

STATE OF NEW YORK

432

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. ROZIC, NOLAN, DE LA ROSA, AUBRY, DAVILA, JEAN-PIERRE, SEAWRIGHT, EPSTEIN, RODRIGUEZ, TAYLOR, CRUZ, SIMON, GRIF-FIN, PICHARDO, DICKENS, COOK -- read once and referred 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;

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

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

3 b. (1) All appointments of commissioners of the port authority shall
4 be gender balanced.

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

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

11 (2) The appointing power shall appoint a person from the gender which
12 has fewer appointees to any vacant position whenever the number of
13 persons of one gender appointed as commissioners exceeds the number of
14 persons of the other gender.

15 (3) In making appointments of commissioners, the number of appoint-
16 ments by an appointing power of one gender may not exceed by more than
17 one the number of appointments from the other gender. When an unequal
18 number of appointments has been made from each gender, a vacant position
19 shall be filled by a person from the gender with fewer appointees.

20 (4) In the event of an uneven number of positions, the appointing
21 power shall fill a vacancy with a member of the gender whose represen-
22 tation was of a lesser number when an opening occurs.

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

28 e. Multiple appointing powers charged with the appointment of individ-
29 uals as commissioners shall consult each other to avoid a violation of
30 this subdivision.

31 f. Nothing in this subdivision shall be construed to prohibit an indi-
32 vidual from completing a term for which the person was appointed, prior
33 to the effective date of this subdivision.

34 § 2. Article 4 of section 1 of chapter 154 of the laws of 1921, relat-
35 ing to the port authority of New York and New Jersey, as amended by
36 chapter 559 of the laws of 2015, is amended by adding a new subdivision
37 2-a to read as follows:

38 2-a. Gender balance in the port authority. a. For the purposes of this
39 subdivision, the following terms shall have the following meanings,
40 unless the context otherwise requires:

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

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

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

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

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

1 of the membership of the board of commissioners or the number of offi-
2 cers of the port authority.

3 (2) The appointing power shall appoint a person from the gender which
4 has fewer appointees to any vacant position whenever the number of
5 persons of one gender appointed to the board of commissioners or as
6 officers of the port authority exceeds the number of persons of the
7 other gender.

8 (3) In making appointments to the board of commissioners or as offi-
9 cers of the port authority, the number of appointments by an appointing
10 power of one gender may not exceed by more than one the number of
11 appointments from the other gender. When an unequal number of appoint-
12 ments has been made from each gender, a vacant position shall be filled
13 by a person from the gender with fewer appointees.

14 (4) In the event of an uneven number of positions, the appointing
15 power shall fill a vacancy with a member of the gender whose represen-
16 tation was of a lesser number when an opening occurs.

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

22 e. Multiple appointing powers charged with the appointment of individ-
23 uals to the board of commissioners or as officers of the port authority
24 shall consult each other to avoid a violation of this subdivision.

25 f. Nothing in this subdivision shall be construed to prohibit an indi-
26 vidual from completing a term for which the person was appointed, prior
27 to the effective date of this subdivision.

28 § 3. Sections one and two of this act shall take effect upon the
29 enactment into law by the state of New Jersey of legislation having an
30 identical effect with this act, but if the state of New Jersey shall
31 have already enacted such legislation, section one of this act shall
32 take effect immediately; provided, however, if chapter 559 of the laws
33 of 2015 shall not have taken effect on or before such date then section
34 two of this act shall take effect on the same date and in the same
35 manner as such chapter of the laws of 2015 takes effect; provided that
36 the state of New Jersey shall notify the legislative bill drafting
37 commission upon the occurrence of the enactment of the legislation
38 provided for in sections one and two of this act in order that the
39 commission may maintain an accurate and timely effective data base of
40 the official text of the laws of the state of New York in furtherance of
41 effectuating the provisions of section 44 of the legislative law and
42 section 70-b of the public officers law.