SHALL BE ESTABLISHED BY THE COMMITTEE WITHIN THE
19 LIMIT OF FUNDS AVAILABLE THEREFOR; PROVIDED, HOWEVER, SUCH SALARY SHALL
20 BE NO LESS THAN THE SALARIES OF CERTAIN STATE OFFICERS HOLDING THE POSI-
21 TIONS INDICATED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE
22 HUNDRED SIXTY-NINE OF THE EXECUTIVE LAW. THE OFFICE OF GENERAL SERVICES
23 SHALL ARRANGE FOR SUITABLE OFFICE SPACE, EQUIPMENT AND RESOURCES. EACH
24 PUBLIC AUTHORITY SUBJECT TO THE DIRECTOR SHALL PROVIDE SUITABLE OFFICE
25 SPACE, EQUIPMENT AND RESOURCES FOR EMPLOYEES OF THE DIRECTOR ASSIGNED TO
26 SUCH PUBLIC AUTHORITY ON A FULL-TIME OR PART-TIME BASIS. THE DIRECTOR
27 MAY BE REMOVED BY THE COMMITTEE BUT ONLY AFTER NOTICE AND OPPORTUNITY
28 FOR HEARING, AND ONLY FOR: (A) PERMANENT DISABILITY; (B) INEFFICIENCY;
29 (C) NEGLECT OF DUTY; (D) MALFEASANCE; OR (E) A FELONY OR CONDUCT INVOLV-
30 ING MORAL TURPITUDE.

31 S 6. POWERS AND DUTIES OF THE AUTHORITY BUDGET OFFICE. 1. THE
32 AUTHORITY BUDGET OFFICE SHALL (A) CONDUCT REVIEWS AND ANALYSIS OF THE
33 OPERATIONS, PRACTICES AND REPORTS OF STATE AND LOCAL AUTHORITIES TO
34 ASSESS COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND OTHER APPLICA-
35 BLE PROVISIONS OF LAW, (B) MAINTAIN A COMPREHENSIVE INVENTORY OF STATE
36 AND LOCAL AUTHORITIES AND SUBSIDIARIES AND THE ANNUAL REPORTS OF SUCH
37 STATE AND LOCAL AUTHORITIES AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED
38 OF THIS CHAPTER, (C) ASSIST STATE AND LOCAL AUTHORITIES IN IMPROVING
39 MANAGEMENT PRACTICES AND THE PROCEDURES BY WHICH THE ACTIVITIES AND
40 FINANCIAL PRACTICES OF STATE AND LOCAL AUTHORITIES ARE DISCLOSED TO THE
41 PUBLIC, (D) MAKE RECOMMENDATIONS TO THE GOVERNOR, THE TEMPORARY PRESI-
42 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS AND RANK-
43 ING MINORITY MEMBERS OF THE FOLLOWING COMMITTEES: THE SENATE FINANCE
44 COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE SENATE COMMITTEE
45 ON CORPORATIONS, AUTHORITIES AND COMMISSIONS AND THE ASSEMBLY COMMITTEE
46 ON CORPORATIONS, AUTHORITIES AND COMMISSIONS AND AUTHORITY BOARD MEMBERS
47 CONCERNING OPPORTUNITIES TO IMPROVE THE PERFORMANCE, REPORTING, REFORMA-
48 TION, STRUCTURE AND OVERSIGHT OF STATE AND LOCAL AUTHORITIES, (E)
49 PROVIDE SUCH ADDITIONAL INFORMATION AND ANALYSIS AS MAY BE REASONABLY
50 REQUESTED BY THE LEGISLATURE AND STATE COMPTROLLER, (F) PROMULGATE REGU-
51 LATIONS TO EFFECTUATE THE PURPOSES OF THIS TITLE AND TITLE ONE OF THIS
52 ARTICLE, AND ARTICLE NINE OF THIS CHAPTER, (G) DEVELOP BEST PRACTICES
53 FOR THE SCREENING OF PROPOSED DIRECTORS, (H) DEVELOP AND ISSUE, AFTER
54 CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, A WRITTEN ACKNOWL-
55 EDGEMENT THAT A BOARD MEMBER MUST EXECUTE AT THE TIME THAT THE MEMBER
56 TAKES AND SUBSCRIBES THEIR OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER

1 THE EFFECTIVE DATE OF THIS PROVISION IF THE MEMBER HAS ALREADY TAKEN AND
2 SUBSCRIBED THEIR OATH OF OFFICE, IN WHICH THE BOARD MEMBER ACKNOWLEDGES
3 THAT THEY UNDERSTAND THEIR INDEPENDENCE AND FIDUCIARY DUTIES, INCLUDING
4 THEIR DUTY OF LOYALTY AND CARE TO THE ORGANIZATION AND COMMITMENT TO THE
5 AUTHORITY'S MISSION, (I) DEVELOP MEANS OF ENFORCING THOSE FIDUCIARY
6 DUTIES, (J) DEVELOP A COMPREHENSIVE DEFINITION OF PUBLIC AUTHORITIES
7 INCLUDING A CONSOLIDATED LISTING BY CLASS AND NAME, (K) VERIFY THE
8 EXISTENCE OF ALL AUTHORITIES LISTED IN STATE LAW, (L) REVIEW THE POTEN-
9 TIAL FOR CONSOLIDATION OR NAME CHANGE OF CERTAIN AUTHORITIES, (M) STAND-
10 ARDIZE CONTENT AND FORMAT OF STATE AND LOCAL AUTHORITY ANNUAL REPORTS,
11 (N) ASSESS INDIVIDUAL AUTHORITIES AND BASED UPON THEIR ABILITY AND
12 RESOURCES, SET A DATE BY WHICH CHANGES MADE PURSUANT TO THIS TITLE SHALL
13 BE IMPLEMENTED, (O) ISSUE RECOMMENDATIONS TO THE LEGISLATURE AND GOVER-
14 NOR ON SETTING DEBT LIMITATIONS FOR AUTHORITIES WITHOUT STATUTORILY
15 REQUIRED DEBT LIMITS, AND (P) RECOMMEND TO THE LEGISLATURE AND GOVERNOR
16 A COMPENSATION PLAN FOR BOARDS OF DIRECTORS.

17 2. THE AUTHORITY BUDGET OFFICE SHALL HAVE THE AUTHORITY TO: (A)
18 REQUEST AND RECEIVE FROM ANY STATE OR LOCAL AUTHORITY, AGENCY, DEPART-
19 MENT OR DIVISION OF THE STATE OR POLITICAL SUBDIVISION SUCH ASSISTANCE,
20 PERSONNEL, INFORMATION, BOOKS, RECORDS, OTHER DOCUMENTATION AND COOPER-
21 ATION AS MAY BE NECESSARY TO PERFORM ITS DUTIES, (B) ENTER INTO COOPER-
22 ATIVE AGREEMENTS WITH OTHER GOVERNMENT OFFICES TO EFFICIENTLY CARRY OUT
23 ITS WORK AND NOT DUPLICATE RESOURCES, (C) RECEIVE AND ACT UPON
24 COMPLAINTS OR RECOMMENDATIONS FROM THE PUBLIC OR OTHER PERSONS OR ENTI-
25 TIES REGARDING ANY AUTHORITY COVERED BY THIS TITLE, (D) INITIATE FORMAL
26 INVESTIGATIONS IN RESPONSE TO COMPLAINTS OR APPEARANCES OF NON-COMPLI-
27 ANCE BY AN AUTHORITY, (E) ISSUE SUBPOENAS FOR THE PURPOSES OF EFFECTUAT-
28 ING THE POWERS AND DUTIES OF THIS SECTION, (F) PUBLICLY WARN AND CENSURE
29 AUTHORITIES FOR NON-COMPLIANCE WITH THIS TITLE, AND TO ESTABLISH GUIDE-
30 LINES FOR SUCH ACTIONS, (G) RECOMMEND TO THE GOVERNOR AND THE LEGISLA-
31 TURE SUSPENSION OR DISMISSAL OF OFFICERS OR DIRECTORS, (H) REPORT CRIMI-
32 NAL ACTIVITIES TO THE ATTORNEY GENERAL AND OTHER PROSECUTORIAL AGENCIES,
33 AND (I) COMPEL ANY AUTHORITY WHICH IS DEEMED TO BE IN NON-COMPLIANCE
34 WITH THIS TITLE AND TITLE ONE OF THIS ARTICLE OR ARTICLE NINE OF THIS
35 CHAPTER TO SUBMIT TO THE AUTHORITY BUDGET OFFICE A DETAILED EXPLANATION
36 OF SUCH FAILURE TO COMPLY, PROVIDED THAT WITH SUBMISSION OF SUCH
37 DETAILED EXPLANATION, THE AUTHORITY SHALL BE CONSIDERED IN COMPLIANCE
38 WITH THIS TITLE UNLESS AND UNTIL NOTIFIED OTHERWISE BY THE AUTHORITY
39 BUDGET OFFICE.

40 3. THE REPORTS AND NON-PROPRIETARY INFORMATION RECEIVED BY AND
41 PREPARED BY THE AUTHORITY BUDGET OFFICE SHALL BE MADE AVAILABLE TO THE
42 PUBLIC, TO THE EXTENT PRACTICABLE, THROUGH THE INTERNET.

43 S 7. REPORTS OF THE AUTHORITY BUDGET OFFICE. ON JULY FIRST, TWO THOU-
44 SAND ELEVEN AND ANNUALLY THEREAFTER THE AUTHORITY BUDGET OFFICE SHALL
45 ISSUE REPORTS ON ITS FINDINGS AND ANALYSES TO THE GOVERNOR, THE CHAIR
46 AND RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIR
47 AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE,
48 THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE STANDING COMMITTEE
49 ON CORPORATIONS, AUTHORITIES AND COMMISSIONS, THE CHAIR AND RANKING
50 MINORITY MEMBER OF THE ASSEMBLY STANDING COMMITTEE ON CORPORATIONS,
51 AUTHORITIES AND COMMISSIONS, THE STATE COMPTROLLER AND THE ATTORNEY
52 GENERAL, WITH CONCLUSIONS AND OPINIONS CONCERNING THE PERFORMANCE OF
53 PUBLIC AUTHORITIES AND TO STUDY, REVIEW AND REPORT ON THE OPERATIONS,
54 PRACTICES AND FINANCES OF STATE AND LOCAL AUTHORITIES AS DEFINED BY
55 SECTION TWO OF THIS ARTICLE.

1 S 10. Subdivisions 1 and 2 of section 2800 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. (a) For the purpose of furnishing the state with
5 systematic information regarding the status and the activities of public
6 authorities, every state authority continued or created by this chapter
7 or any other chapter of the laws of the state of New York shall submit
8 to the governor, the chairman and ranking minority member of the senate
9 finance committee, the chairman and ranking minority member of the
10 assembly ways and means committee [and], the state comptroller, AND THE
11 AUTHORITY BUDGET OFFICE, within ninety days after the end of its fiscal
12 year, a complete and detailed report or reports setting forth: (1) its
13 operations and accomplishments; (2) its [receipts and disbursements, or
14 revenues and expenses, during such fiscal year in accordance with the
15 categories or classifications established by such authority for its own
16 operating and capital outlay purposes] FINANCIAL REPORTS, INCLUDING (I)
17 AUDITED FINANCIALS IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND
18 FOLLOWING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS DEFINED IN SUBDI-
19 VISION TEN OF SECTION TWO OF THE STATE FINANCE LAW, (II) GRANT AND
20 SUBSIDY PROGRAMS, (III) OPERATING AND FINANCIAL RISKS, (IV) CURRENT
21 RATINGS, IF ANY, OF ITS BONDS ISSUED BY RECOGNIZED MUNICIPAL BOND RATING
22 AGENCIES AND NOTICE OF CHANGES IN SUCH RATINGS, AND (V) LONG-TERM
23 LIABILITIES, INCLUDING LEASES AND EMPLOYEE BENEFIT PLANS; (3) [its
24 assets and liabilities at the end of its fiscal year including the
25 status of reserve, depreciation, special or other funds and including
26 the receipts and payments of these funds] ITS MISSION STATEMENT AND
27 MEASUREMENTS INCLUDING ITS MOST RECENT MEASUREMENT REPORT; (4) a sched-
28 ule of its bonds and notes outstanding at the end of its fiscal year,
29 together with a statement of the amounts redeemed and incurred during
30 such fiscal year as part of a schedule of debt issuance that includes
31 the date of issuance, term, amount, interest rate and means of repay-
32 ment. Additionally, the debt schedule shall also include all refi-
33 nancings, calls, refundings, defeasements and interest rate exchange or
34 other such agreements, and for any debt issued during the reporting
35 year, the schedule shall also include a detailed list of costs of issua-
36 nce for such debt; (5) a compensation schedule, IN ADDITION TO THE
37 REPORT DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED SIX OF THIS TITLE, that
38 shall include, by position, title and name of the person holding such
39 position or title, the salary, compensation, allowance and/or benefits
40 provided to any officer, director or employee in a decision making or
41 managerial position of such authority whose salary is in excess of one
42 hundred thousand dollars; (5-A) BIOGRAPHICAL INFORMATION, NOT INCLUDING
43 CONFIDENTIAL PERSONAL INFORMATION, FOR ALL DIRECTORS AND OFFICERS AND
44 EMPLOYEES FOR WHOM SALARY REPORTING IS REQUIRED UNDER SUBPARAGRAPH FIVE
45 OF THIS PARAGRAPH; (6) the projects undertaken by such authority during
46 the past year; (7) a listing AND DESCRIPTION, IN ADDITION TO THE REPORT
47 REQUIRED BY PARAGRAPH A OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT
48 HUNDRED NINETY-SIX OF THIS ARTICLE of [(i)] all real property of such
49 authority having an estimated fair market value in excess of fifteen
50 thousand dollars that the authority [intends to dispose of; (ii) all
51 such property held by the authority at the end of the period covered by
52 the report; and (iii) all such property disposed] ACQUIRES OR DISPOSES
53 of during such period. The report shall contain [an estimate of fair
54 market value for all such property held by the authority at the end of
55 the period and] the price received OR PAID by the authority and the name
56 of the purchaser OR SELLER for all such property sold OR BOUGHT by the

1 authority during such period; (8) such authority's code of ethics; [and]
2 (9) an assessment of the effectiveness of its internal control structure
3 and procedures; (10) A COPY OF THE LEGISLATION THAT FORMS THE STATUTORY
4 BASIS OF THE AUTHORITY; (11) A DESCRIPTION OF THE AUTHORITY AND ITS
5 BOARD STRUCTURE, INCLUDING (I) NAMES OF COMMITTEES AND COMMITTEE
6 MEMBERS, (II) LISTS OF BOARD MEETINGS AND ATTENDANCE, (III) DESCRIPTIONS
7 OF MAJOR AUTHORITY UNITS, SUBSIDIARIES, AND (IV) NUMBER OF EMPLOYEES;
8 (12) ITS CHARTER, IF ANY, AND BY-LAWS; (13) A LISTING OF MATERIAL CHANG-
9 ES IN OPERATIONS AND PROGRAMS DURING THE REPORTING YEAR; (14) AT A MINI-
10 MUM A FOUR-YEAR FINANCIAL PLAN, INCLUDING (I) A CURRENT AND PROJECTED
11 CAPITAL BUDGET, AND (II) AN OPERATING BUDGET REPORT, INCLUDING AN ACTUAL
12 VERSUS ESTIMATED BUDGET, WITH AN ANALYSIS AND MEASUREMENT OF FINANCIAL
13 AND OPERATING PERFORMANCE; (15) ITS BOARD PERFORMANCE EVALUATIONS;
14 PROVIDED, HOWEVER, THAT SUCH EVALUATIONS SHALL NOT BE SUBJECT TO DISCLO-
15 SURE UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW; (16) A DESCRIPTION OF
16 THE TOTAL AMOUNTS OF ASSETS AND/OR SERVICES BOUGHT OR SOLD WITHOUT
17 COMPETITIVE BIDDING, INCLUDING (I) THE NATURE OF THOSE ASSETS AND
18 SERVICES, (II) THE NAMES OF THE COUNTERPARTIES, AND (III) WHERE THE
19 CONTRACT PRICE OR FAIR MARKET VALUE FOR GOODS PURCHASED EXCEEDS A FAIR
20 MARKET VALUE DETERMINED BY THE AUTHORITY BUDGET OFFICE, OR WHERE THE
21 CONTRACT PRICE FOR GOODS SOLD IS LESS THAN A FAIR MARKET VALUE, AN
22 ATTESTATION OF THE FAIR MARKET VALUE AND A DETAILED EXPLANATION EXECUTED
23 UNDER PENALTIES OF PERJURY BY THE CHIEF EXECUTIVE OFFICER AND CHIEF
24 FINANCIAL OFFICER OF THE REASONS FOR THE HIGH PRICE PURCHASE OR THE LOW
25 PRICE SALE INCLUDING THE RELATIONSHIP, IF ANY, OF PERSONS ASSOCIATED
26 WITH THE BUYER/PURCHASER AND PERSONS ASSOCIATED WITH THE AUTHORITY
27 AND/OR THE OFFICIALS WHO APPOINTED MEMBERS TO THE AUTHORITY BOARD; AND
28 (17) A DESCRIPTION OF ANY MATERIAL PENDING LITIGATION IN WHICH THE
29 AUTHORITY IS INVOLVED AS A PARTY DURING THE REPORTING YEAR.

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

36 2. Local authorities. (a) Every local authority, continued or created
37 by this chapter or any other chapter of the laws of the state of New
38 York shall submit to the chief executive officer, the chief fiscal offi-
39 cer, the chairperson of the legislative body of the local government or
40 local governments and the [entity established pursuant to section twen-
41 ty-seven of the chapter of the laws of two thousand five which added
42 this subdivision] AUTHORITY BUDGET OFFICE, within ninety days after the
43 end of its fiscal year, a complete and detailed report or reports
44 setting forth: (1) its operations and accomplishments; (2) [its receipts
45 and disbursements, or revenues and expenses, during such fiscal year in
46 accordance with the categories or classifications established by such
47 authority for its own operating and capital outlay purposes] ITS FINAN-
48 CIAL REPORTS, INCLUDING (I) AUDITED FINANCIALS IN ACCORDANCE WITH ALL
49 APPLICABLE REGULATIONS AND FOLLOWING GENERALLY ACCEPTED ACCOUNTING PRIN-
50 CIPLES AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE STATE FINANCE
51 LAW, (II) GRANT AND SUBSIDY PROGRAMS, (III) OPERATING AND FINANCIAL
52 RISKS, (IV) CURRENT RATINGS IF ANY, OF ITS BONDS ISSUED BY RECOGNIZED
53 MUNICIPAL BOND RATING AGENCIES AND NOTICE OF CHANGES IN SUCH RATINGS,
54 AND (V) LONG-TERM LIABILITIES, INCLUDING LEASES AND EMPLOYEE BENEFIT
55 PLANS; (3) [its assets and liabilities at the end of its fiscal year
56 including the status of reserve, depreciation, special or other funds

1 and including the receipts and payments of these funds] ITS MISSION
2 STATEMENT AND MEASUREMENTS INCLUDING ITS MOST RECENT MEASUREMENT REPORT;
3 (4) a schedule of its bonds and notes outstanding at the end of its
4 fiscal year, together with a statement of the amounts redeemed and
5 incurred during such fiscal year as part of a schedule of debt issuance
6 that includes the date of issuance, term, amount, interest rate and
7 means of repayment. Additionally, the debt schedule shall also include
8 all refinancings, calls, refundings, defeasements and interest rate
9 exchange or other such agreements, and for any debt issued during the
10 reporting year, the schedule shall also include a detailed list of costs
11 of issuance for such debt; (5) a compensation schedule IN ADDITION TO
12 THE REPORT DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED SIX OF THIS TITLE
13 that shall include, by position, title and name of the person holding
14 such position or title, the salary, compensation, allowance and/or bene-
15 fits provided to any officer, director or employee in a decision making
16 or managerial position of such authority whose salary is in excess of
17 one hundred thousand dollars; (5-A) BIOGRAPHICAL INFORMATION, NOT
18 INCLUDING CONFIDENTIAL PERSONAL INFORMATION, FOR ALL DIRECTORS AND OFFI-
19 CERS AND EMPLOYEES FOR WHOM SALARY REPORTING IS REQUIRED UNDER SUBPARA-
20 GRAPH FIVE OF THIS PARAGRAPH; (6) the projects undertaken by such
21 authority during the past year; (7) a listing AND DESCRIPTION, IN ADDI-
22 TION TO THE REPORT REQUIRED BY PARAGRAPH A OF SUBDIVISION THREE OF
23 SECTION TWENTY-EIGHT HUNDRED NINETY-SIX OF THIS ARTICLE of [(i)] all
24 real property of such authority having an estimated fair market value in
25 excess of fifteen thousand dollars that the authority [intends to
26 dispose of; (ii) all such property held by the authority at the end of
27 the period covered by the report; and (iii) all such property disposed]
28 ACQUIRES OR DISPOSES of during such period. The report shall contain [an
29 estimate of fair market value for all such property held by the authori-
30 ty at the end of the period and] the price received OR PAID by the
31 authority and the name of the purchaser OR SELLER for all such property
32 sold OR BOUGHT by the authority during such period; (8) such authority's
33 code of ethics; [and] (9) an assessment of the effectiveness of its
34 internal control structure and procedures; (10) A COPY OF THE LEGIS-
35 LATION THAT FORMS THE STATUTORY BASIS OF THE AUTHORITY; (11) A
36 DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING (I)
37 NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (II) LISTS OF BOARD MEETINGS
38 AND ATTENDANCE, (III) DESCRIPTIONS OF MAJOR AUTHORITY UNITS, SUBSID-
39 IARIES, AND (IV) NUMBER OF EMPLOYEES; (12) ITS CHARTER, IF ANY, AND
40 BY-LAWS; (13) A LISTING OF MATERIAL CHANGES IN OPERATIONS AND PROGRAMS
41 DURING THE REPORTING YEAR; (14) AT A MINIMUM A FOUR-YEAR FINANCIAL PLAN,
42 INCLUDING (I) A CURRENT AND PROJECTED CAPITAL BUDGET, AND (II) AN OPER-
43 ATING BUDGET REPORT, INCLUDING AN ACTUAL VERSUS ESTIMATED BUDGET, WITH
44 AN ANALYSIS AND MEASUREMENT OF FINANCIAL AND OPERATING PERFORMANCE; (15)
45 ITS BOARD PERFORMANCE EVALUATIONS PROVIDED, HOWEVER, THAT SUCH EVALU-
46 ATIONS SHALL NOT BE SUBJECT TO DISCLOSURE UNDER ARTICLE SIX OF THE
47 PUBLIC OFFICERS LAW; (16) A DESCRIPTION OF THE TOTAL AMOUNTS OF ASSETS
48 AND/OR SERVICES BOUGHT OR SOLD WITHOUT COMPETITIVE BIDDING, INCLUDING
49 (I) THE NATURE OF THOSE ASSETS AND SERVICES, (II) THE NAMES OF THE COUN-
50 TERPARTIES, AND (III) WHERE THE CONTRACT PRICE OR FAIR MARKET VALUE FOR
51 GOODS PURCHASED EXCEEDS A FAIR MARKET VALUE DETERMINED BY THE AUTHORITY
52 BUDGET OFFICE, OR WHERE THE CONTRACT PRICE FOR GOODS SOLD IS LESS THAN A
53 FAIR MARKET VALUE, AN ATTESTATION OF THE FAIR MARKET VALUE A DETAILED
54 EXPLANATION EXECUTED UNDER PENALTIES OF PERJURY BY THE CHIEF EXECUTIVE
55 OFFICER AND CHIEF FINANCIAL OFFICER OF THE REASONS FOR THE HIGH PRICE
56 PURCHASE OR THE LOW PRICE SALE INCLUDING THE RELATIONSHIP, IF ANY, OF

1 PERSONS ASSOCIATED WITH THE BUYER/PURCHASER AND PERSONS ASSOCIATED WITH
2 THE AUTHORITY AND/OR THE OFFICIALS WHO APPOINTED MEMBERS TO THE AUTHORI-
3 TY BOARD; AND (17) A DESCRIPTION OF ANY MATERIAL PENDING LITIGATION IN
4 WHICH THE AUTHORITY IS INVOLVED AS A PARTY DURING THE REPORTING YEAR.

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

11 S 11. Section 2801 of the public authorities law, as amended by chap-
12 ter 766 of the laws of 2005, is amended to read as follows:

13 S 2801. Budget reports by authorities. 1. State authorities. Every
14 state authority or commission heretofore or hereafter continued or
15 created by this chapter or any other chapter of the laws of the state of
16 New York shall submit to the governor, [chairman] THE CHAIR and ranking
17 minority member of the senate finance committee, [and chairman] THE
18 CHAIR and ranking minority member of the assembly ways and means commit-
19 tee AND THE AUTHORITY BUDGET OFFICE, for their information, annually NOT
20 MORE THAN ONE HUNDRED TWENTY DAYS AND not less than ninety days before
21 the commencement of its fiscal year, in the form submitted to its
22 members or trustees, budget information on operations and capital
23 construction setting forth the estimated receipts and expenditures for
24 the next fiscal year and the current fiscal year, and the actual
25 receipts and expenditures for the last completed fiscal year.

26 2. Local authorities. For the local authority fiscal year ending on or
27 after December thirty-first, two thousand seven and annually thereafter,
28 every local authority heretofore or hereafter continued or created by
29 this chapter or any other chapter of the laws of the state of New York
30 shall submit to the chief executive officer, the chief fiscal officer,
31 the chairperson of the legislative body of the local government or
32 governments and the [entity established pursuant to section twenty-seven
33 of the chapter of the laws of two thousand five which added this subdivi-
34 sion,] AUTHORITY BUDGET OFFICE for their information, annually NOT
35 MORE THAN NINETY DAYS AND not less than sixty days before the commence-
36 ment of its fiscal year, in the form submitted to its members or trus-
37 tees, budget information on operations and capital construction setting
38 forth the estimated receipts and expenditures for the next fiscal year
39 and the current fiscal year, and the actual receipts and expenditures
40 for the last completed fiscal year.

41 3. IF ANY STATE OR LOCAL AUTHORITY HAS PROVIDED THE INFORMATION
42 REQUIRED BY THIS SECTION AS PART OF THE ANNUAL REPORT REQUIRED BY
43 SECTION TWENTY-EIGHT HUNDRED OF THIS TITLE, SUCH AUTHORITY MAY COMPLY
44 WITH THE PROVISIONS OF THIS SECTION BY REFERENCE TO SUCH INFORMATION
45 WITH ANY NECESSARY UPDATES.

46 S 12. Subdivisions 1 and 2 of section 2802 of the public authorities
47 law, subdivision 1 as amended and subdivision 2 as added by chapter 766
48 of the laws of 2005, are amended to read as follows:

49 1. State authorities. Every state authority or commission heretofore
50 or hereafter continued or created by this chapter or any other chapter
51 of the laws of the state of New York shall submit to the governor,
52 chairman and ranking minority member of the senate finance committee,
53 chairman and ranking minority member of the assembly ways and means
54 committee [and], the state comptroller, [within thirty days after
55 receipt thereof by such authority,] AND THE AUTHORITY BUDGET OFFICE,
56 TOGETHER WITH THE REPORT DESCRIBED IN SECTION TWENTY-EIGHT HUNDRED OF

1 THIS TITLE, a copy of the annual independent audit report, performed by
2 a certified public accounting firm in accordance with generally accepted
3 [government] auditing standards AS DEFINED IN SUBDIVISION ELEVEN OF
4 SECTION TWO OF THE STATE FINANCE LAW, and management letter and any
5 other external examination of the books and accounts of such authority
6 other than copies of the reports of any examinations made by the state
7 comptroller.

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

25 S 13. Section 2806 of the public authorities law, as added by chapter
26 149 of the laws of 1993, is amended to read as follows:

27 S 2806. Personnel reports by [public] STATE AND LOCAL authorities and
28 public benefit corporations. 1. Every [public] STATE AND LOCAL authority
29 and public benefit corporation shall submit to the comptroller, the
30 director of the budget [and], the chairpersons of the legislative fiscal
31 committees AND THE AUTHORITY BUDGET OFFICE, for their information, annu-
32 ally, on or before the fifteenth day of January of each calendar year,
33 personnel information setting forth personal service schedules by
34 subsidiary, division and unit which indicate position, grade, salary and
35 title for each employee and in summary form.

36 2. IF ANY STATE OR LOCAL AUTHORITY HAS PROVIDED THE INFORMATION
37 REQUIRED BY THIS SECTION IN THE ANNUAL REPORT REQUIRED UNDER SECTION
38 TWENTY-EIGHT HUNDRED OF THIS TITLE, SUCH AUTHORITY MAY COMPLY WITH THE
39 PROVISIONS OF THIS SECTION BY REFERENCES TO SUCH INFORMATION WITH ANY
40 NECESSARY UPDATES.

41 S 14. Title 2 of article 9 of the public authorities law is amended by
42 adding a new section 2823 to read as follows:

43 S 2823. BOARD SIZE. ALL STATE AND LOCAL AUTHORITIES NOT SPECIFICALLY
44 IDENTIFIED IN CHAPTER SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF TWO THOU-
45 SAND FIVE WHICH HAVE A BOARD OF LESS THAN SEVEN MEMBERS, SHALL BE IDEN-
46 TIFIED BY THE AUTHORITY BUDGET OFFICE, AND SUCH OFFICE SHALL BY JULY
47 FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND THE TEMPORARY
48 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY RECOMMENDATIONS
49 AS TO LEGISLATION TO INCREASE SUCH BOARD MEMBERSHIP TO AT LEAST SEVEN
50 MEMBERS.

51 S 15. Subdivisions 1, 4, 6 and 7 of section 2824 of the public author-
52 ities law, as added by chapter 766 of the laws of 2005, are amended to
53 read as follows:

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

1 understand, review and monitor the implementation of fundamental finan-
2 cial and management controls and operational decisions of the authority;
3 (c) establish policies regarding the payment of salary, compensation and
4 reimbursements to, and establish rules for the time and attendance of,
5 the chief executive and [senior] management; (d) adopt a code of ethics
6 applicable to each officer, director and employee that, at a minimum,
7 includes the standards established in section seventy-four of the public
8 officers law; (e) establish written policies and procedures on personnel
9 including policies protecting employees from retaliation for disclosing
10 information concerning acts of wrongdoing, misconduct, malfeasance, or
11 other inappropriate behavior by an employee or board member of the
12 authority, investments, travel, the acquisition of real property and the
13 disposition of real and personal property and the procurement of goods
14 and services; [and] (f) adopt a defense and indemnification policy and
15 disclose such plan to any and all prospective board members; (G) RECOM-
16 MEND TO THE AUTHORITY BUDGET OFFICE A COMPENSATION PLAN FOR BOARD
17 MEMBERS; AND (H) AT THE TIME THAT THE MEMBER TAKES AND SUBSCRIBES THEIR
18 OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS
19 PARAGRAPH IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED THEIR OATH OF
20 OFFICE, EXECUTE AN ACKNOWLEDGEMENT, ISSUED BY THE AUTHORITY BUDGET
21 OFFICE AFTER CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL, IN
22 WHICH THE BOARD MEMBER ACKNOWLEDGES THAT THEY UNDERSTAND THEIR INDEPEND-
23 ENCE AND FIDUCIARY DUTIES, INCLUDING THEIR DUTY OF LOYALTY AND CARE TO
24 THE ORGANIZATION AND COMMITMENT TO THE AUTHORITY'S MISSION.

25 4. Board members of each state and local authority, or subsidiary
26 thereof, shall establish an audit committee to be comprised of NOT LESS
27 THAN THREE independent members, WHO SHALL CONSTITUTE A MAJORITY ON THE
28 COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND THE
29 DUTIES AND FUNCTIONS OF THE AUDIT COMMITTEE; PROVIDED, HOWEVER, THAT IN
30 THE EVENT THAT A BOARD HAS LESS THAN THREE INDEPENDENT MEMBERS, THE
31 BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO THE AUDIT COMMITTEE,
32 PROVIDED THAT THE INDEPENDENT MEMBERS MUST CONSTITUTE A MAJORITY OF THE
33 MEMBERS OF THE AUDIT COMMITTEE. The committee shall recommend to the
34 board the hiring of a certified independent accounting firm for such
35 authority, establish the compensation to be paid to the accounting firm
36 and provide direct oversight of the performance of the independent audit
37 performed by the accounting firm hired for such purposes.

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

41 7. Board members of each state and local authority, or subsidiary
42 thereof, shall establish a governance committee to be comprised of NOT
43 LESS THAN THREE independent members, WHO SHALL CONSTITUTE A MAJORITY ON
44 THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND
45 THE DUTIES AND FUNCTIONS OF THE GOVERNANCE COMMITTEE; PROVIDED, HOWEVER,
46 THAT IN THE EVENT THAT A BOARD HAS LESS THAN THREE INDEPENDENT MEMBERS,
47 THE BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO THE GOVERNANCE COMMIT-
48 TEE, PROVIDED THAT THE INDEPENDENT MEMBERS MUST CONSTITUTE A MAJORITY OF
49 THE MEMBERS OF THE GOVERNANCE COMMITTEE. It shall be the responsibility
50 of the members of the governance committee to keep the board informed of
51 current best governance practices; to review corporate governance
52 trends; to [update] RECOMMEND UPDATES TO the authority's corporate
53 governance principles; [and] to advise appointing authorities on the
54 skills and experiences required of potential board members; TO EXAMINE
55 ETHICAL AND CONFLICT OF INTEREST ISSUES; TO PERFORM BOARD SELF-EVALUA-

1 TIONS; AND TO RECOMMEND BY-LAWS WHICH INCLUDE RULES AND PROCEDURES FOR
2 CONDUCT OF BOARD BUSINESS.

3 S 16. Section 2824 of the public authorities law is amended by adding
4 a new subdivision 8 to read as follows:

5 8. BOARD MEMBERS OF EACH STATE AND LOCAL AUTHORITY, OR SUBSIDIARY
6 THEREOF WHICH ISSUES DEBT, SHALL ESTABLISH A FINANCE COMMITTEE TO BE
7 COMPRISED OF NOT LESS THAN THREE INDEPENDENT MEMBERS, WHO SHALL CONSTI-
8 TUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY
9 SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE COMMITTEE;
10 PROVIDED, HOWEVER, THAT IN THE EVENT THAT A BOARD HAS LESS THAN THREE
11 INDEPENDENT MEMBERS, THE BOARD MAY APPOINT NON-INDEPENDENT MEMBERS TO
12 THE FINANCE COMMITTEE, PROVIDED THAT THE INDEPENDENT MEMBERS MUST
13 CONSTITUTE A MAJORITY OF THE MEMBERS OF THE FINANCE COMMITTEE. IT SHALL
14 BE THE RESPONSIBILITY OF THE MEMBERS OF THE FINANCE COMMITTEE TO REVIEW
15 PROPOSALS FOR THE ISSUANCE OF DEBT BY THE AUTHORITY AND ITS SUBSIDIARIES
16 AND MAKE RECOMMENDATIONS.

17 S 17. The public authorities law is amended by adding a new section
18 2824-a to read as follows:

19 S 2824-A. MISSION STATEMENT AND MEASUREMENT REPORT. EACH STATE AUTHOR-
20 ITY SHALL SUBMIT TO THE AUTHORITIES BUDGET OFFICE ON OR BEFORE MARCH
21 THIRTY-FIRST, TWO THOUSAND ELEVEN, AND EACH LOCAL AUTHORITY SHALL SUBMIT
22 TO THE AUTHORITIES BUDGET OFFICE ON OR BEFORE MARCH THIRTY-FIRST, TWO
23 THOUSAND TWELVE, A PROPOSED AUTHORITY MISSION STATEMENT AND PROPOSED
24 MEASUREMENTS. THE PROPOSED AUTHORITY MISSION STATEMENT AND PROPOSED
25 MEASUREMENTS SHALL HAVE THE FOLLOWING COMPONENTS: A BRIEF MISSION STATE-
26 MENT EXPRESSING THE PURPOSE GOALS OF THE AUTHORITY; A DESCRIPTION OF THE
27 STAKEHOLDERS OF THE AUTHORITY AND THEIR REASONABLE EXPECTATIONS FROM THE
28 AUTHORITY, WHICH STAKEHOLDERS SHALL INCLUDE AT A MINIMUM THE RESIDENTS
29 AND TAXPAYERS OF THE AREA OF THE STATE SERVED BY THE AUTHORITY, THE
30 PERSONS THAT USE THE SERVICES PROVIDED BY THE AUTHORITY, AND THE EMPLOY-
31 EES OF THE AUTHORITY AND ANY EMPLOYEE ORGANIZATION; THE GOALS OF THE
32 AUTHORITY IN RESPONSE TO THE NEEDS OF EACH GROUP OF STAKEHOLDERS; AND A
33 LIST OF MEASUREMENTS BY WHICH PERFORMANCE OF THE AUTHORITY AND THE
34 ACHIEVEMENT OF ITS GOALS MAY BE EVALUATED. EACH AUTHORITY SHALL REEXAM-
35 INE ITS MISSION STATEMENT AND MEASUREMENTS ON AN ANNUAL BASIS, AND
36 PUBLISH A SELF EVALUATION BASED ON THE STATED MEASUREMENTS HOWEVER, SUCH
37 REEXAMINATION MAY BE WAIVED PURSUANT TO A DETERMINATION BY THE DIRECTOR
38 OF THE AUTHORITIES' BUDGET OFFICE THAT SUCH UNDERTAKING IS UNNECESSARY
39 FOR AN INDIVIDUAL AUTHORITY.

40 S 18. Section 2825 of the public authorities law, as amended by chap-
41 ter 766 of the laws of 2005, is amended to read as follows:

42 S 2825. Membership on authorities and commissions; independence; and
43 financial disclosure. Notwithstanding the provisions of any general,
44 special or local law, municipal charter or ordinance: 1. No public offi-
45 cer or employee shall be ineligible for appointment as a trustee or
46 member of the governing body of a state or local authority, as defined
47 in section two of this chapter, and any public officer or employee may
48 accept such appointment and serve as such trustee or member without
49 forfeiture of any other public office or position of public employment
50 by reason thereof.

51 2. Except for members who serve as members by virtue of holding a
52 civil office of the state, the majority of the remaining members of the
53 governing body of every state or local authority shall be independent
54 members; provided, however, that this provision shall apply to appoint-
55 ments made on or after the effective date of [the] chapter SEVEN HUNDRED
56 SIXTY-SIX of the laws of two thousand five which added this subdivision.

1 The official or officials having the authority to appoint or remove such
2 remaining members shall take such actions as may be necessary to satisfy
3 this requirement. For the purposes of this section, an independent
4 member is one who:

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

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

13 (c) is not a relative of an executive officer or employee in an execu-
14 tive position of the public authority or [an affiliate] A RELATED
15 AUTHORITY OR CORPORATION; and

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

21 3. Notwithstanding any other provision of any general, special or
22 local law, municipal charter or ordinance to the contrary, board
23 members, officers, and employees of a state authority shall file annual
24 financial disclosure statements as required by section seventy-three-a
25 of the public officers law. Board members, officers, and employees of a
26 local public authority shall file annual financial disclosure statements
27 with the county board of ethics for the county in which the local public
28 authority has its primary office pursuant to article eighteen of the
29 general municipal law.

30 S 19. Section 2826 of the public authorities law, as added by chapter
31 429 of the laws of 1958 and as renumbered by chapter 838 of the laws of
32 1983, is amended to read as follows:

33 S 2826. Quorums and majorities. [Notwithstanding any other provision
34 of this chapter and notwithstanding any provision of any general,
35 special or local law] EXCEPT AS OTHERWISE PROVIDED BY LAW APPLICABLE TO
36 A SPECIFIC AUTHORITY, whenever the whole number of the board of any
37 STATE OR LOCAL authority or commission heretofore or hereafter continued
38 or created by this chapter is [three] FIVE or more persons, a majority
39 of the whole number of the members of such board, at a meeting duly held
40 at a time fixed by law, or by any by-law duly adopted by such board, or
41 at any duly adjourned meeting of such meeting or at any meeting duly
42 held upon reasonable notice to all of the members of such board, shall
43 constitute a quorum and not less than a majority of the whole number of
44 such board may perform and exercise the powers authorized and provided
45 in this chapter. For the purpose of this section the words "whole
46 number" shall be construed to mean the total number which such board
47 would have were there no vacancies and were none of the members of such
48 board disqualified from acting.

49 S 20. The public authorities law is amended by adding a new section
50 2879-a to read as follows:

51 S 2879-A. COMPTROLLER APPROVAL OF CONTRACTS. 1. EACH STATE AUTHORITY
52 SHALL SUBMIT TO REVIEW, BY THE STATE COMPTROLLER, OF PROCUREMENT, PUBLIC
53 WORK, CONSTRUCTION, AND REVENUE CONTRACTS THAT INCLUDE THE PAYMENT OF
54 MONEY, THE EXCHANGE OF PERSONAL OR REAL PROPERTY, OR THE EXCHANGE OF
55 SERVICES, OR ANY COMBINATION THEREOF, WHICH IN AGGREGATE MAY REASONABLY

1 BE VALUED IN EXCESS OF ONE MILLION DOLLARS, PRIOR TO ACCEPTANCE OF SUCH
2 CONTRACTS BY SUCH STATE AUTHORITIES.

3 2. ANY CONTRACT SUBJECT TO SUBDIVISION ONE OF THIS SECTION SHALL BE
4 DEEMED APPROVED (A) UNLESS THE COMPTROLLER HAS DISAPPROVED THE CONTRACT
5 WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF SUCH CONTRACT TO HIS OR HER
6 OFFICE, (B) UNLESS THE STATE AUTHORITY SHALL AGREE WITH THE COMPTROLLER
7 ON AN EXTENSION FOR A REASONABLE PERIOD OF TIME, OR (C) UNLESS THE
8 AUTHORITY BUDGET OFFICE SHALL GRANT THE COMPTROLLER ADDITIONAL TIME FOR
9 GOOD CAUSE SHOWN.

10 3. PROCUREMENT, PUBLIC WORK, CONSTRUCTION, AND REVENUE CONTRACTS THAT
11 INVOLVE THE PAYMENT OF MONEY, THE EXCHANGE OF PERSONAL OR REAL PROPERTY,
12 OR THE EXCHANGE OF SERVICES, OR ANY COMBINATION THEREOF, WHICH EACH MAY
13 REASONABLY BE VALUED LESS THAN THE AMOUNTS STATED IN SUBDIVISION ONE OF
14 THIS SECTION SHALL BE SUBJECT TO PRIOR REVIEW AND APPROVAL BY THE COMP-
15 TROLLER, IF THE COMPTROLLER, IN HIS OR HER DISCRETION, DETERMINES THAT
16 SUCH REVIEW AND APPROVAL SHALL BE REQUIRED. IF THE COMPTROLLER DETER-
17 MINES THAT ANY CONTRACT OR CATEGORY OF CONTRACTS OF A STATE AUTHORITY
18 WHICH ARE SUBJECT TO THIS SUBDIVISION, REQUIRE DIRECT SUPERVISION IN THE
19 FORM OF PRE-APPROVAL OF SUCH CONTRACTS, AND THE COMPTROLLER SO NOTIFIES
20 SUCH STATE AUTHORITY OF SUCH DETERMINATION, THEN NO SUCH CONTRACT OR
21 AGREEMENT BY SUCH STATE AUTHORITY SELECTED FOR REVIEW BY THE COMPTROLLER
22 SHALL BE A VALID ENFORCEABLE CONTRACT UNLESS SUCH CONTRACT SHALL FIRST
23 BE APPROVED BY THE COMPTROLLER. IN THE EVENT THAT THE COMPTROLLER NOTI-
24 FIES ANY STATE AUTHORITY THAT APPROVAL SHALL BE REQUIRED AS PROVIDED BY
25 THIS SUBDIVISION, THEN THE STATE AUTHORITY SHALL INCLUDE A PROVISION IN
26 ALL SUCH CONTRACTS SELECTED FOR REVIEW, SIMILAR NOTICE INFORMING THE
27 OTHER PARTIES TO SUCH CONTRACTS THAT THE SAME ARE NOT VALID AND ENFORCE-
28 ABLE WITHOUT THE COMPTROLLER'S APPROVAL.

29 4. ANY CONTRACT SELECTED BY THE COMPTROLLER FOR REVIEW AND APPROVAL
30 PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE DEEMED APPROVED
31 ONLY IF THE COMPTROLLER (A) APPROVES THE CONTRACT, OR (B) HAS NOT DISAP-
32 PROVED THE CONTRACT WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF SUCH
33 CONTRACT TO HIS OR HER OFFICE, UNLESS THE STATE AUTHORITY SHALL AGREE
34 WITH THE COMPTROLLER ON AN EXTENSION FOR A REASONABLE PERIOD OF TIME, OR
35 UNLESS THE AUTHORITY BUDGET OFFICE SHALL GRANT THE COMPTROLLER ADDI-
36 TIONAL TIME FOR GOOD CAUSE SHOWN. THE NUMBER OF CONTRACTS OF A STATE
37 AUTHORITY THAT ARE NOT DEEMED APPROVED IN A STATE AUTHORITY'S FISCAL
38 YEAR AS A RESULT OF THE COMPTROLLER'S DETERMINATION NOT TO APPROVE SUCH
39 CONTRACTS AS SET FORTH IN SUBDIVISION THREE OF THIS SECTION SHALL NOT
40 EXCEED FIFTEEN PERCENT OF THE TOTAL NUMBER OF CONTRACTS EXECUTED BY THE
41 STATE AUTHORITY DURING ITS PRIOR FISCAL YEAR.

42 5. NOTHING IN THIS SECTION SHALL BE DEEMED TO LIMIT THE COMPTROLLER'S
43 EXISTING AUTHORITY TO SUPERVISE THE ACCOUNTS OF PUBLIC AUTHORITIES.

44 S 21. Subdivision 3 of section 2896 of the public authorities law, as
45 added by chapter 766 of the laws of 2005, is amended to read as follows:

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

53 b. The public authority shall deliver copies of such report to the
54 comptroller, the director of the budget, the commissioner of general
55 services, [and] the legislature AND THE AUTHORITY BUDGET OFFICE.

1 S 22. Section 2975 of the public authorities law is amended by adding
2 a new subdivision 3-a to read as follows:

3 3-A. A DIRECT PORTION OF THESE FUNDS SHALL BE ALLOCATED TO FUND THE
4 AUTHORITY BUDGET OFFICE AS CREATED BY SECTION FOUR OF THIS CHAPTER.

5 S 23. Subdivision 4 of section 3670 of the public authorities law, as
6 added by chapter 84 of the laws of 2000, is amended to read as follows:

7 4. The authority's fiscal year shall be January first through December
8 thirty-first. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL FIRST, TWO
9 THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY SECTION THREE OF
10 THIS CHAPTER.

11 S 24. Subdivision 4 of section 3960 of the public authorities law, as
12 added by chapter 182 of the laws of 2005, is amended to read as follows:

13 4. The authority's fiscal year shall be January first through December
14 thirty-first. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL FIRST, TWO
15 THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY SECTION THREE OF
16 THIS CHAPTER.

17 S 25. Section 561-b of the general municipal law, as added by chapter
18 180 of the laws of 1966, is amended to read as follows:

19 S 561-b. Fiscal year. The fiscal year of an agency shall begin on the
20 same day and end on the same day of the calendar month on which the
21 fiscal year of the municipality wherein such agency is established shall
22 begin and end. FOR ANY FISCAL YEAR BEGINNING AFTER APRIL FIRST, TWO
23 THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETERMINED BY SECTION THREE OF
24 THE PUBLIC AUTHORITIES LAW.

25 S 26. Subdivision 13 of section 502 of the racing, pari-mutuel wager-
26 ing and breeding law is amended to read as follows:

27 13. The fiscal year of the corporation shall be the calendar year.
28 FOR ANY FISCAL YEAR BEGINNING AFTER APRIL FIRST, TWO THOUSAND TWELVE,
29 THE FISCAL YEAR SHALL BE DETERMINED BY SECTION THREE OF THE PUBLIC
30 AUTHORITIES LAW.

31 S 27. Subdivision 11 of section 603 of the racing, pari-mutuel wager-
32 ing and breeding law, as amended by chapter 115 of the laws of 2008, is
33 amended to read as follows:

34 11. The fiscal year of the corporation shall be the same as that of
35 the city, provided, however, that the corporation shall have a nine
36 month fiscal year from July first, two thousand eight through March
37 thirty-first, two thousand nine, and then the fiscal year of the corpo-
38 ration shall be the same as the state. FOR ANY FISCAL YEAR BEGINNING
39 AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE FISCAL YEAR SHALL BE DETER-
40 MINED BY SECTION THREE OF THE PUBLIC AUTHORITIES LAW.

41 S 28. The public authorities law is amended by adding a new section
42 2829 to read as follows:

43 S 2829. SUBSIDIARIES OF PUBLIC AUTHORITIES. 1. NOTWITHSTANDING ANY
44 OTHER PROVISION OF LAW TO THE CONTRARY, NO PUBLIC BENEFIT CORPORATION
45 SHALL ESTABLISH A SUBSIDIARY CORPORATION WITHOUT STATUTORY CODIFICATION.

46 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
47 ANY SUBSIDIARY OF A PUBLIC AUTHORITY DULY AND LAWFULLY FORMED PRIOR TO
48 THE FIRST DAY OF JULY, TWO THOUSAND EIGHT, SHALL BE DEEMED TO BE A
49 PUBLIC AUTHORITY UNDER THE TERMS OF THIS CHAPTER, AND NOTWITHSTANDING
50 ANY OTHER PROVISION OF LAW TO THE CONTRARY, SHALL BE SUBJECT TO ALL THE
51 REQUIREMENTS, DUTIES AND RESPONSIBILITIES PROVIDED IN THIS CHAPTER.

52 3. ON OR BEFORE THE THIRTY-FIRST DAY OF MAY, TWO THOUSAND ELEVEN, ANY
53 SUBSIDIARY PUBLIC BENEFIT CORPORATION, IN COOPERATION WITH ITS PARENT
54 PUBLIC BENEFIT CORPORATION, SHALL PROVIDE TO THE CHAIR AND RANKING
55 MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE AND THE CHAIR AND RANK-
56 ING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, A REPORT

ON THE SUBSIDIARY PUBLIC BENEFIT CORPORATION. SUCH REPORT SHALL INCLUDE FOR EACH SUBSIDIARY:

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

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

(C) THE COMPLETE BYLAWS AND LEGAL ORGANIZATION PAPERS OF THE SUBSIDIARY;

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

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

S 29. The public authorities law is amended by adding a new section 2856 to read as follows:

S 2856. LIMITATIONS ON TERMS AND CONDITIONS OF PUBLIC AUTHORITY DEBT. 1. EVERY AUTHORITY NOT SUBJECT TO A STATUTORY LIMIT ON BONDS, NOTES, OR OTHER DEBT OBLIGATIONS IT MAY ISSUE, SHALL SUBMIT TO THE AUTHORITY BUDGET OFFICE, A PLAN RECOMMENDING A LIMIT ON THE AMOUNT OF BONDS, NOTES, OR OTHER DEBT OBLIGATIONS IT MAY ISSUE.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT A STATE AUTHORITY FROM REFUNDING OR REFINANCING ANY DEBT OBLIGATION FOR A TERM NO LONGER THAN THE TERM OF SUCH DEBT OBLIGATION IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION IF SUCH REFUNDING OR REFINANCING WILL ACHIEVE AN ACTUAL DEBT SERVICE SAVINGS IN EVERY YEAR TO MATURITY AND WILL RESULT IN A SUBSTANTIAL OVERALL DEBT SERVICE SAVINGS GREATER THAN TWICE THE COST OF INSURANCE.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BONDS OR NOTES MAY NOT BE SOLD IN A PRIVATE SALE BY ANY PUBLIC AUTHORITY, AS DEFINED IN SECTION TWO OF THIS CHAPTER, UNLESS SUCH SALE AND THE TERMS AND CONDITIONS THEREOF HAVE BEEN APPROVED IN WRITING BY THE COMPTROLLER.

S 30. Subdivision 3 of section 2897 of the public authorities law, as added by chapter 766 of the laws of 2005, is amended to read as follows:

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

S 31. Paragraphs c and d of subdivision 6 of section 2897 of the public authorities law, as added by chapter 766 of the laws of 2005, are amended to read as follows:

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

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

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

16 (iii) bid prices after advertising therefor are not reasonable, either
17 as to all or some part of the property, or have not been independently
18 arrived at in open competition;

19 (iv) the disposal will be to the state or any political subdivision,
20 and the estimated fair market value of the property and other satisfac-
21 tory terms of disposal are obtained by negotiation; OR

22 (v) [the disposal is for an amount less than the estimated fair market
23 value of the property, the terms of such disposal are obtained by public
24 auction or negotiation, the disposal of the property is intended to
25 further the public health, safety or welfare or an economic development
26 interest of the state or a political subdivision (to include but not
27 limited to, the prevention or remediation of a substantial threat to
28 public health or safety, the creation or retention of a substantial
29 number of job opportunities, or the creation or retention of a substan-
30 tial source of revenues, or where the authority's enabling legislation
31 permits), the purpose and the terms of such disposal are documented in
32 writing and approved by resolution of the board of the public authority;
33 or

34 (vi)] such action is otherwise authorized by law.

35 d. (i) An explanatory statement shall be prepared of the circumstances
36 of each disposal by negotiation of:

37 (A) any personal property which has an estimated fair market value in
38 excess of fifteen thousand dollars;

39 (B) any real property that has an estimated fair market value in
40 excess of one hundred thousand dollars, except that any real property
41 disposed of by lease or exchange shall only be subject to clauses (C)
42 [through (E)] AND (D) of this subparagraph;

43 (C) any real property disposed of by lease [for a term of five years
44 or less], if the estimated [fair] annual rent OVER THE TERM OF THE LEASE
45 is in excess of [one hundred thousand dollars for any of such years]
46 FIFTEEN THOUSAND DOLLARS;

47 (D) [any real property disposed of by lease for a term of more than
48 five years, if the total estimated rent over the term of the lease is in
49 excess of one hundred thousand dollars; or

50 (E)] any real property or real and related personal property disposed
51 of by exchange, regardless of value, or any property any part of the
52 consideration for which is real property.

53 (ii) Each such statement shall be transmitted to the persons entitled
54 to receive copies of the report required under section twenty-eight
55 hundred ninety-six of this title not less than ninety days in advance of

1 such disposal, and a copy thereof shall be preserved in the files of the
2 public authority making such disposal.

3 S 32. Section 2824 of the public authorities law is amended by adding
4 a new subdivision 9 to read as follows:

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

7 S 33. Article 9 of the public authorities law is amended by adding a
8 new title 12 to read as follows:

9 TITLE 12

10 WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM

11 SECTION 2986. WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM.

12 S 2986. WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM. 1. (A) "EMPLOYEES
13 OF STATE AND LOCAL AUTHORITIES" MEANS THOSE PERSONS EMPLOYED AT STATE
14 AND LOCAL AUTHORITIES, INCLUDING BUT NOT LIMITED TO: FULL-TIME AND
15 PART-TIME EMPLOYEES, CONTRACTORS, THOSE EMPLOYEES ON PROBATION, AND
16 TEMPORARY EMPLOYEES.

17 (B) "ATTORNEY GENERAL" SHALL MEAN THE ATTORNEY GENERAL OF THE STATE OF
18 NEW YORK.

19 (C) "WHISTLEBLOWER" SHALL MEAN ANY EMPLOYEE OF A STATE OR LOCAL
20 AUTHORITY WHO DISCLOSES INFORMATION CONCERNING ACTS OF WRONGDOING,
21 MISCONDUCT, MALFEASANCE, OR OTHER INAPPROPRIATE BEHAVIOR BY AN EMPLOYEE
22 OR BOARD MEMBER OF THE AUTHORITY, INVESTMENTS, TRAVEL, THE ACQUISITION
23 OF REAL OR PERSONAL PROPERTY AND THE DISPOSITION OF REAL OR PERSONAL
24 PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES.

25 2. THE DIRECTOR OF THE AUTHORITY BUDGET OFFICE, AFTER CONSULTATION
26 WITH THE ATTORNEY GENERAL, SHALL DEVELOP AND RECOMMEND TO THE LEGISLA-
27 TURE A WHISTLEBLOWER ACCESS AND ASSISTANCE PROGRAM WHICH SHALL INCLUDE,
28 BUT NOT BE LIMITED TO (A) EVALUATING AND COMMENTING ON WHISTLEBLOWER
29 PROGRAMS AND POLICIES BY STATE AND LOCAL AUTHORITIES PURSUANT TO PARA-
30 GRAPH E OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FOUR
31 OF THIS CHAPTER;

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

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

37 (D) OFFERING AN OPPORTUNITY FOR EMPLOYEES OF STATE AND LOCAL AUTHORI-
38 TIES TO IDENTIFY CONCERNS REGARDING ANY ISSUE AT A STATE OR LOCAL
39 AUTHORITY.

40 3. ANY COMMUNICATIONS BETWEEN AN EMPLOYEE AND THE AUTHORITY BUDGET
41 OFFICE PURSUANT TO THIS SECTION SHALL BE HELD STRICTLY CONFIDENTIAL BY
42 THE AUTHORITY BUDGET OFFICE, UNLESS THE EMPLOYEE SPECIFICALLY WAIVES IN
43 WRITING THE RIGHT TO CONFIDENTIALITY.

44 S 34. The public authorities law is amended by adding a new section
45 2857 to read as follows:

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

50 S 35. Severability. If any provision of this act or its application to
51 any person or circumstance is held invalid, this invalidity does not
52 affect other provisions or applications of this act that can be given
53 effect without the invalid provision or application, and to this end the
54 provisions of this act are declared to be severable.

55 S 36. This act shall take effect on the sixtieth day after it shall
56 have become a law.