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

7638

I N S E N A T E

May 11, 2016

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

AN ACT to create a temporary state commission to study and investigate the legality of the 2006 merger of the Health Insurance Plan of Greater New York and Group Health Incorporated; making an appropriation therefor; 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. A temporary state commission is hereby created to study the 2006 merger of the Health Insurance Plan of Greater New York (HIP) and Group Health Incorporated (GHI). The commission shall investigate and make written determinations on the legality of these transactions.

S 2. (a) The commission shall consist of fifteen members as follows: three members shall be appointed by the speaker of the assembly; three members shall be appointed by the temporary president of the senate; three members shall be appointed by the governor; two members shall be appointed by the minority leader of the senate; and two members shall be appointed by the minority leader of the assembly. Members so appointed shall be knowledgeable on mergers, acquisitions, insurance, or related matters. The remaining members shall be the heads of the following departments or agencies or their respective designees: the department of financial services and the attorney general. No person shall be a member of such commission while such person is a member of the senate or assembly. Any vacancy on such commission shall be filled in the same manner as the original appointment was made. The chairperson of the commission shall be the head or designee of the attorney general. The vice-chairperson of the commission shall be appointed by the chairperson.

(b) Except as provided in subdivision (a) of this section, no member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

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

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S 3. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

S 4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor.

S 5. For the accomplishment of its purposes, the commission shall be authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency. Such commission shall meet and hold public hearings or private meetings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law.

S 6. The commission may request and shall receive from any court in the state and from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

S 7. The commission shall make a report of its findings, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor and the legislature no later than December thirty-first in the year next succeeding the year in which this act shall have become a law.

S 8. The sum of $250,000 or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account for services and expenses of this commission, not otherwise appropriated, and made immediately available for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the chair of the temporary commission established pursuant to this act.

S 9. This act shall take effect immediately and shall expire on the thirty-first of December next succeeding the year after such effective date when upon such date the provisions of this act shall be deemed repealed.