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

7840

I N S E N A T E

August 17, 2012

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

AN ACT to amend the public authorities law, in relation to enacting the Metropolitan Transportation Authority accountability and transparency act of 2012 and to repeal certain provisions of such law relating thereto

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

Section 1. Short title. This act shall be known and may be cited as the "Metropolitan Transportation Authority accountability and transparency act of 2012".

S 2. Legislative findings. 1. The legislature finds and declares that the efficient and adequate transportation of mass transit riders within the New York metropolitan area is of vital importance to the New York state economy.

2. The legislature further declares that it is the policy of the state that the preservation, strengthening and improvement of mass transportation services is an essential public purpose, and that it is in the public's interest for the state and its political subdivision, in cooperation with other levels of government, to take appropriate measures and assume responsibilities for the preservation of such essential services.

3. The legislature finds that the Metropolitan Transportation Authority was authorized to incorporate by chapter 324 of the laws of 1965 to serve as the state's instrument for the carrying out of programs designed to continue and improve mass transit services.

4. The legislature further finds that the Metropolitan Transportation Authority was additionally authorized under chapter 717 of the laws of 1967 to provide a greater degree of coordination of effort, development and operation of public-owned mass transportation facilities within the metropolitan region operated by several agencies by placing such agencies under the control of a single board charged with the additional responsibility of developing and implementing a unified mass transportation policy for the region.

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

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5. The legislature declares that due to the continued decline in the Metropolitan Transportation Authority's financial situation there is an urgent and immediate need for the stabilization, strengthening and improvement of mass transportation services in the metropolitan area. Therefore, the legislature declares that in order to ensure a healthy economy for the state and the New York metropolitan region, the provision of adequate mass transportation facilities for the transport of persons must be assured and this necessitates a temporary structural change in the organization of the Metropolitan Transportation Authority in the form of a temporary reorganization board which shall exist for a period of three years.

6. The legislature further declares that this temporary reorganization board shall replace the board authorized by section 1263 of the public authorities law to ensure the Metropolitan Transportation Authority works in the best interest of taxpayers and mass transportation riders alike by managing the metropolitan region mass transportation operations with transparency, efficiency, and accountability.

7. The legislature declares that in no later than one year the temporary board shall recommend a statutory plan for the prospective governing structure required to ensure continued transparency, efficiency, and accountability of metropolitan region mass transportation operations. The legislature further finds that these statutory changes are consistent with existing authority agreements, necessary, and in the best interest of the state's citizens in general.

S 3. The public authorities law is amended by adding a new section 1269-h to read as follows:

S 1269-H. NO DEBT OF THE STATE. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ACCEPT A LIABILITY TO OR CREATE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION.

S 4. Subdivisions 1 and 7 and paragraphs (b), (c) and (d) of subdivision 3 of section 1263 of the public authorities law are REPEALED and a new subdivision 1 is added to read as follows:

1. (A) THE BOARD OF DIRECTORS, TO BE CALLED THE METROPOLITAN TRANSPORTATION AUTHORITY REORGANIZATION BOARD, SHALL CONSIST OF SEVENTEEN MEMBERS, FOUR OF WHOM SHALL BE APPOINTED BASED ON THE WRITTEN RECOMMENDATION OF THE MAYOR OF THE CITY OF NEW YORK, NINE TO BE APPOINTED BY THE GOVERNOR, TWO TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND TWO TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

(1) THE GOVERNOR SHALL NOMINATE A MEMBER TO SERVE AS CHAIR, SUBJECT TO CONFIRMATION BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS. ALL NON-EX OFFICIO MEMBERS SHALL HAVE EQUAL VOTING RIGHTS.

(2) IN THE EVENT OF A MEMBER VACANCY OCCURRING BY DEATH, RESIGNATION OR OTHERWISE, THE RESPECTIVE APPOINTING OFFICER OR OFFICERS SHALL APPOINT A SUCCESSOR WHO SHALL HOLD OFFICE FOR THE UNEXPIRED PORTION OF THE TERM.

(3) THE BOARD SHALL HAVE EQUITABLE REPRESENTATION OF ALL AFFECTED REGIONS WITH AT LEAST SIX VOTING MEMBERS REPRESENTING REGIONS OUTSIDE OF THE CITY OF NEW YORK.

(B) IN ADDITION TO THESE VOTING MEMBERS, THE BOARD SHALL HAVE THREE EX OFFICIO MEMBERS TO ADVISE ON CRITICAL MASS TRANSPORTATION CONCERNS OF THE METROPOLITAN REGION, ONE APPOINTED BY THE GOVERNOR BASED UPON THE WRITTEN RECOMMENDATION OF THE NEW YORK CITY TRANSIT AUTHORITY ADVISORY COUNCIL; ONE APPOINTED BY THE GOVERNOR BASED UPON THE WRITTEN RECOMMENDATION OF THE METRO NORTH RAIL COMMUTER COUNCIL; AND ONE APPOINTED BY THE GOVERNOR BASED UPON THE WRITTEN RECOMMENDATION OF THE LONG ISLAND RAIL ROAD COMMUTER'S COUNCIL.

(C) ALL DIRECTORS SHALL SERVE AT THE PLEASURE OF THEIR APPOINTING AUTHORITY.

(D) THE BOARD, WHICH SHALL BECOME EFFECTIVE UPON APPOINTMENT OF A MAJORITY OF PUBLIC MEMBERS, SHALL TERMINATE THREE YEARS FROM ITS DATE OF CREATION. THE BOARD SHALL PROPOSE, NO LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO ITS TERMINATION, RECOMMENDATIONS TO THE GOVERNOR AND THE STATE LEGISLATURE REPRESENTING A STATUTORY PLAN FOR THE PROSPECTIVE GOVERNING STRUCTURE OF THE METROPOLITAN TRANSPORTATION AUTHORITY. THE REPORT SHALL INCORPORATE EQUITABLE REPRESENTATION OF AFFECTED COUNTIES WITHIN THE PROSPECTIVE GOVERNING STRUCTURE OF THE METROPOLITAN TRANSPORTATION AUTHORITY INCLUDING THE COUNTIES OF DUTCHESS, ORANGE, PUTNAM, ROCKLAND, NASSAU AND SUFFOLK.

(E) UPON THE EFFECTIVE DATE OF THIS SUBDIVISION, THE STRUCTURE OF THE BOARD OF THE CORPORATION SHALL BE DEEMED TO BE INCORPORATED WITHIN AND MADE PART OF THE CERTIFICATE OF INCORPORATION OF THE CORPORATION, AND NO AMENDMENT TO SUCH CERTIFICATE OF INCORPORATION SHALL BE NECESSARY TO GIVE EFFECT TO ANY SUCH PROVISION, AND ANY PROVISION CONTAINED WITHIN SUCH CERTIFICATE INCONSISTENT IN ANY MANNER SHALL BE SUPERSEDED BY THE PROVISIONS OF THIS SECTION. SUCH BOARD SHALL, HOWEVER, MAKE APPROPRIATE CONFORMING CHANGES TO ALL GOVERNING DOCUMENTS OF THE CORPORATION INCLUDING BUT NOT LIMITED TO CORPORATE BY-LAWS.

S 5. This act shall take effect immediately; provided, however, that section four of this act shall take effect upon the appointment of a majority of public directors of the temporary reorganization board of the Metropolitan Transportation Authority as set forth in section four of this act, provided that the chair of the temporary reorganization board shall notify the legislative bill drafting commission upon the occurrence in order that the commission may maintain an accurate data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.