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MEMO OF SUPPORT

S7337 (Comrie) / A10157 (Paulin)

Repeals 2019 Changes to PACB

November 15, 2022

Title

An act to repeal subdivision 6 of section 51 of the public authorities law, relating to voting by members of the New York state authorities control board.

Summary

This bill repeals subdivision 6 of section 51 of the public authorities law, relating to voting by members of the New York state authorities control board.

Statement of Support

This bill would repeal changes pushed by former Governor Cuomo without public debate or discussion during the FY 2019-2020 budget cycle, which gave the executive the power to remove members of the Public Authorities Control Board (PACB) and limited their scope to

only consider whether there are sufficient funding commitments for projects. The legislation restores the independence of the PACB and ensures that the legislative and other representatives on this body are given the power to conduct proper oversight of public authority proposals without fear of retribution.

The move by the former Governor to limit PACB members' authority is counter to the purposes of the PACB, which was founded in the wake of the Urban Development Corporation (now ESD) crisis of the mid-1970s. Then, as now, it was crucial that an informed board act independently and in the public interest to determine project feasibility. To make such a determination, the board is tasked with analyzing fee, revenue, and securities projections, among other details. When the former Governor limited board members' powers and empowered the executive to unilaterally remove members of the PACB, it subverted the board's very reason for existing.

We ask that the Governor restore the independence of the PACB by signing this bill without delay, and without any chapter amendments. The legislation was passed with unanimous approval in the Senate, and with overwhelming support in the Assembly.