

ASSEMBLY, No. 1469

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Imposes restrictions concerning Port Authority of New York and New Jersey 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 Port Authority of New York and New
2 Jersey and supplementing Title 32 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. The Port Authority of New York and New Jersey,
8 including any of its subsidiary corporations, shall not compensate
9 any commissioner, officer, or employee in the form of an allowance
10 or reimbursement for expenses related to the use of a vehicle that is
11 procured by or for the commissioner, officer, or employee primarily
12 for personal use or for the purpose of commuting between home and
13 work.

14 b. No current or former commissioner, officer, or employee of
15 the port authority, or of any of its subsidiary corporations, shall be
16 exempt from payment of any toll relating to the person's use of a
17 port authority toll bridge or toll road, or of any fare relating to the
18 person's use of the transportation services of the port authority, and
19 the port authority, including any of its subsidiary corporations, shall
20 not compensate any such commissioner, officer, or employee in the
21 form of an allowance or reimbursement for payment of any such
22 toll or fare or for payment of any other expenses for commuting
23 between home and work or for travel not directly related to the
24 public business of the port authority.

25 c. The port authority shall not provide to any commissioner,
26 officer, or employee of the port authority, or of any of its subsidiary
27 corporations, a driver whose assigned full-time or part-time duties
28 are to operate any motor vehicle in which the commissioner,
29 officer, or employee, or an immediate family member of a
30 commissioner, officer, or employee is a passenger, unless the driver
31 is a law enforcement officer who is assigned also to provide for the
32 security of the commissioner, officer, or employee when the need
33 for such security has been documented. For the purposes of this
34 subsection, "immediate family member" of a person means the
35 person's spouse and any parent, child, or sibling of the person
36 residing in the same household as the person.

37 d. The port authority, including any of its subsidiary
38 corporations, shall not compensate any commissioner, officer, or
39 employee in the form of an allowance or reimbursement for the cost
40 of overnight travel on behalf of the port authority or for purposes of
41 conducting port authority business unless such travel arrangements
42 and the pertinent itinerary shall first have been approved in writing
43 by the port authority commissioners at a public meeting; provided,
44 however, that this subsection shall not be construed to prohibit the
45 reimbursement of any commissioner, officer, or employee for the
46 cost of overnight travel in emergent situations relating to the port
47 authority's business. Any payment made for travel expenses in
48 accordance with this subsection shall be made as a reimbursement

1 for allowable expenses, and such reimbursement shall be made after
2 the date of travel.

3 e. The port authority, including any of its subsidiary
4 corporations, shall not extend to any commissioner, officer, or
5 employee a personal line of credit or any other form of credit
6 agreement unless the use of credit is directly related and essential to
7 the performance of those official duties of the commissioner,
8 officer, or employee as documented in writing, that concern the
9 maintenance of security for specified persons or property, law
10 enforcement, inspections or audits of regulated facilities, entities, or
11 persons, or the health, safety, and welfare of members of the public.

12 f. No commissioner, officer, or employee of the port authority
13 of any or of its subsidiary corporations shall receive any personal
14 expense allowance, or be authorized to charge any contingent fund
15 or account for personal or official expenses except where such
16 allowance or fund is expressly provided for by statute or legislative
17 appropriation.

18 g. No commissioner, officer, or employee of the port authority
19 or of any of its subsidiary corporations shall receive an allowance,
20 stipend, subsidy, reimbursement, or other form of payment for the
21 purchase, lease, or maintenance of a residence, and no such
22 individual shall accept use of a residence owned or leased by the
23 port authority or any of its subsidiary corporations for any purpose
24 not directly related and essential to the performance of those
25 official duties of the officer or employee, as documented in writing,
26 that concern the maintenance of security for specified persons or
27 property, law enforcement, or the health, safety, and welfare of
28 members of the public.

29 h. The port authority shall not reimburse any officer or
30 employee of the port authority or of any of its subsidiary
31 corporations for attendance of courses at an institution of higher
32 education unless (1) the course is taken at an accredited public
33 institution of higher education in New York or New Jersey,
34 including a county college, (2) the course is directly related to the
35 skills and knowledge required for the duties being performed by the
36 officer or employee, or required for the performance of the duties of
37 a position to which the officer or employee may directly be
38 promoted from the current position, and (3) the officer or employee
39 agrees to remain an officer or employee for five years after the final
40 tuition reimbursement is made. The amount of any reimbursement
41 hereunder shall be limited to 50 percent of the tuition for the course
42 attended. If the officer or employee does not remain an officer or
43 employee of the port authority for that period of time, the officer or
44 employee shall be required to pay the port authority for all tuition
45 reimbursements made. If the officer or employee does not maintain
46 a C average or its equivalent for courses attended, the officer or
47 employee shall not receive payment or reimbursement for tuition.
48 This subsection shall not apply to tuition reimbursement for a

1 course or program that provides a certification of a skill or
2 understanding sufficient to perform or assess a particular
3 technological, mechanical, industrial, operational, accounting, or
4 construction process or function, and that certification is required
5 for holding that office or employment.

6
7 2. a. No commissioner, officer, or employee of the Port
8 Authority of New York and New Jersey, or any of its subsidiary
9 corporations, shall solicit, receive or agree to receive, whether
10 directly or indirectly, any compensation, reward, employment, gift,
11 honorarium, out-of-State travel or subsistence expense or other
12 thing of value from any source other than the port authority, for
13 providing any service, advice, or assistance, making any appearance
14 or speech, or performing any other action related to the official
15 duties of the commissioner, officer, or employee, or under any other
16 circumstance which could reasonably be expected to influence, or
17 which may be reasonably perceived as being expected to influence,
18 the manner in which a commissioner, officer, or employee conducts
19 the public business of the port authority; provided however, that a
20 commissioner, officer, or employee may be compensated by any
21 party for any written publication of the commissioner, officer, or
22 employee relating to, or concerning that commissioner's, officer's,
23 or employee's employment or service with the port authority.

24 b. No commissioner, officer, or employee having had decision-
25 making authority or responsibility with regard to any port authority
26 or port authority subsidiary corporation shall accept or engage in
27 employment with any professional service provider, vendor, or
28 independent contractor of the port authority for a period of two
29 years after the termination of such employment with the port
30 authority or port authority subsidiary corporation.

31 c. No port authority commissioner, officer, or employee, or
32 port authority subsidiary corporation employee, shall solicit, receive
33 or agree to receive, whether directly or indirectly, any ticket or
34 other form of admission to any place of entertainment that is
35 provided free of charge or at a discounted rate by the sponsor,
36 promoter, performer, or operator of the event or entertainment
37 venue unless the same free or reduced admission is available to (1)
38 the public; (2) a class consisting of all officers or employees of New
39 York or New Jersey state agencies, as appropriate, whether or not
40 restricted on the basis of geographic consideration; (3) all members
41 of a group or class in which membership is unrelated to port
42 authority service; (4) all members of an organization, such as an
43 employees' association or state or other public entity credit union, in
44 which membership is related to port authority service; or (5) a
45 group or class that is not defined in a manner that specifically
46 discriminates among state or port authority officers or employees on
47 the basis of branch of government or type of responsibility, or on a
48 basis that favors those of higher rank or rate of pay. Free or

1 discounted admission available to the member of the immediate
2 family of a commissioner, officer, or employee shall be treated as
3 available to the officer, employee, or member for the purposes of
4 this subsection.

5 As used in this subsection, “immediate family member” of a
6 person means the person’s spouse and any parent, child, or sibling
7 of the person residing in the same household as the person; and
8 "place of entertainment" means any privately or publicly owned and
9 operated entertainment facility within or outside of the states of
10 New York or New Jersey, such as a theater, stadium, museum,
11 arena, racetrack or other place where performances, concerts,
12 exhibits, games or contests are held and for which an entry fee is
13 charged.

14
15 3. Any, commissioner, officer, or employee of the port
16 authority, or any of its subsidiary corporations who willfully
17 engages in conduct, or upon whom a benefit is conferred, in
18 violation of the provisions of P.L. , c. (C.) (pending before
19 the Legislature as this bill) shall be subject to removal from office
20 or employment and shall be fined not less than \$500 nor more than
21 \$10,000, which penalty may be collected in a summary proceeding
22 pursuant to the laws of the state in which the commissioner, officer,
23 or employee is employed by the port authority or a port authority
24 subsidiary corporation.

25
26 4. This act shall take effect immediately, but shall remain
27 inoperative until the enactment into law of legislation substantially
28 similar to P.L. , c. (C.) (pending before the Legislature as
29 this bill) by the State of New York, but if such legislation shall have
30 been enacted prior to the enactment of this act, this act shall take
31 effect immediately, but shall not be construed to impair any vested
32 right or obligation under any contract or collective bargaining
33 agreement prior to the date of enactment.

34 35 36 STATEMENT

37
38 This bill imposes various restrictions upon the Port Authority of
39 New York and New Jersey (“port authority”), its subsidiary
40 corporations, and the commissioners, officers, and employees of the
41 port authority and subsidiary corporations.

42 Specifically, the bill prohibits the port authority and its
43 subsidiary corporations from:

- 44 • compensating any commissioner, officer, or employee for
45 expenses related to commuting or a personal vehicle;
- 46 • exempting any commissioner, officer, or employee, or
47 former commissioner, officer, or employee from payment of
48 any of its tolls or fares or reimbursing any such individual

- 1 for use of any of its tolled facilities or transportation services
2 or for payment of any other expenses for commuting
3 between home and work or for travel not directly related to
4 the public business of the authority;
- 5 • providing to any commissioner, officer, or employee a driver
6 whose assigned full-time or part-time duties are to operate
7 any motor vehicle in which the commissioner, officer, or
8 employee, or an immediate family member, is a passenger,
9 unless the driver is a law enforcement officer who is
10 assigned also to provide for the security of the
11 commissioner, officer, or employee when the need for such
12 security has been documented;
 - 13 • compensating any commissioner, officer, or employee for
14 overnight travel on behalf of the authority or for purposes of
15 conducting authority business unless such travel
16 arrangements and itinerary are approved in writing by the
17 board at a public meeting, except in emergent situations
18 relating to the authority's business;
 - 19 • extending to any commissioner, officer, or employee a
20 personal line of credit or any other form of credit agreement
21 for any purpose unless the use of a credit is directly related
22 and essential to the performance of those official duties of
23 the commissioner, officer, or employee, as documented in
24 writing, that concern the maintenance of security for
25 specified persons or property, law enforcement, inspections
26 or audits of regulated facilities, entities, or persons, or the
27 health, safety, and welfare of members of the public;
 - 28 • providing to any commissioner, officer, or employee any
29 personal expense allowance, or contingent fund for personal
30 or official expenses except where such allowance or fund is
31 expressly provided for by statute or legislative
32 appropriation;
 - 33 • providing to any commissioner, officer, or employee an
34 allowance, stipend, subsidy, or other form of payment for
35 the purchase, lease, or maintenance of a residence; and
 - 36 • providing tuition reimbursement to officers and employees
37 unless (1) the course is taken at an accredited public
38 institution of higher education in New York or New Jersey,
39 (2) the course is directly related to the skills and knowledge
40 required for the duties being performed by the officer or
41 employee, or required for the performance of the duties of a
42 position to which the officer or employee may directly be
43 promoted from the current position, and (3) the officer or
44 employee agrees to remain an officer or employee for five
45 years after the final tuition reimbursement is made. The
46 amount of reimbursement could not exceed 50 percent of the
47 tuition.

1 The bill prohibits commissioners, officers, and employees, of the
2 authority or its subsidiary corporations, from:

- 3 • soliciting or accepting any compensation, reward,
4 employment, gift, honorarium, out-of-State travel or
5 subsistence expense or other thing of value from any source
6 other than the authority for any matter related to the official
7 duties of the commissioner, officer, or employee or under
8 any other any circumstance which could reasonably be
9 expected to influence the manner in which authority business
10 is conducted;
- 11 • engaging in employment with any professional service
12 provider, vendor, or independent contractor of the authority
13 for two years after termination;
- 14 • accepting use of a port authority, or port authority
15 subsidiary-owned residence for purposes not directly related
16 and essential to the performance of those official duties of
17 the officer or employee; and
- 18 • soliciting, receiving or agreeing to receive, whether directly
19 or indirectly, any ticket or other form of admission to any
20 place of entertainment that is provided free of charge or at a
21 discounted rate by the sponsor, promoter, performer, or
22 operator of the event or entertainment venue unless the same
23 free or reduced admission is available to (a) the public; (b) a
24 class consisting of all officers or employees of New York or
25 New Jersey state agencies, as appropriate, whether or not
26 restricted on the basis of geographic consideration; (c) all
27 members of a group or class in which membership is
28 unrelated to port authority service; (d) all members of an
29 organization, such as an employees' association or state or
30 other public entity credit union, in which membership is
31 related to port authority service; or (e) a group or class that
32 is not defined in a manner that specifically discriminates
33 among state or port authority officers or employees on the
34 basis of branch of government or type of responsibility, or
35 on a basis that favors those of higher rank or rate of pay.

36 Any commissioner, officer, or employee of the authority or its
37 subsidiary corporations who willfully engages in conduct, or
38 accepts a benefit, in violation of the provisions of this bill would be
39 subject to removal from office or employment and fined a minimum
40 of \$500 or maximum of \$10,000.

41 The enactment by New York of substantially similar legislation
42 would be required, and approval of Congress may be required,
43 before the supplemental compact authorized by this bill may
44 become operative.