STATE OF NEW YORK

6825

2017-2018 Regular Sessions

IN SENATE

June 21, 2017

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:

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

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

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

(d) Notwithstanding paragraph (c) of subdivision one of section twenty-eight hundred twenty-four of this chapter or any other provision of law to the contrary, the chairman shall not participate in establishing authority policies regarding the payment of salary, compensation and reimbursement to, nor establish rules for the time and attendance of, 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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officer appointed pursuant to subparagraph (ii) of paragraph (a) of this subdivision. The salary of the chairman, as determined pursuant to subdivision two of this section, shall also be compensation for all services performed as chief executive officer.

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

2. (a) The chairman of such board shall be the chairman of metropolitan transportation authority, serving ex officio[~~, and, provided that~~]. If there is an executive director of the metropolitan transportation authority, the executive director of the authority shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to one or more officers or employees designated by him or her.

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

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

1. (a) A board, to be known as "Triborough bridge and tunnel authority" is hereby created. Such board shall be a body corporate and politic constituting a public benefit corporation. It shall consist of seventeen members, all serving ex officio. Those members shall be the persons who from time to time shall hold the offices of chairman and members of metropolitan transportation authority. The chairman of such board shall be the chairman of metropolitan transportation authority, serving ex officio[~~, and, provided that~~]. If there is an executive director of the metropolitan transportation authority, the executive director of the authority shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chairman and executive director, if any, each shall be empowered to delegate his or her functions and powers to the executive officer of the Triborough bridge and tunnel authority or to such person as may succeed to the powers and duties of said executive officer. The chairman and other members of the board hereby created, [~~and~~] the executive director, if any, and any chief executive officer established pursuant to paragraph (b) of this subdivision, shall not be entitled to compensation for their services hereunder but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(b) Notwithstanding paragraph (a) of this subdivision, the chief executive officer appointed pursuant to subparagraph (ii) of paragraph (a)

of subdivision four of section twelve hundred sixty-three of this article, shall also serve as a chief executive officer of the authority and shall be responsible for the discharge of the executive and administrative functions and powers of the authority. The chief executive officer shall be empowered to delegate his or her functions and powers to one or more officers or employees designated by him or her.

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

(a) The authority may acquire, hold, own, lease, establish, construct, effectuate, operate, maintain, renovate, improve, extend or repair any transportation facilities through, and cause any one or more of its powers, duties, functions or activities to be exercised or performed by, one or more wholly owned subsidiary corporations of the authority, or by New York city transit authority or any of its subsidiary corporations in the case of transit facilities and may transfer to or from any such corporations any moneys, real property or other property for any of the purposes of this title upon such terms and conditions as shall be agreed to and subject to such payment or repayment obligations as are required by law or by any agreement to which any of the affected entities is subject. The directors or members of each such subsidiary corporation of the authority corporation shall be the same persons holding the offices of members of the authority. The chairman of the board of each such subsidiary shall be the chairman of the authority, serving ex officio [~~and, provided that~~]. If there is an executive director of the metropolitan transportation authority, the executive director of such subsidiary shall be the executive director of the metropolitan transportation authority, serving ex officio. Notwithstanding any provision of law to the contrary, the chairman shall be the chief executive officer of each such subsidiary and shall be responsible for the discharge of the executive and administrative functions and powers of each such subsidiary. The chairman and executive director, if any, shall be empowered to delegate his or her functions and powers to one or more officers or employees of each such subsidiary designated by him or her. Each such subsidiary corporation of the authority and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the authority and of the authority's property, functions and activities. Each such subsidiary corporation shall be subject to the restrictions and limitations to which the authority may be subject. Each such subsidiary corporation of the authority shall be subject to suit in accordance with section twelve hundred seventy-six of this title. The employees of any such subsidiary corporation, except those who are also employees of the authority, shall not be deemed employees of the authority.

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

§ 5. This act shall take effect immediately.