

STATE OF NEW YORK

411

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 154 of the laws of 1921, relating to the port authority of New York and New Jersey, in relation to establishing a gender balance in the port authority

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

Section 1. Article 4 of section 1 of chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey, as amended by chapter 419 of the laws of 1930, is amended to read as follows:

ARTICLE IV

1. Commissioners. The port authority shall consist of twelve commissioners, six resident voters from the state of New York, at least four of whom shall be resident voters of the city of New York, and six resident voters from the state of New Jersey, at least four of whom shall be resident voters within the New Jersey portion of the district, the New York members to be chosen by the state of New York and the New Jersey members by the state of New Jersey in the manner and for the terms fixed and determined from time to time by the legislature of each state respectively, except as herein provided. Each commissioner may be removed or suspended from office as provided by the law of the state from which he shall be appointed.

2. Gender balance in the port authority. a. For the purposes of this subdivision, the following terms shall have the following meanings, unless the context otherwise requires:

(1) "gender balance" means an equal number of women and men appointed as commissioners of the port authority;

(2) "appointing power" means the individual or body charged with the responsibility to appoint others as commissioners to the port authority.

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

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1 b. (1) All appointments of commissioners of the port authority shall
2 be gender balanced.

3 (2) No person shall be appointed or reappointed as a commissioner if
4 that appointment or reappointment would cause the number of commission-
5 ers of one gender to be greater than one-half plus one.

6 c. (1) An appointing power shall make appointments of commissioners in
7 a manner which will ensure that women comprise approximately fifty
8 percent of appointed commissioners.

9 (2) The appointing power shall appoint a person from the gender which
10 has fewer appointees to any vacant position whenever the number of
11 persons of one gender appointed as commissioners exceeds the number of
12 persons of the other gender.

13 (3) In making appointments of commissioners, the number of appoint-
14 ments by an appointing power of one gender may not exceed by more than
15 one the number of appointments from the other gender. When an unequal
16 number of appointments has been made from each gender, a vacant position
17 shall be filled by a person from the gender with fewer appointees.

18 (4) In the event of an uneven number of positions, the appointing
19 power shall fill a vacancy with a member of the gender whose represen-
20 tation was of a lesser number when an opening occurs.

21 d. The appointing power shall undertake all efforts necessary to
22 obtain lists of names of qualified candidates to be recommended for
23 appointment, in furtherance of the advancement of the policy of this
24 subdivision to achieve equal numbers of appointments of men and women as
25 commissioners pursuant to this subdivision.

26 e. Multiple appointing powers charged with the appointment of individ-
27 uals as commissioners shall consult each other to avoid a violation of
28 this subdivision.

29 f. Nothing in this subdivision shall be construed to prohibit an indi-
30 vidual from completing a term for which the person was appointed, prior
31 to the effective date of this subdivision.

32 § 2. Article 4 of section 1 of chapter 154 of the laws of 1921, relat-
33 ing to the port authority of New York and New Jersey, as amended by
34 chapter 559 of the laws of 2015, is amended by adding a new subdivision
35 2-a to read as follows:

36 2-a. Gender balance in the port authority. a. For the purposes of this
37 subdivision, the following terms shall have the following meanings,
38 unless the context otherwise requires:

39 (1) "gender balance" means an equal number of women and men appointed
40 to the board of commissioners or as officers of the port authority;

41 (2) "appointing power" means an individual or body charged with the
42 responsibility to appoint others to the board of commissioners or as
43 officers of the port authority.

44 b. (1) Appointments made to the board of commissioners or appointments
45 of officers of the port authority shall be gender balanced.

46 (2) No person shall be appointed or reappointed to the board of
47 commissioners or appointed or reappointed as an officer of the port
48 authority if that appointment or reappointment would cause the number of
49 members of such board of commissioners or number of officers of one
50 gender to be greater than one-half plus one.

51 c. (1) An appointing power shall make appointment to the board of
52 commissioners or the appointment of officers of the port authority in a
53 manner which will ensure that women comprise approximately fifty percent
54 of the membership of the board of commissioners or the number of offi-
55 cers of the port authority.

1 (2) The appointing power shall appoint a person from the gender which
2 has fewer appointees to any vacant position whenever the number of
3 persons of one gender appointed to the board of commissioners or as
4 officers of the port authority exceeds the number of persons of the
5 other gender.

6 (3) In making appointments to the board of commissioners or as offi-
7 cers of the port authority, the number of appointments by an appointing
8 power of one gender may not exceed by more than one the number of
9 appointments from the other gender. When an unequal number of appoint-
10 ments has been made from each gender, a vacant position shall be filled
11 by a person from the gender with fewer appointees.

12 (4) In the event of an uneven number of positions, the appointing
13 power shall fill a vacancy with a member of the gender whose represen-
14 tation was of a lesser number when an opening occurs.

15 d. The appointing power shall undertake all efforts necessary to
16 obtain lists of names of qualified candidates to be recommended for
17 appointment, in furtherance of the advancement of the policy of this
18 subdivision to achieve equal numbers of appointments of men and women to
19 appointive positions pursuant to this subdivision.

20 e. Multiple appointing powers charged with the appointment of individ-
21 uals to the board of commissioners or as officers of the port authority
22 shall consult each other to avoid a violation of this subdivision.

23 f. Nothing in this subdivision shall be construed to prohibit an indi-
24 vidual from completing a term for which the person was appointed, prior
25 to the effective date of this subdivision.

26 § 3. Sections one and two of this act shall take effect upon the
27 enactment into law by the state of New Jersey of legislation having an
28 identical effect with this act, but if the state of New Jersey shall
29 have already enacted such legislation, section one of this act shall
30 take effect immediately; provided, however, if chapter 559 of the laws
31 of 2015 shall not have taken effect on or before such date then section
32 two of this act shall take effect on the same date and in the same
33 manner as such chapter of the laws of 2015 takes effect; provided that
34 the state of New Jersey shall notify the legislative bill drafting
35 commission upon the occurrence of the enactment of the legislation
36 provided for in sections one and two of this act in order that the
37 commission may maintain an accurate and timely effective data base of
38 the official text of the laws of the state of New York in furtherance of
39 effectuating the provisions of section 44 of the legislative law and
40 section 70-b of the public officers law.