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"Jersey moves to require school security drills," The Times, 11-24-08, page A07.

LAW/RWH

[First Reprint]

**ASSEMBLY, No. 3338**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 23, 2008

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman L. HARVEY SMITH**

**District 31 (Hudson)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman DeAngelo, Assemblywoman Wagner, Assemblyman Caputo, Assemblywoman Oliver, Assemblymen Amodeo, Johnson, Assemblywoman Vainieri Huttel, Assemblymen Ramos, Vas, Assemblywoman Tucker, Assemblymen Thompson, Fisher, Assemblywomen Rodriguez, Quijano, Assemblymen Diegnan, Scalera, Schaer, Conners, Conaway, Assemblywoman Quigley, Assemblyman Cryan, Assemblywoman Jasey, Assemblymen Holzapfel, Chiappone, Albano, Prieto, Assemblywomen Spencer, Stender, Angelini, Assemblymen Rible, Burzichelli, Assemblywoman Greenstein, Senators Cunningham, Sweeney, Buono, Madden, Rice, Ruiz and Gordon**

**SYNOPSIS**

Adds non-voting member to NJT board.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Transportation, Public Works and Independent Authorities Committee on May 11, 2009, with amendments.

**(Sponsorship Updated As Of: 12/11/2009)**

1 AN ACT concerning the membership of the board of the New Jersey  
2 Transit Corporation, amending P.L.1979, c.150.

3

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

6

7 1. Section 4 of P.L.1979, c.150 (C.27:25-4) is amended to read  
8 as follows:

9 4. a. There is hereby established in the Executive Branch of the  
10 State Government the New Jersey Transit Corporation, a body  
11 corporate and politic with corporate succession. For the purpose of  
12 complying with the provisions of Article V, Section IV, paragraph 1  
13 of the New Jersey Constitution, the corporation is hereby allocated  
14 within the Department of Transportation, but, notwithstanding said  
15 allocation, the corporation shall be independent of any supervision  
16 or control by the department or by any body or officer thereof. The  
17 corporation is hereby constituted as an instrumentality of the State  
18 exercising public and essential governmental functions, and the  
19 exercise by the corporation of the powers conferred by this act shall  
20 be deemed and held to be an essential governmental function of the  
21 State.

22 b. The corporation shall be governed by a board which shall  
23 consist of ~~seven~~ eight members ~~including~~ .

24 Seven of the members shall be voting members and shall consist  
25 of: the Commissioner of Transportation and the State Treasurer,  
26 who shall be members ex officio, another member of the Executive  
27 Branch to be selected by the Governor who shall also serve ex  
28 officio, and four other public members who shall be appointed by  
29 the Governor, with the advice and consent of the Senate, for four  
30 year staggered terms and until their successors are appointed and  
31 qualified. No more than two of the public members shall be  
32 members of the same political party. At least one public member  
33 shall be a regular public transportation rider. Each public member  
34 may be removed from office by the Governor for cause. A vacancy  
35 in the membership of the board occurring other than by expiration  
36 of term shall be filled in the same manner as the original  
37 appointment, but for the unexpired term only. The first  
38 appointments shall be for one, two, three and four years  
39 respectively, and thereafter for terms of four years as stated. The  
40 board shall annually designate a vice chairman and secretary. The  
41 secretary need not be a member.

42 There shall also be one non-voting member of the board, who  
43 shall not be considered in determining a quorum. The non-voting  
44 member shall be appointed by the Governor upon the  
45 recommendation of the labor organization representing the plurality

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATR committee amendments adopted May 11, 2009.

1 of the employees of the corporation. The non-voting member shall  
2 be appointed for a term of four years, provided, however, that if at  
3 any time during the term of appointment the non-voting member  
4 ceases to be affiliated with the labor organization representing the  
5 plurality of the employees of the corporation, then such labor  
6 organization may, thereupon or at any time thereafter during such  
7 term, recommend a new member to the Governor for appointment  
8 to serve the remainder of the term. If the local bargaining unit  
9 decertifies its existing union affiliation and certifies a new union,  
10 the union which represents the plurality of the employees may  
11 recommend a new member to the Governor for appointment to  
12 serve the remainder of the term. The chairman of the board may, at  
13 the chairman's discretion, exclude such non-voting member from  
14 attending any portion of a board meeting or any other meeting held  
15 for the purpose of discussing negotiations with labor organizations,  
16 pending litigation involving the labor organization, '[or]' the  
17 investigation, evaluation, or discipline of an employee of the  
18 corporation <sup>1</sup>, or matters concerning private entities engaged in the  
19 provision of motorbus regular route service, paratransit service, or  
20 motorbus charter service that would otherwise not be considered  
21 public information <sup>1</sup>. The non-voting member may be removed by  
22 the Governor for cause.

23 c. Board members other than those serving ex officio shall serve  
24 without compensation, but members shall be reimbursed for actual  
25 expenses necessarily incurred in the performance of their duties.

26 d. The Commissioner of Transportation shall serve as chairman  
27 of the board. He shall chair board meetings and shall have  
28 responsibility for the scheduling and convening of all meetings of  
29 the board. In his absence, the vice chairman shall chair the board  
30 meeting. Each ex officio member of the board may designate two  
31 employees of his department or agency, one of whom may represent  
32 him at meetings of the board. A designee may lawfully vote and  
33 otherwise act on behalf of the member for whom he constitutes the  
34 designee. Any such designation shall be in writing delivered to the  
35 board and shall continue in effect until revoked or amended by  
36 writing delivered to the board.

37 e. The powers of the corporation shall be vested in the voting  
38 members of the board thereof and four voting members of the board  
39 shall constitute a quorum at any meeting thereof. Actions may be  
40 taken and motions and resolutions adopted by the board at any  
41 meeting thereof by the affirmative vote of at least four members.  
42 No vacancy in the membership of the board shall impair the right of  
43 a quorum to exercise all the rights and perform all the duties of the  
44 board.

45 f. A true copy of the minutes of every meeting of the board shall  
46 be delivered forthwith, by and under the certification of the  
47 secretary thereof, to the Governor. No action taken at such meeting  
48 by the board shall have force or effect until approved by the

1 Governor or until 10 days after such copy of the minutes shall have  
2 been delivered. If, in said 10-day period, the Governor returns such  
3 copy of the minutes with veto of any action taken by the board or  
4 any member thereof at such meeting, such action shall be null and  
5 of no effect. The Governor may approve all or part of the action  
6 taken at such meeting prior to the expiration of the said 10-day  
7 period.

8 g. The board meetings shall be subject to the provisions of the  
9 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).  
10 (cf: P.L.1992, c.214, s.1)

11

12 2. This act shall take effect immediately.

# ASSEMBLY, No. 3338

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 23, 2008

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman L. HARVEY SMITH**

**District 31 (Hudson)**

**Co-Sponsored by:**

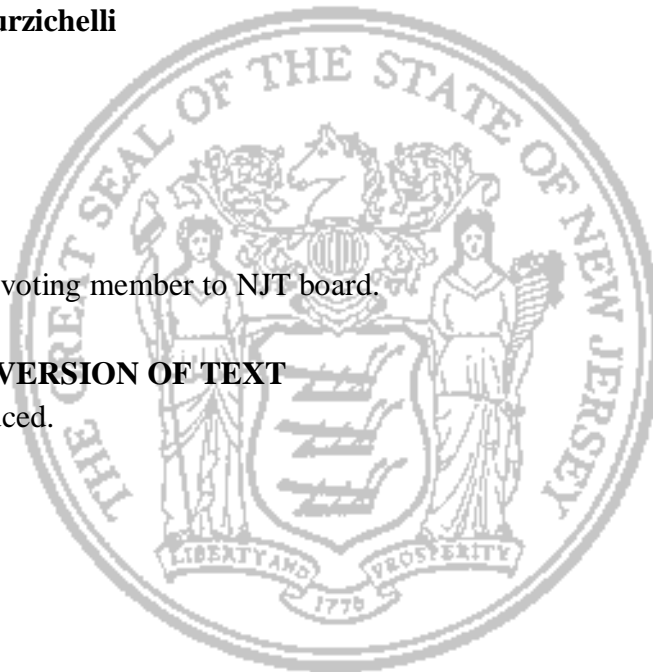
**Assemblyman DeAngelo, Assemblywoman Wagner, Assemblyman Caputo, Assemblywoman Oliver, Assemblymen Amodeo, Johnson, Assemblywoman Vainieri Huttle, Assemblymen Ramos, Vas, Assemblywoman Tucker, Assemblymen Thompson, Fisher, Assemblywomen Rodriguez, Quijano, Assemblymen Diegnan, Scalera, Schaer, Conners, Conaway, Assemblywoman Quigley, Assemblyman Cryan, Assemblywoman Jasey, Assemblymen Holzapfel, Chiappone, Albano, Prieto, Assemblywomen Spencer, Stender, Angelini, Assemblymen Rible and Burzichelli**

**SYNOPSIS**

Adds non-voting member to NJT board.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/12/2009)

1 AN ACT concerning the membership of the board of the New Jersey  
2 Transit Corporation, amending P.L.1979, c.150.

3

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

6

7 1. Section 4 of P.L.1979, c.150 (C.27:25-4) is amended to read  
8 as follows:

9 4. a. There is hereby established in the Executive Branch of the  
10 State Government the New Jersey Transit Corporation, a body  
11 corporate and politic with corporate succession. For the purpose of  
12 complying with the provisions of Article V, Section IV, paragraph 1  
13 of the New Jersey Constitution, the corporation is hereby allocated  
14 within the Department of Transportation, but, notwithstanding said  
15 allocation, the corporation shall be independent of any supervision  
16 or control by the department or by any body or officer thereof. The  
17 corporation is hereby constituted as an instrumentality of the State  
18 exercising public and essential governmental functions, and the  
19 exercise by the corporation of the powers conferred by this act shall  
20 be deemed and held to be an essential governmental function of the  
21 State.

22 b. The corporation shall be governed by a board which shall  
23 consist of **[seven]** eight members **[including]** .

24 Seven of the members shall be voting members and shall consist  
25 of: the Commissioner of Transportation and the State Treasurer,  
26 who shall be members ex officio, another member of the Executive  
27 Branch to be selected by the Governor who shall also serve ex  
28 officio, and four other public members who shall be appointed by  
29 the Governor, with the advice and consent of the Senate, for four  
30 year staggered terms and until their successors are appointed and  
31 qualified. No more than two of the public members shall be  
32 members of the same political party. At least one public member  
33 shall be a regular public transportation rider. Each public member  
34 may be removed from office by the Governor for cause. A vacancy  
35 in the membership of the board occurring other than by expiration  
36 of term shall be filled in the same manner as the original  
37 appointment, but for the unexpired term only. The first  
38 appointments shall be for one, two, three and four years  
39 respectively, and thereafter for terms of four years as stated. The  
40 board shall annually designate a vice chairman and secretary. The  
41 secretary need not be a member.

42 There shall also be one non-voting member of the board, who  
43 shall not be considered in determining a quorum. The non-voting  
44 member shall be appointed by the Governor upon the  
45 recommendation of the labor organization representing the plurality

**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 of the employees of the corporation. The non-voting member shall  
2 be appointed for a term of four years, provided, however, that if at  
3 any time during the term of appointment the non-voting member  
4 ceases to be affiliated with the labor organization representing the  
5 plurality of the employees of the corporation, then such labor  
6 organization may, thereupon or at any time thereafter during such  
7 term, recommend a new member to the Governor for appointment  
8 to serve the remainder of the term. If the local bargaining unit  
9 decertifies its existing union affiliation and certifies a new union,  
10 the union which represents the plurality of the employees may  
11 recommend a new member to the Governor for appointment to  
12 serve the remainder of the term. The chairman of the board may, at  
13 the chairman's discretion, exclude such non-voting member from  
14 attending any portion of a board meeting or any other meeting held  
15 for the purpose of discussing negotiations with labor organizations,  
16 pending litigation involving the labor organization, or the  
17 investigation, evaluation, or discipline of an employee of the  
18 corporation. The non-voting member may be removed by the  
19 Governor for cause.

20 c. Board members other than those serving ex officio shall serve  
21 without compensation, but members shall be reimbursed for actual  
22 expenses necessarily incurred in the performance of their duties.

23 d. The Commissioner of Transportation shall serve as chairman  
24 of the board. He shall chair board meetings and shall have  
25 responsibility for the scheduling and convening of all meetings of  
26 the board. In his absence, the vice chairman shall chair the board  
27 meeting. Each ex officio member of the board may designate two  
28 employees of his department or agency, one of whom may represent  
29 him at meetings of the board. A designee may lawfully vote and  
30 otherwise act on behalf of the member for whom he constitutes the  
31 designee. Any such designation shall be in writing delivered to the  
32 board and shall continue in effect until revoked or amended by  
33 writing delivered to the board.

34 e. The powers of the corporation shall be vested in the voting  
35 members of the board thereof and four voting members of the board  
36 shall constitute a quorum at any meeting thereof. Actions may be  
37 taken and motions and resolutions adopted by the board at any  
38 meeting thereof by the affirmative vote of at least four members.  
39 No vacancy in the membership of the board shall impair the right of  
40 a quorum to exercise all the rights and perform all the duties of the  
41 board.

42 f. A true copy of the minutes of every meeting of the board shall  
43 be delivered forthwith, by and under the certification of the  
44 secretary thereof, to the Governor. No action taken at such meeting  
45 by the board shall have force or effect until approved by the  
46 Governor or until 10 days after such copy of the minutes shall have  
47 been delivered. If, in said 10-day period, the Governor returns such  
48 copy of the minutes with veto of any action taken by the board or

1 any member thereof at such meeting, such action shall be null and  
2 of no effect. The Governor may approve all or part of the action  
3 taken at such meeting prior to the expiration of the said 10-day  
4 period.

5 g. The board meetings shall be subject to the provisions of the  
6 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).  
7 (cf: P.L.1992, c.214, s.1)

8

9 2. This act shall take effect immediately.

10

11

12

#### STATEMENT

13

14 This bill increases the membership of the board of the New  
15 Jersey Transit Corporation ("NJ Transit") through the addition of a  
16 non-voting member. The non-voting member would be  
17 recommended to the Governor by the labor organization  
18 representing the plurality of the employees of NJ Transit. The non-  
19 voting member would serve for a term of four years and would not  
20 be considered in determining a quorum. The chairman of the NJ  
21 Transit board would be authorized to exclude the non-voting  
22 member from any portion of a board meeting or any other meeting  
23 held for the purpose of discussing negotiations with labor  
24 organizations, pending litigation involving the labor organization,  
25 or the investigation, evaluation, or discipline of an employee of the  
26 corporation.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3338**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 11, 2009

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 3338.

As reported, this amended bill increases the membership of the board of the New Jersey Transit Corporation (“NJ Transit”) through the addition of a non-voting member. The non-voting member would be recommended to the Governor by the labor organization representing the plurality of the employees of NJ Transit. The non-voting member would serve for a term of four years and would not be considered in determining a quorum. The chairman of the NJ Transit board would be authorized to exclude the non-voting member from any portion of a board meeting or any other meeting held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, the investigation, evaluation, or discipline of an employee of the corporation, or matters concerning private bus companies that would otherwise not be considered public information.

COMMITTEE AMENDMENTS

The committee amended bill to allow the chairman of the NJ Transit board to exclude the non-voting member from a board meeting, or portion thereof, held for the purpose of discussing matters concerning private bus companies that would otherwise not be considered public information.

# SENATE, No. 2391

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED DECEMBER 8, 2008

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Senators Buono, Madden, Rice, Ruiz and Gordon**

**SYNOPSIS**

Adds non-voting member to NJT board.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/10/2009)**

1 AN ACT concerning the membership of the board of the New Jersey  
2 Transit Corporation, amending P.L.1979, c.150.

3

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

6

7 1. Section 4 of P.L.1979, c.150 (C.27:25-4) is amended to read  
8 as follows:

9 4. a. There is hereby established in the Executive Branch of the  
10 State Government the New Jersey Transit Corporation, a body  
11 corporate and politic with corporate succession. For the purpose of  
12 complying with the provisions of Article V, Section IV, paragraph 1  
13 of the New Jersey Constitution, the corporation is hereby allocated  
14 within the Department of Transportation, but, notwithstanding said  
15 allocation, the corporation shall be independent of any supervision  
16 or control by the department or by any body or officer thereof. The  
17 corporation is hereby constituted as an instrumentality of the State  
18 exercising public and essential governmental functions, and the  
19 exercise by the corporation of the powers conferred by this act shall  
20 be deemed and held to be an essential governmental function of the  
21 State.

22 b. The corporation shall be governed by a board which shall  
23 consist of **[seven] eight** members **[including]** .

24 Seven of the members shall be voting members and shall consist  
25 of: the Commissioner of Transportation and the State Treasurer,  
26 who shall be members ex officio, another member of the Executive  
27 Branch to be selected by the Governor who shall also serve ex  
28 officio, and four other public members who shall be appointed by  
29 the Governor, with the advice and consent of the Senate, for four  
30 year staggered terms and until their successors are appointed and  
31 qualified. No more than two of the public members shall be  
32 members of the same political party. At least one public member  
33 shall be a regular public transportation rider. Each public member  
34 may be removed from office by the Governor for cause. A vacancy  
35 in the membership of the board occurring other than by expiration  
36 of term shall be filled in the same manner as the original  
37 appointment, but for the unexpired term only. The first  
38 appointments shall be for one, two, three and four years  
39 respectively, and thereafter for terms of four years as stated. The  
40 board shall annually designate a vice chairman and secretary. The  
41 secretary need not be a member.

42 There shall also be one non-voting member of the board, who  
43 shall not be considered in determining a quorum. The non-voting  
44 member shall be appointed by the Governor upon the

**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 recommendation of the labor organization representing the plurality  
2 of the employees of the corporation. The non-voting member shall  
3 be appointed for a term of four years, provided, however, that if at  
4 any time during the term of appointment the non-voting member  
5 ceases to be affiliated with the labor organization representing the  
6 plurality of the employees of the corporation, then such labor  
7 organization may, thereupon or at any time thereafter during such  
8 term, recommend a new member to the Governor for appointment  
9 to serve the remainder of the term. If the local bargaining unit  
10 decertifies its existing union affiliation and certifies a new union,  
11 the union which represents the plurality of the employees may  
12 recommend a new member to the Governor for appointment to  
13 serve the remainder of the term. The chairman of the board may, at  
14 the chairman's discretion, exclude such non-voting member from  
15 attending any portion of a board meeting or any other meeting held  
16 for the purpose of discussing negotiations with labor organizations,  
17 pending litigation involving the labor organization, or the  
18 investigation, evaluation, or discipline of an employee of the  
19 corporation. The non-voting member may be removed by the  
20 Governor for cause.

21 c. Board members other than those serving ex officio shall serve  
22 without compensation, but members shall be reimbursed for actual  
23 expenses necessarily incurred in the performance of their duties.

24 d. The Commissioner of Transportation shall serve as chairman  
25 of the board. He shall chair board meetings and shall have  
26 responsibility for the scheduling and convening of all meetings of  
27 the board. In his absence, the vice chairman shall chair the board  
28 meeting. Each ex officio member of the board may designate two  
29 employees of his department or agency, one of whom may represent  
30 him at meetings of the board. A designee may lawfully vote and  
31 otherwise act on behalf of the member for whom he constitutes the  
32 designee. Any such designation shall be in writing delivered to the  
33 board and shall continue in effect until revoked or amended by  
34 writing delivered to the board.

35 e. The powers of the corporation shall be vested in the voting  
36 members of the board thereof and four voting members of the board  
37 shall constitute a quorum at any meeting thereof. Actions may be  
38 taken and motions and resolutions adopted by the board at any  
39 meeting thereof by the affirmative vote of at least four members.  
40 No vacancy in the membership of the board shall impair the right of  
41 a quorum to exercise all the rights and perform all the duties of the  
42 board.

43 f. A true copy of the minutes of every meeting of the board shall  
44 be delivered forthwith, by and under the certification of the  
45 secretary thereof, to the Governor. No action taken at such meeting  
46 by the board shall have force or effect until approved by the  
47 Governor or until 10 days after such copy of the minutes shall have  
48 been delivered. If, in said 10-day period, the Governor returns such

1 copy of the minutes with veto of any action taken by the board or  
2 any member thereof at such meeting, such action shall be null and  
3 of no effect. The Governor may approve all or part of the action  
4 taken at such meeting prior to the expiration of the said 10-day  
5 period.

6 g. The board meetings shall be subject to the provisions of the  
7 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).  
8 (cf: P.L.1992, c.214, s.1)

9  
10 2. This act shall take effect immediately.

11  
12

13 STATEMENT

14

15 This bill increases the membership of the board of the New  
16 Jersey Transit Corporation ("NJ Transit") through the addition of a  
17 non-voting member. The non-voting member would be  
18 recommended to the Governor by the labor organization  
19 representing the plurality of the employees of NJ Transit. The non-  
20 voting member would serve for a term of four years and would not  
21 be considered in determining a quorum. The chairman of the NJ  
22 Transit board would be authorized to exclude the non-voting  
23 member from any portion of a board meeting or any other meeting  
24 held for the purpose of discussing negotiations with labor  
25 organizations, pending litigation involving the labor organization,  
26 or the investigation, evaluation, or discipline of an employee of the  
27 corporation.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2391

# STATE OF NEW JERSEY

DATED: MARCH 9, 2009

The Senate Transportation Committee reports favorably Senate Bill No. 2391.

This bill increases the membership of the board of the New Jersey Transit Corporation ("NJ Transit") through the addition of a non-voting member. The non-voting member would be recommended to the Governor by the labor organization representing the plurality of the employees of NJ Transit. The non-voting member would serve for a term of four years and would not be considered in determining a quorum. The chairman of the NJ Transit board would be authorized to exclude the non-voting member from any portion of a board meeting or any other meeting held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, or the investigation, evaluation, or discipline of an employee of the corporation.



STATEMENT TO

**SENATE, No. 2391**

with Senate Floor Amendments  
(Proposed by Senator CUNNINGHAM)

ADOPTED: JUNE 25, 2009

This amendment allows the chairman of the NJ Transit board to exclude the non-voting member from a board meeting, or portion thereof, held for the purpose of discussing matters concerning private bus companies that would not otherwise be considered public information.

With these amendments, this bill is identical to A-3338(1R).