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I N  S E N A T E

February 23, 2012

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

AN ACT to amend the public authorities law, in relation to the composition of the Niagara Frontier transportation authority

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

Section 1. Subdivision 1 of section 1299-c of the public authorities law, as amended by chapter 388 of the laws of 2007, is amended to read as follows:

1. (a) There is hereby created the "Niagara Frontier transportation authority." The authority shall be a body corporate and politic constituting a public benefit corporation. The authority shall consist of a chairman, ten other members and shall have [one] TWO non-voting [member] MEMBERS as described in [paragraph] PARAGRAPHS (b) AND (C) of this subdivision appointed by the governor by and with the advice and consent of the senate. The chairman and all members shall be residents of the district. Of the ten members other than the chairman, one shall be appointed upon the written recommendation of the Erie county executive and one shall be appointed upon the written recommendation of the Erie county legislature. The chairman and each of the members shall be appointed for a term of eight years, provided however, that the chairman first appointed shall serve for a term ending June thirtieth, nineteen hundred seventy-three, and of the eight other members first appointed, one shall serve for a term ending June thirtieth, nineteen hundred sixty-eight, two shall serve for a term ending June thirtieth, nineteen hundred sixty-nine, one shall serve for a term ending June thirtieth, nineteen hundred seventy, two shall serve for a term ending June thirtieth, nineteen hundred seventy-one, one shall serve for a term ending June thirtieth, nineteen hundred seventy-two and one shall serve for a term ending June thirtieth, nineteen hundred seventy-three. The term of one of the members appointed to memberships first created by law after April first, nineteen hundred sixty-nine shall end on June thirtieth, nineteen hundred seventy-four, and the term of the other such member shall end on June thirtieth, nineteen hundred seventy-five. Following

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

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the expiration of any term ending on or after June thirtieth, nineteen hundred eighty-seven, each member shall be appointed for a term of five years beginning on the day after the expiration date of such prior term; provided, however, that the term of the member first appointed upon the written recommendation of the Erie county executive and the term of the member first appointed upon the written recommendation of the Erie county legislature shall be for a term ending on June thirtieth, nineteen hundred ninety-six.

(b) [There shall also be one] THE FIRST non-voting member of the authority[, which] WHO shall not be considered in determining a quorum[. The non-voting member], shall be recommended to the governor by the labor organization representing the plurality of the employees within the authority and shall be a resident of the Niagara Frontier transportation district as described in section twelve hundred ninety-nine-b of this title. [The] SUCH FIRST non-voting member shall be appointed for a term of eight years, provided, however, that if at any time during the term of appointment [the] SUCH non-voting member ceases to be affiliated with the labor organization representing the plurality of employees within the authority, then such labor organization may at any time during such term recommend a new member to the governor who shall serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the governor who shall serve the remainder of the term. The chairman of the authority, at his or her discretion, may exclude such non-voting member from attending any portion of a meeting of the authority or of any committee held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee.

(C) THERE SHALL ALSO BE A SECOND NON-VOTING MEMBER OF THE AUTHORITY, WHO SHALL NOT BE CONSIDERED IN DETERMINING A QUORUM. THE SECOND NON-VOTING MEMBER SHALL BE APPOINTED BY THE GOVERNOR AS A REPRESENTATIVE OF THE TRANSIT DEPENDENT AND/OR DISABLED COMMUNITY. THE SECOND NON-VOTING MEMBER SHALL BE APPOINTED FOR A TERM OF FIVE YEARS. THE CHAIR OF THE AUTHORITY, AT HIS OR HER DISCRETION, MAY EXCLUDE SUCH NON-VOTING MEMBER FROM ATTENDING ANY PORTION OF A MEETING OF THE AUTHORITY OR OF ANY COMMITTEE HELD PURSUANT TO THE EXECUTIVE SESSION PROVISIONS OF THE OPEN MEETINGS LAW.

S 2. This act shall take effect immediately.