

6536

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:

1 Section 1. Subdivision 1 of section 1299-c of the public authorities
2 law, as amended by chapter 388 of the laws of 2007, is amended to read
3 as follows:
4 1. (a) There is hereby created the "Niagara Frontier transportation
5 authority." The authority shall be a body corporate and politic consti-
6 tuting a public benefit corporation. The authority shall consist of a
7 chairman, ten other members and shall have [one] TWO non-voting [member]
8 MEMBERS as described in [paragraph] PARAGRAPHS (b) AND (C) of this
9 subdivision appointed by the governor by and with the advice and consent
10 of the senate. The chairman and all members shall be residents of the
11 district. Of the ten members other than the chairman, one shall be
12 appointed upon the written recommendation of the Erie county executive
13 and one shall be appointed upon the written recommendation of the Erie
14 county legislature. The chairman and each of the members shall be
15 appointed for a term of eight years, provided however, that the chairman
16 first appointed shall serve for a term ending June thirtieth, nineteen
17 hundred seventy-three, and of the eight other members first appointed,
18 one shall serve for a term ending June thirtieth, nineteen hundred
19 sixty-eight, two shall serve for a term ending June thirtieth, nineteen
20 hundred sixty-nine, one shall serve for a term ending June thirtieth,
21 nineteen hundred seventy, two shall serve for a term ending June thirti-
22 eth, nineteen hundred seventy-one, one shall serve for a term ending
23 June thirtieth, nineteen hundred seventy-two and one shall serve for a
24 term ending June thirtieth, nineteen hundred seventy-three. The term of
25 one of the members appointed to memberships first created by law after
26 April first, nineteen hundred sixty-nine shall end on June thirtieth,
27 nineteen hundred seventy-four, and the term of the other such member
28 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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1 the expiration of any term ending on or after June thirtieth, nineteen
2 hundred eighty-seven, each member shall be appointed for a term of five
3 years beginning on the day after the expiration date of such prior term;
4 provided, however, that the term of the member first appointed upon the
5 written recommendation of the Erie county executive and the term of the
6 member first appointed upon the written recommendation of the Erie coun-
7 ty legislature shall be for a term ending on June thirtieth, nineteen
8 hundred ninety-six.

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

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

39 S 2. This act shall take effect immediately.