S T A T E O F N E W Y O R K

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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:

Section 1. This act shall be known and may be cited as the "Port Authority of New York and New Jersey Reform Act".

S 2. Chapter 154 of the laws of 1921 constituting the Port of New York Authority is amended by adding a new section 1-a to read as follows:

S 1-A. 1. THE LEGISLATURE FINDS AND DECLARES THAT:

A. BECAUSE THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY ("THE PORT AUTHORITY") PERFORMS MANY CRITICAL TRANSPORTATION AND INFRASTRUCTURE FUNCTIONS, THERE IS A NEED FOR LEGISLATIVE REFORM TO ENSURE TRANSPARENCY AND ACCOUNTABILITY AT THE PORT AUTHORITY;

B. WHILE THIS STATE HAS RECENTLY IMPLEMENTED A SIGNIFICANT SET OF REFORMS FOR OTHER PUBLIC AUTHORITIES, THESE REFORMS DO NOT EXTEND TO THE PORT AUTHORITY BECAUSE IT IS AN INTERSTATE AUTHORITY; AND

C. IT IS IN THE BEST INTEREST OF THE PUBLIC THAT THE STATES OF NEW YORK AND NEW JERSEY ENACT SUBSTANTIVELY IDENTICAL LEGISLATION IN ORDER TO REFORM THE PRACTICES OF THE PORT AUTHORITY TO ENSURE THE PROPER FUNCTIONING OF THE PORT AUTHORITY AS AN OPEN, TRANSPARENT, AND ACCOUNTABLE INTERSTATE AUTHORITY.

2. A. THE BOARD OF COMMISSIONERS SHALL:

(1) EXECUTE DIRECT OVERSIGHT OF THE AUTHORITY'S CHIEF EXECUTIVE AND OTHER SENIOR MANAGEMENT IN THE EFFECTIVE AND ETHICAL MANAGEMENT OF THE AUTHORITY;

(2) UNDERSTAND, REVIEW, AND MONITOR THE IMPLEMENTATION OF FUNDAMENTAL FINANCIAL AND MANAGEMENT CONTROLS AND OPERATIONAL DECISIONS OF THE 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

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

A. ITS OPERATIONS AND ACCOMPLISHMENTS;

B. ITS FINANCIAL REPORTS, INCLUDING (1) AUDITED FINANCIALS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) AND THE ACCOUNTING STANDARDS ISSUED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB), (2) GRANT AND SUBSIDY PROGRAMS, (3) OPERATING AND FINANCIAL RISKS, (4) CURRENT RATINGS AND NOTICE OF CHANGES, AND (5) LONG-TERM LIABILITIES, INCLUDING LEASES AND EMPLOYEE BENEFIT PLANS;

C. ITS MISSION STATEMENT;

D. A SCHEDULE OF ITS BONDS AND NOTES OUTSTANDING AT THE END OF ITS FISCAL YEAR, TOGETHER WITH A STATEMENT OF THE AMOUNTS REDEEMED AND INCURRED DURING SUCH FISCAL YEAR AS PART OF A SCHEDULE OF DEBT ISSUANCE THAT INCLUDES THE DATE OF ISSUANCE, TERM, AMOUNT, INTEREST RATE AND MEANS OF REPAYMENT. ADDITIONALLY, THE DEBT SCHEDULE SHALL ALSO INCLUDE ALL REFINANCINGS, CALLS, REFUNDINGS, DEFEASEMENTS AND INTEREST RATE EXCHANGE OR OTHER SUCH AGREEMENTS, AND FOR ANY DEBT ISSUED DURING THE REPORTING YEAR, THE SCHEDULE SHALL ALSO INCLUDE A DETAILED LIST OF COSTS OF ISSUANCE FOR SUCH DEBT;

E. BIOGRAPHICAL INFORMATION AND TITLE OF COMMISSIONERS AND SENIOR MANAGEMENT, INCLUDING COMPENSATION AND BENEFITS PAID TO COMMISSIONERS IN ANY AMOUNT AND TO SENIOR STAFF IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS;

F. THE PROJECTS UNDERTAKEN BY THE AUTHORITY DURING THE PAST YEAR;

G. A LISTING AND DESCRIPTION OF ALL REAL PROPERTY OF THE AUTHORITY HAVING AN ESTIMATED FAIR MARKET VALUE EQUAL TO TEN PERCENT OR MORE OF THE AUTHORITY'S TOTAL ASSETS OR TWO HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS LESS, OR OF A SIGNIFICANT VALUE, AS DETERMINED BY THE AUTHORITY BUDGET OFFICE, THAT THE AUTHORITY ACQUIRES OR DISPOSES OF DURING SUCH PERIOD. THE REPORT SHALL CONTAIN THE PRICE RECEIVED OR PAID BY THE AUTHORITY AND THE NAME OF THE PURCHASER OR SELLER FOR ALL SUCH PROPERTY OF A SIGNIFICANT VALUE, AS DETERMINED BY THE AUTHORITY BUDGET OFFICE, SOLD OR BOUGHT BY THE AUTHORITY DURING SUCH PERIOD;

H. ITS CODE OF ETHICS;

I. AN ASSESSMENT OF THE EFFECTIVENESS OF ITS INTERNAL CONTROL STRUCTURE AND PROCEDURES;

J. THE STATUTORY BASIS OF THE AUTHORITY;

K. A DESCRIPTION OF THE AUTHORITY AND ITS BOARD STRUCTURE, INCLUDING (1) NAMES OF COMMITTEES AND COMMITTEE MEMBERS, (2) LISTS OF BOARD MEETINGS AND ATTENDANCE, (3) DESCRIPTIONS OF MAJOR AUTHORITY UNITS, AND SUBSIDIARIES, AND (4) NUMBER OF EMPLOYEES;

L. ITS CHARTER AND BY-LAWS;

M. A LISTING OF MATERIAL CHANGES IN OPERATIONS AND PROGRAMS;

N. AT A MINIMUM A FOUR-YEAR FINANCIAL PLAN, INCLUDING (1) A CURRENT AND PROJECTED CAPITAL BUDGET, AND (2) AN OPERATING BUDGET REPORT, INCLUDING AN ACTUAL VERSUS ESTIMATED BUDGET, WITH AN ANALYSIS AND MEASUREMENT OF FINANCIAL AND OPERATING PERFORMANCE;

O. ITS BOARD PERFORMANCE EVALUATIONS;

P. A DESCRIPTION OF THE TOTAL NUMBER OF ASSETS OR SERVICES OR BOTH BOUGHT OR SOLD WITHOUT COMPETITIVE BIDDING, INCLUDING (1) THE NATURE OF THOSE ASSETS AND SERVICES, (2) THE NAMES OF THE BUYERS OR LESSEES, AND (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 VIDOE 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:

S 1-B. 1. AS USED IN THIS SECTION, "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.

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

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

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

A. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMITTEE MEETINGS SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT AN OFFICE OF THE AUTHORITY;

B. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMITTEE MEETINGS SHALL BE MAILED TO MEMBERS OF THE PUBLIC ON A PUBLIC NOTICE MAILING LIST THE AUTHORITY SHALL KEEP AND MAINTAIN; AND

C. THE AGENDA AND PUBLIC DOCUMENTS PERTAINING TO THE BOARD OR COMMITTEE MEETINGS SHALL BE POSTED ON ITS OFFICIAL INTERNET WEB SITE.

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

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

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

C. INFORMATION RELATING TO CURRENT OR FUTURE INVESTIGATION OR PROSECUTION OF A CRIMINAL OFFENSE WHICH WOULD IMPERIL EFFECTIVE LAW ENFORCEMENT IF DISCLOSED;

D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION;

E. COLLECTIVE BARGAINING NEGOTIATIONS;

F. THE MEDICAL, FINANCIAL, CREDIT, OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL, OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION;

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

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

ATTENDANCE AT AN EXECUTIVE SESSION SHALL BE PERMITTED TO ANY MEMBER OF THE BOARD OR COMMITTEE, AS THE CASE MAY BE, AND ANY OTHER PERSON AUTHORIZED BY THE BOARD OR COMMITTEE.

5. MINUTES SHALL BE TAKEN AT ALL OPEN MEETINGS OF THE AUTHORITY WHICH 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

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

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

THE AUTHORITY SHALL DELIVER COPIES OF SUCH REPORT 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 LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE INDEPENDENT BUDGET OFFICER, AND WHOEVER SHALL HAVE REQUESTED COPIES OF SUCH REPORTS.

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

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

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

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

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

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

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

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

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

3. A. THE INSPECTOR GENERAL SHALL BE AUTHORIZED TO APPOINT AND AT PLEASURE REMOVE DEPUTY INSPECTORS GENERAL, ASSISTANT DEPUTY INSPECTORS GENERAL, AND SUCH OTHER STAFF, INCLUDING INVESTIGATORS, ACCOUNTANTS, ADMINISTRATIVE ASSISTANTS, AND SUCH OTHER SUPPORT STAFF AND CONSULTANTS AS HE SHALL DEEM NECESSARY AND APPROPRIATE TO ACCOMPLISH THE RESPONSIBILITIES AND DUTIES CONTAINED IN THIS ACT OR ELSEWHERE IN LAW, AND FIX AND DETERMINE THE QUALIFICATIONS, DUTIES AND COMPENSATION OF SUCH ADDITIONAL OFFICERS AND STAFF, SUBJECT TO A MERIT SYSTEM TO BE ESTABLISHED BY THE INSPECTOR GENERAL. THE INSPECTOR GENERAL MAY ALSO FROM TIME TO TIME CONTRACT FOR SUCH EXPERT PROFESSIONAL SERVICES AS MAY BE DEEMED NECESSARY AND CONVENIENT.

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

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

D. THE INSPECTOR GENERAL SHALL ESTIMATE AND DELIVER TO THE ATTORNEYS GENERAL, THE COMPTROLLER OF THE STATE OF NEW YORK, THE STATE TREASURER OF NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, AND THE BOARD OF COMMISSIONERS PRIOR TO DECEMBER FIRST OF EACH YEAR THE TOTAL COSTS AND EXPENSES FOR THE SUBSEQUENT AUTHORITY'S FISCAL YEAR, INCLUDING THE COMPENSATION AND EXPENSES OF THE INSPECTOR GENERAL AND HIS OR HER STAFF,

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

4. A. IN ADDITION TO ANY OTHER DUTIES AND RESPONSIBILITIES AS MAY BE PROVIDED BY LAW, THE INSPECTOR GENERAL SHALL HAVE THE DUTY AND RESPONSIBILITY TO:

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

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

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

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

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

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

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

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

B. IN ADDITION TO THE AUTHORITY OTHERWISE PROVIDED BY LAW, THE INSPECTOR GENERAL, EACH DEPUTY INSPECTOR GENERAL, AND EACH ASSISTANT DEPUTY INSPECTOR GENERAL, IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE, IS AUTHORIZED TO:

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

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

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

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

(5) HAVE DIRECT AND PROMPT ACCESS TO THE CHAIRMAN OF THE AUTHORITY WHEN NECESSARY OR USEFUL IN THE PERFORMANCE OF THE DUTIES OR RESPONSIBILITIES OF THE INSPECTOR GENERAL; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. THE OFFICE OF THE INDEPENDENT BUDGET OFFICER SHALL BE IN, BUT INDEPENDENT OF, ANY SUPERVISION OR CONTROL BY, THE AUTHORITY OR ANY OFFICER OR EMPLOYEE THEREOF. THE INDEPENDENT BUDGET OFFICER'S SALARY SHALL BE AN AMOUNT EQUAL TO 75 PERCENT OF THE SALARY OF THE AUTHORITY'S EXECUTIVE DIRECTOR. THE ANNUAL BUDGET FOR THE OFFICE SHALL BE DETERMINED AND FUNDED IN THE MANNER PROVIDED BY THIS SECTION, AND FULLY FUNDED BY THE AUTHORITY. THE AUTHORITY SHALL ARRANGE FOR SUITABLE OFFICE SPACE, EQUIPMENT AND RESOURCES.

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

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

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

B. NOT MORE THAN NINETY DAYS FROM THE BEGINNING OF HIS OR HER TERM, THE FIRST INDEPENDENT BUDGET OFFICER SHALL PROPOSE TO THE COMPTROLLER, THE TREASURER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE GOVERNORS OF NEW YORK AND NEW JERSEY, AND THE BOARD OF COMMISSIONERS A PLAN OF ORGANIZATION OF THE OFFICE OF THE INDEPENDENT BUDGET OFFICER SUCH THAT THE INDEPENDENT BUDGET OFFICER WILL BE ABLE TO PROVIDE THE SERVICES REQUIRED PURSUANT TO THIS ACT IN THE MOST COST-EFFECTIVE WAY. THEREAFTER, ANY INDEPENDENT BUDGET OFFICER MAY FROM TIME TO TIME SUBMIT AN AMENDED OR MODIFIED PLAN OF ORGANIZATION TO FULFILL HIS OR HER STATUTORY OBLIGATION. THE PLAN OF ORGANIZATION OF THE INDEPENDENT BUDGET OFFICER SHALL BE EFFECTIVE UNTIL MODIFIED, AMENDED, OR REPLACED BY THE COMPTROLLER, THE TREASURER, OR BY LAW.

C. THE INDEPENDENT BUDGET OFFICER SHALL ESTIMATE AND DELIVER TO THE BOARD OF COMMISSIONERS, THE COMPTROLLER, THE TREASURER, THE STATE AUDITOR OF NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, AND THE GOVERNORS OF NEW YORK AND NEW JERSEY PRIOR TO NOVEMBER FIRST OF EACH YEAR THE TOTAL COSTS AND EXPENSES FOR THE SUBSEQUENT STATE FISCAL YEAR, INCLUDING THE COMPENSATION AND EXPENSES OF THE INDEPENDENT BUDGET OFFICER AND HIS OR HER STAFF, THEIR AGENTS, AND EMPLOYEES, AND INCLUDING THE COST OF RETIREMENT CONTRIBUTIONS, SOCIAL SECURITY, HEALTH AND DENTAL INSURANCE, SURVIVOR'S BENEFITS, WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE AND OTHER FRINGE BENEFITS REQUIRED TO BE PAID FOR THE PERSONNEL OF THE OFFICE OF THE INDEPENDENT BUDGET OFFICER, AND INCLUDING ALL OTHER ITEMS OF MAINTENANCE AND OPERATION EXPENSES, AND ALL OTHER DIRECT AND INDIRECT COSTS. BASED ON SUCH ESTIMATE, THE INDEPENDENT BUDGET OFFICER SHALL DETERMINE THE AMOUNT TO BE PAID BY THE AUTHORITY. UNLESS AMENDED BY LAW, THE ESTIMATE AND ALLOCATION SHALL BECOME FINAL. THE INDEPENDENT BUDGET OFFICER SHALL RENDER BILLS IN ACCORDANCE WITH THE ORIGINAL ESTIMATE AND ALLOCATION TO THE AUTHORITY, NOT LATER THAN FEBRUARY FIRST PRIOR TO THE BEGINNING OF THE APPLICABLE FISCAL YEAR; AN AMENDED BILL IN ACCORDANCE WITH ANY AMENDING LAW SHALL BE SENT OUT AS SOON AS PRACTICABLE AFTER THE ENACTMENT OF SUCH LAW.

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

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

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

(1) INFORMATION WITH RESPECT TO THE BUDGET EXPENDITURES;

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

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

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

D. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME PUBLISH SUCH REPORTS AS MAY BE APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS PUBLISHED BY THE AUTHORITY. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH INFORMATION, DATA, AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF MATTERS RELATING TO THE AUTHORITY'S REVENUES, EXPENDITURES, FINANCIAL MANAGEMENT PRACTICES, AND RELATED MATTERS.

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

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

B. NOT LESS THAN NINETY DAYS BEFORE THE BEGINNING OF THE FISCAL YEAR OF THE AUTHORITY BEGINNING ON OR AFTER THE JANUARY FIRST FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND EACH FISCAL YEAR THEREAFTER, AND NOT LESS THAN SIXTY DAYS BEFORE A BUDGET FOR SUCH FISCAL YEAR IS SUBMITTED TO THE BOARD FOR APPROVAL, THE AUTHORITY SHALL SUBMIT ITS PROPOSED OPERATING PLAN FOR THE FOLLOWING FISCAL YEAR TO THE INDEPENDENT BUDGET OFFICER AND SUCH ELECTED PUBLIC OFFICIALS AND ACTIONS GROUPS AS ARE INTERESTED IN THE AUTHORITY'S AFFAIRS. THE AUTHORITY SHALL AT THE SAME TIME PUBLISH SUCH OPERATING PLAN TO THE PUBLIC. SUCH OPERATING PLAN SHALL BE AT SUCH LEVEL OF DETAIL AS TO ALLOW A MEANINGFUL REVIEW OF THE OPERATIONS OF THE AUTHORITY, AND SHALL SHOW COMPARISONS BETWEEN THE PLAN, AND BOTH THE LATEST AVAILABLE YEAR-TO-DATE AND EXPECTED ANNUAL RESULTS FOR THE YEAR IN WHICH THE PLAN IS SUBMITTED AND THE ACTUAL RESULTS FOR THE YEAR IMMEDIATELY PRIOR THERETO.

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

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

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

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

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

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

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

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

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

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

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

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

C. "CONTRACTOR" MEANS ANY BIDDER, OFFEROR, OR PROPOSER FOR A PROCUREMENT CONTRACT AND SHALL INCLUDE ANY SUBCONTRACTOR OR OTHER REPRESENTATIVE OR PERSON WITH A FINANCIAL INTEREST ON BEHALF OF SUCH PERSON.

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

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

OR GRANTING OF ANY OTHER INTEREST IN REAL PROPERTY; OR AUTHORITY FUNCTIONS OR OPERATIONS.

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

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

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

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

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

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

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

D. PERSONS OR THE REPRESENTATIVES OF PERSONS WHO:

(1) ARE A PARTY TO A PROTEST, APPEAL, OR OTHER PROCEEDING (INCLUDING THE APPARENT SUCCESSFUL BIDDER OR CONTRACTOR AND HIS OR HER REPRESENTATIVE); OR

(2) REQUEST A REVIEW OF A PROCUREMENT DECISION;

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

F. PROSPECTIVE BIDDERS OR PROPOSERS OR THEIR REPRESENTATIVES SUBMITTING QUESTIONS TO A DESIGNATED AGENCY OR MUNICIPAL CONTACT SET FORTH IN A REQUEST FOR BIDS OR PROPOSALS; AND

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

3. THE BOARD OF COMMISSIONERS, BY MAJORITY VOTE, SHALL APPOINT AN INDEPENDENT CENTRAL PROCUREMENT OFFICER. THE CENTRAL PROCUREMENT OFFICER SHALL WORK WITHIN THE CENTRAL PROCUREMENT OFFICE AND SHALL HAVE PRIMARY RESPONSIBILITY FOR THE PREVENTION OF IMPROPER LOBBYING INFLUENCE IN PROCUREMENT CONTRACTS. THE CENTRAL PROCUREMENT OFFICER IS AUTHORIZED TO ADOPT OTHER PROCEDURAL CONTROLS OR RULES IN ADDITION TO THOSE ESTABLISHED IN THIS SECTION IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORITY. THE SALARY, STAFF AND OFFICE SPACE ALLOTTED TO THE CENTRAL PROCUREMENT OFFICER SHALL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS, AND SHALL BE CONSISTENT WITH THE TERMS ESTABLISHED FOR THE INSPECTOR GENERAL AND INDEPENDENT BUDGET OFFICER. THE CENTRAL PROCUREMENT OFFICER SHALL SERVE FOR A TERM OF FIVE YEARS.

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

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

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

THE CENTRAL PROCUREMENT OFFICER SHALL CREATE A LISTING OF ALL PERSONS WHO CONTACT ANY REPRESENTATIVE OF THE AUTHORITY WITH REGARD TO A PROPOSAL OR PROCUREMENT CONTRACT AND A LISTING OF ALL PERSONS WHO WERE CONTACTED BY ANY REPRESENTATIVE OF THE AUTHORITY WITH REGARD TO A PROCUREMENT CONTRACT. SUCH REPORTS MUST INCLUDE THE NAME OF THE PERSON WHO CONTACTED THE AUTHORITY, THE PERSON WHOM THE CONTACTOR IS REPRESENTING, AND THE DATE AND TIME OF THE CONTACT, INCLUDING A BRIEF DESCRIPTION OF THE CONTENT OF THE CALL.

C. IF ANY PERSON CONTACTS ANY REPRESENTATIVE OF THE AUTHORITY AND HIS OR HER NAME IS NOT INCLUDED ON THE PROPOSAL AS REQUIRED IN THIS SECTION, IT SHALL BE CONSIDERED IMPROPER LOBBYING INFLUENCE. THE CENTRAL PROCUREMENT OFFICER SHALL REPORT SUCH VIOLATION TO THE INSPECTOR GENERAL IMMEDIATELY. ADDITIONALLY, NO STATE OFFICER OR EMPLOYEE SHALL ENGAGE IN LOBBYING OR LOBBYING ACTIVITIES AS PROVIDED FOR IN THIS CHAPTER. SUCH ACTION SHALL BE IMPROPER LOBBYING INFLUENCE.

D. DURING THE PENDENCY OF THE PROCUREMENT CONTRACT AWARD THERE SHALL BE NO CONTACT BETWEEN A CONTRACTOR OR HIS OR HER REPRESENTATIVE AND THE AUTHORITY EXCEPT FOR INFORMATIONAL OR TECHNICAL INFORMATION. GUIDELINES FOR SUCH PERMITTED CONTACT SHALL BE ESTABLISHED BY THE INSPECTOR GENERAL. ALL OTHER CONTACT DURING THIS PERIOD SHALL CONSTITUTE IMPROPER LOBBYING INFLUENCE. COMMUNICATION WITH THE AUTHORITY BY PERSONS OR CONTRACTORS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT OR REPRESENT PERSONS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT SOLELY FOR THE PURPOSE OF NEGOTIATING THE TERMS OF THE CONTRACT AFTER BEING NOTIFIED OF SUCH AWARD IS NOT PROHIBITED. SUCH CONTRACT MUST BE PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

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

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

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

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

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

8. EVERY PROCUREMENT CONTRACT SHALL CONTAIN A CERTIFICATION BY THE AWARDEE THAT ALL INFORMATION PROVIDED TO THE AUTHORITY IS COMPLETE, TRUE, AND ACCURATE AND SHALL CONTAIN A PROVISION AUTHORIZING THE AUTHORITY TO TERMINATE SUCH PROCUREMENT CONTRACT IN THE EVENT SUCH CERTIFICATION IS FOUND TO BE INTENTIONALLY FALSE OR INTENTIONALLY INCOMPLETE.

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

10. ANY PERSON OR ORGANIZATION THAT, WITH RESPECT TO ANY PROCUREMENT OR WITH RESPECT TO PROPOSALS SUBMITTED TO THE AUTHORITY, ENGAGES IN LOBBYING AND ANY PERSON OR ORGANIZATION THAT RETAINS, EMPLOYS, OR DESIGNATES ANY PERSON OR ORGANIZATION TO CARRY ON LOBBYING ACTIVITIES ON BEHALF OF SUCH PERSON OR ORGANIZATION SHALL BE SUBJECT TO THE LOBBYING REGISTRATION LAWS OF NEW YORK AND NEW JERSEY.

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

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

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

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

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