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

9658

I N A S S E M B L Y

March 22, 2012

Introduced by M. of A. ZEBROWSKI, BURLING, CALHOUN, CASTRO, GALEF, GUNTHER, MONTESANO, MURRAY, KATZ, REILLY, ROBERTS, TITONE -- Multi-Sponsored by -- M. of A. MAGEE, SWEENEY, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

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

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

Section 1. a. The Port Authority of New York and New Jersey, including any of its subsidiary corporations, shall not compensate any commissioner, officer, or employee in the form of an allowance or reimbursement for expenses related to the use of a vehicle that is procured by or for the commissioner, officer, or employee primarily for personal use or for the purpose of commuting between home and work.

b. No current or former commissioner, officer, or employee of the port authority, or of any of its subsidiary corporations, shall be exempt from payment of any toll relating to the person's use of a port authority toll bridge or toll road, or of any fare relating to the person's use of the transportation services of the port authority, and the port authority, including any of its subsidiary corporations, shall not compensate any such commissioner, officer, or employee in the form of an allowance or reimbursement for payment of any such toll or fare or for payment of any other expenses for commuting between home and work or for travel not directly related to the public business of the port authority.

c. The port authority shall not provide to any commissioner, officer, or employee of the port authority, or of any of its subsidiary corporations, a driver whose assigned full-time or part-time duties are to operate any motor vehicle in which the commissioner, officer, or employee, or an immediate family member of a commissioner, officer, or employee is a passenger, unless the driver is a law enforcement officer who is assigned also to provide for the security of the commissioner, officer, or employee when the need for such security has been documented. For the purposes of this subsection, "immediate family member" of a person means

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

LBD14860-01-2

the person's spouse and any parent, child, or sibling of the person residing in the same household as the person.

d. The port authority, including any of its subsidiary corporations, shall not compensate any commissioner, officer, or employee in the form of an allowance or reimbursement for the cost of overnight travel on behalf of the port authority or for purposes of conducting port authority business unless such travel arrangements and the pertinent itinerary shall first have been approved in writing by the port authority commissioners at a public meeting; provided, however, that this subsection shall not be construed to prohibit the reimbursement of any commissioner, officer, or employee for the cost of overnight travel in emergent situations relating to the port authority's business. Any payment made for travel expenses in accordance with this subsection shall be made as a reimbursement for allowable expenses, and such reimbursement shall be made after the date of travel.

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

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

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

h. The port authority shall not reimburse any officer or employee of the port authority or of any of its subsidiary corporations for attendance of courses at an institution of higher education unless (1) the course is taken at an accredited public institution of higher education in New York or New Jersey, including a county college, (2) the course is directly related to the skills and knowledge required for the duties being performed by the officer or employee, or required for the performance of the duties of a position to which the officer or employee may directly be promoted from the current position, and (3) the officer or employee agrees to remain an officer or employee for five years after the final tuition reimbursement is made. The amount of any reimbursement hereunder shall be limited to 50 percent of the tuition for the course attended. If the officer or employee does not remain an officer or employee of the port authority for that period of time, the officer or employee shall be required to pay the port authority for all tuition reimbursements made. If the officer or employee does not maintain a C average or its equivalent for courses attended, the officer or employee

shall not receive payment or reimbursement for tuition. This subsection shall not apply to tuition reimbursement for a course or program that provides a certification of a skill or understanding sufficient to perform or assess a particular technological, mechanical, industrial, operational, accounting, or construction process or function, and that certification is required for holding that office or employment.

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

b. No commissioner, officer, or employee having had decision-making authority or responsibility with regard to any port authority or port authority subsidiary corporation shall accept or engage in employment with any professional service provider, vendor, or independent contractor of the port authority for a period of two years after the termination of such employment with the port authority or port authority subsidiary corporation.

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

d. As used in this subsection, "immediate family member" of a person means the person's spouse and any parent, child, or sibling of the person residing in the same household as the person; and "place of entertainment" means any privately or publicly owned and operated entertainment facility within or outside of the states of New York or New Jersey, such as a theater, stadium, museum, arena, racetrack or other

place where performances, concerts, exhibits, games or contests are held and for which an entry fee is charged.

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

S 4. 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 state of New Jersey shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain 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.