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

8126

2009-2010 Regular Sessions

I N A S S E M B L Y

May 5, 2009

Introduced by M. of A. KOLB, TEDISCO -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BACALLES, BALL, BARCLAY, BARRA, BURLING, BUTLER, CONTE, CROUCH, DUPREY, FINCH, FITZPATRICK, HAWLEY, HAYES, P. LOPEZ, McKEVITT, MILLER, MOLINARO, OAKS, O'MARA, QUINN, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, THIELE, TOWNSEND, WALKER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the powers, functions and duties of the New York state public authorities control board

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

Section 1. Subdivision 4 of section 51 of the public authorities law, as added by chapter 838 of the laws of 1983, is amended to read as follows:

4. Notwithstanding any other provisions of this section, the requirements of subdivisions one, two and three of this section shall not apply with regard to any project FOR WHICH THE LEGISLATURE HAS APPROPRIATE FUNDS SPECIFICALLY FOR SUCH PROJECT AND IN AN AMOUNT SUFFICIENT TO FINANCE SUCH PROJECT, ANY PROJECT of the New York state environmental facilities corporation, the New York state housing finance agency, the New York state medical care facilities finance agency or the dormitory authority in progress on the first day of April, nineteen hundred seventy-six, with regard to any project of the New York state project finance agency or the New York state urban development corporation in progress on the first day of April, nineteen hundred seventy-eight, with regard to any project of the job development authority or the battery park city authority in progress on the first day of July, nineteen hundred eighty, and with regard to a project of any other public benefit corporation subject to the provisions of this section in progress on the first day of July, nineteen hundred eighty-three, as determined by the New York state public authorities control board whose affirmative determination

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

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shall be conclusive as to all matters of law and fact for the purpose of the limitations of this section.

S 2. Subdivision 2 of section 50 of the public authorities law, as amended by chapter 838 of the laws of 1983, is amended to read as follows:

2. The membership of the board shall consist of five persons appointed by the governor, of which one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly, one upon the recommendation of the minority leader of the senate and one upon the recommendation of the minority leader of the assembly. [The members appointed by the governor upon the recommendation of the minority leader of the senate and the minority leader of the assembly shall be non-voting members whose comments shall be entered upon any official record of board proceedings in the same manner as voting members' comments, unless objection is raised by any of the voting members in which case, notwithstanding any provision of law to the contrary, such comments by non-voting members shall not be so entered.] The term of the members first appointed shall continue until January thirty-first, nineteen hundred seventy-seven, except that the term of the members first appointed upon the recommendations of the minority leader of the senate and the minority leader of the assembly shall continue until January thirty-first, nineteen hundred eighty-four, and thereafter their successors shall serve for a term of one year ending on January thirty-first in each year. Upon recommendation of the nominating party, the governor may replace any member in accordance with the provision contained [herein] IN THIS SUBDIVISION for the appointment of members. The governor shall designate one of the members to serve as chairman. The board shall act by [unanimous] A FOUR-FIFTHS vote of the [voting] members of the board. Any determination of the board shall be evidenced by a certification thereof executed by all the [voting] members. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his OR HER place, and to vote or otherwise act on his OR HER behalf in his OR HER absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of his OR HER duties or functions to any other person.

S 3. This act shall take effect immediately.