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

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2013-2014 Regular Sessions

I N S E N A T E

March 7, 2013

Introduced by Sen. MARCELLINO -- (at request of the State Comptroller) -- 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 and the general municipal law, in relation to clarifying and making certain technical corrections to the public authorities reform act of 2009; and to repeal certain provisions of the public authorities law relating thereto

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

Section 1. Paragraphs (a) and (b) of subdivision 1 and subdivision 2 of section 2800 of the public authorities law, as amended by chapter 506 of the laws of 2009, are amended to read as follows:

(a) For the purpose of furnishing the state with systematic information regarding the status and the activities of public authorities, every state authority continued or created by this chapter or any other chapter of the laws of the state of New York shall submit to the governor, the chairman and ranking minority member of the senate finance committee, the chairman and ranking minority member of the assembly ways and means committee, the state comptroller, and the authorities budget office, within ninety days after the end of its fiscal year, a complete and detailed report or reports setting forth: (1) its operations and accomplishments; (2) its financial reports, including (i) audited financials in accordance with all applicable regulations and following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law, (ii) grant and subsidy programs, (iii) operating and financial risks, (iv) current ratings, if any, of its bonds issued by recognized municipal bond rating agencies and notice of changes in such ratings, and (v) long-term liabilities, including leases and employee benefit plans; (3) its mission statement and measurements including its most recent measurement report; (4) a schedule of

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

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its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year as part of a schedule of debt issuance that includes the date of issuance, term, amount, interest rate and means of repayment. Additionally, the debt schedule shall also include all refinancings, calls, refundings, defeasements and interest rate exchange or other such agreements, and for any debt issued during the reporting year, the schedule shall also include a detailed list of costs of issuance for such debt; (5) a compensation schedule, [in addition to the report described in section twenty-eight hundred six of this title,] that shall include, (I) by position, title and name of the person holding such position or title, the salary, compensation, AND allowance [and/or] PAID TO SUCH PERSON, AND (II) benefits provided to any officer, director or employee in a decision making or managerial position of such authority whose salary is in excess of one hundred thousand dollars; [(5-a) biographical information, not including confidential personal information, for all directors and officers and employees for whom salary reporting is required under subparagraph five of this paragraph;] (6) the projects undertaken by such authority during the past year; (7) a listing and description[, in addition to the report required by paragraph a of subdivision three of section twenty-eight hundred ninety-six of this article] of all real property of such authority having an estimated fair market value in excess of fifteen thousand dollars that the authority acquires or disposes of during such period. The report shall contain the price received or paid by the authority and the name of the purchaser, LESSEE, LESSOR or seller for all such property sold, LEASED or bought by the authority during such period; (8) such authority's code of ethics; (9) an assessment of the effectiveness of its internal control structure and procedures; (10) [a copy of the legislation that forms the statutory basis of the authority; (11) a description of the authority and its board structure, including (i) names of committees and committee members, (ii) lists of board meetings and attendance, (iii) descriptions of major authority units, subsidiaries, and (iv) number of employees; (12) its charter, if any, and by-laws; (13) a listing of material changes in operations and programs during the reporting year; (14) at a minimum a four-year financial plan, including (i) a current and projected capital budget, and (ii) an operating budget report, including an actual versus estimated budget, with an analysis and measurement of financial and operating performance; (15)] its board performance evaluations; provided, however, that such evaluations shall not be subject to disclosure under article six of the public officers law; [(16)] (11) a description of the total amounts of assets, services or both assets and services bought or sold without competitive bidding, including (i) the nature of those assets and services, (ii) the names of the counterparties, and (iii) where the contract price for assets purchased exceeds fair market value, or where the contract price for assets sold is less than fair market value, a detailed explanation of the justification for making the purchase or sale without competitive bidding, and a certification by the chief executive officer and chief financial officer of the public authority that they have reviewed the terms of such purchase or sale and determined that it complies with applicable law and procurement guidelines; and [(17)] (12) a description of any material pending litigation in which the authority is involved as a party during the reporting year, except that no hospital need disclose information about pending malpractice claims beyond the existence of such claims.

(b) Each state authority shall make accessible to the public, via its official or shared internet web site, (1) documentation pertaining to its mission[,] AND current activities[,]; (2) ITS most recent annual REPORT AND financial [reports] STATEMENTS, AND current [year] budget [and] REPORTS; (3) its most recent independent audit report AND ANY OTHER REPORT PROVIDED TO THE AUTHORITIES BUDGET OFFICE unless such information is covered by subdivision two of section eighty-seven of the public officers law; (4) BIOGRAPHICAL INFORMATION, NOT INCLUDING CONFIDENTIAL PERSONAL INFORMATION, PERTAINING TO THE PROFESSIONAL QUALIFICATIONS AND EXPERTISE FOR ALL DIRECTORS AND OFFICERS; (5) A COPY OF THE LEGISLATION THAT FORMS THE STATUTORY BASIS OF THE AUTHORITY; (6) A DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING (I) NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (II) MINUTES OF BOARD MEETINGS, (III) DESCRIPTIONS OF MAJOR AUTHORITY UNITS AND SUBSIDIARIES, (IV) NUMBER OF EMPLOYEES AND STAFF; (7) AN ORGANIZATION CHART; (8) ITS CHARTER, IF ANY, AND A COPY OF ITS CURRENT BY-LAWS; (9) A LISTING OF MATERIAL CHANGES IN OPERATIONS AND PROGRAMS DURING THE REPORTING YEAR; AND (10) ANY OTHER INFORMATION AS MAY BE REQUIRED BY THE STATE COMPTROLLER OR AUTHORITIES BUDGET OFFICE.

2. Local authorities. (a) Every local authority[, continued or created by this chapter or any other chapter of the laws of the state of New York] shall submit to the chief executive officer, the chief fiscal officer, the chairperson of the legislative body of the local government or local governments, THE STATE COMPTROLLER and the authorities budget office, within ninety days after the end of its fiscal year, a complete and detailed report or reports setting forth: (1) its operations and accomplishments; (2) its financial reports, including (i) audited financials in accordance with all applicable regulations and following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law, (ii) grants and subsidy programs, (iii) operating and financial risks, (iv) current ratings if any, of its bonds issued by recognized municipal bond rating agencies and notice of changes in such ratings, and (v) long-term liabilities, including leases and employee benefit plans; (3) its mission statement and measurements including its most recent measurement report; (4) a schedule of its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year as part of a schedule of debt issuance that includes the date of issuance, term, amount, interest rate and means of repayment. Additionally, the debt schedule shall also include all refinancings, calls, refundings, defeasements and interest rate exchange or other such agreements, and for any debt issued during the reporting year, the schedule shall also include a detailed list of costs of issuance for such debt; (5) a compensation schedule [in addition to the report described in section twenty-eight hundred six of this title] that shall include, (I) by position, title and name of the person holding such position or title, the salary, compensation, AND allowance [and/or] PAID TO SUCH PERSON, AND (II) benefits provided to any officer, director or employee in a decision making or managerial position of such authority whose salary is in excess of one hundred thousand dollars; [(5-a) biographical information, not including confidential personal information, for all directors and officers and employees for whom salary reporting is required under subparagraph five of this paragraph;] (6) the projects undertaken by such authority during the past year; (7) a listing and description[, in addition to the report required by paragraph a of subdivision three of section twenty-eight hundred ninety-six of this

article] of all real property of such authority having an estimated fair market value in excess of fifteen thousand dollars that the authority acquires or disposes of during such period. The report shall contain the price received or paid by the authority and the name of the purchaser, LESSEE, LESSOR or seller for all such property sold, LEASED or bought by the authority during such period; (8) such authority's code of ethics; (9) an assessment of the effectiveness of its internal control structure and procedures; (10) [a copy of the legislation that forms the statutory basis of the authority; (11) a description of the authority and its board structure, including (i) names of committees and committee members, (ii) lists of board meetings and attendance, (iii) descriptions of major authority units, subsidiaries, (iv) number of employees, and (v) organizational chart; (12) its charter, if any, and by-laws; (13) a listing of material changes in operations and programs during the reporting year; (14) at a minimum a four-year financial plan, including (i) a current and projected capital budget, and (ii) an operating budget report, including an actual versus estimated budget, with an analysis and measurement of financial and operating performance; (15)] its board performance evaluations provided, however, that such evaluations shall not be subject to disclosure under article six of the public officers law; [(16)] (11) a description of the total amounts of assets, services or both assets and services bought or sold without competitive bidding, including (i) the nature of those assets and services, (ii) the names of the counterparties, and (iii) where the contract price for assets purchased exceeds fair market value, or where the contract price for assets sold is less than fair market value, a detailed explanation of the justification for making the purchase or sale without competitive bidding, and a certification by the chief executive officer and chief financial officer of the public authority that they have reviewed the terms of such purchase or sale and determined that it complies with applicable law and procurement guidelines; and [(17)] (12) a description of any material pending litigation in which the authority is involved as a party during the reporting year, except that no provider of medical services need disclose information about pending malpractice claims beyond the existence of such claims.

(b) Each local authority shall make accessible to the public, via its official or shared internet web site, (1) documentation pertaining to its mission[,] AND current activities[,]; (2) ITS most recent annual REPORT AND financial [reports] STATEMENTS, AND current [year] budget [and] REPORTS; (3) its most recent independent audit report AND ANY OTHER REPORT PROVIDED TO THE AUTHORITIES BUDGET OFFICE unless such information is covered by subdivision two of section eighty-seven of the public officers law; (4) BIOGRAPHICAL INFORMATION, NOT INCLUDING CONFIDENTIAL PERSONAL INFORMATION, PERTAINING TO THE PROFESSIONAL QUALIFICATIONS AND EXPERTISE FOR ALL DIRECTORS AND OFFICERS; (5) A COPY OF THE LEGISLATION THAT FORMS THE STATUTORY BASIS OF THE AUTHORITY; (6) A DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING (I) NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (II) MINUTES OF BOARD MEETINGS, (III) DESCRIPTIONS OF MAJOR AUTHORITY UNITS AND SUBSIDIARIES, (IV) NUMBER OF EMPLOYEES AND STAFF; (7) AN ORGANIZATION CHART; (8) ITS CHARTER, IF ANY, AND A COPY OF ITS CURRENT BY-LAWS; (9) A LISTING OF MATERIAL CHANGES IN OPERATIONS AND PROGRAMS DURING THE REPORTING YEAR; AND (10) ANY OTHER INFORMATION AS MAY BE REQUIRED BY THE AUTHORITIES BUDGET OFFICE.

S 2. Subdivision 4 of section 2800 of the public authorities law, as added by chapter 506 of the laws of 2009, is amended to read as follows:

4. The authorities budget office may, upon application of any authority, waive any requirements of this section upon a showing that the authority meets the criteria for such a waiver established by regulations of the authorities budget office. Such regulations shall provide for consideration of: (a) the number of employees of the authority; (b) the annual budget of the authority; (c) the ability of the authority to prepare the required reports using existing staff; and (d) such other factors as the authorities budget office deems to reflect the relevance of the required disclosures to evaluation of an authority's effective operation, and the burden such disclosures place on an authority. A WAIVER GRANTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE FILING REQUIREMENT IMPOSED ON AN INDUSTRIAL DEVELOPMENT AGENCY BY SECTION EIGHT HUNDRED FIFTY-NINE OF THE GENERAL MUNICIPAL LAW OR TO ANY OTHER REQUIREMENT THAT A STATE OR LOCAL AUTHORITY FILE OR SUBMIT DOCUMENTS OR INFORMATION TO THE STATE COMPTROLLER. Each waiver granted pursuant to this subdivision shall be disclosed in the reports of such office issued pursuant to section seven of this chapter.

S 3. Subdivision 3 of section 2801 of the public authorities law is REPEALED and subdivisions 1 and 2, as amended by chapter 506 of the laws of 2009, are amended to read as follows:

1. State authorities. Every state authority or commission heretofore or hereafter continued or created by this chapter or any other chapter of the laws of the state of New York shall submit to the governor, 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 STATE COMPTROLLER and the authorities budget office, for their information, annually [not more than one hundred twenty days and] not less than [ninety] THIRTY days before the commencement of its fiscal year, in the form submitted to its members or trustees, AN ADOPTED BUDGET PLAN OF AT LEAST SIX YEARS AND budget information on operations and capital construction setting forth the estimated receipts and expenditures for the next fiscal year [and], the current fiscal year, AND THE NEXT THREE FISCAL YEARS, and the actual receipts and expenditures for the last completed fiscal year.

2. Local authorities. For the local authority fiscal year ending on or after December thirty-first, two thousand seven and annually thereafter, every local authority [heretofore or hereafter continued or created by this chapter or any other chapter of the laws of the state of New York] shall submit to the chief executive officer, the chief fiscal officer, the chairperson of the legislative body of the local government or governments, THE STATE COMPTROLLER and the authorities budget office for their information, annually [not more than ninety days and not less than sixty] THIRTY days before the commencement of its fiscal year, in the form submitted to its members or trustees, AN ADOPTED BUDGET PLAN OF AT LEAST SIX YEARS AND budget information on operations and capital construction setting forth the estimated receipts and expenditures for the next fiscal year [and], the current fiscal year, and THE NEXT THREE FISCAL YEARS, AND the actual receipts and expenditures for the last completed fiscal year.

S 4. Subdivisions 2 and 7 of section 2802 of the public authorities law, subdivision 2 as amended by chapter 506 of the laws of 2009 and subdivision 7 as added by chapter 766 of the laws of 2005, are amended to read as follows:

2. Local authorities. For the local authority fiscal year ending on or after December thirty-first, two thousand seven and annually thereafter, every local authority [heretofore or hereafter continued or created by

this chapter or any other chapter of the laws of the state of New York] shall submit to the chief executive officer, the chief fiscal officer, the chairperson of the legislative body of the local government or local governments and the authorities budget office, together with the report described in section twenty-eight hundred of this title, a copy of the annual independent audit report, performed by a certified public accounting firm in accordance with generally accepted auditing standards as defined in subdivision eleven of section two of the state finance law, and management letter and any other external examination of the books and accounts of such authority other than copies of the reports of any examinations made by the state comptroller.

7. Notwithstanding any provision of law to the contrary, a [public] STATE OR LOCAL authority may exempt information from disclosure or report, if the counsel of such authority deems that such information is covered by subdivision two of section eighty-seven of the public officers law.

S 5. Section 2806 of the public authorities law is REPEALED.

S 6. The opening paragraph of subdivision 2 of section 2825 of the public authorities law, as amended by chapter 174 of the laws of 2010, is amended to read as follows:

Except for members who serve as members by virtue of holding a civil office of the state OR LOCAL GOVERNMENT, 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 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 and further, shall consider the prospective diversity of the members of a state authority when making their determinations to appoint any member. For the purposes of this section, an independent member is one who:

S 7. The opening paragraph of subdivision 6 of section 2827-a of the public authorities law, as added by chapter 506 of the laws of 2009, is amended to read as follows:

On or before the first day of January, two thousand eleven, and annually on such day thereafter, any subsidiary public benefit corporation, in cooperation with its parent public benefit corporation, shall provide to THE STATE COMPTROLLER, THE DIRECTOR OF THE AUTHORITIES BUDGET OFFICE, the chair and ranking minority member of the senate finance committee, the chair and ranking minority member of the assembly ways and means committee, and each chair and ranking member of the assembly and senate committees on corporations, authorities and commissions a report on the subsidiary public benefit corporation. Such report shall include for each subsidiary:

S 8. Subdivision 1 and paragraph (a) of subdivision 8 of section 2879 of the public authorities law, subdivision 1 as amended by chapter 564 of the laws of 1988 and paragraph (a) of subdivision 8 as amended by chapter 844 of the laws of 1992, are amended to read as follows:

1. Every [public] STATE AND LOCAL authority and public benefit corporation, [a majority of the members of which consist of persons either appointed by the governor or who serve as members by virtue of holding a civil office of the state, or a combination thereof,] (such entities to be hereinafter in this section referred to as "corporation") shall adopt by resolution comprehensive guidelines which detail the corporation's operative policy and instructions regarding the use, awarding, monitor-

ing and reporting of procurement contracts. Guidelines approved by the corporation shall be annually reviewed and approved by the corporation.

(a) Each corporation shall [annually] submit WITHIN NINETY DAYS OF THE END OF ITS FISCAL YEAR its report on procurement contracts to the division of the budget AND THE AUTHORITIES BUDGET OFFICE and copies thereof to the department of audit and control, the department of economic development, the senate finance committee and the assembly ways and means committee.

S 9. Subdivision 3 of section 2896 of the public authorities law, as amended by chapter 506 of the laws of 2009, is amended to read as follows:

3. a. Each [public] STATE AND LOCAL authority shall [publish, not less frequently than annually] PREPARE WITHIN NINETY DAYS OF THE END OF ITS FISCAL YEAR AS PART OF THE ANNUAL REPORT PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THIS ARTICLE, a report listing all real property of the [public] STATE AND LOCAL authority. Such report shall include a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the [public] STATE AND LOCAL authority and the name of the purchaser for all such property sold by the [public] STATE AND LOCAL authority during such period AND SUCH OTHER INFORMATION AS REQUIRED BY THE AUTHORITIES BUDGET OFFICE.

b. The [public] STATE OR LOCAL authority shall deliver copies of such report to the comptroller, the director of the budget, the commissioner of general services, the legislature and the authorities budget office.

S 10. Paragraphs (a) and (b) of subdivision 7 of section 2925 of the public authorities law, as added by chapter 838 of the laws of 1983, are amended to read as follows:

(a) Each corporation, a majority of the members of which consist of persons appointed by the governor or who serve as members by virtue of holding a civil office of the state, or a combination thereof, shall [annually] submit WITHIN NINETY DAYS OF THE END OF ITS FISCAL YEAR its investment report to the division of the budget AND THE AUTHORITIES BUDGET OFFICE and copies thereof to the department of audit and control, the senate finance committee and the assembly ways and means committee.

(b) Each corporation, other than a corporation included under paragraph (a) of this subdivision, shall [annually] submit WITHIN NINETY DAYS OF THE END OF ITS FISCAL YEAR its investment report to the chief executive officer and chief fiscal officer of each municipality for the benefit of which it was created and to the department of audit and control AND THE AUTHORITIES BUDGET OFFICE.

S 11. Subdivision 2 of section 561-a of the general municipal law, as added by chapter 681 of the laws of 1963, is amended to read as follows:

2. Within [sixty] NINETY days after the close of the fiscal year, an agency shall submit an annual report of its financial condition to the commissioner, THE AUTHORITIES BUDGET OFFICE and to the state comptroller. The report shall be in such form as the comptroller shall require. The commissioner or the comptroller may require additional information from the agency or any officer thereof at any time.

S 12. Section 859 of the general municipal law, as added by chapter 692 of the laws of 1989, paragraph (b) and the opening paragraph and subparagraph (v) of paragraph (e) of subdivision 1 as amended by chapter 357 of the laws of 1993, paragraph (e) of subdivision 1 and subdivision 3 as added and subdivision 2 as amended by chapter 356 of the laws of 1993 and paragraph (f) of subdivision 1 as added by section 28 of part A3 of chapter 62 of the laws of 2003, is amended to read as follows:

S 859. Financial records. 1. (a) Each agency shall maintain books and records in such form as may be prescribed by the state comptroller.

(b) Within ninety days following the close of its fiscal year, each agency or authority shall prepare a financial statement for that fiscal year in such form as may be prescribed by the state comptroller. Such statement shall be audited within such ninety day period by an independent certified public accountant in accordance with government accounting standards established by the United States general accounting office. The audited financial statement shall include supplemental schedules listing all straight-lease transactions and bonds and notes issued, outstanding or retired during the applicable accounting period whether or not such bonds, notes or transactions are considered obligations of the agency. For each issue of bonds or notes such schedules shall provide the name of each project financed with proceeds of each issue, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each bond or note was issued, date of issue, interest rate at issuance and if variable the range of interest rates applicable, maturity date, federal tax status of each issue, and an estimate of the number of jobs created and retained by each project. For each straight-lease transaction, such schedules shall provide the name of each project, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each transaction was made, the method of financial assistance utilized by the project, other than the tax exemptions claimed by the project and an estimate of the number of jobs created and retained by each project.

(c) Within [thirty] NINETY days after [completion] THE END OF THE FISCAL YEAR, a copy of the audited financial statement shall be transmitted to the commissioner of the department of economic development, THE AUTHORITIES BUDGET OFFICE, the state comptroller and the governing body of the municipality for whose benefit the agency was created.

(d) An agency, OTHER THAN AN AGENCY THAT CEASES TO EXIST PURSUANT TO SECTION EIGHT HUNDRED EIGHTY-TWO OF THIS TITLE, with no bonds or notes issued or outstanding and no projects during the applicable accounting period may apply to the state comptroller for a waiver of the required audited financial statement. Application shall be made on such form as the comptroller may prescribe. A WAIVER GRANTED PURSUANT TO THIS PARAGRAPH SHALL NOT APPLY TO ANY FILING REQUIREMENT IMPOSED ON AN AGENCY BY OR PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE PUBLIC AUTHORITIES LAW.

(e) If an agency or authority shall fail to file or substantially complete, as determined by the state comptroller, the financial statement required by this section, the state comptroller shall provide notice to the agency or authority. The notice shall state the following:

(i) that the failure to file a financial statement as required is a violation of this section, or in the case of an insufficient financial statement, the manner in which the financial statement submitted is deficient;

(ii) that the agency or authority has thirty days to comply with this section or provide an adequate written explanation to the comptroller of the agency's or authority's reasons for the inability to comply; and

(iii) that the agency's or authority's failure to provide either the required financial statement or an adequate explanation will result in the notification of the chief executive officer of the municipality for

whose benefit the agency or authority was created of the agency's noncompliance with this section. Where such agency or authority has failed to file the required statement, the comptroller shall additionally notify the agency or authority that continued failure to file the required statement may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(iv) If an agency or authority after thirty days has failed to file the required statement or the explanation in the manner required by subparagraph (i) of this paragraph, or provides an insufficient explanation, the comptroller shall notify the chief executive officer of the municipality for whose benefit the agency or authority was created and the agency of the agency's or authority's noncompliance with this section. Such notice from the state comptroller shall further delineate in what respect the agency or authority has failed to comply with this section. If the agency or authority has failed to file the required statement, the notice shall additionally state that continued failure to file the required statement may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(v) If, thirty days after notification of the chief executive officer of the municipality for whose benefit the agency or authority was created of the agency's or authority's noncompliance, the agency or authority fails to file the required statement, the comptroller shall notify the chief executive officer of the municipality for whose benefit that agency or authority was created and the agency or authority that if such report is not provided within sixty days, that the agency or authority will no longer be authorized to provide exemptions from state taxes.

(vi) If, sixty days after the notification required by subparagraph (v) of this paragraph, the comptroller has not received the required statement, the agency or authority shall not offer financial assistance which provides exemptions from state taxes until such financial statement is filed and the comptroller shall so notify the agency or authority and the chief executive officer of the municipality for whose benefit the agency was created. Provided, however, that nothing contained in this paragraph shall be deemed to modify the terms of any existing agreements.

(f) Within thirty days after completion, a copy of an audited financial statement which contains transactions of or bonds or notes of civic facilities as defined in paragraph (b) of THE FORMER subdivision thirteen of section eight hundred fifty-four of this article, shall be transmitted by the agency to the commissioner of health, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate health committee and the chair of the assembly health committee.

2. On or before September first of each year, the commissioner of the department of economic development shall prepare and submit to the governor, speaker of the assembly, majority leader of the senate, THE DIRECTOR OF THE AUTHORITIES BUDGET OFFICE, and the state comptroller, a report setting forth a summary of the significant trends in operations and financing by agencies and authorities; departures from acceptable practices by agencies and authorities; a compilation by type of the bonds and notes outstanding; a compilation of all outstanding straight-lease transactions; an estimate of the total number of jobs created and retained by agency or authority projects; and any other information which in the opinion of the commissioner bears upon the discharge of the statutory functions of agencies and authorities.

3. On or before April first, nineteen hundred ninety-six, the commissioner shall submit to the director of the division of the budget, THE DIRECTOR OF THE AUTHORITIES BUDGET OFFICE, the temporary president of the senate, the speaker of the assembly, the chairman of the senate finance committee, the chairman of the assembly ways and means committee, the chairman of the senate local government committee, the chairman of the senate committee on commerce, economic development and small business, the chairman of the assembly committee on commerce, industry and economic development, the chairman of the assembly local governments committee [and], the chairman of the assembly real property taxation committee, THE CHAIR OF THE SENATE COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON CORPORATIONS, AUTHORITIES AND COMMISSIONS an evaluation of the activities of industrial development agencies and authorities in the state prepared by an entity independent of the department. Such evaluation shall identify the effect of agencies and authorities on: (a) job creation and retention in the state, including the types of jobs created and retained; (b) the value of tax exemptions provided by such agencies and authorities; (c) the value of payments received in lieu of taxes received by municipalities and school districts as a result of projects sponsored by such entities; (d) a summary of the types of projects that received financial assistance; (e) a summary of the types of financial assistance provided by the agencies and authorities; (f) a summary of criteria for evaluation of projects used by agencies and authorities; (g) a summary of tax exemption policies of agencies and authorities; and (h) such other factors as may be relevant to an assessment of the performance of such agencies and authorities in creating and retaining job opportunities for residents of the state. Such evaluation shall also assess the process by which agencies and authorities grant exemptions from state taxes and make recommendations for the most efficient and effective procedures for the use of such exemptions. Such evaluation shall further include any recommendations for changes in laws governing the operations of industrial development agencies and authorities which would enhance the creation and retention of jobs in the state.

S 13. This act shall take effect immediately.