

STATE OF NEW YORK

175--A

Cal. No. 13

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. PAULIN, OTIS, SAYEGH -- read once and referred to the Committee on Corporations, Authorities and Commissions -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

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 port authority organization, appearance and notice

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

1 Section 1. Subdivision 1, subparagraph 2 of paragraph d of subdivision
2 3 and subdivisions 5 and 6 of article 4 of section 1 of chapter 154 of
3 the laws of 1921 relating to the port authority of New York and New
4 Jersey, as amended by chapter 559 of the laws of 2015, paragraph a of
5 subdivision 6 as amended by chapter 104 of the laws of 2020, are amended
6 to read as follows:

7 1. Commissioners. a. The port authority shall consist of twelve voting
8 commissioners and four non-voting commissioners as described in para-
9 graph b of this subdivision. Of the twelve voting commissioners[7]
10 there shall be six resident voters from the state of New York, at least
11 four of whom shall be resident voters of the city of New York, and six
12 resident voters from the state of New Jersey, at least four of whom
13 shall be resident voters within the New Jersey portion of the district,
14 the New York members to be chosen by the state of New York and the New
15 Jersey members by the state of New Jersey in the manner and for the
16 terms fixed and determined from time to time by the legislature of each
17 state respectively, except as herein provided. The New York members
18 shall be appointed by the governor of New York with the advice and
19 consent of the New York state senate. The New Jersey members shall be
20 appointed by the governor of New Jersey with the advice and consent of

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

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1 the New Jersey state senate. Each commissioner may be removed or
2 suspended from office as provided by the law of the state from which
3 ~~[he]~~ such commissioner shall be appointed. Any commissioner appointed to
4 a term commencing on or after January 1, 2025 shall have experience in
5 one or more of the following areas: transportation, public adminis-
6 tration, business management, finance, accounting, law, engineering,
7 land use, urban and regional planning, management of large capital
8 projects, labor relations, or experience in some other area of activity
9 central to the mission of the port authority. One of the six voting
10 commissioners chosen by the state of New York shall be appointed on the
11 written recommendation of the mayor of the city of New York. The voting
12 commissioners shall be appointed for a term of six years and shall serve
13 no more than two terms. The terms of the voting commissioners shall be
14 staggered so that three of the six voting commissioners appointed by the
15 state of New York will have their terms expire in alternating three year
16 shifts and three of the six voting commissioners appointed by the state
17 of New Jersey will have their terms expire in alternating three years
18 shifts.

19 b. There shall be four non-voting commissioners of the port authority,
20 as established in paragraph a of this subdivision. The first non-voting
21 commissioner shall be a regular mass transit user of the state of New
22 York based facilities of the authority and be recommended to the gover-
23 nor of the state of New York by a rider advocacy group. The second non-
24 voting commissioner shall be a regular user of the state of New Jersey
25 based facilities of the authority and shall be recommended to the gover-
26 nor of the state of New Jersey by a rider advocacy group. The third
27 non-voting commissioner shall be recommended to the governor of the
28 state of New York by the labor organization representing the majority of
29 authority employees working in the state of New York. The fourth non-
30 voting commissioner shall be recommended to the governor of the state of
31 New Jersey by the labor organization representing the majority of
32 authority employees working in the state of New Jersey. The four non-
33 voting commissioners of the port authority shall be appointed for a term
34 of six years and shall serve no more than two terms.

35 (2) For the purposes of this subdivision, the terms:

36 (i) "immediate family" shall mean: a spouse, parent, child, or
37 sibling; and

38 (ii) "interest" shall mean: (A) if the business organization is a
39 partnership, the board member or the board member's immediate family is
40 a partner or owner of ~~[ten]~~ five percent or more of the assets of the
41 partnership, or (B) if the business organization is a corporation, the
42 board member or the board member's immediate family owns or controls ten
43 percent or more of the stock of the corporation, or serves as a director
44 or officer of the corporation.

45 5. Whistleblower access and assistance program. a. The chief ethics
46 and compliance officer shall recommend to the board of commissioners a
47 whistleblower access and assistance program to be administered by the
48 inspector general which shall include, but not be limited to:

49 (1) establishing an email address and toll-free telephone ~~[and]~~,
50 facsimile, and text messaging lines available to employees;

51 (2) offering advice regarding employee rights under applicable state
52 and federal laws and advice and options available to all persons; and

53 (3) offering an opportunity for employees to identify concerns regard-
54 ing any issue at the port authority. Any communication between an
55 employee and the inspector general pursuant to this section shall be
56 held strictly confidential by the inspector general, unless the employee

1 specifically waives in writing the right to confidentiality, except that
2 such confidentiality shall not exempt the inspector general from
3 disclosing such information, where appropriate, to the board of commis-
4 sioners and/or any law enforcement authority.

5 b. The port authority shall not fire, discharge, demote, suspend,
6 threaten, harass, or discriminate against an employee because of the
7 employee's role as a whistleblower, insofar as the actions taken by the
8 employee are legal.

9 c. As used in this subdivision:

10 (1) "Employees" means those persons employed at the port authority,
11 including but not limited to: full-time and part-time employees, those
12 employees on probation, and temporary employees.

13 (2) "Whistleblower" means any employee of the port authority who in
14 good faith discloses information concerning acts of corruption, fraud,
15 wrongdoing, misconduct, malfeasance, or other inappropriate behavior by
16 an employee or board member of the port authority, including, but not
17 limited to, concerning the port authority's investments, travel, acqui-
18 sition of real or personal property, the disposition of real or personal
19 property, or the procurement of goods and services.

20 d. The Whistleblower Policy and Procedures set forth herein are not
21 intended to limit, diminish or impair any other rights or remedies that
22 an individual may have under the law with respect to disclosing poten-
23 tial wrongdoing free from retaliation or adverse personnel action.

24 6. Inspector general. a. The inspector general shall be responsible
25 for receiving and investigating, where appropriate, all complaints
26 regarding fraud, waste, and abuse by commissioners, officers, and
27 employees of the port authority or third-parties doing business with the
28 port authority. The inspector general shall also receive and investi-
29 gate complaints from any source, or upon [~~his or her~~] the inspector
30 general's own initiative, concerning allegations of corruption, fraud,
31 use of excessive force, criminal activity, conflicts of interest or
32 abuse by any police officer under the jurisdiction of the Port Authori-
33 ty. The inspector general shall also be responsible for conducting
34 investigations upon the inspector general's own initiative, as the
35 inspector general shall deem appropriate.

36 b. The inspector general shall inform the board of commissioners and
37 the chief executive officer of allegations received by the inspector
38 general and the progress of investigations related thereto, unless
39 special circumstances require confidentiality;

40 c. The inspector general shall determine with respect to allegations
41 received by the inspector general whether disciplinary action or civil
42 prosecution by the port authority is appropriate, and whether the matter
43 should be referred to an appropriate governmental agency for further
44 action;

45 d. The inspector general shall prepare and make available to the
46 public written reports of completed investigations, as appropriate and
47 to the extent permitted by law, subject to redactions to protect a need
48 for confidentiality. The release of all or portions of reports may be
49 deferred to protect the confidentiality of ongoing investigations.

50 e. The inspector general shall have the power to:

51 (1) administer oaths or affirmations and examine witnesses under oath;

52 (2) require the production of any books and papers deemed relevant or
53 material to any investigation, examination or review;

54 (3) notwithstanding any law to the contrary, examine and copy or
55 remove documents or records of any kind prepared, maintained or held by
56 the port authority and its subsidiaries;

1 (4) interview any officer or employee of the port authority or its
2 subsidiaries on any matter related to the performance of such officer or
3 employee's official duties. To the extent that [~~any portion of this~~
4 ~~paragraph is inconsistent with any current contractual obligations of~~
5 ~~the port authority, this paragraph shall not be applicable to those~~
6 ~~obligations until the earliest expiration of those terms under the~~
7 ~~contract~~] the terms and conditions of employment of any employee are
8 established by collective negotiations, any interview conducted pursuant
9 to this paragraph must be in accordance with any applicable provisions
10 of the current, or most recent, if expired, collective negotiations
11 agreement covering the terms and conditions of employment of the employ-
12 ee;

13 (5) monitor the implementation by the port authority of any recommen-
14 dations made by the inspector general; and

15 (6) perform any other functions that are necessary or appropriate to
16 fulfill the duties and responsibilities of office.

17 § 2. Subdivisions 1 and 3 of article 7-B of section 1 of chapter 154
18 of the laws of 1921 relating to the port authority of New York and New
19 Jersey, as added by chapter 559 of the laws of 2015, are amended to read
20 as follows:

21 1. Needs assessment. The port authority shall require that a needs
22 assessment be conducted by an independent entity prior to any increase
23 in tolls for the use of any port authority bridge or tunnel, or fares
24 for the use of the port authority trans-Hudson corporation rail system.
25 The assessment shall be made publicly available in a conspicuous
26 location on the port authority's website and presented by the independ-
27 ent entity to the board of commissioners at a public meeting to be held
28 at least ninety days prior to any meeting of the board of commissioners
29 to vote to any increase in the tolls for the use of any port authority
30 bridge or tunnel, or fares for the use of the port authority trans-Hud-
31 son corporation rail system.

32 3. Appearance. a. The port authority, at the request of the Assembly
33 or Senate of the New York state legislature or the General Assembly or
34 Senate of the New Jersey state legislature, shall be required to appear
35 before a committee of the requesting state legislative house, upon
36 request by the presiding officer of that state legislative house, to
37 present testimony on any topic or subject requested by the committee or
38 to respond to questions by members of the committee. The Assembly of the
39 New York state legislature, the Senate of the New York state legisla-
40 ture, the General Assembly of the New Jersey state legislature, and the
41 Senate of the New Jersey state legislature shall each be entitled to two
42 such requests per calendar year.

43 b. Unless otherwise agreed to by the presiding officer of the state
44 legislative house requesting the appearance of the port authority, the
45 port authority shall, at a minimum, be represented by a chair or vice-
46 chair of the board, chief executive officer, the chief financial offi-
47 cer, and any staff deemed necessary by such chair or vice-chair of the
48 board, chief executive officer, or the chief financial officer to pres-
49 ent testimony or respond to questions at any appearance required pursu-
50 ant to this section. The presiding officer may request the appearance of
51 any officer or employee of the port authority. For purposes of this
52 section, as applicable to New York state "presiding officer" shall mean
53 the speaker of the Assembly of the New York state legislature or tempo-
54 rary president of the Senate of the New York state legislature. For
55 purposes of this section, as applicable to the state of New Jersey

1 "presiding officer" shall mean the president of the senate or the speaker
2 of the general assembly of the state of New Jersey.

3 4. Subsidiaries of the port authority. a. The port authority shall
4 provide notice to the governor of each state, the majority leader of
5 each house of the legislature of each state, the chair of the finance
6 committee of New York, the chair of the senate budget and appropriations
7 committee of New Jersey, the chair of assembly ways and means committee
8 of New York, and the chair of the budget committee of New Jersey that it
9 will be creating a subsidiary no less than 60 days prior to the forma-
10 tion of the subsidiary.

11 b. The creation of a subsidiary corporation shall be approved by the
12 board of commissioners.

13 c. [~~On or before the first day of January, two thousand sixteen, and~~]
14 Within 60 days of the effective date of the chapter of the laws of 2024
15 that amended this subdivision, and on or before the first day of January
16 each year annually thereafter, any subsidiary corporation, in cooper-
17 ation with the port authority, shall provide to the governor and legis-
18 lature of each state a report on the subsidiary corporation. Such report
19 shall include for each subsidiary:

20 (1) The complete legal name, address and contact information of the
21 subsidiary;

22 (2) The structure of the organization of the subsidiary, including the
23 names and titles of each of its members, directors and officers, as well
24 as a chart of its organizational structure;

25 (3) The complete by-laws and legal organization papers of the subsid-
26 iary;

27 (4) A complete report of the purpose, operations, mission and projects
28 of the subsidiary; and

29 (5) Any other information the subsidiary corporation deems important
30 to include in such report.

31 d. 60 days prior to the issuance of any debt by the subsidiary corpo-
32 ration, or the port authority on behalf of the subsidiary corporation,
33 the port authority shall provide notice to the governor of each state,
34 the majority leader of each house of the legislature of each state, the
35 chair of the senate finance committee of New York, the chair of the
36 senate budget and appropriations committee of New Jersey, the chair of
37 the assembly ways and means committee of New York, and the chair of the
38 assembly budget committee of New Jersey. For purposes of this section,
39 as applicable to New York state "majority leader" shall mean the speaker
40 of the assembly of the New York state legislature or temporary president
41 of the senate of the New York state legislature. For purposes of this
42 section, as applicable to the state of New Jersey "majority leader"
43 shall mean the president of the senate or the speaker of the general
44 assembly of the state of New Jersey.

45 e. The port authority shall not have the power to organize a subsid-
46 iary for the purpose of: (i) evading the requirements of an existing
47 collective bargaining agreement; or (ii) replacing or removing a certi-
48 fied employee organization.

49 § 3. Subdivisions 3 and 4 of article 7-D of section 1 of chapter 154
50 of the laws of 1921 relating to the port authority of New York and New
51 Jersey, as added by chapter 559 of the laws of 2015, are amended and two
52 new subdivisions 5 and 6 are added to read as follows:

53 3. Capital plan. a. The port authority shall adopt a [~~ten-year~~] five-
54 year capital plan that is developed using a comprehensive planning proc-
55 ess and risk-based prioritization that considers asset condition, opera-
56 tional and revenue impact, threat assessment, customer service, regional

1 benefit, and regulatory or statutory requirements. The capital plan
2 shall be dependent upon the availability of sufficient funding and other
3 resources to pursue the capital projects proposed for the ten-year peri-
4 od. Performance progress and revisions to reflect changes in programs,
5 policies and projects and the environment in which the port authority
6 operates shall be reviewed regularly by a committee designated by the
7 board of commissioners, and the capital plan shall be revised period-
8 ically as necessary and appropriate, and shall be reviewed with the
9 board of commissioners annually. The port authority shall publish an
10 annual report on the status of the capital program and such report shall
11 be made publicly available on the port authority's website. Prior to
12 adoption of a capital plan, the port authority shall make such proposed
13 plan available for public review and comments on its public website for
14 at least [~~two~~ four] weeks prior to approval, and all comments received
15 are to be distributed to the board of commissioners for review prior to
16 consideration of the capital plan.

17 b. The port authority shall also provide that major capital projects
18 are monitored by independent engineering consultants procured through a
19 competitive bidding process. The independent consultants shall prepare
20 annual reports to be provided to the board and made available to the
21 public. The annual reports prepared by independent consultants shall
22 include, but not be limited to, a comparison of actual and target
23 performance measures including, but not limited to, costs and
24 construction schedules, and a narrative explanation of any discrepancy
25 thereof. For the purposes of this section, "major capital project" means
26 an undertaking or program for the acquisition, creation, or development
27 of any crossing, transportation facility, or commerce facility or any
28 part thereof, with an estimated total project cost in excess of
29 \$500,000,000.

30 c. No less than 60 days prior to any board adoption of a capital plan
31 as described in paragraph a of this subdivision, or any major revision
32 of the last adopted capital plan, the port authority shall: (1) notify
33 the assembly and senate of the New York state legislature and the gener-
34 al assembly and senate of the New Jersey state legislature of its inten-
35 tion to adopt a capital plan, or any major revision of the last adopted
36 capital plan; (2) submit to the assembly and senate of the New York
37 state legislature and the general assembly and senate of the New Jersey
38 state legislature the proposed capital plan, or any proposal constitut-
39 ing a major revision of the last adopted capital plan, for review by
40 each state legislature; and (3) make the proposed capital plan, includ-
41 ing any proposal constituting a major revision of the last adopted capi-
42 tal plan, publicly available on the port authority website.

43 d. Within 60 days of the notice provided in paragraph c of this subdi-
44 vision, the port authority shall conduct a public hearing about the
45 capital plan or any major revision thereof in New York state and in the
46 state of New Jersey. The public hearings shall be held at a time
47 convenient to members of the public.

48 e. The port authority shall conduct a status update public hearing in
49 New York state and in the state of New Jersey at least once every year
50 after the adoption of the capital plan by the port authority. Such
51 public hearing shall be known as "capital status update hearing" and at
52 such hearing the port authority shall provide in detail a written
53 description of the status of all capital plan projects and the costs and
54 the expected costs of those projects. At such public hearing, the port
55 authority shall provide a financing plan that identifies the source of
56 funding for each project. The port authority shall provide an analysis

1 that compares actual and target performance measures, and a detailed
2 written explanation of any discrepancy thereof at the public hearing.
3 The capital status update hearings shall be held at a time convenient to
4 members of the public.

5 f. At a minimum, individual capital project data for projects that are
6 committed for construction shall be included in a capital program dash-
7 board maintained by the port authority on its website. Any summary views
8 provided on the website shall include the original budgets at the time
9 of project commitment when scope and budget are defined, project scopes,
10 and schedules, in addition to current or amended budgets, project
11 scopes, and schedules. Data pertaining to individual projects shall
12 include, but not be limited to:

13 (1) the capital project identification number delineated by category,
14 element, and project as used in the capital program;

15 (2) the capital plan years;

16 (3) a project description;

17 (4) the project location where appropriate;

18 (5) the capital needs code of the project, such as state of good
19 repair, normal replacement, system improvement, system expansion or
20 other category;

21 (6) budget information including the original budget at the time of
22 project commitment when scope and budget are defined, all amendments,
23 the current budget and planned annual allocations; and

24 (7) a schedule for project delivery including original, amended and
25 current start and completion dates as projects develop at each phase.

26 The status of projects shall be provided and state the current phase
27 of the project, such as planning, design, construction or completion,
28 and shall state how far the project has progressed as measured in
29 percentage by expenditure. The dashboard shall measure progress based on
30 original budgets at the time of project commitment when scope and budget
31 are defined. At a minimum, all changes to planned budgets of greater
32 than ten percent, significant project scope or a three month or more
33 change in schedule shall be provided in narrative form and describe the
34 reason for each change or amendment. The dashboard shall include a glos-
35 sary or data dictionary which contains plain language descriptions of
36 the data, including individual project data, and any other information
37 provided on the dashboard. The authority shall provide a definition of
38 resiliency in the glossary or data dictionary. The dashboard shall be
39 updated, at a minimum, on a quarterly basis, and all data fields avail-
40 able on the dashboard shall be made available for download on the
41 authority's website in a single tabular data file in a common, machine
42 readable format.

43 g. The data required to be published pursuant to this subdivision
44 shall be made in a single tabular data file in a common, machine read-
45 able format and shall be accessible on the authority's website.

46 4. [~~Operating-budget~~] Budget. The port authority shall prepare a
47 detailed annual operating budget beginning with the fiscal year commenc-
48 ing after the effective date of the chapter of the laws of [~~2015~~] 2023
49 which [~~added~~] amended this article. A preliminary annual operating budg-
50 et shall be made publicly available on the port authority's website in
51 July of every fiscal year and a final annual operating budget shall be
52 made publicly available in February of each fiscal year.

53 5. Port Authority Transportation Advisory Committee. a. There is here-
54 by established a port authority transportation advisory committee. The
55 purpose of the committee shall be to facilitate coordination between and
56 among the transportation agencies and officials in each state that

1 provide service or conduct business within the port district. The
2 committee shall consist of 13 members, to be appointed as follows:

3 (1) one individual appointed jointly by the chair and vice-chair of
4 the Port Authority;

5 (2) the executive director of the New Jersey transit corporation, ex
6 officio, or the executive director's designee;

7 (3) the chair of the metropolitan transportation authority, ex offi-
8 cio, or the chair's designee;

9 (4) the commissioner of the New York city department of transporta-
10 tion, ex officio, or the commissioner's designee;

11 (5) the chairperson of the National Railroad Passenger Corporation
12 Board of Directors, ex officio, or the chairperson's designee;

13 (6) the commissioner of the New Jersey department of transportation,
14 ex officio, or the commissioner's designee;

15 (7) the commissioner of the New York state department of transporta-
16 tion, ex officio, or the commissioner's designee;

17 (8) one individual from the New Jersey executive branch, appointed by
18 the governor of New Jersey;

19 (9) one individual from the New York state executive branch, appointed
20 by the governor of New York;

21 (10) one individual appointed by the president of the New Jersey state
22 senate;

23 (11) one individual appointed by the speaker of the New Jersey state
24 general assembly;

25 (12) one individual appointed by the temporary president of the New
26 York state senate; and

27 (13) one individual appointed by the speaker of the New York state
28 assembly.

29 b. The individual appointed jointly by the chair and vice-chair of the
30 port authority shall serve for a term of three years. The legislative
31 appointments shall serve for a term of two years each. The individuals
32 appointed from the executive branch of New Jersey and from the executive
33 branch of New York shall serve at the pleasure of each respective gover-
34 nor.

35 c. Vacancies in the membership of the committee shall be filled in the
36 same manner as the original appointments are made and a member may be
37 eligible for reappointment. Vacancies occurring other than by expiration
38 of a term shall be filled for the unexpired term.

39 d. The members of the committee shall serve without compensation but
40 shall be reimbursed for reasonable expenses necessarily incurred in the
41 performance of their duties within the limits of funds appropriated or
42 otherwise made available to the committee for its purposes.

43 e. The individual appointed jointly by the chair and vice-chair of the
44 port authority shall serve as the chair of the committee. The committee
45 may appoint a secretary who need not be a member of the committee. The
46 committee shall meet quarterly, at a minimum, to discuss the region's
47 transportation needs and to facilitate coordination between and among
48 the transportation agencies and officials in each state and the port
49 district in furtherance of the region's transportation needs.

50 f. Each committee member shall share information about that member's
51 agency and the agency's upcoming plans and objectives as relating to the
52 Port Authority at each meeting. Prior to the commencement by an agency
53 represented on the committee of any major capital project with an esti-
54 mated cost in excess of \$50 million, the individual representing that
55 agency shall notify all members of the committee.

1 6. Minority and women-owned business enterprise programs. a. In the
2 performance of projects pursuant to this article, minority and women-
3 owned business enterprises shall be given the opportunity for meaningful
4 participation. The port authority shall establish quantifiable standards
5 and measures and procedures, in accordance with the findings of period-
6 ical disparity studies regarding the participation of minority and
7 women-owned business enterprises in port authority contracts, to be
8 prepared by an entity independent of the port authority and selected
9 through a request for proposal process, to secure meaningful partic-
10 ipation and identify those contracts and items of work for which minori-
11 ty and women-owned business enterprises may best bid to actively and
12 affirmatively promote and assist their participation in projects, so as
13 to facilitate the award of a fair share of contracts to such enter-
14 prises; provided, however, that nothing in this article shall be
15 construed to limit the ability of the port authority to assure that
16 qualified minority and women-owned business enterprises may participate
17 in the program. For purposes hereof, minority business enterprise shall
18 mean any business enterprise which is at least fifty-one per centum
19 owned by, or in the case of a publicly owned business, at least fifty-
20 one per centum of the stock or other voting interest is owned by citi-
21 zens or permanent resident aliens who are Black, Hispanic, Asian, Ameri-
22 can Indian, Pacific islander, or Alaskan native, and such ownership
23 interest is real, substantial and continuing and has the authority to
24 independently control the day-to-day business decisions of the entity
25 for at least one year; and women-owned business enterprise shall mean
26 any business enterprise which is at least fifty-one per centum owned by,
27 or in the case of a publicly owned business, at least fifty-one per
28 centum of the stock or other voting interests of which is owned by citi-
29 zens or permanent resident aliens who are women, and such ownership
30 interest is real, substantial and continuing and has the authority to
31 independently control the day-to-day business decisions of the entity
32 for at least one year. The provisions of this subdivision shall not be
33 construed to limit the ability of any minority business enterprise to
34 bid on any contract. The provisions of this subdivision shall not be
35 construed to require the port authority to engage in any unlawful
36 conduct in securing meaningful participation of minority and women-owned
37 business enterprises in port authority projects.

38 b. In order to implement the requirements and objectives of this
39 subdivision, the port authority shall establish procedures to monitor
40 compliance with provisions hereof, provide assistance in obtaining
41 competing qualified minority and women-owned business enterprises to
42 perform contracts proposed to be awarded, and take other appropriate
43 measures to improve the access of minority and women-owned business
44 enterprises to these contracts.

45 c. The port authority shall publish the standards, measures, and
46 procedures established pursuant to paragraphs a and b of this subdivi-
47 sion on its website, including any disparity study conducted pursuant to
48 this subdivision.

49 d. The port authority shall prepare an annual report describing activ-
50 ities undertaken to promote employment of minority group members and
51 women and promote and increase participation by certified businesses
52 with respect to contracts and subcontracts. It shall include, but not be
53 limited to, the number and value of contracts awarded to minority and
54 women-owned business enterprises for that reporting year, goals on
55 contracts compared to actual participation of minority and women-owned
56 business enterprises in authority contracting and a listing of annual

1 participation rates, a summary of all waivers of the participation
2 requirements allowed by the authority during the period covered by the
3 report including a description of the basis of the waiver request and
4 the rationale for granting any such waiver and any instances in which
5 the contract agency has deemed a contractor to have committed a
6 violation pursuant to section three hundred sixteen of the executive law
7 of the state of New York, any efforts to create a database or other
8 information storage and retrieval system containing information relevant
9 to contracting with minority and women-owned business enterprises, a
10 summary of: (i) all determinations of violations of this statute or the
11 authority's minority and women-owned business enterprise procurement
12 policies by a contractor made during the period covered by the annual
13 report; and (ii) the penalties or sanctions, if any, assessed in
14 connection with such determinations and the rationale for such penalties
15 or sanctions, and the total dollar value of expenditures on certified
16 minority and women-owned business contracts and subcontracts for that
17 reporting year, to evaluate the effectiveness of the activities under-
18 taken by the Port Authority to promote increased participation by certi-
19 fied minority or women-owned businesses with respect to port authority
20 contracts and subcontracts.

21 e. The Port Authority shall submit the annual report to the Governors,
22 and Legislatures of New York and New Jersey. Such reports shall be
23 submitted no later than May fifteenth of every year and shall be
24 published on the Port Authority's website within five business days of
25 this date.

26 f. The annual report shall describe any efforts to create a database
27 or other information storage and retrieval system containing information
28 relevant to contracting with minority and women-owned business enter-
29 prises.

30 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
31 sion, section or part of this act shall be adjudged by any court of
32 competent jurisdiction to be invalid, such judgment shall not affect,
33 impair, or invalidate the remainder thereof, but shall be confined in
34 its operation to the clause, sentence, paragraph, subdivision, section
35 or part thereof directly involved in the controversy in which such judg-
36 ment shall have been rendered. It is hereby declared to be the intent of
37 the legislature that this act would have been enacted even if such
38 invalid provisions had not been included herein.

39 § 5. This act shall take effect upon the enactment into law by the
40 state of New Jersey of legislation having an identical effect with this
41 act, but if the state of New Jersey shall have already enacted such
42 legislation this act shall take effect immediately. The chair or vice-
43 chair of the port authority as recommended by the governor of the state
44 of New York shall notify the legislative bill drafting commission upon
45 the occurrence of the enactment of the legislation provided for in
46 sections one, two and three of this act in order that the commission may
47 maintain an accurate and timely effective data base of the official text
48 of the laws of the state of New York in furtherance of effectuating the
49 provisions of section 44 of the legislative law and section 70-b of the
50 public officers law.