STATE OF NEW YORK

411

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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:

Section 1. Article 4 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. Commissioners. 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 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 may be removed or suspended from office as provided by the law of the state from which he shall be appointed.

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

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

(2) "appointing power" means the individual or body charged with the 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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b. (1) All appointments of commissioners of the port authority shall be gender balanced.

(2) No person shall be appointed or reappointed as a commissioner if that appointment or reappointment would cause the number of commissioners of one gender to be greater than one-half plus one.

c. (1) An appointing power shall make appointments of commissioners in a manner which will ensure that women comprise approximately fifty percent of appointed commissioners.

(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 as commissioners exceeds the number of persons of the other gender.

(3) In making appointments of commissioners, 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.

(4) In the event of an uneven number of 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.

d. The appointing power shall undertake all efforts necessary to obtain lists of names of qualified candidates to be recommended for appointment, in furtherance of the advancement of the policy of this subdivision to achieve equal numbers of appointments of men and women as commissioners pursuant to this subdivision.

e. Multiple appointing powers charged with the appointment of individuals as commissioners shall consult each other to avoid a violation of this subdivision.

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

§ 2. Article 4 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 559 of the laws of 2015, is amended by adding a new subdivision 2-a to read as follows:

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

(1) "gender balance" means an equal number of women and men appointed to the board of commissioners or as officers of the port authority;

(2) "appointing power" means an individual or body charged with the responsibility to appoint others to the board of commissioners or as officers of the port authority.

b. (1) Appointments made to the board of commissioners or appointments of officers of the port authority shall be gender balanced.

(2) No person shall be appointed or reappointed to the board of commissioners or appointed or reappointed as an officer of the port authority if that appointment or reappointment would cause the number of members of such board of commissioners or number of officers of one gender to be greater than one-half plus one.

c. (1) An appointing power shall make appointment to the board of commissioners or the appointment of officers of the port authority in a manner which will ensure that women comprise approximately fifty percent of the membership of the board of commissioners or the number of officers of the port authority.

(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 the board of commissioners or as officers of the port authority exceeds the number of persons of the other gender.

(3) In making appointments to the board of commissioners or as officers of the port authority, 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.

(4) In the event of an uneven number of 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.

d. The appointing power shall undertake all efforts necessary to obtain lists of names of qualified candidates to be recommended for appointment, in furtherance of the advancement of the policy of this subdivision to achieve equal numbers of appointments of men and women to appointive positions pursuant to this subdivision.

e. Multiple appointing powers charged with the appointment of individuals to the board of commissioners or as officers of the port authority shall consult each other to avoid a violation of this subdivision.

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

§ 3. Sections one and two of 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, section one of this act shall take effect immediately; provided, however, if chapter 559 of the laws of 2015 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2015 takes effect; provided that the state of New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in sections one and two of this act 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 effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.