STATE OF NEW YORK

9475

IN SENATE

May 15, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to the membership of the Republic airport commission

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

Section 1. Section 402 of the transportation law, as added by chapter 370 of the laws of 1982, subdivision 1 as amended by chapter 55 of the laws of 1992, and subdivision 3 as amended by chapter 197 of the laws of 1984, is amended to read as follows:

§ 402. Republic airport commission. 1. Upon assumption by the department of transportation of jurisdiction over the airport facility and surrounding area located in the county of Suffolk, known as Republic airport, there shall thereupon be created a Republic airport commission. This commission will be an advisory council to the commissioner with respect to administration and management of the Republic airport facilities and its surrounding areas with respect to projects to be undertaken and operations and management of the facilities at such airport. The commission shall be composed of nine members [~~to~~] who are residents of Nassau county or Suffolk county, one of whom shall be appointed by the governor [~~with the advice and consent of the senate and, except for the initial appointment terms, shall serve for a term of four years~~] without recommendation from any other person, four of whom shall be appointed by the governor upon the recommendation of the temporary president of the senate, and four of whom shall be appointed by the governor upon the recommendation of the speaker of the assembly. All such members shall be appointed for a term of four years, except in the case that a vacancy occurs and is filled before the expiration of a member's term, the member appointed to fill such vacancy shall be appointed to the remainder of such term. By virtue of [~~his or her~~] such commissioner's office, the commissioner of transportation or the commissioner's designee shall be an ex officio member of the commission. [~~Four of the members shall be appointed from a list submitted by the temporary president of the senate setting forth the names of six persons who are residents of Nassau or~~

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

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~~Suffolk county, three persons who are residents of the town of Babylon and three persons who are residents of the Nassau county part of the Farmingdale school district. Two names shall be selected from the first class of residency and one name each shall be selected from the second and third classes of residency. Four of the members shall be appointed from a list submitted by the speaker of the assembly setting forth the names of six persons who are residents of Nassau or Suffolk county, three persons who are residents of the town of Babylon and three persons who are residents of the Suffolk county part of the Farmingdale school district. Two names shall be selected from the first class of residency and one name each shall be selected from the second and third classes of residency. The ninth member shall be selected by the governor. In any event six members shall be residents of Suffolk county and three members shall be residents of Nassau county. Initial appointments shall be to staggered terms with the nominee of the governor being made to an initial four-year term, with the members nominated by the temporary president of the senate to initial two-year, three-year and four-year terms, respectively, and the members nominated by the speaker of the assembly to initial one-year, two-year and three-year terms, respectively. If any member shall thereafter no longer meet the residency requirement of his appointment, such position shall be declared vacant. In the event of a vacancy, the vacancy shall be filled in the same manner as the initial appointments except that the term shall be for the unexpired portion of the term of such members.~~] All such members shall be deemed officers of the state in connection with the provisions of section seventeen of the public officers law. The members of the commission shall appoint a [~~chairman~~] **chair** from among their number. Members shall not receive a salary or other compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

2. The Republic airport commission shall assist in the development of a program relative to the administration and management of the Republic airport and to advise the commissioner of transportation with regard to such other programs relative to the Republic airport as he may undertake. Such program shall include, but not be limited to identification of future capital needs, examining the means and methods of financing such future capital needs, the promotion and examination of the financing means and methods for the economic development of the area around the airport, the joining together of such economic development and the airport operations, the identification and implementation of ways of working with the local community to accomplish the program and the identification of non-aviation uses and purposes and prorations of use or purposes for determinations of in lieu of tax payments. Once the commission has been established, the commissioner and/or the department shall effectuate the authorizations, powers and/or duties set forth in section four hundred of this article only following the consultation, guidance, advice and assistance of the commission. The Republic airport commission shall meet at least six times a year at the call of the commissioner of transportation or the [~~chairman~~] **chair** of the commission and shall keep a record of all its proceedings and recommendations. Staff services for the commission shall be performed by personnel of the department of transportation. In carrying out the functions and responsibilities of the commissioner and the commission, the commissioner shall designate an executive secretary from among the staff of the department of transportation who will act as the administrative agent of the commission and assist the commission in fulfilling its duties and functions.

3. The arrival or departure of aircraft to or from the airport between the hours of 11 p.m. and 7 a.m., except in the case of emergency, and the development of additional runways at the airport are hereby prohibited, provided, however, that such prohibitions may be altered, modified or changed by resolution adopted by a majority vote of the members of the commission after giving public notice of such alteration, modification or change and holding a public hearing thereon. Any alteration, modification or change which affects the prohibition with respect to arrival and departure of aircraft shall be made only after due consideration has been given to the period of daylight occurring at such airport. Notwithstanding the foregoing provisions of this subdivision, the prohibition against the arrival or departure of aircraft to or from the airport between the hours of 11 p.m. and 7 a.m. shall not become effective until ninety days after the effective date of this subdivision. The commissioner upon the advice of the Republic airport commission shall promulgate regulations establishing permissible levels of noise for aircraft operating at the airport. The operator of any aircraft to or from the airport which exceeds such permissible levels of noise shall be guilty of a violation punishable by a fine not to exceed twenty-five hundred dollars.

[~~4. The commission, within one year from its creation, shall conduct a study on payments in lieu of taxes and improvement district taxes and charges with respect to aviation facilities which locate at Republic airport after the effective date of this subdivision and existing aviation facilities whose leases are renewed after the effective date of this subdivision. The commission shall conduct public hearings as part of such study and report its findings and recommendations to the commissioner and the legislature within one year after the commencement of such study of such findings and recommendations. The commissioner, in his discretion, may take such steps as may be necessary to implement any or all of such findings and recommendations.~~]

§ 2. This act shall take effect immediately.