

# STATE OF NEW YORK

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3460--A

2017-2018 Regular Sessions

## IN SENATE

January 23, 2017

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Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the composition of the board 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 220 of the laws of 2012, paragraph (b) as  
3 amended by chapter 197 of the laws of 2017, and paragraph (c) as amended  
4 by chapter 176 of the laws of 2012, is amended to read as follows:

5 1. (a) There is hereby created the "Niagara Frontier transportation  
6 authority." The authority shall be a body corporate and politic consti-  
7 tuting a public benefit corporation. The authority shall consist of a  
8 chairman, [~~ten~~ eleven] other members and shall have [~~two~~ one] non-voting  
9 [~~members~~ member] as described in [~~paragraphs (b) and (c)~~ paragraph (b)]  
10 of this subdivision appointed by the governor by and with the advice and  
11 consent of the senate. The chairman and all members shall be residents  
12 of the district. Of the [~~ten~~ eleven] members other than the chairman,  
13 one shall be appointed upon the written recommendation of the Erie coun-  
14 ty executive [~~and~~], one shall be appointed upon the written recommenda-  
15 tion of the Erie county legislature, and one shall be appointed as a  
16 representative of the transit dependent community or people with disa-  
17 bilities as described in paragraph (c) of this subdivision. The chair-  
18 man and each of the members shall be appointed for a term of eight  
19 years, provided however, that the chairman first appointed shall serve  
20 for a term ending June thirtieth, nineteen hundred seventy-three, and of  
21 the eight other members first appointed, one shall serve for a term  
22 ending June thirtieth, nineteen hundred sixty-eight, two shall serve for

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

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1 a term ending June thirtieth, nineteen hundred sixty-nine, one shall  
2 serve for a term ending June thirtieth, nineteen hundred seventy, two  
3 shall serve for a term ending June thirtieth, nineteen hundred seventy-  
4 one, one shall serve for a term ending June thirtieth, nineteen hundred  
5 seventy-two and one shall serve for a term ending June thirtieth, nine-  
6 teen hundred seventy-three. The term of one of the members appointed to  
7 memberships first created by law after April first, nineteen hundred  
8 sixty-nine shall end on June thirtieth, nineteen hundred seventy-four,  
9 and the term of the other such member shall end on June thirtieth, nine-  
10 teen hundred seventy-five. Following the expiration of any term ending  
11 on or after June thirtieth, nineteen hundred eighty-seven, each member  
12 shall be appointed for a term of five years beginning on the day after  
13 the expiration date of such prior term; provided, however, that the term  
14 of the member first appointed upon the written recommendation of the  
15 Erie county executive and the term of the member first appointed upon  
16 the written recommendation of the Erie county legislature shall be for a  
17 term ending on June thirtieth, nineteen hundred ninety-six.

18 (b) The first non-voting member of the authority who shall not be  
19 considered in determining a quorum, shall be recommended to the governor  
20 by the labor organization representing the plurality of the employees  
21 within the authority and shall be a resident of the Niagara Frontier  
22 transportation district as described in section twelve hundred ninety-  
23 nine-b of this title. Such first non-voting member shall be appointed  
24 for a term of five years, provided, however, that if at any time during  
25 the term of appointment such non-voting member ceases to be affiliated  
26 with the labor organization representing the plurality of employees  
27 within the authority, then such labor organization may at any time  
28 during such term recommend a new member to the governor who shall serve  
29 the remainder of the term. If the local bargaining unit decertifies its  
30 existing union affiliation and certifies a new union, the union which  
31 represents the plurality of the employees may recommend a new member to  
32 the governor who shall serve the remainder of the term. The chairman of  
33 the authority, at his or her discretion, may exclude such non-voting  
34 member from attending any portion of a meeting of the authority or of  
35 any committee held for the purpose of discussing negotiations with labor  
36 organizations, pending litigation involving the labor organization, or  
37 the investigation, evaluation, or discipline of an employee.

38 (c) There shall ~~[also]~~ be a second non-voting member of the authori-  
39 ty~~[, who shall not be considered in determining a quorum. The second~~  
40 ~~non-voting member shall be]~~ appointed by the governor as a represen-  
41 tative of the transit dependent community and/or people with disabili-  
42 ties. The second non-voting member shall be appointed for a term of five  
43 years.

44 § 2. This act shall take effect on the one hundred eightieth day after  
45 it shall have become a law.