

ASSEMBLY, No. 1468

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 4 (Camden and Gloucester)

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SYNOPSIS

Imposes restrictions concerning Delaware River Joint Toll Bridge Commission 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 Toll Bridge
2 Commission and supplementing article II of chapter 8 of Title 32
3 of the Revised Statutes, authorizing the Governor, on behalf of
4 the State of New Jersey, to enter into a supplemental compact or
5 agreement with the Commonwealth of Pennsylvania
6 supplementing the compact or agreement between the State of
7 New Jersey and the Commonwealth of Pennsylvania entitled
8 "Agreement between the State of New Jersey and the
9 Commonwealth of Pennsylvania creating the Delaware River
10 Joint Toll Bridge Commission as a body corporate and politic
11 and defining its powers and duties," as amended and
12 supplemented, and authorizing the Governor to apply, on behalf
13 of the State of New Jersey, to the Congress of the United States
14 for its consent to such supplemental compact or agreement.

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

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

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

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

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

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

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

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

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

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

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

25
26 3. a. No commissioner, officer, or employee of the Delaware
27 River Joint Toll Bridge Commission, or any of its subsidiary
28 corporations, shall solicit, receive or agree to receive, whether
29 directly or indirectly, any compensation, reward, employment, gift,
30 honorarium, out-of-State travel or subsistence expense or other
31 thing of value from any source other than the commission, for
32 providing any service, advice, or assistance, or making any
33 appearance or speech, or performing any other action related to the
34 official duties of the commissioner, officer, or employee, or under
35 any other circumstance which could reasonably be expected to
36 influence, or which may reasonably be perceived as being expected
37 to influence, the manner in which a commissioner, officer, or
38 employee conducts the public business of the commission; provided
39 however, that a commissioner, officer, or employee may be
40 compensated by any party for any written publication of the
41 commissioner, officer, or employee relating to, or concerning that
42 commissioner's, officer's, or employee's employment or service
43 with the commission.

44 b. No commissioner, officer, or employee having had decision-
45 making authority or responsibility with regard to any commission or
46 commission subsidiary corporation shall accept or engage in
47 employment with any professional service provider, vendor, or
48 independent contractor of the commission for a period of two years

1 after the termination of such employment with the commission or
2 commission subsidiary corporation.

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

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

34

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

45

46 5. The Governor is hereby authorized to apply on behalf of the
47 State of New Jersey to the Congress of the United States for its
48 consent and approval to the amendments to this compact or

1 agreement provided in P.L. , c. (C.) (pending before the
2 Legislature as this bill), but in the absence of such consent and
3 approval, the Delaware River Joint Toll Bridge Commission shall
4 have all the powers the Commonwealth of Pennsylvania and the
5 State of New Jersey may confer upon it without the consent and
6 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 as this
11 bill) by the Commonwealth of Pennsylvania, but if such legislation
12 shall have been enacted prior to the enactment of this act, this act
13 shall take effect immediately, but shall not be construed to impair
14 any vested right or obligation under any contract or collective
15 bargaining agreement prior to the date of enactment.

16
17
18 STATEMENT

19
20 This bill supplements the compact between the Commonwealth
21 of Pennsylvania and the State of New Jersey creating the Delaware
22 River Joint Toll Bridge Commission (“DRJTBC”). The bill makes
23 changes to the compact to impose various restrictions upon the
24 DRJTBC, its subsidiary corporations, and the commissioners,
25 officers, and employees of the commission and its subsidiary
26 corporations.

27 The bill prohibits the DRJTBC and its subsidiary corporations
28 from:

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

- 1 arrangements and itinerary are approved in writing by the
2 commission at a public meeting except in emergent
3 situations relating to the commission's business;
- 4 • extending to any commissioner, officer, or employee a
5 personal line of credit or any other form of credit agreement
6 for any purpose unless the use of credit is directly related
7 and essential to the performance of those official duties of
8 the commissioner, officer, or employee, as documented in
9 writing, that concern the maintenance of security for
10 specified persons or property, law enforcement, inspections
11 or audits of regulated facilities, entities, or persons, or the
12 health, safety, and welfare of members of the public;
 - 13 • providing to any commissioner, officer, or employee any
14 personal expense allowance or contingent fund for personal
15 or official expenses except where such allowance or fund is
16 expressly provided for by statute or legislative
17 appropriation;
 - 18 • providing to any commissioner, officer, or employee an
19 allowance, stipend, subsidy, or other form of payment for
20 the purchase, lease, or maintenance of a residence; and
 - 21 • providing tuition reimbursement to officers and employees
22 unless (1) the course is taken at an accredited public
23 institution of higher education in Pennsylvania or New
24 Jersey, (2) the course is directly related to the skills and
25 knowledge required for the duties being performed by the
26 officer or employee, or required for the performance of the
27 duties of a position to which the officer or employee may
28 directly be promoted from the current position, and (3) the
29 officer or employee agrees to remain an officer or employee
30 for five years after the final tuition reimbursement is made.
31 The amount of reimbursement cannot exceed 50 percent of
32 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
22 including employees of its subsidiary corporations, who willfully
23 engages in conduct, or accepts a benefit, in violation of the
24 provisions of this bill would be subject to removal from office or
25 employment and subject to a fine 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 be entered into.