

27:23-4

August 13, 1970

LEGISLATIVE HISTORY OF R.S. 27:23-4
(Definitions - Turnpike Authority-Prohibits activity not related
to road itself)
(1969 Amendment)

No similar bills introduced in 1967-1969

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L. 1969-C.197 - S312

Introduced January 23 by Rinaldo, La Corte, Mc Dermott

February - Passed Senate, amended

May 1 - Passed Assembly

November 17 - Vetoes by Governor (copy enclosed)

November 24 - Passed Senate over veto

December 1 - Passed Assembly

Clippings located (New Jersey--Garden State Parkway)

Parkway projects; calls bill improper, NEN 9-10-68

New Jersey puts damper on parkway unit outside ventures NET 11-17-68

Rinaldo to pursue Highway Authority bill NEN 7-14-68

Senate again curbs road extras CP 11-25-69

Highway Authority limited to road work CP 12-2-69

~~Legislative history of R.S. 27:23-5-9~~

~~See legislative history of R.S. 27:23-4~~

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RSL/AS

SENATE, No. 312

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1969

By Senators RINALDO, LACORTE and McDERMOTT

Referred to Committee on Transportation and Public Utilities

AN ACT to amend and supplement the "New Jersey Turnpike Authority Act of 1948," approved October 27, 1948 (P. L. 1948, c. 454).

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

1 1. Section 4 of P. L. 1948, chapter 454 (C. 27:23-4) is amended
2 to read as follows:

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

6 (a) The word "authority" shall mean the New Jersey Turnpike
7 Authority, created by section 3 of this act, or, if said authority
8 shall be abolished, the board, body or commission succeeding to the
9 principal functions thereof or to whom the powers given by this
10 act to the authority shall be given by law.

11 (b) The word "project" or the words "turnpike project" shall
12 mean any express highway, superhighway or motorway at such
13 locations and between such termini as may hereafter be established
14 by law, and constructed or to be constructed under the provisions
15 of this act by the authority, and shall include, but not be limited
16 to all bridges, tunnels, overpasses, underpasses, interchanges,
17 entrance plazas, approaches, toll houses, service areas, service
18 stations, service facilities, communications facilities, and adminis-
19 tration, storage and other buildings, *directly related to the use of*
20 *the express highway, superhighway or motorway* which the au-
21 thority may deem necessary for the operation of such project,
22 together with all property, rights, easements and interests which
23 may be acquired by the authority for the construction or the
24 operation of such project.

25 (c) The word "bonds" or the words "turnpike revenue bonds"

26 shall mean bonds of the authority authorized under the provisions
27 of this act.

28 (d) The word "public highways" shall include all public high-
29 ways, roads and streets in the State, whether maintained by the
30 State or by any county, city, borough, town, township, village, or
31 other political subdivision.

32 (e) The word "owner" shall include all individuals, copartner-
33 ships, associations, private or municipal corporations and all
34 political subdivisions of the State having any title or interest in
35 any property, rights, easements and interests authorized to be
36 acquired by this act.

1 2. The authority shall not engage in the construction or opera-
2 tion of any facility or activity not directly related to the use of a
3 turnpike project except as may be specially authorized by law.

1 3. This act shall take effect immediately.

SENATE AMENDMENT TO
SENATE, No. 312

—•—
STATE OF NEW JERSEY
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ADOPTED FEBRUARY 17, 1969

Amend page 1, section 1, line 20, after “motorway”, insert “, intersecting highways and bridges and feeder roads”.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 17, 1969

SENATE BILL NO. 312

To the Senate:

I herewith return Senate Bill No. 312, without my approval, for the following reasons:

Senate Bill No. 312 would amend the law which created the New Jersey Turnpike Authority to limit the types of projects which might be undertaken lawfully by the Turnpike Authority.

In creating the Turnpike Authority, the State made the following statutory pledge to the holders of any bonds issued by the Authority:

"The State of New Jersey does pledge to and agree with the holders of the bonds issued pursuant to authority contained in this act, that the State will not limit or restrict the rights hereby vested in the Authority to maintain, construct, reconstruct, and operate any project as defined in this act, or to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenue to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds authorized by this act or in any way impair the rights or remedies of the holders of such bonds until, the bonds, together with interest thereon, are fully paid and discharged. L. 1948, c. 454, p. 1864, § 7, as amended L. 1950, c. 1, p. 20, § 6." (Emphasis Added)

Since there are outstanding bonds (the principal thereof and interest thereon not yet fully paid and discharged), the limitation of authorized projects sought to be imposed by Senate Bill No. 312 would violate clearly the specific covenant of the State with the Turnpike Authority's bondholders, and may possibly be open to question as an unconstitutional impairment of the obligation of contracts.

For these reasons I am returning herewith Senate Bill No. 312.

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor