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

6207

2015-2016 Regular Sessions

I N A S S E M B L Y

March 17, 2015

Introduced by M. of A. THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the elections of trustees to the Long Island Power Authority

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

Section 1. Section 1020-d of the public authorities law, as amended by section 4 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

S 1020-d. Board of trustees. 1. Starting on January first, two thousand fourteen, the board of the authority shall be constituted and consist of nine trustees all of whom shall be residents of the service area, five of whom shall be appointed by the governor, one of whom the governor shall designate as chair, and serve at his or her pleasure, two of whom shall be appointed by the temporary president of the senate, and two of whom shall be appointed by the speaker of the assembly. One of the governor's appointees shall serve an initial term of two years; one of the governor's appointees shall serve an initial term of three years; and three of the governor's appointees shall serve an initial term of four years. One of the appointees of the temporary president of the senate and one of the appointees of the speaker of the assembly shall serve initial terms of two years; and one appointee of the temporary president of the senate and one appointee of the speaker of the assembly shall serve initial terms of three years. Thereafter, all terms shall be for a period of four years. In the event of a vacancy occurring in the office of trustee by death, resignation or otherwise, the respective appointing officer shall appoint a successor who shall hold office for the unexpired portion of the term.

1-A. (A) BEGINNING JANUARY FIRST, TWO THOUSAND NINETEEN, SUCH AUTHORITY SHALL CONSIST OF NINE TRUSTEES. ONE TRUSTEE, WHO SHALL BE THE CHAIRPERSON, SHALL BE A RESIDENT OF THE SERVICE AREA, SHALL BE APPOINTED BY

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

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THE GOVERNOR, AND SHALL SERVE AT THE GOVERNOR'S PLEASURE. EIGHT TRUSTEE SHALL BE ELECTED FROM DISTRICTS ESTABLISHED BY THE LEGISLATURE. EACH ELECTED TRUSTEE SHALL BE A RESIDENT OF THE DISTRICT FROM WHICH HE OR SHE IS ELECTED. NO PERSON WHO IS AN ELECTED OR APPOINTED OFFICIAL OF THE STATE OR ANY MUNICIPALITY OR ANY AGENCY OR INSTRUMENTALITY THEREOF, SHALL BE QUALIFIED TO SERVE AS AN ELECTED TRUSTEE. EACH ELECTED TRUSTEE SHALL HOLD OFFICE UNTIL HIS OR HER SUCCESSOR HAS BEEN ELECTED AND QUALIFIED. IN THE EVENT OF A VACANCY OCCURRING IN THE OFFICE OF A TRUSTEE BY DEATH, RESIGNATION OR OTHERWISE, A SUCCESSOR SHALL BE CHOSEN TO HOLD OFFICE FOR THE UNEXPIRED TERM IN THE MANNER PRESCRIBED BY THE ELECTION LAW.

(B) PRIOR TO MAY FIRST, TWO THOUSAND EIGHTEEN, THE LEGISLATURE SHALL ESTABLISH EIGHT DISTRICTS, WHICH SHALL BE EQUAL IN POPULATION AS DETERMINED BY THE LAST FEDERAL DECENNIAL CENSUS. PRIOR TO MAY FIRST, TWO THOUSAND TWENTY-TWO AND EACH TENTH YEAR THEREAFTER, THE LEGISLATURE SHALL REAPPORTION THE EIGHT DISTRICTS, WHICH SHALL BE EQUAL IN POPULATION AS DETERMINED BY THE LAST FEDERAL DECENNIAL CENSUS.

(C) SUCH TRUSTEES, SHALL BE ELECTED IN ELECTIONS CONDUCTED BY THE BOARDS OF ELECTIONS PURSUANT TO APPLICABLE PROVISIONS OF THE ELECTION LAW. THE FIRST SUCH ELECTION SHALL BE HELD ON THE FIRST TUESDAY IN DECEMBER TWO THOUSAND EIGHTEEN, AND THE TRUSTEES SO ELECTED SHALL TAKE OFFICE ON JANUARY FIRST, TWO THOUSAND NINETEEN. AT SUCH ELECTION ALL EIGHT TRUSTEES SHALL BE ELECTED FOR A TERM OF TWO YEARS. EACH SUCH TERM ENDING ON DECEMBER THIRTY-FIRST OF THE LAST YEAR THEREOF. NO POLITICAL PARTY SHALL BE ENTITLED TO NOMINATE CANDIDATES FOR THE OFFICE OF TRUSTEE AT ANY SUCH ELECTION.

(D) FIVE TRUSTEES SHALL CONSTITUTE A QUORUM FOR THE PURPOSE OF ORGANIZING THE AUTHORITY AND CONDUCTING THE BUSINESS THEREOF. THE VOTE OF A MAJORITY OF THE TRUSTEES SHALL BE REQUIRED FOR THE PURPOSE OF TAKING ACTION.

2. No trustee shall receive a salary, but each shall be entitled to reimbursement for reasonable expenses in the performance of duties assigned hereunder.

3. [Notwithstanding the provisions of any other law, no trustee, officer or employee of the state, any state agency or municipality appointed a trustee shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his or her acceptance of a trusteeship on the authority, his or her service thereon or his or her employment therewith.

4.] All trustees appointed under this section shall have relevant utility, corporate board or financial experience. BEGINNING JANUARY FIRST, TWO THOUSAND NINETEEN ONLY THE CHAIRPERSON APPOINTED BY THE GOVERNOR SHALL BE SUBJECT TO THIS SUBDIVISION.

S 2. This act shall take effect immediately.