

STATE OF NEW YORK

9027

IN ASSEMBLY

January 12, 2018

Introduced by M. of A. ROZIC -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the general municipal law and the not-for-profit corporation law, in relation to gender balance in public authorities, industrial development agencies and local development corporations

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

1 Section 1. The public authorities law is amended by adding a new
2 section 2829 to read as follows:

3 § 2829. Gender balance in public authorities. 1. For the purposes of
4 this section, the following terms shall have the following meanings,
5 unless the context otherwise requires:

6 (a) "gender balance" means an equal number of women and men selected
7 to appointive positions;

8 (b) "appointing power" means an individual or government or legisla-
9 tive body or individual or individuals charged with the responsibility
10 to appoint others to appointive positions on state and local public
11 authorities.

12 2. (a) All appointive state and local public authorities heretofore or
13 hereafter established by law or resolution shall be gender balanced.

14 (b) No person shall be appointed or reappointed to any state or local
15 public authority if that appointment or reappointment would cause the
16 number of members of such public authority of one gender to be greater
17 than one-half of the public authority, plus one.

18 3. (a) An appointing power shall make appointments to state and local
19 public authorities created prior to, on or after January first, two
20 thousand nineteen, in a manner which will ensure that women comprise
21 approximately fifty percent of the membership on each public authority.

22 (b) The appointing power shall appoint a person from the gender which
23 has fewer appointees to any vacant position whenever the number of
24 persons of one gender appointed to a state or local public authority
25 created prior to, on or after January first, two thousand nineteen

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

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1 exceeds the number of persons of the other gender appointed to that
2 public authority.

3 (c) In making appointments to any state or local public authority
4 created prior to, on or after January first, two thousand nineteen, the
5 number of appointments by an appointing power of one gender may not
6 exceed by more than one the number of appointments from the other
7 gender. When an unequal number of appointments has been made from each
8 gender, a vacant position shall be filled by a person from the gender
9 with fewer appointees on the public authority.

10 (d) In the event a state or local public authority has an uneven
11 number of appointive positions, the appointing power shall fill a vacan-
12 cy with a member of the gender whose representation was of a lesser
13 number when an opening occurs. In the event a new state or local public
14 authority whose membership has an unequal number of representatives from
15 one gender is created the appointing power shall appoint individuals in
16 conformance with the goals of this section.

17 4. The appointing power shall undertake all efforts necessary to
18 obtain lists of names of qualified candidates to be recommended for
19 appointment to state and local public authorities, in furtherance of the
20 advancement of the policy of this section to achieve equal numbers of
21 appointments of men and women to appointive positions pursuant to subdi-
22 visions two and three of this section.

23 5. Multiple appointing powers charged with the appointment of individ-
24 uals to the same state or local public authority shall consult each
25 other to avoid a violation of this section.

26 6. Nothing in this section shall be construed to prohibit an individ-
27 ual from completing a term for which the person was appointed, prior to
28 the effective date of this section.

29 § 2. The general municipal law is amended by adding a new section
30 856-a to read as follows:

31 § 856-a. Gender balance in industrial development agencies. 1. For the
32 purposes of this section, the following terms shall have the following
33 meanings, unless the context otherwise requires:

34 (a) "gender balance" means an equal number of women and men selected
35 to appointive positions;

36 (b) "appointing power" means an individual or government or legisla-
37 tive body or individual or individuals charged with the responsibility
38 to appoint others to appointive positions on industrial development
39 agencies.

40 2. (a) All appointive industrial development agencies heretofore or
41 hereafter established by law or resolution shall be gender balanced.

42 (b) No person shall be appointed or reappointed to any industrial
43 development agency if that appointment or reappointment would cause the
44 number of members of such industrial development agency of one gender to
45 be greater than one-half of the industrial development agency, plus one.

46 3. (a) An appointing power shall make appointment to industrial devel-
47 opment agencies created prior to, on or after January first, two thou-
48 sand nineteen, in a manner which will ensure that women comprise approx-
49 imately fifty percent of the membership on each industrial development
50 agency.

51 (b) The appointing power shall appoint a person from the gender which
52 has fewer appointees to any vacant position whenever the number of
53 persons of one gender appointed to an industrial development agency
54 created prior to, on or after January first, two thousand nineteen
55 exceeds the number of persons of the other gender appointed to that
56 industrial development agency.

1 (c) In making appointments to any industrial development agency
2 created prior to, on or after January first, two thousand nineteen, the
3 number of appointments by an appointing power of one gender may not
4 exceed by more than one the number of appointments from the other
5 gender. When an unequal number of appointments has been made from each
6 gender, a vacant position shall be filled by a person from the gender
7 with fewer appointees on the industrial development agency.

8 (d) In the event an industrial development agency has an uneven number
9 of appointive positions, the appointing power shall fill a vacancy with
10 a member of the gender whose representation was of a lesser number when
11 an opening occurs. In the event a new industrial development agency
12 whose membership has an unequal number of representatives from one
13 gender is created the appointing power shall appoint individuals in
14 conformance with the goals of this section.

15 4. The appointing power shall undertake all efforts necessary to
16 obtain lists of names of qualified candidates to be recommended for
17 appointment to industrial development agencies, in furtherance of the
18 advancement of the policy of this section to achieve equal numbers of
19 appointments of men and women to appointive positions pursuant to subdi-
20 visions two and three of this section.

21 5. Multiple appointing powers charged with the appointment of individ-
22 uals to the same industrial development agencies shall consult each
23 other to avoid a violation of this section.

24 6. Nothing in this section shall be construed to prohibit an individ-
25 ual from completing a term for which the person was appointed, prior to
26 the effective date of this section.

27 § 3. The not-for-profit corporation law is amended by adding a new
28 section 1411-a to read as follows:

29 § 1411-a. Gender balance in local development corporations.

30 (a) For the purposes of this section, the following terms shall have
31 the following meanings, unless the context otherwise requires:

32 (1) "gender balance" means an equal number of women and men selected
33 as members of a local development corporation; and

34 (2) "appointing power" means an individual or government or legisla-
35 tive body or individual or individuals charged with the responsibility
36 to appoint others to appointive positions on local development corpo-
37 rations.

38 (b) (1) All appointive local development corporations heretofore or
39 hereafter established by law or resolution shall be gender balanced.

40 (2) No person shall be appointed or reappointed to any local develop-
41 ment corporations if that appointment or reappointment would cause the
42 number of members of such local development corporation of one gender to
43 be greater than one-half of the local development corporation, plus one.

44 (c) (1) An appointing power shall make appointment to local develop-
45 ment corporations created prior to, on or after January first, two thou-
46 sand nineteen, in a manner which will ensure that women comprise approx-
47 imately fifty percent of the membership on each local development
48 corporations.

49 (2) The appointing power shall appoint a person from the gender which
50 has fewer appointees to any vacant position whenever the number of
51 persons of one gender appointed to a local development corporation
52 created prior to, on or after January first, two thousand nineteen
53 exceeds the number of persons of the other gender appointed to that
54 local development corporation.

55 (3) In making appointments to any local development corporation
56 created prior to, on or after January first, two thousand nineteen, the

1 number of appointments by an appointing power of one gender may not
2 exceed by more than one the number of appointments from the other
3 gender. When an unequal number of appointments has been made from each
4 gender, a vacant position shall be filled by a person from the gender
5 with fewer appointees on the local development corporation.

6 (4) In the event a local development corporations has an uneven number
7 of appointive positions, the appointing power shall fill a vacancy with
8 a member of the gender whose representation was of a lesser number when
9 an opening occurs. In the event a new local development corporation
10 whose membership has an unequal number of representatives from one
11 gender is created the appointing power shall appoint individuals in
12 conformance with the goals of this section.

13 (d) The appointing power shall undertake all efforts necessary to
14 obtain lists of names of qualified candidates to be recommended for
15 appointment to local development corporations, in furtherance of the
16 advancement of the policy of this section to achieve equal numbers of
17 appointments of men and women to appointive positions pursuant to para-
18 graphs (b) and (c) of this section.

19 (e) Multiple appointing powers charged with the appointment of indi-
20 viduals to the same local development corporation shall consult each
21 other to avoid a violation of this section.

22 (f) Nothing in this section shall be construed to prohibit an individ-
23 ual from completing a term for which the person was appointed, prior to
24 the effective date of this section.

25 § 4. This act shall take effect January 1, 2019.