

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1247

STATE OF NEW JERSEY

DATED: FEBRUARY 2, 2012

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 1247.

As reported, this bill imposes various restrictions upon the Port Authority of New York and New Jersey (“port authority”), its subsidiary corporations, and the commissioners, officers, and employees of the port authority and subsidiary corporations.

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

- compensating any commissioner, officer, or employee for expenses related to commuting or a personal vehicle;
- exempting any commissioner, officer, or employee, or former commissioner, officer, or employee from payment of any of its tolls or fares or reimbursing any such individual for use of any of its tolled facilities or transportation services or for payment of any other expenses for commuting between home and work or for travel not directly related to the public business of the authority;
- providing to any commissioner, officer, or employee a driver whose assigned full-time or part-time duties are to operate any motor vehicle in which the commissioner, officer, or employee, or an immediate family member, is a passenger, unless the driver is a law enforcement officer who is assigned also to provide for the security of the commissioner, officer, or employee when the need for such security has been documented;
- compensating any commissioner, officer, or employee for overnight travel on behalf of the authority or for purposes of conducting authority business unless such travel arrangements and itinerary are approved in writing by the board at a public meeting, except in emergent situations relating to the authority’s business;
- extending to any commissioner, officer, or employee a personal line of credit or any other form of credit agreement for any purpose unless the use of a credit is directly related and essential to the performance of those official duties of the

commissioner, officer, or employee, as documented in writing, that concern the maintenance of security for specified persons or property, law enforcement, inspections or audits of regulated facilities, entities, or persons, or the health, safety, and welfare of members of the public;

- providing to any commissioner, officer, or employee any personal expense allowance, or contingent fund for personal or official expenses except where such allowance or fund is expressly provided for by statute or legislative appropriation;
- providing to any commissioner, officer, or employee an allowance, stipend, subsidy, or other form of payment for the purchase, lease, or maintenance of a residence; and
- providing tuition reimbursement to officers and employees unless (1) the course is taken at an accredited public institution of higher education in New York or New Jersey, (2) the course is directly related to the skills and knowledge required for the duties being performed by the officer or employee, or required for the performance of the duties of a position to which the officer or employee may directly be promoted from the current position, and (3) the officer or employee agrees to remain an officer or employee for five years after the final tuition reimbursement is made. The amount of reimbursement could not exceed 50 percent of the tuition.

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

- soliciting or accepting any compensation, reward, employment, gift, honorarium, out-of-State travel or subsistence expense or other thing of value from any source other than the authority for any matter related to the official duties of the commissioner, officer, or employee or under any other any circumstance which could reasonably be expected to influence the manner in which authority business is conducted;
- engaging in employment with any professional service provider, vendor, or independent contractor of the authority for two years after termination;
- accepting use of a port authority, or port authority subsidiary-owned residence for purposes not directly related and essential to the performance of those official duties of the officer or employee; and
- soliciting, receiving or agreeing to receive, whether directly or indirectly, any ticket or other form of admission to any place of entertainment that is provided free of charge or at a discounted rate by the sponsor, promoter, performer, or operator of the event or entertainment venue unless the same free or reduced admission is available to (a) the public; (b) a class consisting of all officers or employees of New York or New Jersey state agencies, as appropriate, whether or not restricted on the basis

of geographic consideration; (c) all members of a group or class in which membership is unrelated to port authority service; (d) all members of an organization, such as an employees' association or state or other public entity credit union, in which membership is related to port authority service; or (e) a group or class that is not defined in a manner that specifically discriminates among state or port authority officers or employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay.

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

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

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.