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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. BRENNAN, COLTON, DINOWITZ, PHEFFER -- Multi-Sponsored by -- M. of A. 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:

Section 1. Paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by chapter 549 of the laws of 1994 and subparagraph 1 as amended by section 3 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

1. (a) (1) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a [chairman] CHAIRPERSON, sixteen other voting members, and two non-voting and four alternate non-voting members, as described in subparagraph two of this paragraph appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. [Four] THREE of the sixteen voting members other than the [chairman] CHAIRPERSON shall be appointed on the written recommendation of the mayor of the city of New York[;], ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE STATE COMPTROLLER, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE COMPTROLLER OF THE CITY

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

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OF NEW YORK, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, and each of seven other voting members other than the [chairman] CHAIRPERSON shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. THE MEMBERS APPOINTED BY THE STATE COMPTROLLER, THE COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE EMPLOYEES OF THE STATE OR THE CITY OF NEW YORK. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau, one a resident of the county of Suffolk, one a resident of the county of Westchester, one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this article shall terminate upon the effective date of such county's withdrawal from such district. Of the [five] TWO voting members, other than the [chairman] CHAIRPERSON, appointed by the governor without recommendation from any other person, [three] ONE shall be, at the time of appointment, [residents] A RESIDENT of the city of New York and [two] ONE shall be, at the time of appointment, [residents] A RESIDENT of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. The [chairman] CHAIRPERSON and each of the members shall be appointed for a term of six years, provided however, that the [chairman] CHAIRPERSON first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this subparagraph, the term of the [chairman] CHAIRPERSON shall expire; provided, further, that such [chairman] CHAIRPERSON may continue to discharge the duties of his or her office until the position of [chairman] CHAIRPERSON is filled by appointment by the governor upon the advice and consent of the senate and the term of such new [chairman] CHAIRPERSON shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June thirtieth, nineteen hundred eighty-five. The two non-voting and four alternate non-voting members shall serve until January first, two thousand one. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

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

The first non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the New York city transit authority advisory council. The first alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Metro-North commuter council. The second alternate non-voting member shall be a regular mass transit user of the facilities of the authority and be recommended to the governor by the Long Island Rail Road commuter's council.

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

The non-voting member and the two alternate non-voting members representing the New York York city transit authority advisory council, the Metro-North commuter council, and the Long Island Rail Road commuter's council shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The other non-voting member and alternate non-voting members representing the New York city transit authority, Metro-North Commuter Railroad Company, and the Long Island Rail Road labor organizations shall serve eighteen month rotating terms, after which time an alternate non-voting member shall become the non-voting member and the rotation shall continue until each alternate member has served at least one eighteen month term as a non-voting member. The transit authority and the commuter railroads shall not be represented concurrently by the two non-voting members during any such eighteen month period.

S 2. Paragraph (a) of subdivision 1 of section 1263 of the public authorities law, as amended by section 4 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

(a) There is hereby created the "metropolitan transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a [chairman] CHAIRPERSON and sixteen other members appointed by the governor by and with the advice and consent of the senate. Any member appointed to a term commencing on or after June thirtieth, two thousand nine shall have experience in one or more of the following areas of expertise: transportation, public administration, business management, finance, accounting, law, engineering, land use, urban and regional planning, management of large capital projects, labor relations, or have experience in some other area of activity central to the mission of the authority. [Four] THREE of the sixteen members other than the [chairman] CHAIRPERSON shall

be appointed on the written recommendation of the mayor of the city of New York[;], ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE STATE COMPTROLLER, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE COMPTROLLER OF THE CITY OF NEW YORK, ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER OTHER THAN THE CHAIRPERSON SHALL BE APPOINTED UPON THE WRITTEN RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, and each of seven other members other than the [chairman] CHAIRPERSON shall be appointed after selection from a written list of three recommendations from the chief executive officer of the county in which the particular member is required to reside pursuant to the provisions of this subdivision. THE MEMBERS APPOINTED BY THE STATE COMPTROLLER, THE COMPTROLLER OF THE CITY OF NEW YORK, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL NOT BE EMPLOYEES OF THE STATE OR CITY OF THE NEW YORK. Of the members appointed on recommendation of the chief executive officer of a county, one such member shall be, at the time of appointment, a resident of the county of Nassau; one a resident of the county of Suffolk; one a resident of the county of Westchester; and one a resident of the county of Dutchess, one a resident of the county of Orange, one a resident of the county of Putnam and one a resident of the county of Rockland, provided that the term of any member who is a resident of a county that has withdrawn from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of this article shall terminate upon the effective date of such county's withdrawal from such district. Of the [five] TWO members, other than the [chairman] CHAIRPERSON, appointed by the governor without recommendation from any other person, [three] ONE shall be, at the time of appointment, [residents] A RESIDENT of the city of New York and [two] ONE shall be, at the time of appointment, [residents] A RESIDENT of such city or of any of the aforementioned counties in the metropolitan commuter transportation district. The [chairman] CHAIRPERSON and each of the members shall be appointed for a term of six years, provided however, that the [chairman] CHAIRPERSON first appointed shall serve for a term ending June thirtieth, nineteen hundred eighty-one, provided that thirty days after the effective date of the chapter of the laws of two thousand nine which amended this paragraph, the term of the [chairman] CHAIRPERSON shall expire; provided, further, that such [chairman] CHAIRPERSON may continue to discharge the duties of his office until the position of [chairman] CHAIRPERSON is filled by appointment by the governor upon the advice and consent of the senate and the term of such new [chairman] CHAIRPERSON shall terminate June thirtieth, two thousand fifteen. The sixteen other members first appointed shall serve for the following terms: The members from the counties of Nassau and Westchester shall each serve for a term ending June thirtieth, nineteen hundred eighty-five; the members from the county of Suffolk and from the counties of Dutchess, Orange, Putnam and Rockland shall each serve for a term ending June thirtieth, nineteen hundred ninety-two; two of the members appointed on recommendation of the mayor of the city of New York shall each serve for a term ending June thirtieth, nineteen hundred eighty-four and, two shall each serve for a term ending June thirtieth, nineteen hundred eighty-one; two of the members appointed by the governor without the recommendation of any other person shall each serve for a term ending June thirtieth, nineteen hundred eighty-two, two shall each serve for a term ending June thirtieth, nineteen hundred eighty and one shall serve for a term ending June

thirtieth, nineteen hundred eighty-five. The members from the counties of Dutchess, Orange, Putnam and Rockland shall cast one collective vote.

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