STATE OF NEW YORK

9524

IN ASSEMBLY

March 16, 2022

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

AN ACT to amend the public authorities law, in relation to the appointment of members of the Battery Park city authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 1973 of the public authorities law, as amended by chapter 63 of the laws of 2018, is amended to read as follows:

(1) There is hereby created the battery park city authority which shall be a body corporate and politic, constituting a public benefit corporation. Its membership shall consist of seven members to be appointed by the governor with the advice and consent of the senate. One of the members first appointed shall serve for a term ending four years from January first next succeeding his appointment; one of such members shall serve for a term ending five years from such date; and one of such members shall serve for a term ending six years from such date. Provided, however, that two board members first appointed on or after the effective date of chapter seven hundred sixty-six of the laws of two thousand five shall serve an initial term of two years; provided further that two other board members first appointed on or after the effective date of chapter seven hundred sixty-six of the laws of two thousand five shall serve an initial term of four years. Their successors shall serve for terms of six years each. Members shall continue in office until their successors have been appointed and qualified and the provisions of section thirty-nine of the public officers law shall apply**; provided, however, no member shall continue to serve in office for a period longer than sixty days after the expiration of his or her term. Any member currently serving in an expired term upon the effective date of the chapter of the laws of two thousand twenty-two that amended this subdivision shall continue to serve for a period of sixty days after such effective date or until the appointment and qualification of his or her successor, whichever is earlier**. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, the governor

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

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shall appoint a successor with the advice and consent of the senate to serve for the balance of the unexpired term. **The governor shall appoint a successor to fill any vacancy with the advice and consent of the senate no later than sixty days after such vacancy occurs.** After the effective date of the chapter of the laws of two thousand [~~seventeen~~] **twenty-two** that amended this subdivision, if the membership of the corporation is such that less than [~~two~~] **a majority** of the members are residents of Battery Park city as described by the Battery Park project area defined by subdivision five of section nineteen hundred seventy-two of this title, any appointments made shall be residents of Battery Park city. Appointments shall continue in such a manner until [~~two~~] **a majority** of the members of the corporation are residents of Battery Park city. Thereafter, [~~two~~] **a majority** of the corporation's members shall be residents of Battery Park city. **Any member appointed on the basis of being a resident of Battery Park city shall resign such membership upon ceasing to be a resident of Battery Park city. For the purposes of this subdivision, "resident" shall mean a member's primary residence is located in Battery Park city.**

§ 2. This act shall take effect immediately.