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2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. BRENNAN, COLTON, DINOWITZ, BENJAMIN, PHEFFER, EDDINGTON, FIELDS -- Multi-Sponsored by -- M. of A. CHRISTENSEN, CLARK, GLICK, GOTTFRIED, HOOPER, SWEENEY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the manner in which the members of the metropolitan transportation authority shall be appointed

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

1 Section 1. Paragraph (a) of subdivision 1 of section 1263 of the
2 public authorities law, as amended by chapter 549 of the laws of 1994,
3 is amended to read as follows:
4 (a) (1) There is hereby created the "metropolitan transportation
5 authority." The authority shall be a body corporate and politic consti-
6 tuting a public benefit corporation. The authority shall consist of a
7 [chairman] CHAIRPERSON, sixteen other voting members, and two non-voting
8 and four alternate non-voting members, as described in subparagraph two
9 of this paragraph appointed by the governor by and with the advice and
10 consent of the senate. [Four] THREE of the sixteen voting members other
11 than the [chairman] CHAIRPERSON shall be appointed on the written recom-
12 mendation of the mayor of the city of New York[;], ONE MEMBER OTHER THAN
13 THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF
14 THE STATE COMPTROLLER, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE
15 APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE COMPTROLLER OF THE CITY
16 OF NEW YORK; ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED
17 UPON THE WRITTEN RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE
18 SENATE, AND ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED
19 UPON THE WRITTEN RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, and each
20 of seven other voting members other than the [chairman] CHAIRPERSON
21 shall be appointed after selection from a written list of three recom-
22 mendations from the chief executive officer of the county in which the

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

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1 particular member is required to reside pursuant to the provisions of
2 this subdivision. THE MEMBERS APPOINTED BY THE STATE COMPTROLLER, THE
3 COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY PRESIDENT OF THE
4 SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE EMPLOYEES OF THE
5 STATE OR THE CITY OF NEW YORK. Of the members appointed on recommenda-
6 tion of the chief executive officer of a county, one such member shall
7 be, at the time of appointment, a resident of the county of Nassau; one
8 a resident of the county of Suffolk; one a resident of the county of
9 Westchester; and one a resident of the county of Dutchess, one a resi-
10 dent of the county of Orange, one a resident of the county of Putnam and
11 one a resident of the county of Rockland, provided that the term of any
12 member who is a resident of a county that has withdrawn from the metro-
13 politan commuter transportation district pursuant to section twelve
14 hundred seventy-nine-b of this article shall terminate upon the effec-
15 tive date of such county's withdrawal from such district. Of the [five]
16 TWO voting members, other than the [chairman] CHAIRPERSON, appointed by
17 the governor without recommendation from any other person, [three] ONE
18 shall be, at the time of appointment, [residents] A RESIDENT of the city
19 of New York and [two] ONE shall be, at the time of appointment, [resi-
20 dents] A RESIDENT of such city or of any of the aforementioned counties
21 in the metropolitan commuter transportation district. The [chairman]
22 CHAIRPERSON and each of the members shall be appointed for a term of six
23 years, provided however, that the [chairman] CHAIRPERSON first appointed
24 shall serve for a term ending June thirtieth, nineteen hundred eighty-
25 one, and the sixteen other members first appointed shall serve for the
26 following terms: The members from the counties of Nassau and Westchester
27 shall each serve for a term ending June thirtieth, nineteen hundred
28 eighty-five; the members from the county of Suffolk and from the coun-
29 ties of Dutchess, Orange, Putnam and Rockland shall each serve for a
30 term ending June thirtieth, nineteen hundred ninety-two; two of the
31 members appointed on recommendation of the mayor of the city of New York
32 shall each serve for a term ending June thirtieth, nineteen hundred
33 eighty-four and, two shall each serve for a term ending June thirtieth,
34 nineteen hundred eighty-one; two of the members appointed by the gover-
35 nor without the recommendation of any other person shall each serve for
36 a term ending June thirtieth, nineteen hundred eighty-two, two shall
37 each serve for a term ending June thirtieth, nineteen hundred eighty and
38 one shall serve for a term ending June thirtieth, nineteen hundred
39 eighty-five. The two non-voting and four alternate non-voting members
40 shall serve until January first, two thousand one. The members from the
41 counties of Dutchess, Orange, Putnam and Rockland shall cast one collec-
42 tive vote.

43 (2) There shall be two non-voting members and four alternate non-vot-
44 ing members of the authority, as referred to in subparagraph one of this
45 paragraph.

46 The first non-voting member shall be a regular mass transit user of
47 the facilities of the authority and be recommended to the governor by
48 the New York city transit authority advisory council. The first alter-
49 nate non-voting member shall be a regular mass transit user of the
50 facilities of the authority and be recommended to the governor by the
51 Metro-North commuter council. The second alternate non-voting member
52 shall be a regular mass transit user of the facilities of the authority
53 and be recommended to the governor by the Long Island Rail Road
54 commuter's council.

55 The second non-voting member shall be recommended to the governor by
56 the labor organization representing the majority of employees of the

1 Long Island Rail Road. The third alternate non-voting member shall be
2 recommended to the governor by the labor organization representing the
3 majority of employees of the New York city transit authority. The fourth
4 alternate non-voting member shall be recommended to the governor by the
5 labor organization representing the majority of employees of the Metro-
6 North Commuter Railroad Company. The [chairman] CHAIRPERSON of the
7 authority, at his direction, may exclude such non-voting member or
8 alternate non-voting member from attending any portion of a meeting of
9 the authority or of any committee established pursuant to paragraph (b)
10 of subdivision four of this section held for the purpose of discussing
11 negotiations with labor organizations.

12 The non-voting member and the two alternate non-voting members repres-
13 enting the New York city transit authority advisory council, the
14 Metro-North commuter council, and the Long Island Rail Road commuter's
15 council shall serve eighteen month rotating terms, after which time an
16 alternate non-voting member shall become the non-voting member and the
17 rotation shall continue until each alternate member has served at least
18 one eighteen month term as a non-voting member. The other non-voting
19 member and alternate non-voting members representing the New York city
20 transit authority, Metro-North Commuter Railroad Company, and the Long
21 Island Rail Road labor organizations shall serve eighteen month rotating
22 terms, after which time an alternate non-voting member shall become the
23 non-voting member and the rotation shall continue until each alternate
24 member has served at least one eighteen month term as a non-voting
25 member. The transit authority and the commuter railroads shall not be
26 represented concurrently by the two non-voting members during any such
27 eighteen month period.

28 S 2. Paragraph (a) of subdivision 1 of section 1263 of the public
29 authorities law, as amended by chapter 929 of the laws of 1986, is
30 amended to read as follows:

31 (a) There is hereby created the "metropolitan transportation authori-
32 ty." The authority shall be a body corporate and politic constituting a
33 public benefit corporation. The authority shall consist of a [chairman]
34 CHAIRPERSON and sixteen other members appointed by the governor by and
35 with the advice and consent of the senate. [Four] THREE of the sixteen
36 members other than the [chairman] CHAIRPERSON shall be appointed on the
37 written recommendation of the mayor of the city of New York[;], ONE
38 MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN
39 RECOMMENDATION OF THE STATE COMPTROLLER, ONE MEMBER OTHER THAN THE
40 CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE
41 COMPTROLLER OF THE CITY OF NEW YORK; ONE MEMBER OTHER THAN THE CHAIR-
42 PERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE TEMPO-
43 RARY PRESIDENT OF THE SENATE, AND ONE MEMBER OTHER THAN THE CHAIRPERSON
44 SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE SPEAKER OF THE
45 ASSEMBLY, and each of seven other members other than the [chairman]
46 CHAIRPERSON shall be appointed after selection from a written list of
47 three recommendations from the chief executive officer of the county in
48 which the particular member is required to reside pursuant to the
49 provisions of this subdivision. THE MEMBERS APPOINTED BY THE STATE
50 COMPTROLLER, THE COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY
51 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE
52 EMPLOYEES OF THE STATE OR THE CITY OF NEW YORK. Of the members appointed
53 on recommendation of the chief executive officer of a county, one such
54 member shall be, at the time of appointment, a resident of the county of
55 Nassau; one a resident of the county of Suffolk; one a resident of the
56 county of Westchester; and one a resident of the county of Dutchess, one

1 a resident of the county of Orange, one a resident of the county of
2 Putnam and one a resident of the county of Rockland, provided that the
3 term of any member who is a resident of a county that has withdrawn from
4 the metropolitan commuter transportation district pursuant to section
5 twelve hundred seventy-nine-b of this article shall terminate upon the
6 effective date of such county's withdrawal from such district. Of the
7 [five] TWO members, other than the [chairman] CHAIRPERSON, appointed by
8 the governor without recommendation from any other person, [three] ONE
9 shall be, at the time of appointment, [residents] A RESIDENT of the city
10 of New York and [two] ONE shall be, at the time of appointment, [resi-
11 dents] A RESIDENT of such city or of any of the aforementioned counties
12 in the metropolitan commuter transportation district. The [chairman]
13 CHAIRPERSON and each of the members shall be appointed for a term of six
14 years, provided however, that the [chairman] CHAIRPERSON first appointed
15 shall serve for a term ending June thirtieth, nineteen hundred eighty-
16 one, and the sixteen other members first appointed shall serve for the
17 following terms: The members from the counties of Nassau and Westchester
18 shall each serve for a term ending June thirtieth, nineteen hundred
19 eighty-five; the members from the county of Suffolk and from the coun-
20 ties of Dutchess, Orange, Putnam and Rockland shall each serve for a
21 term ending June thirtieth, nineteen hundred ninety-two; two of the
22 members appointed on recommendation of the mayor of the city of New York
23 shall each serve for a term ending June thirtieth, nineteen hundred
24 eighty-four and, two shall each serve for a term ending June thirtieth,
25 nineteen hundred eighty-one; two of the members appointed by the gover-
26 nor without the recommendation of any other person shall each serve for
27 a term ending June thirtieth, nineteen hundred eighty-two, two shall
28 each serve for a term ending June thirtieth, nineteen hundred eighty and
29 one shall serve for a term ending June thirtieth, nineteen hundred
30 eighty-five. The members from the counties of Dutchess, Orange, Putnam
31 and Rockland shall cast one collective vote.

32 S 3. This act shall take effect immediately, provided that the amend-
33 ments to paragraph (a) of subdivision 1 of section 1263 of the public
34 authorities law made by section one of this act shall be subject to the
35 expiration and reversion of such paragraph pursuant to section 3 of
36 chapter 549 of the laws of 1994, as amended, when upon such date the
37 provisions of section two of this act shall take effect.