

5704

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I N A S S E M B L Y

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Introduced by M. of A. BRENNAN, COLTON, CAHILL, MILLMAN, P. RIVERA, PAULIN, CLARK, GALEF, GLICK, CUSICK -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DINOWITZ, FARRELL, GOTTFRIED, HEASTIE, JACOBS, LATIMER, LUPARDO, MAISEL, McENENY, PHEFFER, ROBINSON -- read once and referred 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;

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

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

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

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

10 (5) ESTABLISH WRITTEN POLICIES FOR: PROTECTING EMPLOYEES FROM RETALI-
11 ATION FOR DISCLOSING INFORMATION CONCERNING ACTS OF WRONGDOING, MISCON-
12 DUCT, MALFEASANCE, OR OTHER INAPPROPRIATE BEHAVIOR BY AN EMPLOYEE OR
13 BOARD MEMBER OF THE AUTHORITY; INVESTMENTS; TRAVEL; THE ACQUISITION OF
14 REAL PROPERTY AND THE DISPOSITION OF REAL AND PERSONAL PROPERTY; AND THE
15 PROCUREMENT OF GOODS AND SERVICES;

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

18 (7) AT THE TIME THAT THE MEMBER TAKES AND SUBSCRIBES THE OATH OF
19 OFFICE, OR WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT IF THE
20 MEMBER HAS ALREADY TAKEN AND SUBSCRIBED THE OATH OF OFFICE, EXECUTE AN
21 ACKNOWLEDGMENT, ISSUED BY THE INDEPENDENT BUDGET OFFICE AFTER CONSULTA-
22 TION WITH THE OFFICE OF THE ATTORNEYS GENERAL OF NEW YORK AND NEW
23 JERSEY, IN WHICH THE BOARD MEMBER ACKNOWLEDGES THAT THE MEMBER UNDER-
24 STANDS HIS OR INDEPENDENCE AND FIDUCIARY DUTIES, INCLUDING HIS OR HER
25 DUTY OF LOYALTY AND CARE TO THE ORGANIZATION AND COMMITMENT TO THE
26 AUTHORITY'S MISSION.

27 B. THE BOARD OF COMMISSIONERS SHALL ESTABLISH AN AUDIT COMMITTEE TO BE
28 COMPRISED OF NOT LESS THAN THREE BOARD MEMBERS, WHO SHALL CONSTITUTE A
29 MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY SKILLS TO
30 UNDERSTAND THE DUTIES AND FUNCTIONS OF THE AUDIT COMMITTEE. THE COMMIT-
31 TEE SHALL RECOMMEND TO THE BOARD THE HIRING OF AN INDEPENDENT FIRM OF
32 CERTIFIED PUBLIC ACCOUNTANTS FOR THE AUTHORITY, ESTABLISH THE COMPEN-
33 SATION TO BE PAID TO THE ACCOUNTING FIRM, AND PROVIDE DIRECT OVERSIGHT
34 OF THE ANNUAL INDEPENDENT FINANCIAL AUDIT PERFORMED BY THE ACCOUNTING
35 FIRM HIRED FOR SUCH PURPOSES. MEMBERS OF THE AUDIT COMMITTEE SHALL BE
36 FAMILIAR WITH CORPORATE FINANCIAL AND ACCOUNTING PRACTICES AND SHALL BE
37 OR BECOME FINANCIALLY LITERATE.

38 C. THE BOARD OF COMMISSIONERS SHALL ESTABLISH A GOVERNANCE COMMITTEE
39 TO BE COMPRISED OF NOT LESS THAN THREE BOARD MEMBERS, WHO SHALL CONSTI-
40 TUTE A MAJORITY ON THE COMMITTEE, AND WHO SHALL POSSESS THE NECESSARY
41 SKILLS TO UNDERSTAND THE DUTIES AND FUNCTIONS OF THE GOVERNANCE COMMIT-
42 TEE. IT SHALL BE THE RESPONSIBILITY OF THE MEMBERS OF THE GOVERNANCE
43 COMMITTEE TO KEEP THE BOARD INFORMED OF CURRENT BEST GOVERNANCE PRAC-
44 TICE; TO REVIEW CORPORATE GOVERNANCE TRENDS; TO UPDATE THE AUTHORITY'S
45 CORPORATE GOVERNANCE PRINCIPLES; TO ADVISE APPOINTING AUTHORITIES ON THE
46 SKILLS AND EXPERIENCE REQUIRED OF POTENTIAL BOARD MEMBERS; TO EXAMINE
47 ETHICAL AND CONFLICT OF INTEREST ISSUES; TO PERFORM BOARD SELF-EVALUA-
48 TIONS; TO INVESTIGATE TERM LIMITS, REAPPOINTMENTS AND BOARD RESPONSIBIL-
49 ITIES; TO DEVELOP BY-LAWS WHICH INCLUDE RULES AND PROCEDURES FOR CONDUCT
50 OF BOARD BUSINESS; AND TO MAKE RECOMMENDATIONS FOR NEW COMMISSIONERS.

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

1 3. THE AUTHORITY SHALL SUBMIT TO THE GOVERNORS OF NEW YORK AND NEW
2 JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
3 ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINORITY
4 LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE GENERAL
5 ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE NEW YORK STATE COMPTROLLER,
6 AND THE STATE TREASURER OF NEW JERSEY WITHIN NINETY DAYS AFTER THE END
7 OF ITS FISCAL YEAR, A COMPLETE AND DETAILED REPORT OR REPORTS SETTING
8 FORTH:

9 A. ITS OPERATIONS AND ACCOMPLISHMENTS;

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

16 C. ITS MISSION STATEMENT;

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

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

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

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

40 H. ITS CODE OF ETHICS;

41 I. AN ASSESSMENT OF THE EFFECTIVENESS OF ITS INTERNAL CONTROL STRUC-
42 TURE AND PROCEDURES;

43 J. THE STATUTORY BASIS OF THE AUTHORITY;

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

48 L. ITS CHARTER AND BY-LAWS;

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

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

54 O. ITS BOARD PERFORMANCE EVALUATIONS;

55 P. A DESCRIPTION OF THE TOTAL NUMBER OF ASSETS OR SERVICES OR BOTH
56 BOUGHT OR SOLD WITHOUT COMPETITIVE BIDDING, INCLUDING (1) THE NATURE OF

1 THOSE ASSETS AND SERVICES, (2) THE NAMES OF THE BUYERS OR LESSEES, AND
2 (3) WHERE THE CONTRACT PRICE OR FAIR MARKET VALUE EXCEEDS A VALUE DETER-
3 MINED BY THE AUTHORITY BUDGET OFFICE, AN ATTESTATION OF THE FAIR MARKET
4 VALUE BY THE CHIEF EXECUTIVE OFFICER AND CHIEF FINANCIAL OFFICER; AND

5 Q. A DESCRIPTION OF ANY PENDING LITIGATION IN WHICH THE AUTHORITY IS
6 INVOLVED AS A PARTY.

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

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

15 2. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 E. COLLECTIVE BARGAINING NEGOTIATIONS;

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

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

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

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

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

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

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

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

35 A. "ADMINISTRATOR" MEANS THE OFFICER OR EMPLOYEE OF THE AUTHORITY WHO
36 SHALL BE APPOINTED BY ACT OF THE BOARD OF COMMISSIONERS TO BE RESPONSI-
37 BLE FOR THE DISPOSITION OF PROPERTY.

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

40 C. "DISPOSE" OR "DISPOSAL" MEANS TRANSFER OF TITLE OR ANY OTHER INTER-
41 EST IN PERSONAL OR REAL PROPERTY.

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

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

54 3. THE AUTHORITY SHALL:

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

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

3 C. PRODUCE A WRITTEN REPORT OF SUCH PROPERTY IN ACCORDANCE WITH SUBDI-
4 VISION FOUR OF THIS SECTION;

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

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

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

22 THE AUTHORITY SHALL DELIVER COPIES OF SUCH REPORT TO THE GOVERNORS OF
23 NEW YORK AND NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
24 SPEAKER OF THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT
25 AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF
26 THE GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, THE INDEPENDENT
27 BUDGET OFFICER, AND WHOEVER SHALL HAVE REQUESTED COPIES OF SUCH REPORTS.

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

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

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

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

55 B. WHENEVER PUBLIC ADVERTISING FOR BIDS IS REQUIRED UNDER THIS
56 SUBSECTION: (1) THE ADVERTISEMENT FOR BIDS SHALL BE MADE AT SUCH TIME

1 PREVIOUS TO THE DISPOSAL OR CONTRACT, THROUGH SUCH METHODS, AND ON SUCH
2 TERMS AND CONDITIONS AS SHALL PERMIT THAT FULL AND FREE COMPETITION
3 WHICH IS CONSISTENT WITH THE VALUE AND NATURE OF THE PROPERTY INVOLVED;
4 (2) ALL BIDS SHALL BE PUBLICLY DISCLOSED AT THE TIME AND PLACE STATED IN
5 THE ADVERTISEMENT; AND (3) THE AWARD SHALL BE MADE WITH REASONABLE
6 PROMPTNESS BY NOTICE TO THE RESPONSIBLE BIDDER WHOSE BID, CONFORMING TO
7 THE INVITATION FOR BIDS, WILL BE MOST ADVANTAGEOUS TO THE AUTHORITY,
8 PRICE AND OTHER FACTORS CONSIDERED; PROVIDED, THAT ALL BIDS MAY BE
9 REJECTED WHEN IT IS IN THE PUBLIC INTEREST TO DO SO.

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

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

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

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

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

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

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

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

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

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

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

1 2. A. THERE SHALL BE A PORT AUTHORITY INSPECTOR GENERAL WHO SHALL HAVE
2 AND EXERCISE THE POWERS, DUTIES AND PREROGATIVES PROVIDED BY THIS
3 SECTION AND ANY OTHER PROVISIONS OF LAW. THE INSPECTOR GENERAL SHALL BE
4 JOINTLY APPOINTED BY THE GOVERNORS OF NEW YORK AND NEW JERSEY FROM A
5 LIST OF NO FEWER THAN SIX INDIVIDUALS SUBMITTED BY EACH STATE'S ATTORNEY
6 GENERAL. IF THE INSPECTOR GENERAL IS A LEGAL RESIDENT OF ONE STATE, THEN
7 THE INDEPENDENT BUDGET OFFICER APPOINTED UNDER SECTION ONE-E OF THIS ACT
8 MUST BE A LEGAL RESIDENT OF THE OTHER STATE.

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

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

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

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

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

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

54 D. THE INSPECTOR GENERAL SHALL ESTIMATE AND DELIVER TO THE ATTORNEYS
55 GENERAL, THE COMPTROLLER OF THE STATE OF NEW YORK, THE STATE TREASURER
56 OF NEW JERSEY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF

1 THE ASSEMBLY OF THE NEW YORK STATE LEGISLATURE, THE PRESIDENT AND MINOR-
2 ITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE
3 GENERAL ASSEMBLY OF THE NEW JERSEY LEGISLATURE, AND THE BOARD OF COMMIS-
4 SIONERS PRIOR TO DECEMBER FIRST OF EACH YEAR THE TOTAL COSTS AND
5 EXPENSES FOR THE SUBSEQUENT AUTHORITY'S FISCAL YEAR, INCLUDING THE
6 COMPENSATION AND EXPENSES OF THE INSPECTOR GENERAL AND HIS OR HER STAFF,
7 THEIR AGENTS, AND EMPLOYEES, AND INCLUDING THE COST OF RETIREMENT
8 CONTRIBUTIONS, SOCIAL SECURITY, HEALTH AND DENTAL INSURANCE, SURVIVOR'S
9 BENEFITS, WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE, AND OTHER BENE-
10 FITS REQUIRED TO BE PAID FOR THE PERSONNEL OF THE OFFICE OF THE INSPEC-
11 TOR GENERAL, AND INCLUDING ALL OTHER ITEMS OF MAINTENANCE AND OPERATION
12 EXPENSES, AND ALL OTHER DIRECT AND INDIRECT COSTS. UNLESS AMENDED BY
13 LAW, THE ESTIMATE AND ALLOCATION SHALL BECOME FINAL. THE INSPECTOR
14 GENERAL SHALL RENDER BILLS IN ACCORDANCE WITH THE ORIGINAL ESTIMATE AND
15 ALLOCATION TO THE AUTHORITY, NOT LATER THAN FEBRUARY FIRST PRIOR TO THE
16 BEGINNING OF THE APPLICABLE FISCAL YEAR; AN AMENDED BILL IN ACCORDANCE
17 WITH ANY AMENDING CHAPTER OF LAW SHALL BE SENT OUT AS SOON AS PRACTICA-
18 BLE AFTER THE ENACTMENT OF SUCH LAW.

19 4. A. IN ADDITION TO ANY OTHER DUTIES AND RESPONSIBILITIES AS MAY BE
20 PROVIDED BY LAW, THE INSPECTOR GENERAL SHALL HAVE THE DUTY AND RESPONSI-
21 BILITY TO:

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

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

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

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

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

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

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

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

8 B. IN ADDITION TO THE AUTHORITY OTHERWISE PROVIDED BY LAW, THE INSPEC-
9 TOR GENERAL, EACH DEPUTY INSPECTOR GENERAL, AND EACH ASSISTANT DEPUTY
10 INSPECTOR GENERAL, IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE, IS
11 AUTHORIZED TO:

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

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

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

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

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

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

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

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

53 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF STATUTE OR COMMON LAW, THE
54 DISCLOSURE OF ANY EVIDENCE TO THE INSPECTOR GENERAL UNDER A CLAIM OF
55 CONFIDENTIALITY SHALL NOT BE CONSTRUED TO BE A WAIVER OF ANY PRIVILEGE
56 OR ANY OTHER PROTECTION AGAINST DISCLOSURE. SUCH EVIDENCE SHALL BE

1 PROTECTED AGAINST SUBPOENA OR OTHER FORM OF FORCED DISCLOSURE TO THE
2 SAME EXTENT THAT IT WOULD HAVE BEEN IF IT HAD NEVER BEEN DISCLOSED TO
3 THE INSPECTOR GENERAL.

4 (4) THE INSPECTOR GENERAL MAY, IN HIS OR HER DISCRETION, DETERMINE TO
5 DISCLOSE ANY EVIDENCE RECEIVED UNDER THE CLAIM OF CONFIDENTIALITY UPON A
6 FINDING THAT THE MATTER UNDER INVESTIGATION IS HIGHLY IMPORTANT TO THE
7 AUTHORITY AND THAT THE PUBLIC HAS A RIGHT TO RECEIVE KNOWLEDGE OF THE
8 RESULT OF THE INVESTIGATION, AND THAT THE EVIDENCE (I) IS HIGHLY MATERI-
9 AL AND RELEVANT TO THE MATTER UNDER INVESTIGATION; (II) IS CRITICAL OR
10 NECESSARY TO AN UNDERSTANDING OF THE OUTCOME OF THE INVESTIGATION; AND
11 (III) IS NOT READILY OBTAINABLE FROM ANY ALTERNATIVE SOURCE.

12 (5) NOTWITHSTANDING SUBPARAGRAPH (4) OF THIS PARAGRAPH, THE INSPECTOR
13 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.

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

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

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

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

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

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

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

50 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

1 AUTHORITY. THE AUTHORITY SHALL ARRANGE FOR SUITABLE OFFICE SPACE, EQUIP-
2 MENT AND RESOURCES.

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

5 3. A. THE INDEPENDENT BUDGET OFFICER SHALL BE AUTHORIZED TO APPOINT
6 AND AT PLEASURE REMOVE DEPUTY BUDGET OFFICERS, ASSISTANT DEPUTY BUDGET
7 OFFICERS, AND SUCH OTHER STAFF, INCLUDING ACCOUNTANTS, ADMINISTRATIVE
8 ASSISTANTS, AND SUCH OTHER SUPPORT STAFF AND CONSULTANTS AS HE OR SHE
9 SHALL DEEM NECESSARY AND APPROPRIATE TO ACCOMPLISH THE RESPONSIBILITIES
10 AND DUTIES CONTAINED IN THIS ACT OR ELSEWHERE IN LAW, AND FIX AND DETER-
11 MINE THE QUALIFICATIONS, DUTIES, AND COMPENSATION OF SUCH ADDITIONAL
12 OFFICERS AND STAFF, SUBJECT TO A MERIT SYSTEM TO BE ESTABLISHED BY THE
13 INDEPENDENT BUDGET OFFICER. THE INDEPENDENT BUDGET OFFICER MAY ALSO FROM
14 TIME TO TIME CONTRACT FOR SUCH EXPERT PROFESSIONAL SERVICES AS MAY BE
15 DEEMED NECESSARY AND CONVENIENT.

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

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

54 4. A. THE INDEPENDENT BUDGET OFFICER SHALL BE AUTHORIZED TO SECURE
55 SUCH INFORMATION, DATA, ESTIMATES, AND STATISTICS FROM THE AUTHORITY AS
56 HE OR SHE DETERMINES TO BE NECESSARY FOR THE PERFORMANCE OF THE FUNC-

1 TIONS AND DUTIES OF THE OFFICE, AND THE AUTHORITY SHALL PROVIDE SUCH
2 INFORMATION, TO THE EXTENT THAT IT IS AVAILABLE, IN A TIMELY FASHION.
3 THE INDEPENDENT BUDGET OFFICER SHALL NOT BE ENTITLED TO OBTAIN RECORDS
4 WHICH ARE PROTECTED BY THE PRIVILEGES FOR ATTORNEY-CLIENT COMMUNI-
5 CATIONS, ATTORNEY WORK PRODUCT, AND MATERIAL PREPARED FOR LITIGATION.

6 B. IT SHALL BE THE DUTY OF THE INDEPENDENT BUDGET OFFICER TO PROVIDE
7 TO THE BOARD OF THE AUTHORITY, ANY ELECTED PUBLIC OFFICIAL OF STATE OR
8 LOCAL GOVERNMENT INTERESTED IN THE AUTHORITY, AND ANY ACTION GROUP
9 ORGANIZED FOR THE PURPOSE OF AFFECTING THE AUTHORITY'S GOVERNANCE AND
10 OPERATIONS, ANY INFORMATION WHICH WILL ASSIST SUCH BODIES AND OFFICIALS
11 IN THE DISCHARGE OF THEIR RESPONSIBILITIES OR FUNCTIONS WHICH ARE
12 RELATED TO THE BUDGETARY PROCESS, INCLUDING:

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

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

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

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

28 D. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME PUBLISH SUCH
29 REPORTS AS MAY BE APPROPRIATE TO ENHANCE OFFICIAL AND PUBLIC UNDERSTAND-
30 ING OF THE BUDGETARY PROCESS AND OF THE BUDGET DOCUMENTS PUBLISHED BY
31 THE AUTHORITY. THE INDEPENDENT BUDGET OFFICER SHALL FROM TIME TO TIME
32 PUBLISH SUCH REPORTS AS MAY BE NECESSARY OR APPROPRIATE TO PROVIDE SUCH
33 INFORMATION, DATA, AND ANALYSIS AS WILL ENHANCE OFFICIAL AND PUBLIC
34 UNDERSTANDING OF MATTERS RELATING TO THE AUTHORITY'S REVENUES, EXPENDI-
35 TURES, FINANCIAL MANAGEMENT PRACTICES, AND RELATED MATTERS.

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

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

48 B. NOT LESS THAN NINETY DAYS BEFORE THE BEGINNING OF THE FISCAL YEAR
49 OF THE AUTHORITY BEGINNING ON OR AFTER THE JANUARY FIRST FOLLOWING THE
50 EFFECTIVE DATE OF THIS SECTION AND EACH FISCAL YEAR THEREAFTER, AND NOT
51 LESS THAN SIXTY DAYS BEFORE A BUDGET FOR SUCH FISCAL YEAR IS SUBMITTED
52 TO THE BOARD FOR APPROVAL, THE AUTHORITY SHALL SUBMIT ITS PROPOSED OPER-
53 ATING PLAN FOR THE FOLLOWING FISCAL YEAR TO THE INDEPENDENT BUDGET OFFI-
54 CER AND SUCH ELECTED PUBLIC OFFICIALS AND ACTIONS GROUPS AS ARE INTER-
55 ESTED IN THE AUTHORITY'S AFFAIRS. THE AUTHORITY SHALL AT THE SAME TIME
56 PUBLISH SUCH OPERATING PLAN TO THE PUBLIC. SUCH OPERATING PLAN SHALL BE

1 AT SUCH LEVEL OF DETAIL AS TO ALLOW A MEANINGFUL REVIEW OF THE OPER-
2 ATIONS OF THE AUTHORITY, AND SHALL SHOW COMPARISONS BETWEEN THE PLAN,
3 AND BOTH THE LATEST AVAILABLE YEAR-TO-DATE AND EXPECTED ANNUAL RESULTS
4 FOR THE YEAR IN WHICH THE PLAN IS SUBMITTED AND THE ACTUAL RESULTS FOR
5 THE YEAR IMMEDIATELY PRIOR THERETO.

6 ANY ELECTED PUBLIC OFFICIAL OR THE INDEPENDENT BUDGET OFFICER TO WHOM
7 THE AUTHORITY IS REQUIRED TO SUBMIT ITS OPERATING PLAN UNDER THIS
8 SECTION MAY REQUEST A MORE DETAILED VERSION OF THE OPERATING PLAN. IN
9 SUCH CASE, THE AUTHORITY SHALL SUPPLY COPIES OF SUCH VERSION OF THE
10 OPERATING PLAN TO EACH PERSON ENTITLED TO RECEIVE THE OPERATING PLAN
11 UNDER THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

54 D. "IMPROPER LOBBYING INFLUENCE" MEANS ANY ATTEMPT TO INFLUENCE ANY
55 DETERMINATION OF AN EMPLOYEE OR REPRESENTATIVE OF THE AUTHORITY, IN
56 ORDER TO ACHIEVE PREFERENTIAL, UNEQUAL OR FAVORED CONSIDERATION OF A

1 PROPOSAL SUBMITTED FOR A PROCUREMENT CONTRACT AWARD, BASED ON CONSIDER-
2 ATIONS OTHER THAN THE MERITS OF THE PROPOSAL.

3 E. "LOBBYING" MEANS ANY ATTEMPT TO INFLUENCE ANY ACTION BY, OR COMMU-
4 NICATION DIRECTLY OR SOLICITING OTHERS TO COMMUNICATE WITH, ANY OFFICER,
5 EMPLOYEE, AGENT, CONSULTANT, OR ANY OTHER PERSON HAVING ANY POWER OR
6 AUTHORITY RELATED TO THE PROCUREMENT OF GOODS OR SERVICES IN SUPPORT,
7 CONSTRUCTION, PURCHASE, SALE OR LEASE OF REAL PROPERTY; THE ACQUISITION
8 OR GRANTING OF ANY OTHER INTEREST IN REAL PROPERTY; OR AUTHORITY FUNC-
9 TIONS OR OPERATIONS.

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

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

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

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

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

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

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

32 D. PERSONS OR THE REPRESENTATIVES OF PERSONS WHO:

33 (1) ARE A PARTY TO A PROTEST, APPEAL, OR OTHER PROCEEDING (INCLUDING
34 THE APPARENT SUCCESSFUL BIDDER OR CONTRACTOR AND HIS OR HER REPRESENTATIVE); OR
35

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

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

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

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

49 3. THE BOARD OF COMMISSIONERS, BY MAJORITY VOTE, SHALL APPOINT AN
50 INDEPENDENT CENTRAL PROCUREMENT OFFICER. THE CENTRAL PROCUREMENT OFFICER
51 SHALL WORK WITHIN THE CENTRAL PROCUREMENT OFFICE AND SHALL HAVE PRIMARY
52 RESPONSIBILITY FOR THE PREVENTION OF IMPROPER LOBBYING INFLUENCE IN
53 PROCUREMENT CONTRACTS. THE CENTRAL PROCUREMENT OFFICER IS AUTHORIZED TO
54 ADOPT OTHER PROCEDURAL CONTROLS OR RULES IN ADDITION TO THOSE ESTAB-
55 LISHED IN THIS SECTION IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORI-
56 TY. THE SALARY, STAFF AND OFFICE SPACE ALLOTTED TO THE CENTRAL PROCURE-

1 MENT OFFICER SHALL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS, AND
2 SHALL BE CONSISTENT WITH THE TERMS ESTABLISHED FOR THE INSPECTOR GENERAL
3 AND INDEPENDENT BUDGET OFFICER. THE CENTRAL PROCUREMENT OFFICER SHALL
4 SERVE FOR A TERM OF FIVE YEARS.

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

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

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

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

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

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

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

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

3 6. THE CENTRAL PROCUREMENT OFFICER SHALL SUBMIT AN ANNUAL REPORT TO
4 THE INSPECTOR GENERAL BY JANUARY FIRST THAT REPORTS ON THE VARIOUS
5 PROCUREMENT CONTRACTS ENTERED INTO BY THE AUTHORITY, A LIST OF THE VARI-
6 OUS CONTRACTORS AND THEIR REPRESENTATIVES THAT CONTACTED THE AUTHORITY
7 WITH REGARD TO PROCUREMENT CONTRACTS, THE INSTANCES OF ANY ATTEMPTED OR
8 FOUND CASES OF IMPROPER LOBBYING INFLUENCE AND OTHER RELATED MATERIAL
9 AND INFORMATION THE CENTRAL PROCUREMENT OFFICER FINDS RELEVANT.

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

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

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

31 10. ANY PERSON OR ORGANIZATION THAT, WITH RESPECT TO ANY PROCUREMENT
32 OR WITH RESPECT TO PROPOSALS SUBMITTED TO THE AUTHORITY, ENGAGES IN
33 LOBBYING AND ANY PERSON OR ORGANIZATION THAT RETAINS, EMPLOYS, OR DESIG-
34 NATES ANY PERSON OR ORGANIZATION TO CARRY ON LOBBYING ACTIVITIES ON
35 BEHALF OF SUCH PERSON OR ORGANIZATION SHALL BE SUBJECT TO THE LOBBYING
36 REGISTRATION LAWS OF NEW YORK AND NEW JERSEY.

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

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

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

1 S 6. This act shall take effect upon the enactment into law by the
2 state of New Jersey of legislation having an identical effect with this
3 act, but if the state of New Jersey shall have already enacted such
4 legislation, this act shall take effect immediately; provided that the
5 board of commissioners of the port authority of New York and New Jersey
6 shall notify the legislative bill drafting commission upon the occur-
7 rence of the enactment of the legislation provided for in sections two,
8 three, four and five of this act in order that the commission may main-
9 tain an accurate and timely effective data base of the official text of
10 the laws of the state of New York in furtherance of effectuating the
11 provisions of section 44 of the legislative law and section 70-b of the
12 public officers law.