

1182

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the  
Committee on Judiciary

AN ACT to amend the education law, the public authorities law, the public housing law, the racing, pari-mutuel wagering and breeding law, and the New York city health and hospitals corporation act, in relation to providing for the exclusive jurisdiction of the court of claims over claims against boards of education and school districts, the community colleges of the city university of New York, the New York city transit authority, the metropolitan transportation authority, the triborough bridge and tunnel authority, the New York city housing authority, the New York city off-track betting corporation and the New York city health and hospitals corporation, and claims against the officers and employees thereof that arise out of their employment, for damages for personal injury, injury to property and wrongful death

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

1 Section 1. Section 3813 of the education law is amended by adding a  
2 new subdivision 5 to read as follows:  
3 5. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS  
4 TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST ANY OF THE  
5 PARTIES NAMED IN THIS SECTION OR THE CLAIMS OF ANY PERSON AGAINST ANY  
6 TEACHER OR MEMBER OF THE SUPERVISORY OR ADMINISTRATIVE STAFF OR OTHER  
7 OFFICERS AND EMPLOYEES OF SUCH PARTIES THAT ARISE OUT OF THEIR EMPLOY-  
8 MENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL  
9 DEATH, AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS  
10 SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD AND  
11 DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION OF  
12 CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:  
13 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
14 SHALL NOT APPLY TO SUCH CLAIMS;

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

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1 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
2 ACT, THE PROVISIONS OF SECTION FIFTY-E, FIFTY-H AND FIFTY-I OF THE  
3 GENERAL MUNICIPAL LAW SHALL APPLY TO SUCH CLAIMS; AND

4 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
5 SHALL BE DEEMED TO REFER TO THE CHIEF LEGAL OFFICER OF THE GOVERNING  
6 BODY OF THE DISTRICT OR SCHOOL WITH RESPECT TO WHICH THE CLAIM IS MADE  
7 AND ALL REFERENCES IN SUCH ACT TO THE COMPTROLLER SHALL BE DEEMED TO  
8 REFER TO THE OFFICER OR BODY HAVING POWER TO ADJUST AND PAY CLAIMS  
9 AGAINST SUCH DISTRICT OR SCHOOL.

10 S 2. Subdivision 1 of section 6224 of the education law, as amended by  
11 chapter 711 of the laws of 1982, is amended to read as follows:

12 1. (A) The provisions of sections fifty-e, FIFTY-H and fifty-i of the  
13 general municipal law shall, notwithstanding any inconsistent provision  
14 of law, continue to apply to actions and proceedings based on a cause of  
15 action involving a community college of the city university of New York  
16 or an officer, agent, servant or employee of such community college  
17 acting in the course of his OR HER employment. [The] EXCEPT AS OTHERWISE  
18 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE provisions of subdi-  
19 visions four, five and six of this section shall not apply to such  
20 actions and proceedings.

21 (B) EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF  
22 CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST A COMMUNI-  
23 TY COLLEGE OF THE CITY UNIVERSITY OF NEW YORK OR ANY OFFICER, AGENT,  
24 SERVANT OR EMPLOYEE OF A COMMUNITY COLLEGE OF THE CITY UNIVERSITY OF NEW  
25 YORK FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL  
26 DEATH ALLEGED TO HAVE BEEN COMMITTED BY SUCH COLLEGE OR SUCH OFFICER,  
27 AGENT, SERVANT OR EMPLOYEE WHILE ACTING IN THE COURSE OF HIS OR HER  
28 EMPLOYMENT ON BEHALF OF SUCH COLLEGE, AND TO MAKE AWARDS AND RENDER  
29 JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS  
30 ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT  
31 FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER,  
32 THAT:

33 (1) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
34 SHALL NOT APPLY TO SUCH CLAIMS;

35 (2) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
36 ACT, THE PROVISIONS OF SECTIONS FIFTY-E, FIFTY-H AND FIFTY-I OF THE  
37 GENERAL MUNICIPAL LAW SHALL APPLY TO SUCH CLAIMS; AND

38 (3) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
39 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL  
40 OF THE CITY OF NEW YORK AND THE COMPTROLLER OF THE CITY OF NEW YORK,  
41 RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST SUCH COLLEGE ARISING OUT  
42 OF SUCH CLAIM SHALL BE PAID IN THE MANNER PROVIDED BY LAW FOR THE  
43 PAYMENT OF AWARDS AND JUDGMENTS AGAINST THE CITY OF NEW YORK.

44 S 3. Section 569-a of the public authorities law is amended by adding  
45 a new subdivision 3 to read as follows:

46 3. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS  
47 TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR  
48 THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT  
49 ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY  
50 TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS  
51 THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND  
52 SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE  
53 DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

54 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
55 SHALL NOT APPLY TO SUCH CLAIMS;

1 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
2 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

3 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
4 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF  
5 THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS  
6 AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE  
7 MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

8 S 4. Section 1212 of the public authorities law is amended by adding a  
9 new subdivision 7 to read as follows:

10 7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS  
11 TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR  
12 THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT  
13 ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY  
14 TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS  
15 THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND  
16 SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE  
17 DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

18 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
19 SHALL NOT APPLY TO SUCH CLAIMS;

20 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
21 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

22 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
23 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF  
24 THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS  
25 AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE  
26 MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

27 S 5. Section 1276 of the public authorities law is amended by adding a  
28 new subdivision 7 to read as follows:

29 7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS  
30 TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY OR  
31 THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES THEREOF THAT  
32 ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY  
33 TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS  
34 THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND  
35 SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE  
36 DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

37 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
38 SHALL NOT APPLY TO SUCH CLAIMS;

39 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
40 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

41 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
42 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF  
43 THE AUTHORITY AND THE AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS  
44 AGAINST THE AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE  
45 MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

46 S 6. Section 402-a of the public housing law is amended by adding a  
47 new subdivision 16 to read as follows:

48 16. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF  
49 CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE NEW  
50 YORK CITY HOUSING AUTHORITY OR THE CLAIMS OF ANY PERSON AGAINST THE  
51 EMPLOYEES THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR  
52 PERSONAL INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS  
53 AND RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT  
54 OF CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED  
55 IN SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED,  
56 HOWEVER, THAT:

1 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
2 SHALL NOT APPLY TO SUCH CLAIMS;

3 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
4 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

5 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
6 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE GENERAL COUNSEL OF  
7 THE NEW YORK CITY HOUSING AUTHORITY AND THE NEW YORK CITY HOUSING  
8 AUTHORITY, RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE NEW YORK  
9 CITY HOUSING AUTHORITY ARISING OUT OF SUCH CLAIMS SHALL BE PAID IN THE  
10 MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE AUTHORITY.

11 S 7. Section 618 of the racing, pari-mutuel wagering and breeding law  
12 is amended by adding a new subdivision 7 to read as follows:

13 7. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS  
14 TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CORPORATION  
15 OR THE CLAIMS OF ANY PERSON AGAINST THE EMPLOYEES THEREOF THAT ARISE OUT  
16 OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL INJURY, INJURY TO PROPERTY  
17 OR WRONGFUL DEATH AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. SUCH  
18 CLAIMS SHALL BE SUBJECT TO THE COURT OF CLAIMS ACT AND SHALL BE HEARD  
19 AND DETERMINED IN THE MANNER PROVIDED IN SUCH ACT FOR THE DETERMINATION  
20 OF CLAIMS AGAINST THE STATE; PROVIDED, HOWEVER, THAT:

21 A. THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT SHALL  
22 NOT APPLY TO SUCH CLAIMS;

23 B. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
24 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

25 C. ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
26 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL  
27 OF THE CITY OF NEW YORK AND THE CORPORATION, RESPECTIVELY. ALL AWARDS  
28 AND JUDGMENTS AGAINST THE CORPORATION ARISING OUT OF SUCH CLAIMS SHALL  
29 BE PAID IN THE MANNER PROVIDED BY LAW OUT OF THE MONIES OF THE CORPO-  
30 RATION.

31 S 8. Section 20 of section 1 of chapter 1016 of the laws of 1969,  
32 constituting the New York city health and hospitals corporation act, is  
33 amended by adding a new subdivision 2-a to read as follows:

34 2-A. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF  
35 CLAIMS TO HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CORPO-  
36 RATION OR THE CLAIMS OF ANY PERSON AGAINST THE OFFICERS AND EMPLOYEES  
37 THEREOF THAT ARISE OUT OF THEIR EMPLOYMENT, FOR DAMAGES FOR PERSONAL  
38 INJURY, INJURY TO PROPERTY OR WRONGFUL DEATH AND TO MAKE AWARDS AND  
39 RENDER JUDGMENTS THEREFOR. SUCH CLAIMS SHALL BE SUBJECT TO THE COURT OF  
40 CLAIMS ACT AND SHALL BE HEARD AND DETERMINED IN THE MANNER PROVIDED IN  
41 SUCH ACT FOR THE DETERMINATION OF CLAIMS AGAINST THE STATE; PROVIDED,  
42 HOWEVER, THAT:

43 (A) THE PROVISIONS OF SECTION TWENTY-A OF THE COURT OF CLAIMS ACT  
44 SHALL NOT APPLY TO SUCH CLAIMS;

45 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THE COURT OF CLAIMS  
46 ACT, THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH CLAIMS; AND

47 (C) ALL REFERENCES IN THE COURT OF CLAIMS ACT TO THE ATTORNEY GENERAL  
48 AND THE COMPTROLLER SHALL BE DEEMED TO REFER TO THE CORPORATION COUNSEL  
49 OF THE CITY OF NEW YORK AND THE COMPTROLLER OF THE CITY OF NEW YORK,  
50 RESPECTIVELY. ALL AWARDS AND JUDGMENTS AGAINST THE CORPORATION ARISING  
51 OUT OF SUCH CLAIMS SHALL BE PAID IN THE MANNER PROVIDED BY LAW FOR THE  
52 PAYMENT OF AWARDS AND JUDGMENTS AGAINST THE CITY OF NEW YORK.

53 S 9. This act shall take effect on the one hundred eightieth day after  
54 it shall have become a law.