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

5875

2011-2012 Regular Sessions

I N S E N A T E

August 24, 2011

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 154 of the laws of 1921 relating to the Port Authority of New York and New Jersey, in relation to directing the port authority to contract for the provision of an independent forensic audit of such authority; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 1 of chapter 154 of the laws of 1921 relating to the Port Authority of New York and New Jersey is amended by adding a new article VII-B to read as follows:

ARTICLE VII-B

1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AUTHORITY SHALL, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE AND AT ITS OWN EXPENSE, CONTRACT WITH A CERTIFIED PUBLIC ACCOUNTING FIRM FOR THE PROVISION OF AN INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY. SUCH AUDIT SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. SUCH AUDIT SHALL BE INDEPENDENT OF AND IN ADDITION TO ANY INDEPENDENT AUDIT OF THE AUTHORITY.

2. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM PROVIDING THE AUTHORITY'S INDEPENDENT, COMPREHENSIVE, FORENSIC AUDIT SHALL BE PROHIBITED FROM PROVIDING AUDIT SERVICES IF THE LEAD (OR COORDINATING) AUDIT PARTNER (HAVING PRIMARY RESPONSIBILITY FOR THE AUDIT), OR THE AUDIT PARTNER RESPONSIBLE FOR REVIEWING THE AUDIT, HAS PERFORMED AUDIT SERVICES FOR THE AUTHORITY WITHIN ANY OF THE TEN PREVIOUS FISCAL YEARS OF THE AUTHORITY.

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

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

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4. IT SHALL BE PROHIBITED FOR THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM TO PERFORM FOR THE AUTHORITY ANY AUDIT SERVICE IF THE CHIEF EXECUTIVE OFFICER, COMPTROLLER, CHIEF FINANCIAL OFFICER, CHIEF ACCOUNTING OFFICER OR ANY OTHER PERSON SERVING IN AN EQUIVALENT POSITION IN THE AUTHORITY WAS AN EMPLOYEE, CONSULTANT OR INDEPENDENT CONTRACTOR OF THAT CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM AND PARTICIPATED IN ANY CAPACITY IN THE AUDIT OF THE AUTHORITY AT ANY TIME IN THE PAST.

5. THE CERTIFIED INDEPENDENT PUBLIC ACCOUNTING FIRM CONTRACTED TO PERFORM THE INDEPENDENT COMPREHENSIVE, FORENSIC AUDIT OF THE AUTHORITY SHALL, ON OR BEFORE ONE YEAR FROM THE EFFECTIVE DATE OF THIS ARTICLE, REPORT ITS FINDINGS, CONCLUSIONS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR AND RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIR AND RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE AND THE ASSEMBLY CORPORATIONS, AUTHORITIES AND COMMISSIONS COMMITTEES, AND THE CHAIRS AND RANKING MINORITY MEMBERS OF THE SENATE AND THE ASSEMBLY TRANSPORTATION COMMITTEES.

S 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately and shall expire and be deemed repealed one year after such date; provided that the state of New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.