

# STATE OF NEW YORK

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6825

2017-2018 Regular Sessions

## IN SENATE

June 21, 2017

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Introduced by Sen. GOLDEN -- (at request of the Governor) -- 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 the appointment of a chief executive officer for certain public authorities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (a) and (d) of subdivision 4 of section 1263 of  
2 the public authorities law, paragraph (a) as amended by chapter 506 and  
3 paragraph (d) as added by section 5 of part H of chapter 25 of the laws  
4 of 2009, are amended to read as follows:

5 (a) (i) Notwithstanding any provision of law to the contrary, the  
6 chairman shall be the chief executive officer of the authority and shall  
7 be responsible for the discharge of the executive and administrative  
8 functions and powers of the authority. The chairman may appoint an  
9 executive director and such other officials and employees as shall in  
10 his or her judgment be needed to discharge the executive and administra-  
11 tive functions and powers of the authority.

12 (ii) Notwithstanding subparagraph (i) of this paragraph, the governor  
13 may appoint a chief executive officer who shall be responsible for the  
14 discharge of the executive and administrative functions and powers of  
15 the authority. The chief executive officer may appoint an executive  
16 director and such other officials and employees as shall in his or her  
17 judgment be needed to discharge the executive and administrative func-  
18 tions and powers of the authority.

19 (d) Notwithstanding paragraph (c) of subdivision one of section twen-  
20 ty-eight hundred twenty-four of this chapter or any other provision of  
21 law to the contrary, the chairman shall not participate in establishing  
22 authority policies regarding the payment of salary, compensation and  
23 reimbursement to, nor establish rules for the time and attendance of,  
24 the chief executive officer, except for purposes of a chief executive

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

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1 officer appointed pursuant to subparagraph (ii) of paragraph (a) of this  
2 subdivision. The salary of the chairman, as determined pursuant to  
3 subdivision two of this section, shall also be compensation for all  
4 services performed as chief executive officer.

5 § 2. Subdivision 2 of section 1201 of the public authorities law, as  
6 amended by chapter 506 of the laws of 2009, is amended to read as  
7 follows:

8 2. (a) The chairman of such board shall be the chairman of metropol-  
9 itan transportation authority, serving ex officio~~[, and, provided that]~~.  
10 If there is an executive director of the metropolitan transportation  
11 authority, the executive director of the authority shall be the execu-  
12 tive director of the metropolitan transportation authority, serving ex  
13 officio. Notwithstanding any provision of law to the contrary, the  
14 chairman shall be the chief executive officer of the authority and shall  
15 be responsible for the discharge of the executive and administrative  
16 functions and powers of the authority. The chairman and executive  
17 director, if any, each shall be empowered to delegate his or her func-  
18 tions and powers to one or more officers or employees designated by him  
19 or her.

20 (b) Notwithstanding paragraph (a) of this subdivision, a chief execu-  
21 tive officer appointed pursuant to subparagraph (ii) of paragraph (a) of  
22 subdivision four of section twelve hundred sixty-three of this article,  
23 shall serve as the chief executive officer of the authority, serving ex  
24 officio, and shall be responsible for the discharge of the executive and  
25 administrative functions and powers of the authority. The chief execu-  
26 tive officer shall be empowered to delegate his or her functions and  
27 powers to one or more officers or employees designated by him or her.

28 § 3. Subdivision 1 of section 552 of the public authorities law, as  
29 amended by chapter 506 of the laws of 2009, is amended to read as  
30 follows:

31 1. (a) A board, to be known as "Triborough bridge and tunnel authori-  
32 ty" is hereby created. Such board shall be a body corporate and politic  
33 constituting a public benefit corporation. It shall consist of seventeen  
34 members, all serving ex officio. Those members shall be the persons who  
35 from time to time shall hold the offices of chairman and members of  
36 metropolitan transportation authority. The chairman of such board shall  
37 be the chairman of metropolitan transportation authority, serving ex  
38 officio~~[, and, provided that]~~. If there is an executive director of the  
39 metropolitan transportation authority, the executive director of the  
40 authority shall be the executive director of the metropolitan transpor-  
41 tation authority, serving ex officio. Notwithstanding any provision of  
42 law to the contrary, the chairman shall be the chief executive officer  
43 of the authority and shall be responsible for the discharge of the exec-  
44 utive and administrative functions and powers of the authority. The  
45 chairman and executive director, if any, each shall be empowered to  
46 delegate his or her functions and powers to the executive officer of the  
47 Triborough bridge and tunnel authority or to such person as may succeed  
48 to the powers and duties of said executive officer. The chairman and  
49 other members of the board hereby created, ~~[and]~~ the executive director,  
50 if any, and any chief executive officer established pursuant to para-  
51 graph (b) of this subdivision, shall not be entitled to compensation for  
52 their services hereunder but shall be entitled to reimbursement for  
53 their actual and necessary expenses incurred in the performance of their  
54 official duties.

55 (b) Notwithstanding paragraph (a) of this subdivision, the chief exec-  
56 utive officer appointed pursuant to subparagraph (ii) of paragraph (a)

1 of subdivision four of section twelve hundred sixty-three of this arti-  
2 cle, shall also serve as a chief executive officer of the authority and  
3 shall be responsible for the discharge of the executive and administra-  
4 tive functions and powers of the authority. The chief executive officer  
5 shall be empowered to delegate his or her functions and powers to one or  
6 more officers or employees designated by him or her.

7 § 4. The opening paragraph of subdivision 5 of section 1266 of the  
8 public authorities law, as amended by chapter 506 of the laws of 2009,  
9 is amended to read as follows:

10 (a) The authority may acquire, hold, own, lease, establish, construct,  
11 effectuate, operate, maintain, renovate, improve, extend or repair any  
12 transportation facilities through, and cause any one or more of its  
13 powers, duties, functions or activities to be exercised or performed by,  
14 one or more wholly owned subsidiary corporations of the authority, or by  
15 New York city transit authority or any of its subsidiary corporations in  
16 the case of transit facilities and may transfer to or from any such  
17 corporations any moneys, real property or other property for any of the  
18 purposes of this title upon such terms and conditions as shall be agreed  
19 to and subject to such payment or repayment obligations as are required  
20 by law or by any agreement to which any of the affected entities is  
21 subject. The directors or members of each such subsidiary corporation of  
22 the authority corporation shall be the same persons holding the offices  
23 of members of the authority. The chairman of the board of each such  
24 subsidiary shall be the chairman of the authority, serving ex officio  
25 ~~[and, provided that]~~. If there is an executive director of the metropol-  
26 itan transportation authority, the executive director of such subsidiary  
27 shall be the executive director of the metropolitan transportation  
28 authority, serving ex officio. Notwithstanding any provision of law to  
29 the contrary, the chairman shall be the chief executive officer of each  
30 such subsidiary and shall be responsible for the discharge of the execu-  
31 tive and administrative functions and powers of each such subsidiary.  
32 The chairman and executive director, if any, shall be empowered to dele-  
33 gate his or her functions and powers to one or more officers or employ-  
34 ees of each such subsidiary designated by him or her. Each such subsid-  
35 iary corporation of the authority and any of its property, functions and  
36 activities shall have all of the privileges, immunities, tax exemptions  
37 and other exemptions of the authority and of the authority's property,  
38 functions and activities. Each such subsidiary corporation shall be  
39 subject to the restrictions and limitations to which the authority may  
40 be subject. Each such subsidiary corporation of the authority shall be  
41 subject to suit in accordance with section twelve hundred seventy-six of  
42 this title. The employees of any such subsidiary corporation, except  
43 those who are also employees of the authority, shall not be deemed  
44 employees of the authority.

45 (b) Notwithstanding paragraph (a) of this subdivision, a chief execu-  
46 tive officer appointed pursuant to subparagraph (ii) of paragraph (a) of  
47 subdivision four of section twelve hundred sixty-three of this title,  
48 shall also serve as a chief executive officer of each such subsidiary  
49 and shall be responsible for the discharge of the executive and adminis-  
50 trative functions and powers of each such subsidiary. The chief execu-  
51 tive officer shall be empowered to delegate his or her functions and  
52 powers to one or more officers or employees designated by him or her.

53 § 5. This act shall take effect immediately.