

6638

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 11, 2009

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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.