

ASSEMBLY, No. 1466

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Imposes restrictions concerning Delaware River Port Authority commissioners, officers, and employees regarding employment, gifts, and compensation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the Delaware River Joint Commission and
2 supplementing P.L.1931, c.391, authorizing the Governor, on
3 behalf of the State of New Jersey, to enter into a supplemental
4 compact or agreement with the Commonwealth of Pennsylvania
5 supplementing the compact or agreement between the State of
6 New Jersey and the Commonwealth of Pennsylvania entitled
7 “Agreement Between the Commonwealth of Pennsylvania and
8 The State of New Jersey creating the Delaware River Joint
9 Commission as a body corporate and politic and defining its
10 powers and duties,” as amended and supplemented, and
11 authorizing the Governor to apply, on behalf of the State of New
12 Jersey, to the Congress of the United States for its consent to
13 such supplemental compact or agreement.

14
15 **BE IT ENACTED** *by the Senate and General Assembly of the State*
16 *of New Jersey:*

17
18 1. The Governor is authorized to enter into a supplemental
19 compact or agreement, on behalf of the State of New Jersey, with
20 the Commonwealth of Pennsylvania supplementing the compact or
21 agreement between the Commonwealth of Pennsylvania and the
22 State of New Jersey entitled “Agreement Between the
23 Commonwealth of Pennsylvania and the State of New Jersey
24 creating the Delaware River Joint Commission as a body corporate
25 and politic and defining its powers and duties,” as set forth in
26 P.L. , c. (C.) (pending before the Legislature as this bill).

27
28 2. a. The commission, including any of its subsidiary
29 corporations, shall not compensate any commissioner, officer, or
30 employee in the form of an allowance or reimbursement for
31 expenses related to the use of a vehicle that is procured by or for the
32 commissioner, officer, or employee primarily for personal use or for
33 the purpose of commuting between home and work.

34 b. No current or former commissioner, officer, or employee of
35 the commission or of any of its subsidiary corporations shall be
36 exempt from payment, in the form of an allowance or
37 reimbursement, of any toll relating to the person’s use of a
38 commission toll bridge or toll road, or of any fare relating to the
39 person’s use of the transportation services of the commission, and
40 the commission, including any of its subsidiary corporations, shall
41 not compensate any such commissioner, officer, or employee in the
42 form of an allowance or reimbursement for payment of any such
43 toll or fare or for payment of any other expenses for commuting
44 between home and work or for travel not directly related to the
45 public business of the commission.

46 c. The commission shall not provide to any commissioner,
47 officer, or employee of the commission, or of any of its subsidiary
48 corporations, a driver whose assigned full-time or part-time duties

1 are to operate any motor vehicle in which the commissioner,
2 officer, or employee, or an immediate family member is a
3 passenger, unless the driver is a law enforcement officer who is
4 assigned also to provide for the security of the commissioner,
5 officer, or employee when the need for such security has been
6 documented. For the purposes of this subsection, “immediate
7 family member” of a person means the person’s spouse and any
8 parent, child, or sibling of the person residing in the same
9 household as the person.

10 d. The commission, including any of its subsidiary
11 corporations, shall not compensate any commissioner, officer, or
12 employee in the form of an allowance or reimbursement for the cost
13 of overnight travel on behalf of the commission or for purposes of
14 conducting commission business unless such travel arrangements
15 and the pertinent itinerary shall first have been approved in writing
16 by the commission commissioners at a public meeting; provided,
17 however, that this subsection shall not be construed to prohibit the
18 reimbursement of any commissioner, officer, or employee for the
19 cost of overnight travel in emergent situations relating to the
20 commission’s business. Any payment made for travel expenses in
21 accordance with this subsection shall be made as a reimbursement
22 for allowable expenses, and such reimbursement shall be made after
23 the date of travel.

24 e. The commission, including any of its subsidiary
25 corporations, shall not extend to any commissioner, officer, or
26 employee a personal line of credit or any other form of credit
27 agreement unless the use of credit, as documented in writing, is
28 directly related and essential to the performance of those official
29 duties of the commissioner, officer, or employee that concern the
30 maintenance of security for specified persons or property, law
31 enforcement, inspections or audits of regulated facilities, entities, or
32 persons, or the health, safety, and welfare of members of the public.

33 f. No commissioner, officer, or employee of the commission or
34 of any of its subsidiary corporations shall receive any personal
35 expense allowance, or be authorized to charge any contingent fund
36 or account for personal or official expenses except where such
37 allowance or fund is expressly provided for by statute or legislative
38 appropriation.

39 g. No commissioner, officer, or employee of the commission,
40 or of any of its subsidiary corporations shall receive an allowance,
41 stipend, subsidy, reimbursement, or other form of payment for the
42 purchase, lease, or maintenance of a residence, and no such
43 individual shall accept use of a residence owned or leased by the
44 commission or any of its subsidiary corporations for any purpose
45 not directly related and essential to the performance of those
46 official duties of the officer or employee, as documented in writing,
47 that concern the maintenance of security for specified persons or

1 property, law enforcement, or the health, safety, and welfare of
2 members of the public.

3 h. The commission shall not reimburse any officer or employee
4 of the commission or of any of its subsidiary corporations for
5 attendance of courses at an institution of higher education unless (1)
6 the course is taken at an accredited public institution of higher
7 education in Pennsylvania or New Jersey, including a county
8 college, (2) the course is directly related to the skills and knowledge
9 required for the duties being performed by the officer or employee,
10 or required for the performance of the duties of a position to which
11 the officer or employee may directly be promoted from the current
12 position, and (3) the officer or employee agrees to remain an officer
13 or employee for five years after the final tuition reimbursement is
14 made. The amount of any reimbursement hereunder shall be limited
15 to 50 percent of the tuition for the course attended. If the officer or
16 employee does not remain an officer or employee of the
17 commission for that period of time, the officer or employee shall be
18 required to pay the commission for all tuition reimbursements
19 made. If the officer or employee does not maintain a C average or
20 its equivalent for courses attended, the officer or employee shall not
21 receive payment or reimbursement for tuition. This subsection shall
22 not apply to tuition reimbursement for a course or program that
23 provides a certification of a skill or understanding sufficient to
24 perform or assess a particular technological, mechanical, industrial,
25 operational, accounting, or construction process or function, and
26 that certification is required for holding that office or employment.

27
28 3. a. No commissioner, officer, or employee of the
29 commission, or any of its subsidiary corporations, shall solicit,
30 receive or agree to receive, whether directly or indirectly, any
31 compensation, reward, employment, gift, honorarium, out-of-State
32 travel or subsistence expense or other thing of value from any
33 source other than the commission, for providing any service,
34 advice, or assistance, making any appearance or speech, or
35 performing any other action related to the official duties of the
36 commissioner, officer, or employee, or under any other
37 circumstance which could reasonably be expected to influence, or
38 which may be reasonably perceived as being expected to influence,
39 the manner in which a commissioner, officer, or employee conducts
40 the public business of the commission; provided however, that a
41 commissioner, officer, or employee may be compensated by any
42 party for any written publication of the commissioner, officer, or
43 employee relating to, or concerning that commissioner's, officer's,
44 or employee's employment or service with the commission.

45 b. No commissioner, officer, or employee having had decision-
46 making authority or responsibility with regard to any commission or
47 commission subsidiary corporation shall accept or engage in
48 employment with any professional service provider, vendor, or

1 independent contractor of the commission for a period of two years
2 after the termination of such employment with the commission or
3 commission subsidiary corporation.

4 c. No commission commissioner, officer, or employee, or
5 commission subsidiary corporation employee, shall solicit, receive
6 or agree to receive, whether directly or indirectly, any ticket or
7 other form of admission to any place of entertainment that is
8 provided free of charge or at a discounted rate by the sponsor,
9 promoter, performer, or operator of the event or entertainment
10 venue unless the same free or reduced admission is available to (1)
11 the public; (2) a class consisting of all officers or employees of
12 Pennsylvania or New Jersey state agencies, as appropriate, whether
13 or not restricted on the basis of geographic consideration; (3) all
14 members of a group or class in which membership is unrelated to
15 commission service; (4) all members of an organization, such as an
16 employees' association or state or other public entity credit union, in
17 which membership is related to commission service; or (5) a group
18 or class that is not defined in a manner that specifically
19 discriminates among state or commission officers or employees on
20 the basis of branch of government or type of responsibility, or on a
21 basis that favors those of higher rank or rate of pay. Free or
22 discounted admission available to a member of the immediate
23 family of a commissioner, officer, or employee shall be treated as
24 available to the commissioner, officer, or employee for the purposes
25 of this subsection.

26 As used in this subsection, "immediate family member" of a
27 person means the person's spouse and any parent, child, or sibling
28 of the person residing in the same household as the person; and
29 "place of entertainment" means any privately or publicly owned and
30 operated entertainment facility within or outside of the states of
31 Pennsylvania or New Jersey, such as a theater, stadium, museum,
32 arena, racetrack or other place where performances, concerts,
33 exhibits, games or contests are held and for which an entry fee is
34 charged.

35
36 4. Any commissioner, officer, or employee of the commission,
37 or any of its subsidiary corporations, who willfully engages in
38 conduct, or upon whom a benefit is conferred, in violation of the
39 provisions of P.L. , c. (C.) (pending before the
40 Legislature as this bill) shall be subject to removal from office or
41 employment and shall be fined not less than \$500 nor more than
42 \$10,000, which penalty may be collected in a summary proceeding
43 pursuant to the laws of the state in which the commissioner, officer,
44 or employee is employed by the commission or a commission
45 subsidiary corporation.

46
47 5. The Governor is hereby authorized to apply on behalf of the
48 State of New Jersey to the Congress of the United States for its

1 consent and approval to the amendments to this compact or
2 agreement provided in P.L. , c. (C.) (pending before the
3 Legislature as this bill), but in the absence of such consent and
4 approval, the Delaware River Commission shall have all the powers
5 the Commonwealth of Pennsylvania and the State of New Jersey
6 may confer upon it without the consent and approval of Congress.

7
8 6. This act shall take effect immediately, but shall remain
9 inoperative until the enactment into law of legislation substantially
10 similar to P.L. , c. (C.) (pending before the Legislature
11 as this bill) by the Commonwealth of Pennsylvania, but if such
12 legislation shall have been enacted prior to the enactment of
13 P.L. , c. (C.) (pending before the Legislature as this bill),
14 this act shall take effect immediately, but shall not be construed to
15 impair any vested right or obligation under any contract or
16 collective bargaining agreement prior to the date of enactment.

17
18
19 STATEMENT
20

21 This bill supplements the compact between the Commonwealth
22 of Pennsylvania and the State of New Jersey creating the Delaware
23 River Joint Commission, now known as the Delaware River Port
24 Authority (“DRPA”). The bill makes changes to the compact to
25 impose various restrictions upon the DRPA, its subsidiary
26 corporations, and the commissioners, officers, and employees of the
27 commission and its subsidiary corporations.

28 The bill prohibits the DRPA and its subsidiary corporations
29 from:

- 30 • compensating any commissioner, officer, or employee for
31 expenses related to commuting or a personal vehicle;
32 • exempting any commissioner, officer, or employee, or
33 former commissioner, officer, or employee from payment for
34 use of any of its tolled facilities or reimbursing any such
35 individual for its tolls or Commission Transit Corporation
36 rail fares or from payment of any other expenses for
37 commuting between home and work or for travel not directly
38 related to the public business of the commission;
39 • providing to any commissioner, officer, or employee a driver
40 whose assigned full-time or part-time duties are to operate
41 any motor vehicle in which the commissioner, officer, or
42 employee, or an immediate family member, is a passenger,
43 unless the driver is a law enforcement officer who is
44 assigned also to provide for the security of the
45 commissioner, officer, or employee when the need for such
46 security has been documented;
47 • compensating any commissioner, officer, or employee for
48 overnight travel on behalf of the commission or for purposes

- 1 of conducting commission business unless such travel
2 arrangements and itinerary are approved in writing by the
3 commission at a public meeting except in emergent
4 situations relating to the commission's business;
- 5 • extending to any commissioner, officer, or employee a
6 personal line of credit or any other form of credit agreement
7 for any purpose unless the use of credit is directly related
8 and essential to the performance of those official duties of
9 the commissioner, officer, or employee, as documented in
10 writing, that concern the maintenance of security for
11 specified persons or property, law enforcement, inspections
12 or audits of regulated facilities, entities, or persons, or the
13 health, safety, and welfare of members of the public;
 - 14 • providing to any commissioner, officer, or employee any
15 personal expense allowance or contingent fund for personal
16 or official expenses except where such allowance or fund is
17 expressly provided for by statute or legislative
18 appropriation;
 - 19 • providing to any commissioner, officer, or employee an
20 allowance, stipend, subsidy, or other form of payment for
21 the purchase, lease, or maintenance of a residence; and
 - 22 • providing tuition reimbursement unless (1) the course is
23 taken at an accredited public institution of higher education
24 in Pennsylvania or New Jersey, (2) the course is directly
25 related to the skills and knowledge required for the duties
26 being performed by the officer or employee, or required for
27 the performance of the duties of a position to which the
28 officer or employee may directly be promoted from the
29 current position, and (3) the officer or employee agrees to
30 remain an officer or employee for five years after the final
31 tuition reimbursement is made. The amount of
32 reimbursement cannot exceed 50 percent of the tuition.
- 33 The bill prohibits commissioners, officers, and employees of the
34 commission or its subsidiary corporations from:
- 35 • soliciting or accepting any compensation, reward,
36 employment, gift, honorarium, out-of-State travel or
37 subsistence expense, or other thing of value from any source
38 other than the commission for any matter related to the
39 official duties of the commissioner, officer, or employee or
40 under any other any circumstance which could reasonably be
41 expected to influence the manner in which commission
42 business is conducted;
 - 43 • engaging in employment with any professional service
44 provider, vendor, or independent contractor of the
45 commission for two years after termination;
 - 46 • accepting use of a commission, or commission subsidiary-
47 owned residence for purposes not directly related and

- 1 essential to the performance of those official duties of the
2 officer or employee; and
- 3 • soliciting, receiving or agreeing to receive, whether directly
4 or indirectly, any ticket or other form of admission to any
5 place of entertainment that is provided free of charge or at a
6 discounted rate by the sponsor, promoter, performer, or
7 operator of the event or entertainment venue unless the same
8 free or reduced admission is available to (a) the public; (b) a
9 class consisting of all officers or employees of Pennsylvania
10 or New Jersey state agencies, as appropriate, whether or not
11 restricted on the basis of geographic consideration; (c) all
12 members of a group or class in which membership is
13 unrelated to commission service; (d) all members of an
14 organization, such as an employees' association or state or
15 other public entity credit union, in which membership is
16 related to commission service; or (e) a group or class that is
17 not defined in a manner that specifically discriminates
18 among state or commission officers or employees on the
19 basis of branch of government or type of responsibility, or
20 on a basis that favors those of higher rank or rate of pay.
- 21 Any commissioner, officer, or employee of the commission or its
22 subsidiary corporations who willfully engages in conduct, or
23 accepts a benefit, in violation of the provisions of this bill would be
24 subject to removal from office or employment and subject to a fine
25 of between \$500 and \$10,000.
- 26 The enactment by Pennsylvania of substantially similar
27 legislation will be required, and approval of Congress may be
28 required, before the supplemental compact authorized by this bill
29 may become operative.