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:

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

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

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

(b) "appointing power" means an individual or government or legislative body or individual or individuals charged with the responsibility to appoint others to appointive positions on state and local public authorities.

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

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

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

(b) The appointing power shall appoint a person from the gender which has fewer appointees to any vacant position whenever the number of persons of one gender appointed to a state or local public authority 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.

LBD10962-02-8

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

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

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

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

5. Multiple appointing powers charged with the appointment of individuals to the same state or local public authority shall consult each other to avoid a violation of this section.

6. Nothing in this section shall be construed to prohibit an individual from completing a term for which the person was appointed, prior to the effective date of this section.

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

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

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

(b) "appointing power" means an individual or government or legislative body or individual or individuals charged with the responsibility to appoint others to appointive positions on industrial development agencies.

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

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

3. (a) An appointing power shall make appointment to industrial development agencies created prior to, on or after January first, two thousand nineteen, in a manner which will ensure that women comprise approximately fifty percent of the membership on each industrial development agency.

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

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

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

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

5. Multiple appointing powers charged with the appointment of individuals to the same industrial development agencies shall consult each other to avoid a violation of this section.

6. Nothing in this section shall be construed to prohibit an individual from completing a term for which the person was appointed, prior to the effective date of this section.

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

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

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

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

(2) "appointing power" means an individual or government or legislative body or individual or individuals charged with the responsibility to appoint others to appointive positions on local development corporations.

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

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

(c) (1) An appointing power shall make appointment to local development corporations created prior to, on or after January first, two thousand nineteen, in a manner which will ensure that women comprise approximately fifty percent of the membership on each local development corporations.

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

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

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

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

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

(e) Multiple appointing powers charged with the appointment of individuals to the same local development corporation shall consult each other to avoid a violation of this section.

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

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