§ 4.05. Empire state plaza art commission; creation. 1. The empire state plaza art commission is hereby created in the executive department.

2. The main office of the commission shall be located in the empire state plaza in space designated therein by the commissioner of general services.

3. The commission shall consist of twenty-five members. Twenty-one of such members shall be appointed by the governor by and with the advice and consent of the senate, four of whom shall be so appointed on recommendation of the temporary president of the senate, four on recommendation of the speaker of the assembly, two on recommendation of the minority leader of the senate and two on recommendation of the minority leader of the assembly. The commissioner of education, the commissioner of general services, the commissioner of parks, recreation and historic preservation and the chairman of the state council on the arts shall serve as ex officio members and shall have the same rights as other members.

4. The governor shall designate one of the members to serve as chairman of the commission, by and with the advice and consent of the senate.

5. The term of each member appointed by the governor shall be for three years provided, however, that of the members first appointed (a) the persons appointed on recommendation of the temporary president of the senate and the speaker of the assembly shall be appointed for terms ending December thirty-first, nineteen hundred eighty-six, provided, however, that the persons first so appointed on or after December thirty-first, nineteen hundred eighty-six shall be appointed for terms ending December thirty-first, nineteen hundred eighty-nine; (b) the persons appointed on recommendation of the minority leader of the senate and the minority leader of the assembly shall be appointed for terms ending December thirty-first, nineteen hundred eighty-five, provided, however, that the persons first so appointed on or after December thirty-first, nineteen hundred eighty-six shall be appointed for terms

ending December thirty-first, nineteen hundred eighty-eight; and (c) the other nine persons appointed by the governor shall be appointed for terms ending December thirty-first, nineteen hundred eighty-four, provided, however, that the persons so appointed on or after December thirty-first, nineteen hundred eighty-six shall be appointed for terms ending December thirty-first, nineteen hundred eighty-seven. Vacancies shall be filled for the unexpired terms in the same manner as the original appointment. The ex officio members shall serve only during their tenures as commissioner or chairman.

6. Members shall receive no compensation for their services but shall be allowed their reasonable expenses actually and necessarily incurred in the performance of their duties. No member shall be disqualified from holding any other public office or employment by reason of such person's appointment or service as a member notwithstanding the provisions of any other law to the contrary.

7. The commission shall conduct at least four regular meetings a year at such times and places as may be fixed by it.

8. Thirteen members shall constitute a quorum for the transaction of business and, unless a greater number is required by the by-laws, the commission shall exercise its powers and duties by a vote of the majority of the total members of the commission then serving.

9. The commission shall adopt by-laws governing the calling and conduct of its meetings and all other matters relating to its organization and internal operations.