

# STATE OF NEW YORK

2594

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

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:

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

#### ARTICLE IV

4  
5 1. Commissioners. The port authority shall consist of twelve commis-  
6 sioners, six resident voters from the state of New York, at least four  
7 of whom shall be resident voters of the city of New York, and six resi-  
8 dent voters from the state of New Jersey, at least four of whom shall be  
9 resident voters within the New Jersey portion of the district, the New  
10 York members to be chosen by the state of New York and the New Jersey  
11 members by the state of New Jersey in the manner and for the terms fixed  
12 and determined from time to time by the legislature of each state  
13 respectively, except as herein provided. Each commissioner may be  
14 removed or suspended from office as provided by the law of the state  
15 from which he shall be appointed.

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

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

21 (2) "appointing power" means the individual or body charged with the  
22 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.