

3921

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. FLANAGAN, LARKIN, MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 154 of the laws of 1921 constituting the Port of New York Authority, in relation to reform of such authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "Port
2 Authority of New York and New Jersey Reform Act".
3 S 2. Chapter 154 of the laws of 1921 constituting the Port of New York
4 Authority is amended by adding a new section 1-a to read as follows:
5 S 1-A. 1. THE LEGISLATURE FINDS AND DECLARES THAT:
6 A. BECAUSE THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY ("THE PORT
7 AUTHORITY") PERFORMS MANY CRITICAL TRANSPORTATION AND INFRASTRUCTURE
8 FUNCTIONS, THERE IS A NEED FOR LEGISLATIVE REFORM TO ENSURE TRANSPARENCY
9 AND ACCOUNTABILITY AT THE PORT AUTHORITY;
10 B. WHILE THIS STATE HAS RECENTLY IMPLEMENTED A SIGNIFICANT SET OF
11 REFORMS FOR OTHER PUBLIC AUTHORITIES, THESE REFORMS DO NOT EXTEND TO THE
12 PORT AUTHORITY BECAUSE IT IS AN INTERSTATE AUTHORITY; AND
13 C. IT IS IN THE BEST INTEREST OF THE PUBLIC THAT THE STATES OF NEW
14 YORK AND NEW JERSEY ENACT SUBSTANTIVELY IDENTICAL LEGISLATION IN ORDER
15 TO REFORM THE PRACTICES OF THE PORT AUTHORITY TO ENSURE THE PROPER FUNC-
16 TIONING OF THE PORT AUTHORITY AS AN OPEN, TRANSPARENT, AND ACCOUNTABLE
17 INTERSTATE AUTHORITY.
18 2. A. THE BOARD OF COMMISSIONERS SHALL:
19 (1) EXECUTE DIRECT OVERSIGHT OF THE AUTHORITY'S CHIEF EXECUTIVE AND
20 OTHER SENIOR MANAGEMENT IN THE EFFECTIVE AND ETHICAL MANAGEMENT OF THE
21 AUTHORITY;
22 (2) UNDERSTAND, REVIEW, AND MONITOR THE IMPLEMENTATION OF FUNDAMENTAL
23 FINANCIAL AND MANAGEMENT CONTROLS AND OPERATIONAL DECISIONS OF THE
24 AUTHORITY;

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

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(3) ESTABLISH POLICIES REGARDING THE PAYMENT OF SALARY, COMPENSATION, AND REIMBURSEMENTS TO, AND ESTABLISH RULES FOR THE TIME AND ATTENDANCE OF, THE CHIEF EXECUTIVE AND SENIOR MANAGEMENT;

(4) ADOPT A CODE OF ETHICS APPLICABLE TO EACH OFFICER, DIRECTOR, AND EMPLOYEE THAT, AT A MINIMUM, INCLUDES RULES GOVERNING CONFLICTS OF INTEREST;

(5) ESTABLISH WRITTEN POLICIES FOR: PROTECTING EMPLOYEES FROM RETALIATION FOR DISCLOSING INFORMATION CONCERNING ACTS OF WRONGDOING, MISCONDUCT, MALFEASANCE, OR OTHER INAPPROPRIATE BEHAVIOR BY AN EMPLOYEE OR BOARD MEMBER OF THE AUTHORITY; INVESTMENTS; TRAVEL; THE ACQUISITION OF REAL PROPERTY AND THE DISPOSITION OF REAL AND PERSONAL PROPERTY; AND THE PROCUREMENT OF GOODS AND SERVICES;

(6) ADOPT A DEFENSE AND INDEMNIFICATION POLICY AND DISCLOSE SUCH PLAN TO ANY AND ALL PROSPECTIVE BOARD MEMBERS; AND

(7) AT THE TIME THAT THE MEMBER TAKES AND SUBSCRIBES THE OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED THE OATH OF OFFICE, EXECUTE AN ACKNOWLEDGMENT, ISSUED BY THE INDEPENDENT BUDGET OFFICE AFTER CONSULTATION WITH THE OFFICE OF THE ATTORNEYS GENERAL OF NEW YORK AND NEW JERSEY, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT THE MEMBER UNDERSTANDS HIS OR INDEPENDENCE AND FIDUCIARY DUTIES, INCLUDING HIS OR HER DUTY OF LOYALTY AND CARE TO THE ORGANIZATION AND COMMITMENT TO THE AUTHORITY'S MISSION.

B. THE BOARD OF COMMISSIONERS SHALL ESTABLISH AN AUDIT COMMITTEE TO BE COMPRISED OF NOT LESS THAN THREE BOARD MEMBERS, WHO SHALL CONSTITUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE AUDIT COMMITTEE. THE COMMITTEE SHALL RECOMMEND TO THE BOARD THE HIRING OF AN INDEPENDENT FIRM OF CERTIFIED PUBLIC ACCOUNTANTS FOR THE AUTHORITY, ESTABLISH THE COMPENSATION TO BE PAID TO THE ACCOUNTING FIRM, AND PROVIDE DIRECT OVERSIGHT OF THE ANNUAL INDEPENDENT FINANCIAL AUDIT PERFORMED BY THE ACCOUNTING FIRM HIRED FOR SUCH PURPOSES. MEMBERS OF THE AUDIT COMMITTEE SHALL BE FAMILIAR WITH CORPORATE FINANCIAL AND ACCOUNTING PRACTICES AND SHALL BE OR BECOME FINANCIALLY LITERATE.

C. THE BOARD OF COMMISSIONERS SHALL ESTABLISH A GOVERNANCE COMMITTEE TO BE COMPRISED OF NOT LESS THAN THREE BOARD MEMBERS, WHO SHALL CONSTITUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE GOVERNANCE COMMITTEE. IT SHALL BE THE RESPONSIBILITY OF THE MEMBERS OF THE GOVERNANCE COMMITTEE TO KEEP THE BOARD INFORMED OF CURRENT BEST GOVERNANCE PRACTICE; TO REVIEW CORPORATE GOVERNANCE TRENDS; TO UPDATE THE AUTHORITY'S CORPORATE GOVERNANCE PRINCIPLES; TO ADVISE APPOINTING AUTHORITIES ON THE SKILLS AND EXPERIENCE REQUIRED OF POTENTIAL BOARD MEMBERS; TO EXAMINE ETHICAL AND CONFLICT OF INTEREST ISSUES; TO PERFORM BOARD SELF-EVALUATIONS; TO INVESTIGATE TERM LIMITS, REAPPOINTMENTS AND BOARD RESPONSIBILITIES; TO DEVELOP BY-LAWS WHICH INCLUDE RULES AND PROCEDURES FOR CONDUCT OF BOARD BUSINESS; AND TO MAKE RECOMMENDATIONS FOR NEW COMMISSIONERS.

D. THE BOARD OF COMMISSIONERS SHALL ESTABLISH A FINANCE COMMITTEE TO BE COMPRISED OF NOT LESS THAN THREE BOARD MEMBERS, WHO SHALL CONSTITUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE COMMITTEE. IT SHALL BE THE RESPONSIBILITY OF THE MEMBERS OF THE FINANCE COMMITTEE TO OVERSEE AND APPROVE THE DEBT THAT THE AUTHORITY OR SUBSIDIARY COMMISSIONS ISSUE.

3. THE AUTHORITY SHALL SUBMIT TO THE GOVERNORS OF NEW YORK AND NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINORITY

1 LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL
2 ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE NEW YORK STATE COMPTROLLER,
3 AND THE STATE TREASURER OF NEW JERSEY WITHIN NINETY DAYS AFTER THE END
4 OF ITS FISCAL YEAR, A COMPLETE AND DETAILED REPORT OR REPORTS SETTING
5 FORTH:

- 6 A. ITS OPERATIONS AND ACCOMPLISHMENTS;
- 7 B. ITS FINANCIAL REPORTS, INCLUDING (1) AUDITED FINANCIALS IN ACCORD-
8 ANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) AND THE
9 ACCOUNTING STANDARDS ISSUED BY THE GOVERNMENTAL ACCOUNTING STANDARDS
10 BOARD (GASB), (2) GRANT AND SUBSIDY PROGRAMS, (3) OPERATING AND FINAN-
11 CIAL RISKS, (4) CURRENT RATINGS AND NOTICE OF CHANGES, AND (5) LONG-TERM
12 LIABILITIES, INCLUDING LEASES AND EMPLOYEE BENEFIT PLANS;
- 13 C. ITS MISSION STATEMENT;
- 14 D. A SCHEDULE OF ITS BONDS AND NOTES OUTSTANDING AT THE END OF ITS
15 FISCAL YEAR, TOGETHER WITH A STATEMENT OF THE AMOUNTS REDEEMED AND
16 INCURRED DURING SUCH FISCAL YEAR AS PART OF A SCHEDULE OF DEBT ISSUANCE
17 THAT INCLUDES THE DATE OF ISSUANCE, TERM, AMOUNT, INTEREST RATE AND
18 MEANS OF REPAYMENT. ADDITIONALLY, THE DEBT SCHEDULE SHALL ALSO INCLUDE
19 ALL REFINANCINGS, CALLS, REFUNDINGS, DEFEASEMENTS AND INTEREST RATE
20 EXCHANGE OR OTHER SUCH AGREEMENTS, AND FOR ANY DEBT ISSUED DURING THE
21 REPORTING YEAR, THE SCHEDULE SHALL ALSO INCLUDE A DETAILED LIST OF COSTS
22 OF ISSUANCE FOR SUCH DEBT;
- 23 E. BIOGRAPHICAL INFORMATION AND TITLE OF COMMISSIONERS AND SENIOR
24 MANAGEMENT, INCLUDING COMPENSATION AND BENEFITS PAID TO COMMISSIONERS IN
25 ANY AMOUNT AND TO SENIOR STAFF IN EXCESS OF ONE HUNDRED THOUSAND
26 DOLLARS;
- 27 F. THE PROJECTS UNDERTAKEN BY THE AUTHORITY DURING THE PAST YEAR;
- 28 G. A LISTING AND DESCRIPTION OF ALL REAL PROPERTY OF THE AUTHORITY
29 HAVING AN ESTIMATED FAIR MARKET VALUE EQUAL TO TEN PERCENT OR MORE OF
30 THE AUTHORITY'S TOTAL ASSETS OR TWO HUNDRED FIFTY THOUSAND DOLLARS,
31 WHICHEVER IS LESS, OR OF A SIGNIFICANT VALUE, AS DETERMINED BY THE
32 AUTHORITY BUDGET OFFICE, THAT THE AUTHORITY ACQUIRES OR DISPOSES OF
33 DURING SUCH PERIOD. THE REPORT SHALL CONTAIN THE PRICE RECEIVED OR PAID
34 BY THE AUTHORITY AND THE NAME OF THE PURCHASER OR SELLER FOR ALL SUCH
35 PROPERTY OF A SIGNIFICANT VALUE, AS DETERMINED BY THE AUTHORITY BUDGET
36 OFFICE, SOLD OR BOUGHT BY THE AUTHORITY DURING SUCH PERIOD;
- 37 H. ITS CODE OF ETHICS;
- 38 I. AN ASSESSMENT OF THE EFFECTIVENESS OF ITS INTERNAL CONTROL STRUC-
39 TURE AND PROCEDURES;
- 40 J. THE STATUTORY BASIS OF THE AUTHORITY;
- 41 K. A DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING
42 (1) NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (2) LISTS OF BOARD MEET-
43 INGS AND ATTENDANCE, (3) DESCRIPTIONS OF MAJOR AUTHORITY UNITS, AND
44 SUBSIDIARIES, AND (4) NUMBER OF EMPLOYEES;
- 45 L. ITS CHARTER AND BY-LAWS;
- 46 M. A LISTING OF MATERIAL CHANGES IN OPERATIONS AND PROGRAMS;
- 47 N. AT A MINIMUM A FOUR-YEAR FINANCIAL PLAN, INCLUDING (1) A CURRENT
48 AND PROJECTED CAPITAL BUDGET, AND (2) AN OPERATING BUDGET REPORT,
49 INCLUDING AN ACTUAL VERSUS ESTIMATED BUDGET, WITH AN ANALYSIS AND MEAS-
50 UREMENT OF FINANCIAL AND OPERATING PERFORMANCE;
- 51 O. ITS BOARD PERFORMANCE EVALUATIONS;
- 52 P. A DESCRIPTION OF THE TOTAL NUMBER OF ASSETS OR SERVICES OR BOTH
53 BOUGHT OR SOLD WITHOUT COMPETITIVE BIDDING, INCLUDING (1) THE NATURE OF
54 THOSE ASSETS AND SERVICES, (2) THE NAMES OF THE BUYERS OR LESSEES, AND
55 (3) WHERE THE CONTRACT PRICE OR FAIR MARKET VALUE EXCEEDS A VALUE DETER-

MINED BY THE AUTHORITY BUDGET OFFICE, AN ATTESTATION OF THE FAIR MARKET VALUE BY THE CHIEF EXECUTIVE OFFICER AND CHIEF FINANCIAL OFFICER; AND Q. A DESCRIPTION OF ANY PENDING LITIGATION IN WHICH THE AUTHORITY IS INVOLVED AS A PARTY.

THE AUTHORITY SHALL MAKE ACCESSIBLE TO THE PUBLIC, VIA ITS OFFICIAL OR SHARED INTERNET WEB SITE, DOCUMENTATION PERTAINING TO ITS MISSION, CURRENT ACTIVITIES, MOST RECENT ANNUAL FINANCIAL REPORTS, CURRENT YEAR BUDGET AND ITS MOST RECENT INDEPENDENT AUDIT REPORT UNLESS SUCH INFORMATION IS EXEMPT PURSUANT TO LAW.

S 3. Subdivision 2 of article XV-A of section 1 of chapter 154 of the laws of 1921 constituting the Port of New York Authority, as added by chapter 275 of the laws of 1992, is amended to read as follows:

2. As used in this act:

a. "Board" means the board of commissioners of the Port Authority of New York and New Jersey.

b. "COMMITTEE" OR "COMMITTEES" MEANS THE AUDIT COMMITTEE, THE GOVERNANCE COMMITTEE, AND THE FINANCE COMMITTEE REQUIRED TO BE ESTABLISHED BY THE BOARD OF COMMISSIONERS IN ACCORDANCE WITH PARAGRAPHS B, C, AND D OF SUBDIVISION 2 OF SECTION ONE-A OF THIS ACT.

c. "EXECUTIVE SESSION" MEANS THAT PORTION OF A MEETING NOT OPEN TO THE GENERAL PUBLIC.

d. "Meeting" means any gathering, whether corporeal or by means of communication equipment, which is attended by, or open to, the board, held with the intent, on the part of the board members present, to discuss or act as a unit upon the specific public business of the authority. "Meeting" does not mean a gathering (1) attended by less than an effective majority of the board, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

[c.] E. "Public business" mean matters which relate in any way, directly or indirectly, to the performance of the functions of the port authority of New York and New Jersey or the conduct of its business.

S 4. Subdivision 3 of article XV-A of section 1 of chapter 154 of the laws of 1921 constituting the Port of New York Authority, as added by chapter 275 of the laws of 1992, is amended to read as follows:

3. [The board shall adopt and promulgate appropriate rules and regulations concerning the right of the public to be present at meetings of the authority. The board may incorporate in its rules and regulations conditions under which it may exclude the public from a meeting or a portion thereof.

Any rules or regulations adopted hereunder shall become a part of the minutes of the port authority of New York and New Jersey and shall be subject to the approval of the governor of New Jersey and the governor of New York.] EVERY MEETING OF THE BOARD, INCLUDING MEETINGS OF COMMITTEES, SHALL BE OPEN TO THE GENERAL PUBLIC, EXCEPT THAT AN EXECUTIVE SESSION OF SUCH BODY MAY BE CALLED AND BUSINESS TRANSACTED THEREAT IN ACCORDANCE WITH SUBDIVISION FOUR OF SECTION ONE-B OF THIS ACT. THE BOARD SHALL MAKE OR CAUSE TO BE MADE ALL REASONABLE EFFORTS TO ENSURE THAT MEETINGS ARE HELD IN FACILITIES THAT PERMIT BARRIER-FREE PHYSICAL ACCESS TO THE PHYSICALLY HANDICAPPED. IF AND WHEN THE BOARD USES VIDEO CONFERENCING OR SIMILAR TECHNOLOGY TO CONDUCT ITS MEETING, IT SHALL PROVIDE AN OPPORTUNITY FOR THE PUBLIC TO ATTEND, LISTEN, AND OBSERVE AT ANY SITE AT WHICH A MEMBER PARTICIPATES.

S 5. Chapter 154 of the laws of 1921 constituting the Port of New York Authority is amended by adding six new sections 1-b, 1-c, 1-d, 1-e, 1-f, and 1-g to read as follows:

1 S 1-B. 1. AS USED IN THIS SECTION, "COMMITTEE" OR "COMMITTEES" MEANS
2 THE AUDIT COMMITTEE, THE GOVERNANCE COMMITTEE, AND THE FINANCE COMMITTEE
3 REQUIRED TO BE ESTABLISHED BY THE BOARD OF COMMISSIONERS IN ACCORDANCE
4 WITH PARAGRAPHS B, C, AND D OF SUBDIVISION 2 OF SECTION ONE-A OF THIS
5 ACT.

6 2. AT EVERY MEETING OF THE BOARD AND AT EVERY MEETING OF EACH COMMIT-
7 TEE, THE PUBLIC SHALL BE ALLOTTED A PERIOD OF TIME, NOT LESS THAN THIRTY
8 MINUTES, TO SPEAK ON ANY TOPIC ON THE AGENDA. THE PUBLIC SPEAKING PERIOD
9 SHALL TAKE PLACE BEFORE ANY ACTION BY THE BOARD OR THE COMMITTEE THAT IS
10 MEETING.

11 3. THE AUTHORITY SHALL MAKE AVAILABLE TO THE PUBLIC MEETING AGENDAS
12 AND PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF COMMISSIONERS AT LEAST
13 FIVE BUSINESS DAYS BEFORE EVERY MEETING OF THE BOARD AND EVERY MEETING
14 OF EACH COMMITTEE. PUBLIC NOTICE OF THE TIME AND PLACE OF A MEETING
15 SHALL BE GIVEN TO THE NEWS MEDIA, SHALL BE CONSPICUOUSLY POSTED IN ONE
16 OR MORE DESIGNATED AREAS AT LEAST SEVENTY-TWO HOURS BEFORE SUCH MEETING
17 AND SHALL BE CONSPICUOUSLY POSTED VIA ITS OFFICIAL INTERNET WEB SITE AT
18 LEAST FIVE BUSINESS DAYS BEFORE THE MEETING.

19 THE PORT AUTHORITY SHALL MAKE AVAILABLE TO THE PUBLIC SUCH DOCUMENTS
20 IN AT LEAST THREE WAYS:

21 A. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMIT-
22 TEE MEETINGS SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT AN OFFICE OF
23 THE AUTHORITY;

24 B. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMIT-
25 TEE MEETINGS SHALL BE MAILED TO MEMBERS OF THE PUBLIC ON A PUBLIC NOTICE
26 MAILING LIST THE AUTHORITY SHALL KEEP AND MAINTAIN; AND

27 C. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMIT-
28 TEE MEETINGS SHALL BE POSTED ON ITS OFFICIAL INTERNET WEB SITE.

29 4. UPON A MAJORITY VOTE OF ITS TOTAL MEMBERSHIP, TAKEN IN AN OPEN
30 MEETING PURSUANT TO A MOTION IDENTIFYING THE GENERAL AREA OR AREAS OF
31 THE SUBJECT OR SUBJECTS TO BE CONSIDERED, THE BOARD OR A COMMITTEE MAY
32 CONDUCT AN EXECUTIVE SESSION FOR THE BELOW ENUMERATED PURPOSES ONLY,
33 PROVIDED, HOWEVER, THAT NO ACTION BY FORMAL VOTE SHALL BE TAKEN TO
34 APPROPRIATE MONEYS AT AN EXECUTIVE SESSION:

35 A. MATTERS WHICH WILL IMPERIL THE PUBLIC SAFETY IF DISCLOSED;

36 B. ANY MATTER WHICH MAY DISCLOSE THE IDENTITY OF A LAW ENFORCEMENT
37 AGENT OR INFORMER;

38 C. INFORMATION RELATING TO CURRENT OR FUTURE INVESTIGATION OR PROSE-
39 CUTION OF A CRIMINAL OFFENSE WHICH WOULD IMPERIL EFFECTIVE LAW ENFORCE-
40 MENT IF DISCLOSED;

41 D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION;

42 E. COLLECTIVE BARGAINING NEGOTIATIONS;

43 F. THE MEDICAL, FINANCIAL, CREDIT, OR EMPLOYMENT HISTORY OF A PARTIC-
44 ULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT,
45 EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL, OR
46 REMOVAL OF A PARTICULAR PERSON OR CORPORATION;

47 G. THE PREPARATION, GRADING, OR ADMINISTRATION OF EXAMINATIONS; AND

48 H. THE PROPOSED ACQUISITION, SALE, OR LEASE OF REAL PROPERTY OR THE
49 PROPOSED ACQUISITION OF SECURITIES, OR SALE OR EXCHANGE OF SECURITIES
50 HELD BY THE AUTHORITY, BUT ONLY WHEN PUBLICITY WOULD SUBSTANTIALLY
51 AFFECT THE VALUE THEREOF.

52 ATTENDANCE AT AN EXECUTIVE SESSION SHALL BE PERMITTED TO ANY MEMBER OF
53 THE BOARD OR COMMITTEE, AS THE CASE MAY BE, AND ANY OTHER PERSON AUTHOR-
54 IZED BY THE BOARD OR COMMITTEE.

55 5. MINUTES SHALL BE TAKEN AT ALL OPEN MEETINGS OF THE AUTHORITY WHICH
56 SHALL CONSIST OF A RECORD OR SUMMARY OF ALL MOTIONS, PROPOSALS, RESOL-

UTIONS AND ANY OTHER MATTER FORMALLY VOTED UPON AND THE VOTE THEREON. MINUTES SHALL BE TAKEN AT EXECUTIVE SESSIONS OF ANY ACTION THAT IS TAKEN BY FORMAL VOTE WHICH SHALL CONSIST OF A RECORD OR SUMMARY OF THE FINAL DETERMINATION OF SUCH ACTION, AND THE VOTE THEREON; PROVIDED, HOWEVER, THAT SUCH SUMMARY NEED NOT INCLUDE ANY MATTER WHICH IS NOT REQUIRED TO BE MADE PUBLIC BY EITHER NEW YORK'S FREEDOM OF INFORMATION LAW OR NEW JERSEY'S OPEN PUBLIC RECORDS ACT. MINUTES OF MEETINGS SHALL BE AVAILABLE TO THE PUBLIC WITHIN TWO WEEKS FROM THE DATE OF SUCH MEETING.

6. THE STATES OF NEW YORK AND NEW JERSEY CONSENT TO SUITS, ACTIONS, OR PROCEEDINGS AS PROVIDED HEREIN AGAINST THE AUTHORITY AND TO APPEALS THEREFROM AND REVIEWS THEREOF. ANY AGGRIEVED PERSON IN THE STATE OF NEW YORK SHALL HAVE STANDING TO ENFORCE THE PROVISIONS OF THIS SECTION AGAINST THE AUTHORITY BY THE COMMENCEMENT OF AN ACTION IN SUPREME COURT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF. IN ANY SUCH ACTION, THE COURT SHALL HAVE THE POWER, IN ITS DISCRETION, UPON GOOD CAUSE SHOWN, TO DECLARE ANY ACTION OR PART THEREOF TAKEN IN VIOLATION OF THIS SECTION VOID IN WHOLE OR IN PART. AN UNINTENTIONAL FAILURE TO FULLY COMPLY WITH THE NOTICE PROVISIONS REQUIRED BY THIS SECTION SHALL NOT ALONE BE GROUNDS FOR INVALIDATING ANY ACTION TAKEN AT A MEETING COVERED BY THE PROVISIONS OF THIS SECTION.

THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE VALIDITY OF THE AUTHORIZATION, ACQUISITION, EXECUTION, OR DISPOSITION OF A BOND ISSUE OR NOTES. IN ANY PROCEEDING BROUGHT PURSUANT TO THIS SECTION, COSTS AND REASONABLE ATTORNEY FEES MAY BE AWARDED BY THE COURT, IN ITS DISCRETION, TO THE SUCCESSFUL PARTY. THE STATUTE OF LIMITATIONS WITH RESPECT TO AN ACTION TAKEN AT EXECUTIVE SESSION SHALL COMMENCE TO RUN FROM THE DATE THE MINUTES OF SUCH EXECUTIVE SESSION HAVE BEEN MADE AVAILABLE TO THE PUBLIC.

S 1-C. 1. AS USED IN THIS SECTION:

A. "ADMINISTRATOR" MEANS THE OFFICER OR EMPLOYEE OF THE AUTHORITY WHO SHALL BE APPOINTED BY ACT OF THE BOARD OF COMMISSIONERS TO BE RESPONSIBLE FOR THE DISPOSITION OF PROPERTY.

B. "AUTHORITY" OR "PORT AUTHORITY" MEANS THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

C. "DISPOSE" OR "DISPOSAL" MEANS TRANSFER OF TITLE OR ANY OTHER INTEREST IN PERSONAL OR REAL PROPERTY.

D. "PROPERTY" MEANS PERSONAL PROPERTY, REAL ESTATE, OR BOTH, OR ANY INTEREST IN SUCH PROPERTY AND SHALL INCLUDE, WITHOUT LIMITATION, ANY INTEREST IN REAL ESTATE IN WHICH THE AUTHORITY HOLDS THE FEE SIMPLE INTEREST, TO THE EXTENT THAT SUCH INTEREST MAY BE CONVEYED TO ANOTHER PERSON FOR ANY PURPOSE.

2. THE AUTHORITY SHALL NOT IN ANY WAY DISPOSE OF ANY PROPERTY OF THE AUTHORITY UNLESS SUCH PROPERTY HAS BEEN LISTED ON A REPORT PREPARED IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION, PROVIDED, HOWEVER, THAT PERSONAL PROPERTY WITH A FAIR MARKET VALUE OF LESS THAN FIFTEEN THOUSAND DOLLARS MAY BE SOLD AT AUCTION WITHOUT HAVING BEEN LISTED ON SUCH A REPORT IF SUCH ITEM OF PERSONAL PROPERTY IS REPORTED IN THE NEXT REPORT MADE PURSUANT TO SUBDIVISION 4 OF THIS SECTION.

3. THE AUTHORITY SHALL:

A. MAINTAIN ADEQUATE INVENTORY CONTROLS AND ACCOUNTABILITY SYSTEMS FOR ALL PROPERTY UNDER ITS CONTROL;

B. CONTINUOUSLY SURVEY SUCH PROPERTY TO DETERMINE WHICH PROPERTY SHALL BE DISPOSED OF;

C. PRODUCE A WRITTEN REPORT OF SUCH PROPERTY IN ACCORDANCE WITH SUBDIVISION 4 OF THIS SECTION;

D. PERFORM THE CARE AND HANDLING OF SUCH PROPERTY; AND

1 E. TRANSFER OR DISPOSE OF SUCH PROPERTY AS PROMPTLY AS POSSIBLE.

2 4. THE AUTHORITY SHALL PUBLISH, NOT LESS FREQUENTLY THAN QUARTERLY, A
3 REPORT LISTING ALL PROPERTY OF THE AUTHORITY THAT THE AUTHORITY INTENDS
4 TO DISPOSE OF. SUCH REPORT SHALL CONSIST OF A LIST OF ALL SUCH PROPERTY
5 HELD BY THE AUTHORITY AT THE END OF THE PERIOD COVERED BY THE REPORT,
6 AND ALL SUCH PROPERTY DISPOSED OF DURING SUCH PERIOD. THE REPORT SHALL
7 CONTAIN AN ESTIMATE OF FAIR MARKET VALUE FOR ALL SUCH PROPERTY HELD BY
8 THE AUTHORITY AT THE END OF THE PERIOD AND THE PRICE RECEIVED BY THE
9 AUTHORITY AND THE NAME OF THE PURCHASER FOR ALL SUCH PROPERTY SOLD BY
10 THE AUTHORITY DURING SUCH PERIOD. LOW VALUE PERSONAL PROPERTY MAY BE
11 LISTED IN SUITABLE GROUPS OR LOTS. SUCH REPORT SHALL CONTAIN OR BE
12 ACCOMPANIED BY A LISTING AND DESCRIPTION OF ANY NEGOTIATED DISPOSALS OF
13 PROPERTY HAVING AN ESTIMATED FAIR MARKET VALUE OF MORE THAN FIFTEEN
14 THOUSAND DOLLARS, IN THE CASE OF REAL PROPERTY, OR FIVE THOUSAND
15 DOLLARS, IN THE CASE OF ANY OTHER PROPERTY, OTHER THAN DISPOSALS FOR
16 WHICH AN EXPLANATORY STATEMENT HAS BEEN TRANSMITTED UNDER THIS SECTION.

17 THE AUTHORITY SHALL DELIVER COPIES OF SUCH REPORT TO THE GOVERNORS OF
18 NEW YORK AND NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
19 SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT
20 AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF
21 THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE INDEPENDENT
22 BUDGET OFFICER, AND WHOEVER SHALL HAVE REQUESTED COPIES OF SUCH REPORTS.

23 5. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE ADMINISTRATOR OF
24 THE AUTHORITY SHALL HAVE SUPERVISION AND DIRECTION OVER THE DISPOSITION
25 OF PROPERTY OF SUCH AUTHORITY. SUCH PROPERTY SHALL BE DISPOSED OF TO
26 SUCH EXTENT, AT SUCH TIME, IN SUCH AREAS, AT SUCH TERMS AND CONDITIONS,
27 AND IN SUCH MANNER, AS MAY BE PRESCRIBED IN OR PURSUANT TO THIS SECTION.

28 6. THE AUTHORITY MAY DISPOSE OF PROPERTY FOR NOT LESS THAN THE FAIR
29 MARKET VALUE OF SUCH PROPERTY BY SALE, EXCHANGE, LEASE, PERMIT, OR
30 TRANSFER, FOR CASH, CREDIT, OR OTHER PROPERTY, WITH OR WITHOUT WARRANTY,
31 AND UPON SUCH OTHER TERMS AND CONDITIONS AS THE ADMINISTRATOR DEEMS
32 PROPER, AND IT MAY EXECUTE SUCH DOCUMENTS FOR THE TRANSFER OF TITLE OR
33 OTHER INTEREST IN PROPERTY AND TAKE SUCH OTHER ACTION AS IT DEEMS NECES-
34 SARY OR PROPER TO DISPOSE OF SUCH PROPERTY UNDER THE PROVISIONS OF THIS
35 SECTION. PROVIDED, HOWEVER, THAT NO SALE OF REAL PROPERTY, ANY INTEREST
36 IN REAL PROPERTY, OR ANY OTHER PROPERTY WHICH BECAUSE OF ITS UNIQUE
37 NATURE IS NOT SUBJECT TO NORMAL MARKET PRICING SHALL BE MADE UNLESS AN
38 APPRAISAL OF THE VALUE OF SUCH PROPERTY HAS BEEN MADE AND INCLUDED IN
39 THE RECORD OF THE TRANSACTION.

40 7. A DEED, BILL OF SALE, LEASE, OR OTHER INSTRUMENT EXECUTED BY OR ON
41 BEHALF OF THE AUTHORITY PURPORTING TO TRANSFER TITLE OR ANY OTHER INTER-
42 EST IN PROPERTY OF THE AUTHORITY UNDER THIS SECTION SHALL BE CONCLUSIVE
43 EVIDENCE OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION INSOFAR AS
44 CONCERNS TITLE OR OTHER INTEREST OF ANY BONA FIDE GRANTEE OR TRANSFEREE
45 FOR VALUE AND WITHOUT NOTICE OF LACK OF SUCH COMPLIANCE.

46 8. A. ALL DISPOSALS OR CONTRACTS FOR DISPOSAL OF PROPERTY OF THE
47 AUTHORITY MADE OR AUTHORIZED BY THE ADMINISTRATOR SHALL BE MADE AFTER
48 PUBLICLY ADVERTISING FOR BIDS EXCEPT AS PROVIDED IN PARAGRAPH C OF THIS
49 SUBDIVISION.

50 B. WHENEVER PUBLIC ADVERTISING FOR BIDS IS REQUIRED UNDER THIS
51 SUBSECTION: (1) THE ADVERTISEMENT FOR BIDS SHALL BE MADE AT SUCH TIME
52 PREVIOUS TO THE DISPOSAL OR CONTRACT, THROUGH SUCH METHODS, AND ON SUCH
53 TERMS AND CONDITIONS AS SHALL PERMIT THAT FULL AND FREE COMPETITION
54 WHICH IS CONSISTENT WITH THE VALUE AND NATURE OF THE PROPERTY INVOLVED;
55 (2) ALL BIDS SHALL BE PUBLICLY DISCLOSED AT THE TIME AND PLACE STATED IN
56 THE ADVERTISEMENT; AND (3) THE AWARD SHALL BE MADE WITH REASONABLE

PROMPTNESS BY NOTICE TO THE RESPONSIBLE BIDDER WHOSE BID, CONFORMING TO THE INVITATION FOR BIDS, WILL BE MOST ADVANTAGEOUS TO THE AUTHORITY, PRICE AND OTHER FACTORS CONSIDERED; PROVIDED, THAT ALL BIDS MAY BE REJECTED WHEN IT IS IN THE PUBLIC INTEREST TO DO SO.

C. DISPOSALS AND CONTRACTS FOR DISPOSAL MAY BE NEGOTIATED WITHOUT REGARD TO PARAGRAPHS A AND B OF THIS SUBDIVISION BUT SUBJECT TO OBTAINING SUCH COMPETITION AS IS FEASIBLE UNDER THE CIRCUMSTANCES, IF:

(1) THE PERSONAL PROPERTY INVOLVED IS OF A NATURE AND QUANTITY WHICH, IF DISPOSED OF UNDER PARAGRAPHS A AND B OF THIS SUBDIVISION, WOULD ADVERSELY AFFECT THE STATE OR LOCAL MARKET FOR SUCH GOODS, AND THE ESTIMATED FAIR MARKET VALUE OF SUCH PROPERTY AND OTHER SATISFACTORY TERMS OF DISPOSAL CAN BE OBTAINED BY NEGOTIATION;

(2) THE ESTIMATED FAIR MARKET VALUE OF THE PROPERTY INVOLVED DOES NOT EXCEED FIFTEEN THOUSAND DOLLARS;

(3) BID PRICES AFTER ADVERTISING THEREFOR ARE NOT REASONABLE, AS TO EITHER ALL OR SOME PART OF THE PROPERTY, OR HAVE NOT BEEN INDEPENDENTLY ARRIVED AT IN OPEN COMPETITION;

(4) WITH RESPECT TO REAL PROPERTY ONLY, THE CHARACTER OR CONDITION OF THE PROPERTY, THE NATURE OF THE INTEREST TO BE CONVEYED OR OTHER UNUSUAL CIRCUMSTANCES MAKE IT IMPRACTICAL TO ADVERTISE PUBLICLY FOR COMPETITIVE BIDS, AND THE FAIR MARKET VALUE OF THE PROPERTY AND OTHER SATISFACTORY TERMS OF DISPOSAL CAN BE OBTAINED BY NEGOTIATION; OR

(5) THE DISPOSAL WILL BE TO THE STATE OF NEW YORK OR NEW JERSEY, ANY MUNICIPALITY OR POLITICAL SUBDIVISIONS THEREOF, OR TAX-SUPPORTED AGENCIES THEREIN, AND THE ESTIMATED FAIR MARKET VALUE OF THE PROPERTY AND OTHER SATISFACTORY TERMS OF DISPOSAL ARE OBTAINED BY NEGOTIATION.

D. (1) AN EXPLANATORY STATEMENT SHALL BE PREPARED OF THE CIRCUMSTANCES OF EACH DISPOSAL BY NEGOTIATION OF: (I) ANY PERSONAL PROPERTY WHICH HAS AN ESTIMATED FAIR MARKET VALUE IN EXCESS OF FIFTEEN THOUSAND DOLLARS; (II) ANY REAL PROPERTY THAT HAS AN ESTIMATED FAIR MARKET VALUE IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS, EXCEPT THAT ANY REAL PROPERTY DISPOSED OF BY LEASE OR EXCHANGE SHALL ONLY BE SUBJECT TO CLAUSES (III) THROUGH (V) OF THIS SUBPARAGRAPH; (III) ANY REAL PROPERTY DISPOSED OF BY LEASE FOR A TERM OF FIVE YEARS OR LESS, IF THE ESTIMATED FAIR ANNUAL RENT IS IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS FOR ANY OF SUCH YEARS; (IV) ANY REAL PROPERTY DISPOSED OF BY LEASE FOR A TERM OF MORE THAN FIVE YEARS, IF THE TOTAL ESTIMATED RENT OVER THE TERM OF THE LEASE IS IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS; OR (V) ANY REAL PROPERTY OR REAL AND RELATED PERSONAL PROPERTY DISPOSED OF BY EXCHANGE, REGARDLESS OF VALUE, OR ANY PROPERTY ANY PART OF THE CONSIDERATION FOR WHICH IS REAL PROPERTY.

(2) EACH SUCH STATEMENT SHALL BE TRANSMITTED TO THE PERSONS ENTITLED TO RECEIVE COPIES OF THE REPORT REQUIRED UNDER THIS SECTION NOT LESS THAN NINETY DAYS IN ADVANCE OF SUCH DISPOSAL, AND A COPY THEREOF SHALL BE PRESERVED IN THE FILES OF THE AUTHORITY MAKING SUCH DISPOSAL.

S 1-D. 1. AS USED IN THIS SECTION:

A. "AUTHORITY" OR "PORT AUTHORITY" MEANS THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

B. "INSPECTOR GENERAL" MEANS THE PORT AUTHORITY INSPECTOR GENERAL CREATED BY SUBDIVISION TWO OF THIS SECTION.

2. A. THERE SHALL BE A PORT AUTHORITY INSPECTOR GENERAL WHO SHALL HAVE AND EXERCISE THE POWERS, DUTIES AND PREROGATIVES PROVIDED BY THIS SECTION AND ANY OTHER PROVISIONS OF LAW. THE INSPECTOR GENERAL SHALL BE JOINTLY APPOINTED BY THE GOVERNORS OF NEW YORK AND NEW JERSEY FROM A LIST OF NO FEWER THAN SIX INDIVIDUALS SUBMITTED BY EACH STATE'S ATTORNEY GENERAL. IF THE INSPECTOR GENERAL IS A LEGAL RESIDENT OF ONE STATE, THEN

1 THE INDEPENDENT BUDGET OFFICER APPOINTED UNDER SECTION ONE-E OF THIS ACT
2 MUST BE A LEGAL RESIDENT OF THE OTHER STATE.

3 B. THE TERM OF THE FIRST INSPECTOR GENERAL APPOINTED UNDER THIS
4 SECTION SHALL BEGIN ON THE DATE OF APPOINTMENT, AND SHALL END ON MARCH
5 THIRTY-FIRST OF THE FIFTH CALENDAR YEAR BEGINNING AFTER THE EFFECTIVE
6 DATE OF THIS SECTION. ALL SUBSEQUENT INSPECTORS GENERAL SHALL BE
7 APPOINTED FOR A FIVE YEAR TERM. IN THE EVENT THAT A VACANCY SHALL OCCUR
8 FOR ANY REASON DURING ANY FIVE YEAR TERM, THE VACANCY SHALL BE FILLED
9 FOR THE REMAINDER OF THE UNCOMPLETED TERM, PROVIDED, HOWEVER, THAT IF
10 THE UNCOMPLETED TERM IS LESS THAN TWO YEARS, THE GOVERNORS MAY JOINTLY
11 APPOINT THE NEW INSPECTOR GENERAL TO A FULL FIVE YEAR TERM.

12 C. THE OFFICE OF THE INSPECTOR GENERAL SHALL BE IN, BUT INDEPENDENT
13 OF, ANY SUPERVISION OR CONTROL BY THE AUTHORITY OR ANY OFFICERS OR
14 EMPLOYEES THEREOF. THE INSPECTOR GENERAL'S SALARY SHALL BE AN AMOUNT
15 EQUAL TO 75 PERCENT OF THE SALARY OF THE AUTHORITY'S EXECUTIVE DIRECTOR.
16 THE ANNUAL BUDGET FOR THE OFFICE SHALL BE DETERMINED IN THE MANNER
17 PROVIDED BY THIS ACT AND FULLY FUNDED BY THE AUTHORITY. THE AUTHORITY
18 SHALL ARRANGE FOR SUITABLE OFFICE SPACE, EQUIPMENT, AND RESOURCES.

19 D. THE INSPECTOR GENERAL MAY BE REMOVED FROM OFFICE FOR CAUSE BY THE
20 GOVERNORS ACTING JOINTLY, AFTER A PUBLIC HEARING.

21 3. A. THE INSPECTOR GENERAL SHALL BE AUTHORIZED TO APPOINT AND AT
22 PLEASURE REMOVE DEPUTY INSPECTORS GENERAL, ASSISTANT DEPUTY INSPECTORS
23 GENERAL, AND SUCH OTHER STAFF, INCLUDING INVESTIGATORS, ACCOUNTANTS,
24 ADMINISTRATIVE ASSISTANTS, AND SUCH OTHER SUPPORT STAFF AND CONSULTANTS
25 AS HE SHALL DEEM NECESSARY AND APPROPRIATE TO ACCOMPLISH THE RESPONSI-
26 BILITIES AND DUTIES CONTAINED IN THIS ACT OR ELSEWHERE IN LAW, AND FIX
27 AND DETERMINE THE QUALIFICATIONS, DUTIES AND COMPENSATION OF SUCH ADDI-
28 TIONAL OFFICERS AND STAFF, SUBJECT TO A MERIT SYSTEM TO BE ESTABLISHED
29 BY THE INSPECTOR GENERAL. THE INSPECTOR GENERAL MAY ALSO FROM TIME TO
30 TIME CONTRACT FOR SUCH EXPERT PROFESSIONAL SERVICES AS MAY BE DEEMED
31 NECESSARY AND CONVENIENT.

32 B. NOT MORE THAN NINETY DAYS FROM THE BEGINNING OF HIS OR HER TERM,
33 THE FIRST INSPECTOR GENERAL SHALL PROPOSE AND DELIVER TO THE GOVERNORS
34 OF NEW YORK AND NEW JERSEY, THE NEW YORK ATTORNEY GENERAL, THE NEW
35 JERSEY ATTORNEY GENERAL, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
36 SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, AND THE PRES-
37 IDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY
38 LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE A PLAN OF
39 ORGANIZATION OF THE OFFICE OF THE INSPECTOR GENERAL SO AS TO PROVIDE THE
40 SERVICES NORMALLY PROVIDED BY AN INSPECTOR GENERAL IN AN ADEQUATE AND
41 COST EFFECTIVE MANNER. THEREAFTER, THE INSPECTOR GENERAL MAY FROM TIME
42 TO TIME PROPOSE AN AMENDED OR MODIFIED PLAN OF ORGANIZATION IN ORDER TO
43 FULFILL ITS STATUTORY OBLIGATION. THE PLAN OF ORGANIZATION OF THE
44 INSPECTOR GENERAL SHALL BE EFFECTIVE UNTIL MODIFIED, AMENDED, OR
45 REPLACED BY LAW.

46 C. ALL COSTS AND EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL SHALL
47 BE PAID FOR AND BORNE BY THE AUTHORITY.

48 D. THE INSPECTOR GENERAL SHALL ESTIMATE AND DELIVER TO THE ATTORNEYS
49 GENERAL, THE COMPTROLLER OF THE STATE OF NEW YORK, THE STATE TREASURER
50 OF NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
51 THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINOR-
52 ITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE
53 GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, AND THE BOARD OF COMMIS-
54 SIONERS PRIOR TO DECEMBER FIRST OF EACH YEAR THE TOTAL COSTS AND
55 EXPENSES FOR THE SUBSEQUENT AUTHORITY'S FISCAL YEAR, INCLUDING THE
56 COMPENSATION AND EXPENSES OF THE INSPECTOR GENERAL AND HIS OR HER STAFF,

1 THEIR AGENTS, AND EMPLOYEES, AND INCLUDING THE COST OF RETIREMENT
2 CONTRIBUTIONS, SOCIAL SECURITY, HEALTH AND DENTAL INSURANCE, SURVIVOR'S
3 BENEFITS, WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, AND OTHER BENE-
4 FITS REQUIRED TO BE PAID FOR THE PERSONNEL OF THE OFFICE OF THE INSPEC-
5 TOR GENERAL, AND INCLUDING ALL OTHER ITEMS OF MAINTENANCE AND OPERATION
6 EXPENSES, AND ALL OTHER DIRECT AND INDIRECT COSTS. UNLESS AMENDED BY
7 LAW, THE ESTIMATE AND ALLOCATION SHALL BECOME FINAL. THE INSPECTOR
8 GENERAL SHALL RENDER BILLS IN ACCORDANCE WITH THE ORIGINAL ESTIMATE AND
9 ALLOCATION TO THE AUTHORITY, NOT LATER THAN FEBRUARY FIRST PRIOR TO THE
10 BEGINNING OF THE APPLICABLE FISCAL YEAR; AN AMENDED BILL IN ACCORDANCE
11 WITH ANY AMENDING CHAPTER OF LAW SHALL BE SENT OUT AS SOON AS PRACTICA-
12 BLE AFTER THE ENACTMENT OF SUCH LAW.

13 4. A. IN ADDITION TO ANY OTHER DUTIES AND RESPONSIBILITIES AS MAY BE
14 PROVIDED BY LAW, THE INSPECTOR GENERAL SHALL HAVE THE DUTY AND RESPONSIBI-
15 BILITY TO:

16 (1) INITIATE, CONDUCT, AND SUPERVISE SUCH INQUIRIES AND INVESTIGATIONS
17 RELATING TO ANY ALLEGED OR POSSIBLE WRONG, WHETHER CIVIL, CRIMINAL,
18 ADMINISTRATIVE, OR ETHICAL IN NATURE, IN THE AUTHORITY AS HE OR SHE
19 CONSIDERS APPROPRIATE BASED ON INFORMATION RECEIVED FROM ANY OFFICER OR
20 EMPLOYEE OF THE AUTHORITY OR FROM ANY OTHER INFORMANT, OR UPON HIS OR
21 HER OWN INITIATIVE, PROVIDED, HOWEVER, THAT THE INSPECTOR GENERAL SHALL
22 PROMPTLY TURN OVER TO THE PROPER PROSECUTORIAL AUTHORITIES ANY SUBSTAN-
23 TIAL EVIDENCE THAT A CRIME HAS BEEN COMMITTED;

24 (2) INVESTIGATE EVIDENCE OR ALLEGATIONS OF CORRUPTION, GRAFT, FRAUD,
25 CONFLICTS OF INTEREST, UNLAWFUL DISCRIMINATION, OR OTHER ABUSE IN THE
26 AUTHORITY;

27 (3) INFORM THE GOVERNORS OF NEW YORK AND NEW JERSEY, THE COMPTROLLER
28 OF NEW YORK, THE STATE TREASURER OF NEW JERSEY, THE TEMPORARY PRESIDENT
29 OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE
30 LEGISLATURE, THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE
31 SPEAKER AND MINORITY LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY
32 LEGISLATURE, THE BOARD AND SENIOR STAFF OF THE AUTHORITY, AND THE PUBLIC
33 CONCERNING ALLEGATIONS, EVIDENCE, AND THE RESULTS OF INVESTIGATIONS;
34 PROVIDED, HOWEVER, THAT SUCH REPORTING SHALL BE DONE AT SUCH TIMES AND
35 IN SUCH DETAIL AS THE CIRCUMSTANCES REQUIRE;

36 (4) RECOMMEND APPROPRIATE ACTION WITH RESPECT TO EACH INVESTIGATION,
37 SUCH AS DISCIPLINARY ACTION, CIVIL LAWSUIT, CRIMINAL PROSECUTION, OR
38 REFERRAL TO AN APPROPRIATE FEDERAL, STATE, OR LOCAL AGENCY FOR FURTHER
39 INVESTIGATION OR ACTION AND TO COOPERATE IN ANY CONTINUING INVESTI-
40 GATION;

41 (5) PREPARE AND RELEASE TO THE PUBLIC WRITTEN REPORTS OF EACH SUCH
42 INVESTIGATION AND PERIODIC SUMMARY REPORTS OF INVESTIGATIVE ACTIVITY;
43 PROVIDED, HOWEVER, THAT SUCH REPORTS AND SUMMARY REPORTS MAY BE DELAYED,
44 REDACTED, OR WRITTEN USING FICTITIOUS NAMES SO AS TO PRESERVE THE PRIVA-
45 CY RIGHTS OF AFFECTED INDIVIDUALS;

46 (6) REVIEW AND EXAMINE THE POLICIES AND PROCEDURES OF THE AUTHORITY
47 WITH REGARD TO THE PREVENTION AND DETECTION OF CORRUPTION, GRAFT, FRAUD,
48 CONFLICTS OF INTEREST, UNLAWFUL DISCRIMINATION, OR OTHER ABUSE;

49 (7) RECOMMEND REMEDIAL ACTION TO PREVENT OR ELIMINATE CORRUPTION,
50 GRAFT, FRAUD, CONFLICTS OF INTEREST, UNLAWFUL DISCRIMINATION, OR OTHER
51 ABUSE; AND

52 (8) ESTABLISH OR MONITOR TRAINING PROGRAMS FOR OFFICERS AND EMPLOYEES
53 OF THE AUTHORITY REGARDING THE PREVENTION OR ELIMINATION OF CORRUPTION,
54 GRAFT, FRAUD, CONFLICTS OF INTEREST, UNLAWFUL DISCRIMINATION, OR OTHER
55 ABUSE.

1 B. IN ADDITION TO THE AUTHORITY OTHERWISE PROVIDED BY LAW, THE INSPEC-
2 TOR GENERAL, EACH DEPUTY INSPECTOR GENERAL, AND EACH ASSISTANT DEPUTY
3 INSPECTOR GENERAL, IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE, IS
4 AUTHORIZED TO:

5 (1) HAVE ACCESS TO ALL RECORDS, REPORTS, AUDITS, REVIEWS, DOCUMENTS,
6 PAPERS, RECOMMENDATIONS, OR OTHER MATERIAL ON ANY MATTER INVOLVING THE
7 OPERATIONS OR ADMINISTRATION OF THE AUTHORITY SUBJECT TO INVESTIGATION
8 BY THE INSPECTOR GENERAL;

9 (2) REQUEST SUCH INFORMATION OR ASSISTANCE AS MAY BE NECESSARY FOR
10 CARRYING OUT THE DUTIES AND RESPONSIBILITIES OF THE INSPECTOR GENERAL
11 FROM ANY FEDERAL, STATE, OR LOCAL GOVERNMENT OR ANY AGENCY OR UNIT THERE-
12 OF;

13 (3) REQUIRE BY SUBPOENA THE PRODUCTION OF ALL INFORMATION, DOCUMENTS,
14 REPORTS, ANSWERS, RECORDS, ACCOUNTS, PAPERS, AND OTHER DATA AND DOCUMEN-
15 TARY EVIDENCE NECESSARY OR USEFUL IN THE PERFORMANCE OF THE DUTIES OR
16 RESPONSIBILITIES OF THE INSPECTOR GENERAL, WHICH SUBPOENA SHALL BE
17 ENFORCEABLE WITHIN THE STATE OF NEW YORK BY ORDER OF THE SUPREME COURT
18 OF APPROPRIATE JURISDICTION AND VENUE;

19 (4) ADMINISTER TO OR TAKE FROM ANY PERSON AN OATH, AFFIRMATION, OR
20 AFFIDAVIT, WHENEVER NECESSARY IN THE PERFORMANCE OF THE DUTIES OR
21 RESPONSIBILITIES OF THE INSPECTOR GENERAL, WHICH OATH, AFFIRMATION, OR
22 AFFIDAVIT WHEN ADMINISTERED OR TAKEN BY OR BEFORE AN EMPLOYEE OF THE
23 OFFICE OF INSPECTOR GENERAL DESIGNATED BY THE INSPECTOR GENERAL SHALL
24 HAVE THE SAME FORCE AND EFFECT AS IF ADMINISTERED OR TAKEN BY OR BEFORE
25 A NOTARY PUBLIC OF THE STATE OF NEW JERSEY OR THE STATE OF NEW YORK;

26 (5) HAVE DIRECT AND PROMPT ACCESS TO THE CHAIRMAN OF THE AUTHORITY
27 WHEN NECESSARY OR USEFUL IN THE PERFORMANCE OF THE DUTIES OR RESPONSI-
28 BILITIES OF THE INSPECTOR GENERAL; AND

29 (6) ENTER INTO CONTRACTS AND OTHER ARRANGEMENTS FOR AUDITS, STUDIES,
30 ANALYSES, AND OTHER SERVICES WITH PUBLIC AGENCIES OR WITH PRIVATE
31 PERSONS AS MAY BE DEEMED NECESSARY OR USEFUL IN THE PERFORMANCE OF THE
32 DUTIES OR RESPONSIBILITIES OF THE INSPECTOR GENERAL.

33 C. (1) NO INFORMATION, DOCUMENTS, REPORTS, ANSWERS, RECORDS, ACCOUNTS,
34 PAPERS, AND OTHER DATA AND DOCUMENTARY EVIDENCE SHALL BE DENIED TO THE
35 INSPECTOR GENERAL OR ANY PERSON ACTING ON BEHALF OF THE INSPECTOR GENERAL:
36 (I) BECAUSE OF ANY PRIVILEGE OR ALLEGED PRIVILEGE, INCLUDING BUT NOT
37 LIMITED TO THE ATTORNEY-CLIENT PRIVILEGE, EXECUTIVE PRIVILEGE, OR PUBLIC
38 INTEREST PRIVILEGE, WHICH BELONGS TO OR COULD BE WAIVED BY THE AUTHORITY
39 IN POSSESSION OF THE INFORMATION; OR (II) BECAUSE OF ANY DEFENSE THAT
40 THE AUTHORITY MAY HAVE AGAINST ANY REQUEST FOR ANY SUCH EVIDENCE.

41 (2) IF THE AUTHORITY BELIEVES THAT ANY SUCH EVIDENCE IS PRIVILEGED OR
42 OTHERWISE PROTECTED AGAINST DISCLOSURE, THE AUTHORITY SHALL NEVERTHELESS
43 MAKE OR PERMIT ANY SUCH DISCLOSURE, AND THE AUTHORITY MAY AT THE TIME OF
44 SUCH DISCLOSURE MAKE A CLAIM OF CONFIDENTIALITY FOR ANY SUCH EVIDENCE
45 AND STATE WITH PARTICULARITY THE NATURE OF SUCH CLAIM.

46 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF STATUTE OR COMMON LAW, THE
47 DISCLOSURE OF ANY EVIDENCE TO THE INSPECTOR GENERAL UNDER A CLAIM OF
48 CONFIDENTIALITY SHALL NOT BE CONSTRUED TO BE A WAIVER OF ANY PRIVILEGE
49 OR ANY OTHER PROTECTION AGAINST DISCLOSURE. SUCH EVIDENCE SHALL BE
50 PROTECTED AGAINST SUBPOENA OR OTHER FORM OF FORCED DISCLOSURE TO THE
51 SAME EXTENT THAT IT WOULD HAVE BEEN IF IT HAD NEVER BEEN DISCLOSED TO
52 THE INSPECTOR GENERAL.

53 (4) THE INSPECTOR GENERAL MAY, IN HIS OR HER DISCRETION, DETERMINE TO
54 DISCLOSE ANY EVIDENCE RECEIVED UNDER THE CLAIM OF CONFIDENTIALITY UPON A
55 FINDING THAT THE MATTER UNDER INVESTIGATION IS HIGHLY IMPORTANT TO THE
56 AUTHORITY AND THAT THE PUBLIC HAS A RIGHT TO RECEIVE KNOWLEDGE OF THE

1 RESULT OF THE INVESTIGATION, AND THAT THE EVIDENCE (I) IS HIGHLY MATERI-
2 AL AND RELEVANT TO THE MATTER UNDER INVESTIGATION; (II) IS CRITICAL OR
3 NECESSARY TO AN UNDERSTANDING OF THE OUTCOME OF THE INVESTIGATION; AND
4 (III) IS NOT READILY OBTAINABLE FROM ANY ALTERNATIVE SOURCE.

5 (5) NOTWITHSTANDING SUBPARAGRAPH (4) OF THIS PARAGRAPH, THE INSPECTOR
6 GENERAL MAY NOT DISCLOSE ANY EVIDENCE RECEIVED UNDER A CLAIM OF CONFID-
7 ENTIALITY WITHOUT FIRST GIVING THIRTY DAYS ADVANCE WRITTEN NOTICE TO
8 THE AUTHORITY AND ANY OTHER PERSON WHO MAY BE ENTITLED TO OBJECT TO THE
9 DISCLOSURE OF THE EVIDENCE. IN THE EVENT OF ANY CIVIL ACTION IN THE
10 COURTS OF NEW JERSEY OR NEW YORK TO PREVENT THE DISCLOSURE OF ANY SUCH
11 EVIDENCE, THE COURT SHALL ALLOW THE DISCLOSURE UNLESS IT SHALL FIND THAT
12 THE INSPECTOR GENERAL HAS ABUSED HIS OR HER DISCRETION. THE COURT MAY
13 AWARD REASONABLE ATTORNEYS' FEES AND DISBURSEMENTS REASONABLY INCURRED
14 TO A LITIGANT THAT SUBSTANTIALLY PREVAILS AGAINST THE RELEASE OF INFOR-
15 MATION BY THE INSPECTOR GENERAL IF THE INSPECTOR GENERAL LACKED A
16 REASONABLE BASIS PURSUANT TO THIS SECTION FOR THE CHALLENGED RELEASE OF
17 INFORMATION.

18 S 1-E. 1. AS USED IN THIS SECTION:

19 A. "AUTHORITY" OR "PORT AUTHORITY" MEANS THE PORT AUTHORITY OF NEW
20 YORK AND NEW JERSEY.

21 B. "COMPTROLLER" MEANS THE NEW YORK STATE COMPTROLLER.

22 C. "INDEPENDENT BUDGET OFFICER" MEANS THE PORT AUTHORITY INDEPENDENT
23 BUDGET OFFICER CREATED BY THIS SECTION.

24 D. "TREASURER" MEANS THE STATE TREASURER OF NEW JERSEY.

25 2. A. THERE SHALL BE A PORT AUTHORITY INDEPENDENT BUDGET OFFICER WHO
26 SHALL HAVE AND EXERCISE THE POWERS, DUTIES AND PREROGATIVES PROVIDED BY
27 THIS SECTION AND ANY OTHER PROVISIONS OF LAW. THE INDEPENDENT BUDGET
28 OFFICER SHALL BE APPOINTED JOINTLY BY THE GOVERNORS OF NEW YORK AND NEW
29 JERSEY FROM A LIST OF NO FEWER THAN SIX INDIVIDUALS SUBMITTED BY THE
30 COMPTROLLER AND THE TREASURER. IF THE INDEPENDENT BUDGET OFFICER IS A
31 LEGAL RESIDENT OF ONE STATE, THEN THE INSPECTOR GENERAL APPOINTED UNDER
32 SECTION ONE-D OF THIS ACT MUST BE A LEGAL RESIDENT OF THE OTHER STATE.

33 B. THE TERM OF THE FIRST INDEPENDENT BUDGET OFFICER APPOINTED UNDER
34 THIS SECTION SHALL BEGIN ON THE DATE OF APPOINTMENT, AND SHALL END ON
35 THE THIRTY-FIRST OF MARCH OF THE FIFTH CALENDAR YEAR BEGINNING AFTER THE
36 EFFECTIVE DATE OF THIS ACT. ALL SUBSEQUENT INDEPENDENT BUDGET OFFICERS
37 SHALL BE APPOINTED FOR A FIVE YEAR TERM. IN THE EVENT THAT A VACANCY
38 SHALL OCCUR FOR ANY REASON DURING ANY FIVE YEAR TERM, THE VACANCY SHALL
39 BE FILLED FOR THE REMAINDER OF THE UNCOMPLETED TERM, PROVIDED, HOWEVER,
40 THAT IF THE UNCOMPLETED TERM IS LESS THAN TWO YEARS, THE GOVERNORS OF
41 EACH STATE SHALL JOINTLY APPOINT THE NEW INDEPENDENT BUDGET OFFICER TO A
42 FULL FIVE YEAR TERM.

43 C. THE OFFICE OF THE INDEPENDENT BUDGET OFFICER SHALL BE IN, BUT INDE-
44 PENDENT OF, ANY SUPERVISION OR CONTROL BY, THE AUTHORITY OR ANY OFFICER
45 OR EMPLOYEE THEREOF. THE INDEPENDENT BUDGET OFFICER'S SALARY SHALL BE AN
46 AMOUNT EQUAL TO 75 PERCENT OF THE SALARY OF THE AUTHORITY'S EXECUTIVE
47 DIRECTOR. THE ANNUAL BUDGET FOR THE OFFICE SHALL BE DETERMINED AND FUND-
48 ED IN THE MANNER PROVIDED BY THIS SECTION, AND FULLY FUNDED BY THE
49 AUTHORITY. THE AUTHORITY SHALL ARRANGE FOR SUITABLE OFFICE SPACE, EQUIP-
50 MENT AND RESOURCES.

51 D. THE INDEPENDENT BUDGET OFFICER MAY BE REMOVED FROM OFFICE FOR CAUSE
52 BY THE GOVERNORS ACTING JOINTLY, AFTER A PUBLIC HEARING.

53 3. A. THE INDEPENDENT BUDGET OFFICER SHALL BE AUTHORIZED TO APPOINT
54 AND AT PLEASURE REMOVE DEPUTY BUDGET OFFICERS, ASSISTANT DEPUTY BUDGET
55 OFFICERS, AND SUCH OTHER STAFF, INCLUDING ACCOUNTANTS, ADMINISTRATIVE
56 ASSISTANTS, AND SUCH OTHER SUPPORT STAFF AND CONSULTANTS AS HE OR SHE

1 SHALL DEEM NECESSARY AND APPROPRIATE TO ACCOMPLISH THE RESPONSIBILITIES
2 AND DUTIES CONTAINED IN THIS ACT OR ELSEWHERE IN LAW, AND FIX AND DETER-
3 MINE THE QUALIFICATIONS, DUTIES, AND COMPENSATION OF SUCH ADDITIONAL
4 OFFICERS AND STAFF, SUBJECT TO A MERIT SYSTEM TO BE ESTABLISHED BY THE
5 INDEPENDENT BUDGET OFFICER. THE INDEPENDENT BUDGET OFFICER MAY ALSO FROM
6 TIME TO TIME CONTRACT FOR SUCH EXPERT PROFESSIONAL SERVICES AS MAY BE
7 DEEMED NECESSARY AND CONVENIENT.

8 B. NOT MORE THAN NINETY DAYS FROM THE BEGINNING OF HIS OR HER TERM,
9 THE FIRST INDEPENDENT BUDGET OFFICER SHALL PROPOSE TO THE COMPTROLLER,
10 THE TREASURER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
11 THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINOR-
12 ITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE
13 GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE GOVERNORS OF NEW
14 YORK AND NEW JERSEY, AND THE BOARD OF COMMISSIONERS A PLAN OF ORGANIZA-
15 TION OF THE OFFICE OF THE INDEPENDENT BUDGET OFFICER SUCH THAT THE INDE-
16 PENDENT BUDGET OFFICER WILL BE ABLE TO PROVIDE THE SERVICES REQUIRED
17 PURSUANT TO THIS ACT IN THE MOST COST-EFFECTIVE WAY. THEREAFTER, ANY
18 INDEPENDENT BUDGET OFFICER MAY FROM TIME TO TIME SUBMIT AN AMENDED OR
19 MODIFIED PLAN OF ORGANIZATION TO FULFILL HIS OR HER STATUTORY OBLI-
20 GATION. THE PLAN OF ORGANIZATION OF THE INDEPENDENT BUDGET OFFICER SHALL
21 BE EFFECTIVE UNTIL MODIFIED, AMENDED, OR REPLACED BY THE COMPTROLLER,
22 THE TREASURER, OR BY LAW.

23 C. THE INDEPENDENT BUDGET OFFICER SHALL ESTIMATE AND DELIVER TO THE
24 BOARD OF COMMISSIONERS, THE COMPTROLLER, THE TREASURER, THE STATE AUDI-
25 TOR OF NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER
26 OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND
27 MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE
28 GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, AND THE GOVERNORS OF NEW
29 YORK AND NEW JERSEY PRIOR TO NOVEMBER FIRST OF EACH YEAR THE TOTAL COSTS
30 AND EXPENSES FOR THE SUBSEQUENT STATE FISCAL YEAR, INCLUDING THE COMPEN-
31 SATION AND EXPENSES OF THE INDEPENDENT BUDGET OFFICER AND HIS OR HER
32 STAFF, THEIR AGENTS, AND EMPLOYEES, AND INCLUDING THE COST OF RETIREMENT
33 CONTRIBUTIONS, SOCIAL SECURITY, HEALTH AND DENTAL INSURANCE, SURVIVOR'S
34 BENEFITS, WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE AND OTHER FRINGE
35 BENEFITS REQUIRED TO BE PAID FOR THE PERSONNEL OF THE OFFICE OF THE
36 INDEPENDENT BUDGET OFFICER, AND INCLUDING ALL OTHER ITEMS OF MAINTENANCE
37 AND OPERATION EXPENSES, AND ALL OTHER DIRECT AND INDIRECT COSTS. BASED
38 ON SUCH ESTIMATE, THE INDEPENDENT BUDGET OFFICER SHALL DETERMINE THE
39 AMOUNT TO BE PAID BY THE AUTHORITY. UNLESS AMENDED BY LAW, THE ESTIMATE
40 AND ALLOCATION SHALL BECOME FINAL. THE INDEPENDENT BUDGET OFFICER SHALL
41 RENDER BILLS IN ACCORDANCE WITH THE ORIGINAL ESTIMATE AND ALLOCATION TO
42 THE AUTHORITY, NOT LATER THAN FEBRUARY FIRST PRIOR TO THE BEGINNING OF
43 THE APPLICABLE FISCAL YEAR; AN AMENDED BILL IN ACCORDANCE WITH ANY
44 AMENDING LAW SHALL BE SENT OUT AS SOON AS PRACTICABLE AFTER THE ENACT-
45 MENT OF SUCH LAW.

46 4. A. THE INDEPENDENT BUDGET OFFICER SHALL BE AUTHORIZED TO SECURE
47 SUCH INFORMATION, DATA, ESTIMATES, AND STATISTICS FROM THE AUTHORITY AS
48 HE OR SHE DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNC-
49 TIONS AND DUTIES OF THE OFFICE, AND THE AUTHORITY SHALL PROVIDE SUCH
50 INFORMATION, TO THE EXTENT THAT IT IS AVAILABLE, IN A TIMELY FASHION.
51 THE INDEPENDENT BUDGET OFFICER SHALL NOT BE ENTITLED TO OBTAIN RECORDS
52 WHICH ARE PROTECTED BY THE PRIVILEGES FOR ATTORNEY-CLIENT COMMUNI-
53 CATIONS, ATTORNEY WORK PRODUCT, AND MATERIAL PREPARED FOR LITIGATION.

54 B. IT SHALL BE THE DUTY OF THE INDEPENDENT BUDGET OFFICER TO PROVIDE
55 TO THE BOARD OF THE AUTHORITY, ANY ELECTED PUBLIC OFFICIAL OF STATE OR
56 LOCAL GOVERNMENT INTERESTED IN THE AUTHORITY, AND ANY ACTION GROUP

1 ORGANIZED FOR THE PURPOSE OF AFFECTING THE AUTHORITY'S GOVERNANCE AND
2 OPERATIONS, ANY INFORMATION WHICH WILL ASSIST SUCH BODIES AND OFFICIALS
3 IN THE DISCHARGE OF THEIR RESPONSIBILITIES OR FUNCTIONS WHICH ARE
4 RELATED TO THE BUDGETARY PROCESS, INCLUDING:

5 (1) INFORMATION WITH RESPECT TO THE BUDGET EXPENDITURES;

6 (2) INFORMATION WITH RESPECT TO ESTIMATED REVENUES AND RECEIPTS AND
7 CHANGING REVENUE CONDITIONS; AND

8 (3) TO THE EXTENT PRACTICABLE, SUCH OTHER INFORMATION OR ANALYSES AS
9 MAY BE REQUESTED BY SUCH BODIES OR OFFICIALS.

10 C. THE INDEPENDENT BUDGET OFFICER SHALL DEVELOP AND ISSUE, AFTER
11 CONSULTATION WITH THE OFFICE OF THE NEW YORK ATTORNEY GENERAL AND THE
12 OFFICE OF THE NEW JERSEY ATTORNEY GENERAL, A WRITTEN ACKNOWLEDGMENT THAT
13 A BOARD MEMBER MUST EXECUTE AT THE TIME THAT THE MEMBER TAKES AND
14 SUBSCRIBES THE OATH OF OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE
15 DATE OF THIS SECTION IF THE MEMBER HAS ALREADY TAKEN AND SUBSCRIBED THE
16 OATH OF OFFICE, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT HE OR SHE
17 UNDERSTANDS THE INDEPENDENT NATURE OF HIS OR HER ROLE AS COMMISSIONER
18 AND HIS OR HER FIDUCIARY DUTY TO THE AUTHORITY. THE INDEPENDENT BUDGET
19 OFFICER SHALL ALSO DEVELOP MEANS OF ENFORCING THOSE FIDUCIARY DUTIES.

20 D. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME PUBLISH SUCH
21 REPORTS AS MAY BE APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTAND-
22 ING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS PUBLISHED BY
23 THE AUTHORITY. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME
24 PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH
25 INFORMATION, DATA, AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC
26 UNDERSTANDING OF MATTERS RELATING TO THE AUTHORITY'S REVENUES, EXPENDI-
27 TURES, FINANCIAL MANAGEMENT PRACTICES, AND RELATED MATTERS.

28 E. THE INDEPENDENT BUDGET OFFICER SHALL MAKE ALL INFORMATION, DATA,
29 ESTIMATES, AND STATISTICS OBTAINED IN THE COURSE OF HIS OR HER DUTIES,
30 AND ALL STUDIES AND REPORTS PREPARED BY THE OFFICE, AVAILABLE FOR PUBLIC
31 INSPECTION INCLUDING POSTING SUCH INFORMATION ON THE INTERNET AND
32 PROVIDING COPYING DURING NORMAL BUSINESS HOURS AND SHALL, TO THE EXTENT
33 PRACTICABLE, FURNISH A COPY OF ANY SUCH INFORMATION OR REPORT TO ANY
34 PERSON UPON REQUEST AT A REASONABLE COST.

35 5. A. AS USED IN THIS SECTION, "OPERATING PLAN" MEANS A FINANCIAL
36 BUDGET SHOWING PROJECTED REVENUES AND EXPENSES FOR THE NEXT FISCAL YEAR,
37 TOGETHER WITH THE OPERATING ASSUMPTIONS UNDERLYING SUCH BUDGET AND ANY
38 CHANGES IN OPERATIONS, FEES, AND CHARGES, AND OTHER ASPECTS OF THE OPER-
39 ATIONS OF THE AUTHORITY WHICH SUPPORT SUCH BUDGET.

40 B. NOT LESS THAN NINETY DAYS BEFORE THE BEGINNING OF THE FISCAL YEAR
41 OF THE AUTHORITY BEGINNING ON OR AFTER THE JANUARY FIRST FOLLOWING THE
42 EFFECTIVE DATE OF THIS SECTION AND EACH FISCAL YEAR THEREAFTER, AND NOT
43 LESS THAN SIXTY DAYS BEFORE A BUDGET FOR SUCH FISCAL YEAR IS SUBMITTED
44 TO THE BOARD FOR APPROVAL, THE AUTHORITY SHALL SUBMIT ITS PROPOSED OPER-
45 ATING PLAN FOR THE FOLLOWING FISCAL YEAR TO THE INDEPENDENT BUDGET OFFI-
46 CER AND SUCH ELECTED PUBLIC OFFICIALS AND ACTIONS GROUPS AS ARE INTER-
47 ESTED IN THE AUTHORITY'S AFFAIRS. THE AUTHORITY SHALL AT THE SAME TIME
48 PUBLISH SUCH OPERATING PLAN TO THE PUBLIC. SUCH OPERATING PLAN SHALL BE
49 AT SUCH LEVEL OF DETAIL AS TO ALLOW A MEANINGFUL REVIEW OF THE OPER-
50 ATIONS OF THE AUTHORITY, AND SHALL SHOW COMPARISONS BETWEEN THE PLAN,
51 AND BOTH THE LATEST AVAILABLE YEAR-TO-DATE AND EXPECTED ANNUAL RESULTS
52 FOR THE YEAR IN WHICH THE PLAN IS SUBMITTED AND THE ACTUAL RESULTS FOR
53 THE YEAR IMMEDIATELY PRIOR THERETO.

54 ANY ELECTED PUBLIC OFFICIAL OR THE INDEPENDENT BUDGET OFFICER TO WHOM
55 THE AUTHORITY IS REQUIRED TO SUBMIT ITS OPERATING PLAN UNDER THIS
56 SECTION MAY REQUEST A MORE DETAILED VERSION OF THE OPERATING PLAN. IN

1 SUCH CASE, THE AUTHORITY SHALL SUPPLY COPIES OF SUCH VERSION OF THE
2 OPERATING PLAN TO EACH PERSON ENTITLED TO RECEIVE THE OPERATING PLAN
3 UNDER THIS SECTION.

4 C. THE OPERATING PLAN SHALL BE ACCOMPANIED BY A REPORT SUMMARIZING THE
5 EXTENT TO WHICH PLANNED GOALS DEVELOPED FOR THE CURRENT AND PREVIOUS
6 YEARS WERE ACHIEVED, THE CAUSES OF ANY FAILURE TO ACHIEVE SUCH GOALS,
7 AND CORRECTIVE MEASURES THE AUTHORITY INTENDS TO TAKE TO AVOID NON-AC-
8 HIEVEMENT OF SUCH GOALS IN THE UPCOMING YEAR.

9 D. THE PERSONS ENTITLED TO RECEIVE COPIES OF THE OPERATING PLAN PURSU-
10 ANT TO THIS SECTION MAY SOLICIT COMMENTS FROM ANY INTERESTED PERSONS OR
11 ANY GROUP REPRESENTING INTERESTED PERSONS THROUGH APPROPRIATE NOTICE
12 WITH OR WITHOUT PUBLIC HEARINGS AND MAY SUBMIT TO THE BOARD OF THE
13 AUTHORITY AND PUBLISH A REPORT COMMENTING ON THE PLANS, RECOMMENDING
14 GENERAL OR SPECIFIC MODIFICATIONS TO THE OPERATING PLAN.

15 E. THE BOARD AT THE TIME OF ADOPTING A BUDGET FOR EACH YEAR SHALL
16 ISSUE A REPORT RESPONDING TO ANY REPORT ISSUED PURSUANT TO PARAGRAPH D
17 OF THIS SUBDIVISION AND EXPLAINING WHY ANY RECOMMENDATIONS WERE OR WERE
18 NOT IMPLEMENTED. SUCH REPORT SHALL BE GIVEN TO EACH PERSON ENTITLED TO
19 RECEIVE THE OPERATING PLAN PURSUANT TO THIS SECTION.

20 F. THE AUTHORITY SHALL PROVIDE QUARTERLY FINANCIAL REPORTS NO LATER
21 THAN THE FIFTEENTH OF THE FOLLOWING MONTH TO THE PERSONS ENTITLED TO
22 RECEIVE THE OPERATING PLAN UNDER THIS SECTION. SUCH REPORTS SHALL SHOW
23 COMPARISONS WITH THE PRIOR YEAR AND WITH THE OPERATING PLAN.

24 S 1-F. 1. THE AUTHORITY SHALL NOT:

25 A. ISSUE ANY BOND, NOTE, OR OTHER DEBT OBLIGATION, OR

26 B. INCLUDE IN ANY COVENANT, BOND DOCUMENT, OR ANY OTHER INSTRUMENT ANY
27 PROVISION HAVING THE EFFECT OF EXTENDING THE TERM OF ANY BOND, NOTE, OR
28 OTHER DEBT OBLIGATION OR PERMITTING THE REFUNDING OR REFINANCING OF ANY
29 DEBT OBLIGATION FOR A TERM LONGER THAN THE TERM OF SUCH DEBT OBLIGATION
30 IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, UNLESS SUCH ISSUANCE,
31 INCURRENCE, EXTENSION, REFUNDING, OR REFINANCING IS PERMITTED BY SUCH
32 STATUTORY LIMIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BONDS OR
33 NOTES MAY NOT BE SOLD IN A PRIVATE SALE BY THE AUTHORITY, UNLESS SUCH
34 SALE AND THE TERMS AND CONDITIONS THEREOF HAVE BEEN APPROVED IN WRITING
35 BY THE COMPTROLLER OF THE STATE OF NEW YORK AND THE STATE TREASURER OF
36 NEW JERSEY.

37 S 1-G. 1. AS USED IN THIS SECTION:

38 A. "AUTHORITY" OR "PORT AUTHORITY" MEANS THE PORT AUTHORITY OF NEW
39 YORK AND NEW JERSEY.

40 B. "CENTRAL PROCUREMENT OFFICER" OR "PROCUREMENT OFFICER" MEANS THE
41 INDEPENDENT PORT AUTHORITY CENTRAL PROCUREMENT OFFICER APPOINTED IN
42 ACCORDANCE WITH THIS SECTION.

43 C. "CONTRACTOR" MEANS ANY BIDDER, OFFEROR, OR PROPOSER FOR A PROCURE-
44 MENT CONTRACT AND SHALL INCLUDE ANY SUBCONTRACTOR OR OTHER REPRESEN-
45 TATIVE OR PERSON WITH A FINANCIAL INTEREST ON BEHALF OF SUCH PERSON.

46 D. "IMPROPER LOBBYING INFLUENCE" MEANS ANY ATTEMPT TO INFLUENCE ANY
47 DETERMINATION OF AN EMPLOYEE OR REPRESENTATIVE OF THE AUTHORITY, IN
48 ORDER TO ACHIEVE PREFERENTIAL, UNEQUAL OR FAVORED CONSIDERATION OF A
49 PROPOSAL SUBMITTED FOR A PROCUREMENT CONTRACT AWARD, BASED ON CONSIDER-
50 ATIONS OTHER THAN THE MERITS OF THE PROPOSAL.

51 E. "LOBBYING" MEANS ANY ATTEMPT TO INFLUENCE ANY ACTION BY, OR COMMU-
52 NICATION DIRECTLY OR SOLICITING OTHERS TO COMMUNICATE WITH, ANY OFFICER,
53 EMPLOYEE, AGENT, CONSULTANT, OR ANY OTHER PERSON HAVING ANY POWER OR
54 AUTHORITY RELATED TO THE PROCUREMENT OF GOODS OR SERVICES IN SUPPORT,
55 CONSTRUCTION, PURCHASE, SALE OR LEASE OF REAL PROPERTY; THE ACQUISITION

1 OR GRANTING OF ANY OTHER INTEREST IN REAL PROPERTY; OR AUTHORITY FUNC-
2 TIONS OR OPERATIONS.

3 F. "PENDENCY OF A PROCUREMENT CONTRACT AWARD" MEANS THE PROCESSING
4 PERIOD FOR LETTING A PROCUREMENT CONTRACT, COMMENCING WITH THE EARLIEST
5 PUBLISHED WRITTEN NOTICE, ADVERTISEMENT OR SOLICITATION OF EXPRESSIONS
6 OF INTEREST OR PROPOSALS, AND ENDING WITH THE AUTHORITY'S FINAL CONTRACT
7 APPROVAL.

8 G. "PROCUREMENT CONTRACT" MEANS A WRITTEN CONTRACT LET BY THE AUTHORI-
9 TY FOR THE ACQUISITION OF GOODS OR SERVICES IN SUPPORT, CONSTRUCTION,
10 PURCHASE, SALE OR LEASE OF REAL PROPERTY; THE ACQUISITION OR GRANTING OF
11 OTHER INTEREST IN REAL PROPERTY OR OF AUTHORITY FUNCTIONS OR OPERATIONS.

12 H. "PROPOSAL" MEANS ANY PROPOSAL, QUOTATION, OFFER OR RESPONSE TO THE
13 AUTHORITY'S COMPETITIVE SOLICITATION OF SUBMISSIONS RELATING TO AN AWARD
14 OF A PROCUREMENT CONTRACT OR TO ANY UNSOLICITED PROPOSAL, QUOTATION,
15 OFFER OR SUBMISSION OF ANY POTENTIAL PROCUREMENT CONTRACT.

16 2. FOR PURPOSES OF THIS SECTION, "LOBBYING" SHALL NOT INCLUDE:

17 A. NONPROFIT MAKING AGENCIES FOR THE BLIND, AND QUALIFIED CHARITABLE
18 NONPROFIT AGENCIES FOR OTHER SEVERELY DISABLED PERSONS;

19 B. PARTICIPANTS, INCLUDING THOSE APPEARING ON BEHALF OF A CLIENT, IN A
20 PUBLICLY NOTICED CONFERENCE PURSUANT TO A REQUEST FOR BIDS OR PROPOSALS;

21 C. PERSONS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT OR REPRESENT
22 PERSONS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT AND ARE ENGAGED IN
23 COMMUNICATIONS WITH THE AUTHORITY SOLELY FOR THE PURPOSE OF NEGOTIATING
24 THE TERMS OF THE CONTRACT AFTER BEING NOTIFIED OF SUCH AWARD;

25 D. PERSONS OR THE REPRESENTATIVES OF PERSONS WHO:

26 (1) ARE A PARTY TO A PROTEST, APPEAL, OR OTHER PROCEEDING (INCLUDING
27 THE APPARENT SUCCESSFUL BIDDER OR CONTRACTOR AND HIS OR HER REPRESENT-
28 TATIVE); OR

29 (2) REQUEST A REVIEW OF A PROCUREMENT DECISION;

30 E. THE SUBMISSION OF A BID OR PROPOSAL (WHETHER SUBMITTED ORALLY OR IN
31 WRITING) IN RESPONSE TO A REQUEST FOR BIDS OR PROPOSALS AS LONG AS THAT
32 PERSON IS AN OFFICIAL CONTACT ON THE PROPOSAL;

33 F. PROSPECTIVE BIDDERS OR PROPOSERS OR THEIR REPRESENTATIVES SUBMIT-
34 TING QUESTIONS TO A DESIGNATED AGENCY OR MUNICIPAL CONTACT SET FORTH IN
35 A REQUEST FOR BIDS OR PROPOSALS; AND

36 G. OFFICERS AND EMPLOYEES OF STATEWIDE ELECTED OFFICIALS INCLUDING
37 INDIVIDUALS WHO ACT AS PAID OR UNPAID ADVISORS OR CONSULTANTS TO STATE-
38 WIDE ELECTED OFFICIALS, EXCEPT MEMBERS OF AN ADVISORY COMMISSION, A
39 BOARD, OR AN AUTHORITY. FOR PURPOSES OF THIS PARAGRAPH, "AUTHORITY"
40 MEANS A PUBLIC AUTHORITY, A STATE AUTHORITY, OR A PUBLIC BENEFIT CORPO-
41 RATION CREATED BY OR EXISTING UNDER ANY LAW OF NEW YORK OR NEW JERSEY.

42 3. THE BOARD OF COMMISSIONERS, BY MAJORITY VOTE, SHALL APPOINT AN
43 INDEPENDENT CENTRAL PROCUREMENT OFFICER. THE CENTRAL PROCUREMENT OFFICER
44 SHALL WORK WITHIN THE CENTRAL PROCUREMENT OFFICE AND SHALL HAVE PRIMARY
45 RESPONSIBILITY FOR THE PREVENTION OF IMPROPER LOBBYING INFLUENCE IN
46 PROCUREMENT CONTRACTS. THE CENTRAL PROCUREMENT OFFICER IS AUTHORIZED TO
47 ADOPT OTHER PROCEDURAL CONTROLS OR RULES IN ADDITION TO THOSE ESTAB-
48 LISHED IN THIS SECTION IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORI-
49 TY. THE SALARY, STAFF AND OFFICE SPACE ALLOTTED TO THE CENTRAL PROCURE-
50 MENT OFFICER SHALL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS, AND
51 SHALL BE CONSISTENT WITH THE TERMS ESTABLISHED FOR THE INSPECTOR GENERAL
52 AND INDEPENDENT BUDGET OFFICER. THE CENTRAL PROCUREMENT OFFICER SHALL
53 SERVE FOR A TERM OF FIVE YEARS.

54 THE CENTRAL PROCUREMENT OFFICER MAY BE REMOVED FROM OFFICE FOR CAUSE
55 BY THE BOARD OF COMMISSIONERS, AFTER A PUBLIC HEARING.

1 4. A. ALL PROPOSALS FOR PROCUREMENT CONTRACTS MUST INCLUDE THE NAME,
2 ADDRESS, TELEPHONE NUMBER, PLACE OF PRINCIPAL EMPLOYMENT, AND OCCUPATION
3 OF ALL PERSONS WHO WILL CONTACT THE AUTHORITY ON BEHALF OF THE CONTRAC-
4 TOR. THESE PERSON SHALL BE AUTHORIZED TO CONTACT THE AUTHORITY ON BEHALF
5 OF THE CONTRACTOR.

6 B. THE CENTRAL PROCUREMENT OFFICER SHALL REQUIRE THAT ALL REPRESENT-
7 TATIVES OF THE AUTHORITY WHO CONTACT CONTRACTORS OR THEIR REPRESENT-
8 TATIVES WITH REGARD TO A PROPOSAL, OR ARE CONTACTED BY CONTRACTORS OR
9 THEIR REPRESENTATIVES WITH REGARD TO A PROPOSAL, MUST REPORT SUCH
10 CONTACT TO THE CENTRAL PROCUREMENT OFFICER, INCLUDING THE NAME, DATE,
11 TIME, AND CONTENT OF THE CALL.

12 THE CENTRAL PROCUREMENT OFFICER SHALL CREATE A LISTING OF ALL PERSONS
13 WHO CONTACT ANY REPRESENTATIVE OF THE AUTHORITY WITH REGARD TO A
14 PROPOSAL OR PROCUREMENT CONTRACT AND A LISTING OF ALL PERSONS WHO WERE
15 CONTACTED BY ANY REPRESENTATIVE OF THE AUTHORITY WITH REGARD TO A
16 PROCUREMENT CONTRACT. SUCH REPORTS MUST INCLUDE THE NAME OF THE PERSON
17 WHO CONTACTED THE AUTHORITY, THE PERSON WHOM THE CONTACTOR IS REPRESENT-
18 ING, AND THE DATE AND TIME OF THE CONTACT, INCLUDING A BRIEF DESCRIPTION
19 OF THE CONTENT OF THE CALL.

20 C. IF ANY PERSON CONTACTS ANY REPRESENTATIVE OF THE AUTHORITY AND HIS
21 OR HER NAME IS NOT INCLUDED ON THE PROPOSAL AS REQUIRED IN THIS SECTION,
22 IT SHALL BE CONSIDERED IMPROPER LOBBYING INFLUENCE. THE CENTRAL PROCURE-
23 MENT OFFICER SHALL REPORT SUCH VIOLATION TO THE INSPECTOR GENERAL IMME-
24 DIATELY. ADDITIONALLY, NO STATE OFFICER OR EMPLOYEE SHALL ENGAGE IN
25 LOBBYING OR LOBBYING ACTIVITIES AS PROVIDED FOR IN THIS CHAPTER. SUCH
26 ACTION SHALL BE IMPROPER LOBBYING INFLUENCE.

27 D. DURING THE PENDENCY OF THE PROCUREMENT CONTRACT AWARD THERE SHALL
28 BE NO CONTACT BETWEEN A CONTRACTOR OR HIS OR HER REPRESENTATIVE AND THE
29 AUTHORITY EXCEPT FOR INFORMATIONAL OR TECHNICAL INFORMATION. GUIDELINES
30 FOR SUCH PERMITTED CONTACT SHALL BE ESTABLISHED BY THE INSPECTOR GENER-
31 AL. ALL OTHER CONTACT DURING THIS PERIOD SHALL CONSTITUTE IMPROPER
32 LOBBYING INFLUENCE. COMMUNICATION WITH THE AUTHORITY BY PERSONS OR
33 CONTRACTORS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT OR REPRESENT
34 PERSONS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT SOLELY FOR THE
35 PURPOSE OF NEGOTIATING THE TERMS OF THE CONTRACT AFTER BEING NOTIFIED OF
36 SUCH AWARD IS NOT PROHIBITED. SUCH CONTRACT MUST BE PROCESSED IN ACCORD-
37 ANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

38 E. THE CENTRAL PROCUREMENT OFFICER UPON BEING NOTIFIED OF OR DISCOVER-
39 ING ATTEMPTED IMPROPER LOBBYING INFLUENCE SHALL IMMEDIATELY INVESTIGATE
40 SUCH ALLEGATION AND SHALL GIVE THE CONTRACTOR AN OPPORTUNITY TO BE HEARD
41 IN RESPONSE TO SUCH ALLEGATION. THE CENTRAL PROCUREMENT OFFICER OR ANY
42 REPRESENTATIVE OF THE AUTHORITY SHALL REPORT ANY ALLEGATIONS OF IMPROPER
43 LOBBYING INFLUENCE OR ATTEMPTED IMPROPER LOBBYING INFLUENCE IMMEDIATELY
44 TO THE INSPECTOR GENERAL AND THE CHAIRMAN OF THE AUTHORITY. IF IMPROPER
45 LOBBYING INFLUENCE OR ATTEMPTED IMPROPER LOBBYING INFLUENCE IS FOUND TO
46 HAVE OCCURRED, THEN THE AUTHORITY MAY IMPOSE SUCH SANCTION AS IT SHALL
47 DEEM APPROPRIATE, INCLUDING BUT NOT LIMITED TO THE ELIMINATION OF THE
48 PROPOSAL FROM CONSIDERATION. ANY DETERMINATION MADE BY THE AUTHORITY
49 SHALL BE REPORTED TO THE INSPECTOR GENERAL.

50 5. ALL RECORDS AND DOCUMENTS REQUIRED TO BE RETAINED BY THE AUTHORITY
51 IN THIS SECTION SHALL BE AVAILABLE FOR REVIEW BY THE PUBLIC.

52 6. THE CENTRAL PROCUREMENT OFFICER SHALL SUBMIT AN ANNUAL REPORT TO
53 THE INSPECTOR GENERAL BY JANUARY FIRST THAT REPORTS ON THE VARIOUS
54 PROCUREMENT CONTRACTS ENTERED INTO BY THE AUTHORITY, A LIST OF THE VARI-
55 OUS CONTRACTORS AND THEIR REPRESENTATIVES THAT CONTACTED THE AUTHORITY
56 WITH REGARD TO PROCUREMENT CONTRACTS, THE INSTANCES OF ANY ATTEMPTED OR

1 FOUND CASES OF IMPROPER LOBBYING INFLUENCE AND OTHER RELATED MATERIAL
2 AND INFORMATION THE CENTRAL PROCUREMENT OFFICER FINDS RELEVANT.

3 7. THE AUTHORITY, PRIOR TO MAKING AN AWARD OF A PROCUREMENT CONTRACT,
4 SHALL MAKE A DETERMINATION OF RESPONSIBILITY OF THE PROPOSED AWARDEE.
5 THE AUTHORITY SHALL ENSURE THAT EACH PROPOSAL FOR PROCUREMENT CONTRACTS
6 REQUIRES CONTRACTORS TO DISCLOSE FINDINGS OF NON-RESPONSIBILITY MADE
7 WITHIN THE PREVIOUS FIVE YEARS BY ANY AUTHORITY WHERE SUCH PRIOR FINDING
8 OF NON-RESPONSIBILITY WAS DUE TO INTENTIONAL PROVISION OF FALSE OR
9 INCOMPLETE INFORMATION TO AN AUTHORITY. IN MAKING A DETERMINATION OF
10 RESPONSIBILITY, THE AUTHORITY SHALL TAKE INTO ACCOUNT ANY SUCH PRIOR
11 FINDING AND SHALL NOT AWARD A CONTRACT TO SUCH CONTRACTOR. THE FAILURE
12 OF THE CONTRACTOR TO TIMELY DISCLOSE ACCURATE AND COMPLETE INFORMATION
13 OR TO OTHERWISE COOPERATE WITH THE AUTHORITY SHALL BE CONSIDERED BY THE
14 AUTHORITY IN ITS DETERMINATION OF THE RESPONSIBILITY OF SUCH CONTRACTOR.

15 8. EVERY PROCUREMENT CONTRACT SHALL CONTAIN A CERTIFICATION BY THE
16 AWARDEE THAT ALL INFORMATION PROVIDED TO THE AUTHORITY IS COMPLETE,
17 TRUE, AND ACCURATE AND SHALL CONTAIN A PROVISION AUTHORIZING THE AUTHOR-
18 ITY TO TERMINATE SUCH PROCUREMENT CONTRACT IN THE EVENT SUCH CERTIF-
19 ICATION IS FOUND TO BE INTENTIONALLY FALSE OR INTENTIONALLY INCOMPLETE.

20 9. ANY MEMBER, OFFICER, EMPLOYEE, OR REPRESENTATIVE OF THE AUTHORITY
21 WHO FAILS TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO APPROPRIATE
22 DISCIPLINARY ACTION BY THE AUTHORITY AND WHEN APPROPRIATE, DISCIPLINARY
23 ACTION SHALL BE TAKEN BY THE INSPECTOR GENERAL.

24 10. ANY PERSON OR ORGANIZATION THAT, WITH RESPECT TO ANY PROCUREMENT
25 OR WITH RESPECT TO PROPOSALS SUBMITTED TO THE AUTHORITY, ENGAGES IN
26 LOBBYING AND ANY PERSON OR ORGANIZATION THAT RETAINS, EMPLOYS, OR DESIG-
27 NATES ANY PERSON OR ORGANIZATION TO CARRY ON LOBBYING ACTIVITIES ON
28 BEHALF OF SUCH PERSON OR ORGANIZATION SHALL BE SUBJECT TO THE LOBBYING
29 REGISTRATION LAWS OF NEW YORK AND NEW JERSEY.

30 11. EVERY PERSON OR ORGANIZATION SUBJECT TO THE PROVISIONS OF NEW YORK
31 AND NEW JERSEY'S LOBBYING LAWS OR THIS SECTION AS A LOBBYIST OR CLIENT
32 BECAUSE OF ACTS RELATING TO PROCUREMENTS OR PROPOSALS TO THE AUTHORITY
33 SHALL FILE A COPY OF EACH DOCUMENT REQUIRED TO BE FILED UNDER THIS
34 SECTION WITH THE AUTHORITY.

35 12. THE CENTRAL PROCUREMENT OFFICE SHALL RECEIVE AND FILE DOCUMENTS
36 REQUIRED TO BE FILED UNDER THIS SECTION. THE AUTHORITY SHALL CATALOGUE
37 SUCH FILINGS BY THE NAME OF THE LOBBYIST, THE NAME OF THE CLIENT, AND BY
38 THE CONTRACT WHOM THE LOBBYIST HAS ATTEMPTED TO INFLUENCE ACTION ON
39 BEHALF OF THE CLIENT. THE AUTHORITY SHALL MAKE INFORMATION FURNISHED BY
40 LOBBYISTS AND CLIENTS AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING
41 IN ELECTRONIC AND PAPER FORMATS. ACCESS TO SUCH INFORMATION SHALL ALSO
42 BE MADE AVAILABLE FOR REMOTE COMPUTER USERS THROUGH THE INTERNET
43 NETWORK.

44 13. NO CLIENT SHALL RETAIN OR EMPLOY ANY LOBBYIST FOR COMPENSATION,
45 THE RATE OR AMOUNT OF WHICH COMPENSATION IN WHOLE OR PART IS CONTINGENT
46 OR DEPENDENT UPON THE ACCEPTANCE OF OR DECISION REGARDING ANY PROPOSAL
47 OR PROCUREMENT CONTRACT BY THE AUTHORITY. THE METHODOLOGY BY WHICH
48 COMPENSATION IS DETERMINED MUST BE INCLUDED IN THE REPORTS REQUIRED.

49 S 6. This act shall take effect upon the enactment into law by the
50 state of New Jersey of legislation having an identical effect with this
51 act, but if the state of New Jersey shall have already enacted such
52 legislation, this act shall take effect immediately; provided that the
53 board of commissioners of the port authority of New York and New Jersey
54 shall notify the legislative bill drafting commission upon the occur-
55 rence of the enactment of the legislation provided for in sections two,
56 three, four and five of this act in order that the commission may main-

1 tain an accurate and timely effective data base of the official text of
2 the laws of the state of New York in furtherance of effectuating the
3 provisions of section 44 of the legislative law and section 70-b of the
4 public officers law.