

STATE OF NEW YORK

1394

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. ZEBROWSKI, GALEF, GUNTHER, TITONE, HEVESI, MONTESANO -- Multi-Sponsored by -- M. of A. MAGEE, SIMOTAS, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT in relation to restricting certain benefits for employees of the New York and New Jersey Port Authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. a. The Port Authority of New York and New Jersey, including
2 any of its subsidiary corporations, shall not compensate any commission-
3 er, officer, or employee in the form of an allowance or reimbursement
4 for expenses related to the use of a vehicle that is procured by or for
5 the commissioner, officer, or employee primarily for personal use or for
6 the purpose of commuting between home and work.
7 b. No current or former commissioner, officer, or employee of the port
8 authority, or of any of its subsidiary corporations, shall be exempt
9 from payment of any toll relating to the person's use of a port authori-
10 ty toll bridge or toll road, or of any fare relating to the person's use
11 of the transportation services of the port authority, and the port
12 authority, including any of its subsidiary corporations, shall not
13 compensate any such commissioner, officer, or employee in the form of an
14 allowance or reimbursement for payment of any such toll or fare or for
15 payment of any other expenses for commuting between home and work or for
16 travel not directly related to the public business of the port authori-
17 ty.
18 c. The port authority shall not provide to any commissioner, officer,
19 or employee of the port authority, or of any of its subsidiary corpo-
20 rations, a driver whose assigned full-time or part-time duties are to
21 operate any motor vehicle in which the commissioner, officer, or employ-
22 ee, or an immediate family member of a commissioner, officer, or employ-
23 ee is a passenger, unless the driver is a law enforcement officer who is

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

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1 assigned also to provide for the security of the commissioner, officer,
2 or employee when the need for such security has been documented. For the
3 purposes of this subsection, "immediate family member" of a person means
4 the person's spouse and any parent, child, or sibling of the person
5 residing in the same household as the person.

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

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

28 f. No commissioner, officer, or employee of the port authority or of
29 any or of its subsidiary corporations shall receive any personal expense
30 allowance, or be authorized to charge any contingent fund or account for
31 personal or official expenses except where such allowance or fund is
32 expressly provided for by statute or legislative appropriation.

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

43 h. The port authority shall not reimburse any officer or employee of
44 the port authority or of any of its subsidiary corporations for attend-
45 ance of courses at an institution of higher education unless (1) the
46 course is taken at an accredited public institution of higher education
47 in New York or New Jersey, including a county college, (2) the course is
48 directly related to the skills and knowledge required for the duties
49 being performed by the officer or employee, or required for the perform-
50 ance of the duties of a position to which the officer or employee may
51 directly be promoted from the current position, and (3) the officer or
52 employee agrees to remain an officer or employee for five years after
53 the final tuition reimbursement is made. The amount of any reimbursement
54 hereunder shall be limited to 50 percent of the tuition for the course
55 attended. If the officer or employee does not remain an officer or
56 employee of the port authority for that period of time, the officer or

1 employee shall be required to pay the port authority for all tuition
2 reimbursements made. If the officer or employee does not maintain a C
3 average or its equivalent for courses attended, the officer or employee
4 shall not receive payment or reimbursement for tuition. This subsection
5 shall not apply to tuition reimbursement for a course or program that
6 provides a certification of a skill or understanding sufficient to
7 perform or assess a particular technological, mechanical, industrial,
8 operational, accounting, or construction process or function, and that
9 certification is required for holding that office or employment.

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

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

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

53 d. As used in this subsection, "immediate family member" of a person
54 means the person's spouse and any parent, child, or sibling of the
55 person residing in the same household as the person; and "place of
56 entertainment" means any privately or publicly owned and operated enter-

1 tainment facility within or outside of the states of New York or New
2 Jersey, such as a theater, stadium, museum, arena, racetrack or other
3 place where performances, concerts, exhibits, games or contests are held
4 and for which an entry fee is charged.

5 § 3. Any commissioner, officer, or employee of the port authority, or
6 any of its subsidiary corporations who willfully engages in conduct, or
7 upon whom a benefit is conferred, in violation of the provisions of this
8 act shall be subject to removal from office or employment and shall be
9 fined not less than \$500 nor more than \$10,000, which penalty may be
10 collected in a summary proceeding pursuant to the laws of the state in
11 which the commissioner, officer, or employee is employed by the port
12 authority or a port authority subsidiary corporation.

13 § 4. This act shall take effect upon the enactment into law by the
14 state of New Jersey of legislation having an identical effect with this
15 act, but if the state of New Jersey shall have already enacted such
16 legislation, this act shall take effect immediately; provided that the
17 state of New Jersey shall notify the legislative bill drafting commis-
18 sion upon the occurrence of the enactment of the legislation provided
19 for in section one of this act in order that the commission may maintain
20 an accurate and timely effective data base of the official text of the
21 laws of the state of New York in furtherance of effectuating the
22 provisions of section 44 of the legislative law and section 70-b of the
23 public officers law.