

27: 12B-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:12B-3 (Toll road authorities-- include Commissioner of Transportation as ex officio voting member)

LAWS OF: 1988 **CHAPTER:** 177

BILL NO: S23

SPONSOR(S): Rand

Date Introduced: Pre-filed

Committee: **Assembly:** -----

Senate: Transportation and Communications

Amended during passage: No

Date of Passage: **Assembly:** November 21, 1988

Senate: October 24, 1988

Date of Approval: December 27, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

rdv

1 **AN ACT** concerning membership on certain authorities and
amending P.L.1952, c.16, P.L.1962, c.10 and P.L.1948, c.454.

3

**BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:**

1. Section 3 of P.L.1952, c.16 (C.27:12B-3) is amended to
7 read as follows:

3. As used in this act the following words and terms shall
9 have the following meanings, unless the context shall indicate
another or different meaning or intent:

11 (a) "Authority" means the New Jersey Highway Authority,
created by section 4 of this act, or, if said authority shall be
13 abolished, the board, body or commission succeeding to the
principal functions thereof or to whom the powers given by this
15 act to the authority shall be given by law.

(b) "Commissioner" means the [State Highway] Commissioner
17 of Transportation.

(c) "Department" means the [State Highway] Department of
19 Transportation.

(d) "Project" or "highway project" means any express
21 highway, superhighway or motorway at such locations and
between such termini as herein established or as may hereafter
23 be established by law, and acquired or to be acquired or
constructed or to be constructed under the provisions of this act
25 by the authority, over which abutters have no easement or rights
of light, air or direct access by reason of the fact that their
27 properties abut thereon, together with such adjoining park or
recreational areas and facilities directly related to the use of
29 the express highway, superhighway or motorway as the
authority, with the concurrence of the Department of
31 [Conservation and Economic Development] Environmental
Protection. shall find to be necessary and desirable for the
33 convenience and comfort of users of the highway project and
feasible for development pursuant to this act, and shall include

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 but not be limited to all bridges, tunnels, overpasses,
2 underpasses, interchanges, traffic circles, grade separations,
3 entrance plazas, approaches, toll houses, service areas, service
4 stations, service facilities, communications facilities, and
5 administration, storage and other buildings which the authority
6 may deem necessary for the operation of such project, together
7 with all property, rights, easements and interests which may be
8 acquired by the authority for the construction or the operation
9 of such project.

10 "Project" or "ferry project" also means a ferry service for
11 the transportation of passengers and freight between such
12 termini as are herein established or as may hereafter be
13 established by law, and shall include but shall not be limited to
14 ferries and other craft, bulkheads, docks, piers, wharves,
15 warehouses, ferry terminals and stations, parking areas, service
16 stations, service facilities, communication facilities and
17 administration and other buildings which the authority may
18 deem necessary for the operation of such project, together with
19 all property, rights, easements and interests, including land
20 under water and riparian rights, which may be acquired by the
21 authority for the construction or operation of such project.

22 (e) "Bonds" or "revenue bonds" means bonds of the authority
23 authorized under the provisions of this act or any amendment
24 thereof or supplement thereto.

25 (f) "Public highway" means and shall include any public
26 highway, road or street in the State, whether maintained by the
27 State or by any county, city, borough, town, township, village, or
28 other political subdivision.

29 (g) "Feeder road" means any road which in the opinion of the
30 authority is necessary to create or facilitate access to a project.

31 (h) "Owner" means and shall include all individuals,
32 copartnerships, associations, private or municipal corporations
33 and all political subdivisions of the State having any title or
34 interest in any property, rights, easements and interests
35 authorized to be acquired by this act.

(cf: P.L.1968, c. 348, s.1)

37 2. Section 4 of P.L. 1952, c. 16 (C.27-12B-4) is amended to
38 read as follows.

39 4. There is hereby established in the State Department of

1 Transportation a body corporate and politic, with corporate
2 succession, to be known as the "New Jersey Highway
3 Authority." The authority is hereby constituted an
4 instrumentality exercising public and essential governmental
5 functions, and the exercise by the authority of the powers
6 conferred by this act in the construction, operation and
7 maintenance of projects shall be deemed and held to be an
8 essential governmental function of the State.

9 The New Jersey Highway Authority shall consist of [seven]
10 eight members, as follows: the Commissioner of Transportation,
11 ex officio, or his designee; and seven members, each of whom,
12 except the Commissioner of Transportation, shall be a resident
13 of the State[, who] and shall have been a qualified elector
14 therein for a period of at least one year next preceding his
15 appointment. Each member of the authority, except the
16 Commissioner of Transportation, shall be appointed by the
17 Governor, with the advice and consent of the Senate, for a term
18 of five years and shall serve until his successor is appointed and
19 has qualified. Of the two members first appointed pursuant to
20 this amendatory act, one shall be for a term of four years and
21 one for a term of five years. Each member of the authority,
22 except the Commissioner of Transportation, may be removed
23 from office by the Governor, for cause, after a public hearing.
24 Each member of the authority before entering upon his duties
25 shall take and subscribe an oath to perform the duties of his
26 office faithfully, impartially and justly to the best of his
27 ability. A record of such oaths shall be filed in the office of the
28 Secretary of State.

29 Any vacancies in the appointed membership of the authority
30 occurring other than by expiration of term shall be filled in the
31 same manner as the original appointment, but for the unexpired
32 term only.

33 The Governor shall designate one of the members of the
34 authority as chairman thereof and another member as
35 vice-chairman thereof. The chairman and vice-chairman of the
36 authority so designated shall serve as such at the pleasure of the
37 Governor and until their respective successors have been
38 designated. The authority shall elect a secretary and a
39 treasurer who need not be members. At the option of the

1 authority the same person may be elected to serve both as
2 secretary and treasurer. [Four] Five members of the authority
3 shall constitute a quorum and the vote of [four] five members
4 shall be necessary for any action taken by the authority. No
5 vacancy in the membership of the authority shall impair the
6 right of a quorum to exercise all the rights and perform all the
7 duties of the authority.

8 Before the issuance of any bonds or notes under the provisions
9 of this act, each member of the authority shall execute a surety
10 bond in the penal sum of \$25,000.00, and the treasurer shall
11 execute a surety bond in the penal sum of \$50,000.00, each such
12 surety bond to be conditioned upon the faithful performance of
13 the duties of the office of such member or treasurer, as the case
14 may be, to be executed by a surety company authorized to
15 transact business in the State of New Jersey as surety and to be
16 approved by the Attorney General and filed in the office of the
17 Secretary of State.

18 No resolution or other action of the authority providing for
19 the issuance of bonds, refunding bonds or other obligations or for
20 the fixing, revising or adjusting of tolls for the use of any
21 highway projects or parts or sections thereof shall be adopted or
22 otherwise made effective by the authority without the prior
23 approval in writing of the Governor and at least one of the
24 following: the State Treasurer and the Comptroller Director of
25 the Division of Budget and Accounting in the Department of the
26 Treasury. The powers conferred in this section upon the
27 Governor, the State Treasurer and the Comptroller Director of
28 the Division of Budget and Accounting in the Department of the
29 Treasury shall be exercised with due regard for the rights of the
30 holders of bonds of the authority at any time outstanding, and
31 nothing in, or done pursuant to, this section shall in any way
32 limit, restrict or alter the obligation or powers of the authority
33 or any representative or officer of the authority to carry out
34 and perform in every detail each and every covenant, agreement
35 or contract at any time made or entered into by or on behalf of
36 the authority with respect to its bonds or for the benefit,
37 protection or security of the holders thereof.

38 A true copy of the minutes of every meeting of the authority
39 shall be forthwith delivered by and under the certification of the

1 secretary thereof, to the Governor. No action taken at such
meeting by the authority shall have force or effect until 10 days
3 (Saturdays, Sundays and holidays excepted) after such copy of
the minutes shall have been delivered or the approval thereof by,
5 the Governor prior thereto. If, in said 10-day period, the
Governor returns such copy of the minutes with veto of any
7 action, except action to negotiate or execute a collective
negotiation agreement with a certified public employee
9 organization representing employees of the authority, taken by
the authority or any member thereof at such meeting, such
11 action shall be null and of no effect.

The members of the authority shall not receive compensation
13 for their services as members of the authority. Each member
shall be reimbursed by the authority for his actual expenses
15 necessarily incurred in the performance of his duties.
Notwithstanding the provisions of any other law, no member
17 shall be deemed to have forfeited, nor shall the member forfeit,
the member's office or employment or any benefits or
19 employment thereof by reason of the member's acceptance of
the office of ex officio member of the authority or the
21 member's services therein.

The ex officio member of the authority may designate an
23 employee of his department to represent him at meetings of the
authority. A designee may lawfully vote and otherwise act on
25 behalf of the member for whom he is the designee. The
designation shall be in writing and delivered to the authority and
27 shall be effective until revoked or amended by a writing
delivered to the authority.

29 (cf: P.L.1975. c.5)

3. Section 3 of P.L.1962, chapter 10 (C.27:12C-3) is amended
31 to read as follows:

3. As used in this act, unless a different meaning clearly
33 appears from the context:

(a) "Authority" means the New Jersey Expressway Authority
35 created by this act;

(b) "Bond" means any bond, and "note" means any note, of the
37 authority authorized pursuant to the provisions of this act;

(c) "Commissioner" means the [State Highway] Commissioner
39 of Transportation;

1 the Treasury shall be exercised with due regard for the rights of
 2 the holders of bonds of the authority at any time outstanding,
 3 and nothing in, or done pursuant to, this paragraph (F) shall in
 4 any way limit, restrict or alter the obligation or powers of the
 5 authority or any representative or officer of the authority to
 6 carry out and perform in every detail each and every covenant,
 7 agreement or contract at any time made or entered into by or
 8 on behalf of the authority with respect to its bonds or for the
 9 benefit, protection or security of the holders thereof.

10 (G) The ex officio member of the authority may designate an
 11 employee of his department to represent him at meetings of the
 12 authority. A designee may lawfully vote and otherwise act on
 13 behalf of the member for whom he constitutes the designee.
 14 The designations shall be in writing and delivered to the
 15 authority and shall be effective until revoked or amended by a
 16 writing delivered to the authority.

17 9. This act shall take effect immediately.

19

Sponsor's STATEMENT

21

22 This bill provides that the Commissioner of Transportation
 23 shall be an ex officio member with voting powers of the New
 24 Jersey Highway Authority, Expressway Authority and Turnpike
 25 Authority. The membership of each of the authorities shall thus
 26 be increased by one, as shall the quorum required to conduct
 27 business in addition. The Commissioner of Transportation may
 28 designate an employee of the department to represent the
 29 Commissioner at any particular meeting of the authority. A
 30 designee may lawfully vote and otherwise act on behalf of the
 31 commissioner.

33

AUTHORITIES AND REGIONAL COMMISSIONS

35

Highways and Roads

37 Adds Commissioner of Transportation as ex officio voting
 member of the toll road authorities.

SENATE TRANSPORTATION
AND COMMUNICATIONS COMMITTEE

STATEMENT TO

SENATE, No. 23

STATE OF NEW JERSEY

DATED: JANUARY 21, 1988

The Senate Transportation and Communications Committee favorably reports Senate Bill No. 23.

This bill provides that the Commissioner of Transportation shall be an ex officio member with voting powers of the New Jersey Highway Authority, New Jersey Expressway Authority and New Jersey Turnpike Authority. The membership of each of the authorities shall thus be increased by one, as shall the quorum required to conduct business. In addition, the Commissioner of Transportation may designate an employee of his department to represent him at any particular meeting of the authority. A designee may lawfully vote and otherwise act on behalf of the commissioner.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes changes required by technical review which has been performed.