

# STATE OF NEW YORK

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646

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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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:

1 Section 1. A temporary state commission is hereby created to study the  
2 2006 merger of the Health Insurance Plan of Greater New York (HIP) and  
3 Group Health Incorporated (GHI). The commission shall investigate and  
4 make written determinations on the legality of these transactions.

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

20 (b) Except as provided in subdivision (a) of this section, no member,  
21 officer or employee of the commission shall be disqualified from holding

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

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1 any other public office or employment, nor shall he or she forfeit any  
2 such office or employment by reason of his or her appointment hereunder,  
3 notwithstanding the provisions of any general, special or local law,  
4 ordinance or city charter.

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

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

12 § 5. For the accomplishment of its purposes, the commission shall be  
13 authorized and empowered to undertake any studies, inquiries, surveys or  
14 analyses it may deem relevant through its own personnel or in cooper-  
15 ation with or by agreement with any other public or private agency. Such  
16 commission shall meet and hold public hearings or private meetings with-  
17 in or without the state, and shall have all the powers of a legislative  
18 committee pursuant to the legislative law.

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

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

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

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