STATE OF NEW YORK

5212--A

Cal. No. 143

2023-2024 Regular Sessions

IN ASSEMBLY

March 6, 2023

Introduced by M. of A. WALLACE, AUBRY, JEAN-PIERRE, SEAWRIGHT, EPSTEIN, TAYLOR, CRUZ, SIMON, DICKENS, COOK, OTIS, REYES, COLTON, LEE, LEVENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public authorities law, in relation to gender balance in state and local public authorities; and providing for the repeal of such provisions upon the expiration thereof

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. Program promoting women to state and local authority boards. 1. The legislature finds that there is a need to promote women for recommendation and appointment to state and local authority boards in an effort to reverse a long history of discrimination against women on boards of public authorities. The program proposed by this section would provide for the use of gender as a factor when making recommendations and appointments to state and local authority boards. This section serves to achieve the benefits that come with the important governmental objective of attaining gender diversity on state and local authority boards.

2. For the purposes of this section, the following terms shall have the following meanings, unless the context otherwise requires:

(a) "Gender balance" means providing women candidates with a preference when appointing individuals to boards;

(b) "Appointing power" means an individual or government or legislative body charged with the responsibility to recommend for appointment or to appoint or reappoint a person or persons to the board of a state or local authority;

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

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(c) "Board" means the governing board or governing body or other such governing entity of local and state authorities;

(d) "Preference" means the act of favoring one person over another that is inversely proportional, provided however, such favoring shall not be dispositive;

(e) "Inversely proportional" means the greater the percentage of women on the board the lower the weight of the preference and the lower the percentage of women on the board the greater the weight of the preference.

3. (a) All appointive state and local authorities heretofore or hereafter established by law or resolution shall have recommendations for appointments, or reappointments that are gender balanced as provided by this section.

(b) Persons shall be recommended for appointment, appointed or reappointed to any state or local authority only if that recommendation, appointment or reappointment is gender balanced as provided by this section.

4. An appointing power shall make recommendations, appointments and reappointments to state and local authorities created prior to, on or after August first, two thousand twenty-four, in a manner which will ensure a gender balanced appointment or reappointment for each public authority.

5. 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 authorities, in furtherance of the advancement of the policy of this section to achieve gender balanced appointments and reappointments to state and local authority boards pursuant to subdivisions three and four of this section.

6. Multiple appointing powers charged with the recommendation, appointment or reappointment of individuals to the same state or local public authority shall consult each other in order to comply with the requirements of this section.

7. 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.

8. Each state and local authority shall include the number of appointed or reappointed board members in the last year, the number of women board members appointed or reappointed in the last year, the current number of board members on the board and the gender of such board members in the annual report required pursuant to section twenty-eight hundred of this article.

§ 2. This act shall take effect August 1, 2024 and shall expire and be deemed repealed August 1, 2034.