STATE OF NEW YORK

5685

2023-2024 Regular Sessions

IN SENATE

March 13, 2023

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

AN ACT in relation to appointing a fiscal monitor for the metropolitan transportation 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. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Monitor" shall mean the person appointed pursuant to section two of this act.

2. "MTA" shall mean the New York State Metropolitan Transportation Authority.

3. "Governor" shall mean the governor of the state of New York.

4. "Comptroller" shall mean the state comptroller.

§ 2. Appointment. 1. The governor shall appoint a fiscal monitor, subject to appropriation, to provide direct oversight of the fiscal policies, practices, programs, and decisions of the MTA. The governor shall provide the monitor with technical support and assistance for the purposes of carrying out their duties under this act, if requested by the monitor. The monitor shall serve at the pleasure of the governor.

2. The monitor shall be paid a fixed salary set by the governor and shall be reimbursed for actual and necessary expenses incurred in the performance of their duties including travel and supplies. The costs associated with the implementation of this act shall be borne by the state and shall be paid through a state appropriation.

3. The monitor shall be a non-voting ex-officio member of the MTA board. The monitor shall be an individual who is not an employee of the MTA or a relative of MTA board members at the time of their appointment. The monitor shall have experience in public finance and, to the extent practical, shall have experience in one or more of the following areas:

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

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(a) transportation finance;
(b) the operation of public authorities in New York;
(c) public transportation; or
(d) public policy.

§ 3. Meetings. The monitor shall be entitled to attend all meetings of the MTA board, including executive sessions; provided, however, that the monitor shall not be considered for purposes of establishing a quorum of the board. The MTA shall fully cooperate with any monitor appointed by the governor, including but not limited to providing such monitor with access to any necessary documents and records of the MTA including access to electronic information systems, databases, and planning documents, consistent with all applicable state and federal statutes including but not limited to the Freedom of Information Law pursuant to article six of the public officers law and the Personal Privacy Protection Law pursuant to article 6-A of the public officers law.

§ 4. Duties of the fiscal monitor. The fiscal monitor shall have the following duties, including but not limited to:

1. Review and analyze the MTA's annual budget and financial plan, including operating and capital expenses and revenues, and make recommendations for improving financial management and sustainability;

2. Review and evaluate the MTA's debt levels and debt management practices, and make recommendations for reducing debt and improving debt management;

3. Review and assess the MTA's procurement practices, including contracts for goods and services, and make recommendations for improving efficiency and reducing costs;

4. Review and evaluate the MTA's internal controls and financial reporting practices, and make recommendations for improving transparency and accountability;

5. Monitor and report on the MTA's compliance with applicable laws, regulations, and policies relating to financial management and reporting; and

6. Provide regular reports to the governor, the state legislature, and the public on the MTA's financial performance and fiscal management.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed five years after such effective date.