S T A T E O F N E W Y O R K

6863

I N S E N A T E

March 20, 2014

Introduced by Sen. ESPAILLAT -- 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 the composition of the port authority of New York and New Jersey and disclosure of certain information

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

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

ARTICLE XIV.

The port authority shall elect from its number a chairman, vice-chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties. THE DEPUTY EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR.

S 2. Article IV 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. 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 FOR ONE TERM OF FIVE YEARS 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 SHALL BE APPOINTED ON THE BASIS OF THEIR PROFESSIONAL QUALIFICATIONS AND KNOWLEDGE OF THE PORT AUTHORITY. Each commissioner may be removed or

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

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suspended from office as provided by the law of the state from which he shall be appointed.

2. PRIOR TO THE APPOINTMENT OF A COMMISSIONER, ALL POTENTIAL CONFLICTS OF INTEREST SHALL BE POSTED ON THE AUTHORITY'S WEBSITE AT LEAST ONE MONTH PRIOR TO A CANDIDATE'S APPOINTMENT OR TWO WEEKS IF FILLING A VACANCY. CONFLICTS SHALL BE PRESENTED TO THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY, THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE OF THE STATE OF NEW YORK AND THE PRESIDENT, MINORITY LEADER AND SECRETARY OF THE SENATE AND THE SPEAKER, MINORITY LEADER AND CLERK OF THE GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY.

S 3. Article VII-A of section 1 of chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey, as added by chapter 33 of the laws of 1987, is amended to read as follows:

ARTICLE VII-A

1. The port authority shall file with the temporary president and minority leader of the senate and the speaker and minority leader of the assembly, the chairman of the assembly ways and means committee and the chairman of the senate finance committee of the state of New York and the president, minority leader and secretary of the senate and the speaker, minority leader and clerk of the general assembly of the state of New Jersey a copy of the minutes of any action taken at any public meeting of the port authority. Such filing shall be made on the same day such minutes are transmitted to the governor of each state for review; and notice of such filing shall be provided to the governor of each state at the same time. Failure to effectuate any such filing shall not impair the ability of the authority to act pursuant to a resolution of its board. Such filing shall not apply to any minutes required to be filed pursuant to section twenty of chapter six hundred fifty-one of the laws of nineteen hundred seventy-eight.

2. The temporary president and minority leader of the senate, the speaker and minority leader of the assembly, the chairman of the assembly ways and means committee and the chairman of the senate finance committee of the state of New York and the speaker and minority leader of the general assembly and the president and the minority leader of the senate of the state of New Jersey, or representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

3. A COPY OF THE MINUTES OF ANY ACTION TAKEN AT ANY PUBLIC MEETING OF THE PORT AUTHORITY SHALL BE POSTED ON THE AUTHORITY'S WEBSITE ON THE SAME DAY SUCH MINUTES ARE TRANSMITTED TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF NEW YORK AND THE STATE OF NEW JERSEY.

S 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 5. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such

legislation this act shall take effect immediately; provided, however, that the amendments to article VII-A of chapter 154 of the laws of 1921 made by section three of this act shall take effect on the same date and in the same manner as section 1 of chapter 33 of the laws of 1987, takes effect. The chairman of the port authority shall notify the legislative bill drafting commission upon the enactment into law of such legislation by both such states in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provision of section 44 of the legislative law and section 70-b of the public officers law.