

18A:39-11.5; 18A:39-3; 18A:39-11.3
LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

LAWS OF: 2021 **CHAPTER:** 307

NJSA: 18A:39-11.5; 18A:39-3; 18A:39-11.3 (Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid.)

BILL NO: A5818 (Substituted for S3849 (2R))

SPONSOR(S) Tully, P. Christopher and others

DATE INTRODUCED: 6/1/2021

COMMITTEE: **ASSEMBLY:** Transportation & Independent Authorities
SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/24/2021
SENATE: 6/30/2021

DATE OF APPROVAL: 11/8/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A5818

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S3849 (2R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Mike Davis, Asbury Park Press | USA TODAY NETWORK - NEW JERSEY, 'NEW LAWS FOR SAFETY - STATE TAKES ACTION AFTER SERIES THAT EXPLORED 'ROGUE OPERATORS' OF SCHOOL BUS INDUSTRY', Record, The (online), 10 Nov 2021 A1

RWH/JA

P.L. 2021, CHAPTER 307, *approved November 8, 2021*
Assembly, No. 5818 (*Second Reprint*)

1 **AN ACT** concerning bidding on pupil transportation contracts,
2 amending N.J.S.18A:39-3 and P.L.2005, c.84, and
3 supplementing chapter 39 of Title 18A of the New Jersey
4 Statutes.

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

8
9 1. N.J.S.18A:39-3 is amended to read as follows:

10 18A:39-3. a. No contract for the transportation of pupils to and
11 from school shall be made, when the amount to be paid during the
12 school year for such transportation shall exceed \$7,500.00 or the
13 amount determined pursuant to subsection b. of this section, and
14 have the approval of the executive county superintendent of
15 schools, unless the board of education making such contract shall
16 have first publicly advertised for bids therefor in a newspaper
17 published in the district or, if no newspaper is published therein, in
18 a newspaper circulating in the district, once, at least 10 days prior to
19 the date fixed for receiving proposals for such transportation, and
20 shall have awarded the contract to the lowest responsible bidder.

21 Nothing in this chapter shall require the advertisement and
22 letting on proposals or bids of annual extensions, approved by the
23 executive county superintendent, of any contract for transportation
24 entered into through competitive bidding when--

25 (1) Such annual extensions impose no additional cost upon the
26 board of education, regardless of the fact that the route description
27 has changed; or

28 (2) The increase in the contractual amount as a result of such
29 extensions does not exceed the rise in the Consumer Price Index as
30 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
31 school year, regardless of the fact that the route description has
32 changed or an aide has been added or removed; or

33 (3) (Deleted by amendment, P.L.1982, c.74.)

34 (4) The increase in the contractual amount as a result of an
35 extension exceeds the rise in the Consumer Price Index as defined
36 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
37 but the following apply to the extensions:

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:

¹Assembly ATR committee amendments adopted June 14, 2021.

²Assembly floor amendments adopted June 21, 2021.

1 (a) The increase is directly attributable to a route change to
2 accommodate new student riders or safety concerns as provided for
3 in the original bid, or the increase is directly attributable to the
4 addition of an aide as provided for in the original bid; and

5 (b) The school destination remains unchanged from the original
6 contract.

7 Any such extension as described in this paragraph shall require
8 the approval of the executive county superintendent of schools.

9 Nothing in this chapter shall require the immediate bid of any
10 contract renewal for the remainder of a school year in which the
11 only change, in addition to route description, is the bus type.
12 However, any such extension shall be approved by the executive
13 county superintendent of schools and shall be bid for the next
14 school year.

15 No annual extension shall be granted pursuant to this subsection
16 to a person who has been debarred from bidding on a pupil
17 transportation contract pursuant to the provisions of section 3 of
18 P.L. , c. (C.) (pending before the Legislature as this bill).

19 b. The Governor, in consultation with the Department of the
20 Treasury, shall, no later than March 1 of each odd-numbered year,
21 adjust the threshold amount set forth in subsection a. of this section,
22 or subsequent to 1985 the threshold amount resulting from any
23 adjustment under this subsection or section 17 of P.L.1985, c.469,
24 in direct proportion to the rise or fall of the Consumer Price Index
25 for all urban consumers in the New York City and the Philadelphia
26 areas as reported by the United States Department of Labor. The
27 Governor shall, no later than June 1 of each odd-numbered year,
28 notify all local school districts of the adjustment. The adjustment
29 shall become effective on July 1 of each odd-numbered year.

30 c. A bid for a pupil transportation contract shall identify each
31 person who has any ownership interest in the company submitting a
32 bid for the pupil transportation contract.

33 d. Prior to awarding any pupil transportation contract, a board
34 of education shall review the debarment list maintained pursuant to
35 section 3 of P.L. , c. (C.) (pending before the Legislature
36 as this bill). No pupil transportation contract shall be awarded to
37 any person who is debarred from bidding pursuant to the provisions
38 of section 3 of P.L. , c. (C.) (pending before the
39 Legislature as this bill).

40 e. As used in this section, "person" means an individual and any
41 business, including any corporation, partnership, association, or
42 proprietorship in which such individual is a principal, or with
43 respect to which the individual owns, directly or indirectly, or
44 controls any of the stock or other equity interest of such business.

45 (cf: P.L.2007, c.260, s.66)

46
47 2. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to
48 read as follows:

1 2. a. A board of education may, by resolution approved by a
2 majority of the board of education and subject to the provisions of
3 subsection b. of this section, disqualify a bidder who would
4 otherwise be determined to be the lowest responsible bidder for a
5 pupil transportation contract, if the board of education finds that it
6 has had prior negative experience with the bidder. The
7 disqualification shall be for a reasonable, defined period of time
8 which shall not exceed three years.

9 b. As used in this section, "prior negative experience" means
10 any of the following:

11 (1) the bidder has been determined to be "nonperforming" under
12 a pupil transportation contract after a hearing which shall include
13 the bidder, the superintendent of schools, and the county
14 superintendent of schools. The county superintendent of schools
15 shall make the determination as to nonperformance and this
16 determination may be appealed to the Commissioner of Education
17 and the State Board of Education, as provided by law;

18 (2) the bidder defaulted on a transportation contract thereby
19 requiring the board of education to utilize the services of another
20 contractor to complete the contract;

21 (3) the bidder defaulted on a transportation contract thereby
22 requiring the board of education to look to the bidder's surety for
23 completion of the contract or tender of the costs of completion; or

24 (4) the bidder has **[at least a 10%]** any ownership interest in any
25 contractor that had prior negative experience with the board of
26 education as described in paragraphs (1) through (3) of this
27 subsection or in any contractor that is debarred from bidding on a
28 pupil transportation contract pursuant to the provisions of section 3
29 of P.L. , c. (C.) (pending before the Legislature as this
30 bill).

31 (cf: P.L.2005, c.84, s.2)

32
33 3. (New section) a. The ²**[State Board]** Department² of
34 Education shall provide for the debarment from bidding on any pupil
35 transportation contract of a person for causes that include, but are not
36 limited to:

37 (1) the employment or assignment of an individual as a school bus
38 driver who has been disqualified to serve as a school bus driver or
39 determined ineligible to operate a school bus pursuant to the
40 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1);

41 (2) failure to comply with the provisions of section 1 of P.L.2018,
42 c.152 (C.18A:39-19.6);

43 (3) failure to comply with the provisions of the "School Bus
44 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.),
45 or any rules or regulations promulgated thereunder;

46 (4) commission of a criminal offense as an incident to obtaining or
47 attempting to obtain a public or private contract, or subcontract
48 thereunder, or in the performance of such contract or subcontract;

1 (5) commission of a criminal offense that includes child abuse or
2 sexual misconduct involving a child;

3 (6) a record of failure to perform or of unsatisfactory performance
4 in accordance with the terms of one or more pupil transportation
5 contracts, provided that such failure or unsatisfactory performance has
6 occurred within a reasonable time preceding the determination to
7 debar and was caused by acts within the control of the person
8 debarred;

9 (7) knowingly submitting a bid for a pupil transportation contract
10 that fails to contain the information required pursuant to subsection c.
11 of N.J.S.18A:39-3 that would have included a person debarred from
12 bidding on a pupil transportation contract pursuant to the provisions of
13 this section; or

14 (8) debarment by some other department or agency in the
15 Executive Branch of the New Jersey State government.

16 b. The debarment shall be for a reasonable, defined period of time
17 not less than one year and not to exceed five years.

18 c. The existence of any of the causes set forth in subsection a. of
19 this section shall not necessarily require that a person be debarred from
20 bidding on a pupil transportation contract. In each instance, the
21 decision to debar shall be made within the discretion of the
22 Commissioner of Education or the ¹School¹ Bus Safety Ombudsman,
23 unless otherwise required by law, and shall be rendered in the best
24 interest of the State.

25 d. ²The Department of Education shall provide written notice to
26 any person subject to debarment pursuant to the provisions of this
27 section. A person subject to debarment may, within 30 days beginning
28 from the date upon which the person receives written notice of the
29 debarment, file a challenge of the cause for debarment to the
30 Commissioner of Education. If no challenge is filed or if the
31 determination of debarment is upheld, notification of the debarment
32 shall be forwarded to the New Jersey Motor Vehicle Commission,
33 each executive county superintendent in the State, and each board of
34 education in the State. Notification of the debarment shall be posted
35 on the Department of Education's Internet website pursuant to the
36 provisions of subsection e. of this section.

37 e.² A list of persons debarred from bidding on a pupil
38 transportation contract shall be maintained on the Department of
39 Education's Internet website and shall be distributed to each school
40 district and board of education in the State by March 1 of each year.
41 The Commissioner of Education or ¹School¹ Bus Safety Ombudsman
42 may determine to keep the names of such persons debarred pursuant to
43 the provisions of this section on the list beyond completion of any
44 debarment period instituted pursuant to the provisions of this section.

45 ²[e.] f.² As used in this section:

46 "Child abuse" means any conduct that falls under the purview and
47 reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.) and is

1 directed toward or against a child or student, regardless of the age of
2 the child or student.

3 “Person” means an individual and any business, including any
4 corporation, partnership, association, or proprietorship in which such
5 individual is a principal, or with respect to which the individual owns,
6 directly or indirectly, or controls any of the stock or other equity
7 interest of such business.

8 “Sexual misconduct” means any verbal, nonverbal, written, or
9 electronic communication, or any other act directed toward or with a
10 child or student that is designed to establish a sexual relationship with
11 the child or student, including a sexual invitation, dating or soliciting a
12 date, engaging in sexual dialogue, making sexually suggestive
13 comments, self-disclosure or physical exposure of a sexual or erotic
14 nature, and any other sexual, indecent, or erotic contact with a child or
15 student.

16

17 4. The State Board of Education shall adopt in accordance with
18 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
19 et seq.), rules and regulations as may be necessary to implement the
20 provisions of this act.

21

22 5. This act shall take effect upon the enactment of P.L. ,
23 c. (C.) (pending before the Legislature as Senate Bill No.
24 ¹[XXXX] 3851¹ and Assembly Bill No. ¹[XXXX] 5814¹) and shall
25 apply to any pupil transportation contract entered into or renewed
26 on or after the effective date of this act.

27

28

29

30

31 _____
32 Provides for debarment of school bus contractors for certain
33 violations; requires certain information in pupil transportation
contract bid.

CHAPTER 307
(CORRECTED COPY)

AN ACT concerning bidding on pupil transportation contracts, amending N.J.S.18A:39-3 and P.L.2005, c.84, and supplementing chapter 39 of Title 18A of the New Jersey Statutes.

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

1. N.J.S.18A:39-3 is amended to read as follows:

Pupil transportation contracts.

18A:39-3. a. No contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed \$7,500.00 or the amount determined pursuant to subsection b. of this section, and have the approval of the executive county superintendent of schools, unless the board of education making such contract shall have first publicly advertised for bids therefor in a newspaper published in the district or, if no newspaper is published therein, in a newspaper circulating in the district, once, at least 10 days prior to the date fixed for receiving proposals for such transportation, and shall have awarded the contract to the lowest responsible bidder.

Nothing in this chapter shall require the advertisement and letting on proposals or bids of annual extensions, approved by the executive county superintendent, of any contract for transportation entered into through competitive bidding when--

(1) Such annual extensions impose no additional cost upon the board of education, regardless of the fact that the route description has changed; or

(2) The increase in the contractual amount as a result of such extensions does not exceed the rise in the Consumer Price Index as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year, regardless of the fact that the route description has changed or an aide has been added or removed; or

(3) (Deleted by amendment, P.L.1982, c.74.)

(4) The increase in the contractual amount as a result of an extension exceeds the rise in the Consumer Price Index as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year, but the following apply to the extensions:

(a) The increase is directly attributable to a route change to accommodate new student riders or safety concerns as provided for in the original bid, or the increase is directly attributable to the addition of an aide as provided for in the original bid; and

(b) The school destination remains unchanged from the original contract.

Any such extension as described in this paragraph shall require the approval of the executive county superintendent of schools.

Nothing in this chapter shall require the immediate bid of any contract renewal for the remainder of a school year in which the only change, in addition to route description, is the bus type. However, any such extension shall be approved by the executive county superintendent of schools and shall be bid for the next school year.

No annual extension shall be granted pursuant to this subsection to a person who has been debarred from bidding on a pupil transportation contract pursuant to the provisions of section 3 of P.L.2021, c.307 (C.18A:39-11.5).

b. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection or section 17 of P.L.1985, c.469, in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia areas

as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify all local school districts of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

c. A bid for a pupil transportation contract shall identify each person who has any ownership interest in the company submitting a bid for the pupil transportation contract.

d. Prior to awarding any pupil transportation contract, a board of education shall review the debarment list maintained pursuant to section 3 of P.L.2021, c.307 (C.18A:39-11.5). No pupil transportation contract shall be awarded to any person who is debarred from bidding pursuant to the provisions of section 3 of P.L.2021, c.307 (C.18A:39-11.5).

e. As used in this section, "person" means an individual and any business, including any corporation, partnership, association, or proprietorship in which such individual is a principal, or with respect to which the individual owns, directly or indirectly, or controls any of the stock or other equity interest of such business.

2. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to read as follows:

C.18A:39-11.3 Disqualification of bidder; "prior negative experience" defined.

2. a. A board of education may, by resolution approved by a majority of the board of education and subject to the provisions of subsection b. of this section, disqualify a bidder who would otherwise be determined to be the lowest responsible bidder for a pupil transportation contract, if the board of education finds that it has had prior negative experience with the bidder. The disqualification shall be for a reasonable, defined period of time which shall not exceed three years.

b. As used in this section, "prior negative experience" means any of the following:

(1) the bidder has been determined to be "nonperforming" under a pupil transportation contract after a hearing which shall include the bidder, the superintendent of schools, and the county superintendent of schools. The county superintendent of schools shall make the determination as to nonperformance and this determination may be appealed to the Commissioner of Education and the State Board of Education, as provided by law;

(2) the bidder defaulted on a transportation contract thereby requiring the board of education to utilize the services of another contractor to complete the contract;

(3) the bidder defaulted on a transportation contract thereby requiring the board of education to look to the bidder's surety for completion of the contract or tender of the costs of completion; or

(4) the bidder has any ownership interest in any contractor that had prior negative experience with the board of education as described in paragraphs (1) through (3) of this subsection or in any contractor that is debarred from bidding on a pupil transportation contract pursuant to the provisions of section 3 of P.L.2021, c.307 (C.18A:39-11.5).

C.18A:39-11.5 Debarment from bidding on pupil transportation contract.

3. a. The Department of Education shall provide for the debarment from bidding on any pupil transportation contract of a person for causes that include, but are not limited to:

(1) the employment or assignment of an individual as a school bus driver who has been disqualified to serve as a school bus driver or determined ineligible to operate a school bus pursuant to the provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1);

(2) failure to comply with the provisions of section 1 of P.L.2018, c.152 (C.18A:39-19.6);

(3) failure to comply with the provisions of the "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.), or any rules or regulations promulgated thereunder;

(4) commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

(5) commission of a criminal offense that includes child abuse or sexual misconduct involving a child;

(6) a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more pupil transportation contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;

(7) knowingly submitting a bid for a pupil transportation contract that fails to contain the information required pursuant to subsection c. of N.J.S.18A:39-3 that would have included a person debarred from bidding on a pupil transportation contract pursuant to the provisions of this section; or

(8) debarment by some other department or agency in the Executive Branch of the New Jersey State government.

b. The debarment shall be for a reasonable, defined period of time not less than one year and not to exceed five years.

c. The existence of any of the causes set forth in subsection a. of this section shall not necessarily require that a person be debarred from bidding on a pupil transportation contract. In each instance, the decision to debar shall be made within the discretion of the Commissioner of Education or the School Bus Safety Ombudsman, unless otherwise required by law, and shall be rendered in the best interest of the State.

d. The Department of Education shall provide written notice to any person subject to debarment pursuant to the provisions of this section. A person subject to debarment may, within 30 days beginning from the date upon which the person receives written notice of the debarment, file a challenge of the cause for debarment to the Commissioner of Education. If no challenge is filed or if the determination of debarment is upheld, notification of the debarment shall be forwarded to the New Jersey Motor Vehicle Commission, each executive county superintendent in the State, and each board of education in the State. Notification of the debarment shall be posted on the Department of Education's Internet website pursuant to the provisions of subsection e. of this section.

e. A list of persons debarred from bidding on a pupil transportation contract shall be maintained on the Department of Education's Internet website and shall be distributed to each school district and board of education in the State by March 1 of each year. The Commissioner of Education or School Bus Safety Ombudsman may determine to keep the names of such persons debarred pursuant to the provisions of this section on the list beyond completion of any debarment period instituted pursuant to the provisions of this section.

f. As used in this section:

“Child abuse” means any conduct that falls under the purview and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student.

“Person” means an individual and any business, including any corporation, partnership, association, or proprietorship in which such individual is a principal, or with respect to which the individual owns, directly or indirectly, or controls any of the stock or other equity interest of such business.

“Sexual misconduct” means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a child or student that is designed to establish a sexual relationship with the child or student, including a sexual invitation, dating or soliciting a date,

engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a child or student.

4. The State Board of Education shall adopt in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to implement the provisions of this act.

5. This act shall take effect upon the enactment of P.L.2021, c.471 (C.18A:39-34 et seq.) and shall apply to any pupil transportation contract entered into or renewed on or after the effective date of this act.

Approved November 8, 2021.

ASSEMBLY, No. 5818

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid.

CURRENT VERSION OF TEXT

As introduced.



A5818 TULLY, SWAIN

2

1 AN ACT concerning bidding on pupil transportation contracts,
2 amending N.J.S.18A:39-3 and P.L.2005, c.84, and
3 supplementing chapter 39 of Title 18A of the New Jersey
4 Statutes.

5

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

8

9 1. N.J.S.18A:39-3 is amended to read as follows:

10 18A:39-3. a. No contract for the transportation of pupils to and
11 from school shall be made, when the amount to be paid during the
12 school year for such transportation shall exceed \$7,500.00 or the
13 amount determined pursuant to subsection b. of this section, and
14 have the approval of the executive county superintendent of
15 schools, unless the board of education making such contract shall
16 have first publicly advertised for bids therefor in a newspaper
17 published in the district or, if no newspaper is published therein, in
18 a newspaper circulating in the district, once, at least 10 days prior to
19 the date fixed for receiving proposals for such transportation, and
20 shall have awarded the contract to the lowest responsible bidder.

21 Nothing in this chapter shall require the advertisement and
22 letting on proposals or bids of annual extensions, approved by the
23 executive county superintendent, of any contract for transportation
24 entered into through competitive bidding when--

25 (1) Such annual extensions impose no additional cost upon the
26 board of education, regardless of the fact that the route description
27 has changed; or

28 (2) The increase in the contractual amount as a result of such
29 extensions does not exceed the rise in the Consumer Price Index as
30 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
31 school year, regardless of the fact that the route description has
32 changed or an aide has been added or removed; or

33 (3) (Deleted by amendment, P.L.1982, c.74.)

34 (4) The increase in the contractual amount as a result of an
35 extension exceeds the rise in the Consumer Price Index as defined
36 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
37 but the following apply to the extensions:

38 (a) The increase is directly attributable to a route change to
39 accommodate new student riders or safety concerns as provided for
40 in the original bid, or the increase is directly attributable to the
41 addition of an aide as provided for in the original bid; and

42 (b) The school destination remains unchanged from the original
43 contract.

44 Any such extension as described in this paragraph shall require
45 the approval of the executive county superintendent of schools.

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 Nothing in this chapter shall require the immediate bid of any
2 contract renewal for the remainder of a school year in which the
3 only change, in addition to route description, is the bus type.
4 However, any such extension shall be approved by the executive
5 county superintendent of schools and shall be bid for the next
6 school year.

7 No annual extension shall be granted pursuant to this subsection
8 to a person who has been debarred from bidding on a pupil
9 transportation contract pursuant to the provisions of section 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11 b. The Governor, in consultation with the Department of the
12 Treasury, shall, no later than March 1 of each odd-numbered year,
13 adjust the threshold amount set forth in subsection a. of this section,
14 or subsequent to 1985 the threshold amount resulting from any
15 adjustment under this subsection or section 17 of P.L.1985, c.469,
16 in direct proportion to the rise or fall of the Consumer Price Index
17 for all urban consumers in the New York City and the Philadelphia
18 areas as reported by the United States Department of Labor. The
19 Governor shall, no later than June 1 of each odd-numbered year,
20 notify all local school districts of the adjustment. The adjustment
21 shall become effective on July 1 of each odd-numbered year.

22 c. A bid for a pupil transportation contract shall identify each
23 person who has any ownership interest in the company submitting a
24 bid for the pupil transportation contract.

25 d. Prior to awarding any pupil transportation contract, a board
26 of education shall review the debarment list maintained pursuant to
27 section 3 of P.L. , c. (C.) (pending before the Legislature
28 as this bill). No pupil transportation contract shall be awarded to
29 any person who is debarred from bidding pursuant to the provisions
30 of section 3 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 e. As used in this section, "person" means an individual and any
33 business, including any corporation, partnership, association, or
34 proprietorship in which such individual is a principal, or with
35 respect to which the individual owns, directly or indirectly, or
36 controls any of the stock or other equity interest of such business.

37 (cf: P.L.2007, c.260, s.66)

38

39 2. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to
40 read as follows:

41 2. a. A board of education may, by resolution approved by a
42 majority of the board of education and subject to the provisions of
43 subsection b. of this section, disqualify a bidder who would
44 otherwise be determined to be the lowest responsible bidder for a
45 pupil transportation contract, if the board of education finds that it
46 has had prior negative experience with the bidder. The
47 disqualification shall be for a reasonable, defined period of time
48 which shall not exceed three years.

- 1 b. As used in this section, "prior negative experience" means
2 any of the following:
- 3 (1) the bidder has been determined to be "nonperforming" under
4 a pupil transportation contract after a hearing which shall include
5 the bidder, the superintendent of schools, and the county
6 superintendent of schools. The county superintendent of schools
7 shall make the determination as to nonperformance and this
8 determination may be appealed to the Commissioner of Education
9 and the State Board of Education, as provided by law;
- 10 (2) the bidder defaulted on a transportation contract thereby
11 requiring the board of education to utilize the services of another
12 contractor to complete the contract;
- 13 (3) the bidder defaulted on a transportation contract thereby
14 requiring the board of education to look to the bidder's surety for
15 completion of the contract or tender of the costs of completion; or
- 16 (4) the bidder has **【at least a 10%】** any ownership interest in any
17 contractor that had prior negative experience with the board of
18 education as described in paragraphs (1) through (3) of this
19 subsection or in any contractor that is debarred from bidding on a
20 pupil transportation contract pursuant to the provisions of section 3
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill).
23 (cf: P.L.2005, c.84, s.2)
24
- 25 3. (New section) a. The State Board of Education shall
26 provide for the debarment from bidding on any pupil transportation
27 contract of a person for causes that include, but are not limited to:
- 28 (1) the employment or assignment of an individual as a school
29 bus driver who has been disqualified to serve as a school bus driver
30 or determined ineligible to operate a school bus pursuant to the
31 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 32 (2) failure to comply with the provisions of section 1 of
33 P.L.2018, c.152 (C.18A:39-19.6);
- 34 (3) failure to comply with the provisions of the "School Bus
35 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
36 seq.), or any rules or regulations promulgated thereunder;
- 37 (4) commission of a criminal offense as an incident to obtaining
38 or attempting to obtain a public or private contract, or subcontract
39 thereunder, or in the performance of such contract or subcontract;
- 40 (5) commission of a criminal offense that includes child abuse
41 or sexual misconduct involving a child;
- 42 (6) a record of failure to perform or of unsatisfactory
43 performance in accordance with the terms of one or more pupil
44 transportation contracts, provided that such failure or unsatisfactory
45 performance has occurred within a reasonable time preceding the
46 determination to debar and was caused by acts within the control of
47 the person debarred;

1 (7) knowingly submitting a bid for a pupil transportation
2 contract that fails to contain the information required pursuant to
3 subsection c. of N.J.S.18A:39-3 that would have included a person
4 debarred from bidding on a pupil transportation contract pursuant to
5 the provisions of this section; or

6 (8) debarment by some other department or agency in the
7 Executive Branch of the New Jersey State government.

8 b. The debarment shall be for a reasonable, defined period of
9 time not less than one year and not to exceed five years.

10 c. The existence of any of the causes set forth in subsection a.
11 of this section shall not necessarily require that a person be
12 debarred from bidding on a pupil transportation contract. In each
13 instance, the decision to debar shall be made within the discretion
14 of the Commissioner of Education or the Bus Safety Ombudsman,
15 unless otherwise required by law, and shall be rendered in the best
16 interest of the State.

17 d. A list of persons debarred from bidding on a pupil
18 transportation contract shall be maintained on the Department of
19 Education's Internet website and shall be distributed to each school
20 district and board of education in the State by March 1 of each year.
21 The Commissioner of Education or Bus Safety Ombudsman may
22 determine to keep the names of such persons debarred pursuant to
23 the provisions of this section on the list beyond completion of any
24 debarment period instituted pursuant to the provisions of this
25 section.

26 e. As used in this section:

27 "Child abuse" means any conduct that falls under the purview
28 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)
29 and is directed toward or against a child or student, regardless of the
30 age of the child or student.

31 "Person" means an individual and any business, including any
32 corporation, partnership, association, or proprietorship in which
33 such individual is a principal, or with respect to which the
34 individual owns, directly or indirectly, or controls any of the stock
35 or other equity interest of such business.

36 "Sexual misconduct" means any verbal, nonverbal, written, or
37 electronic communication, or any other act directed toward or with
38 a child or student that is designed to establish a sexual relationship
39 with the child or student, including a sexual invitation, dating or
40 soliciting a date, engaging in sexual dialogue, making sexually
41 suggestive comments, self-disclosure or physical exposure of a
42 sexual or erotic nature, and any other sexual, indecent, or erotic
43 contact with a child or student.

44

45 4. The State Board of Education shall adopt in accordance with
46 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
47 et seq.), rules and regulations as may be necessary to implement the
48 provisions of this act.

1 proprietorship in which such individual is a principal, or with
2 respect to which the individual owns, directly or indirectly, or
3 controls any of the stock or other equity interest of such business.

4 The bill amends current law to require a bid for a pupil
5 transportation contract to identify each person who has any
6 ownership interest in the company submitting the bid and to require
7 a board of education to review the debarment list prior to awarding
8 a pupil transportation contract. The bill prohibits a board of
9 education from awarding a pupil transportation contract to any
10 person debarred from bidding on a pupil transportation contract
11 under the provisions of the bill.

12 The bill also expands what qualifies as a prior negative
13 experience for which a board of education may disqualify the
14 lowest responsible bidder for a pupil transportation contract. Under
15 the bill, a board of education may disqualify the lowest responsible
16 bidder when the bidder has any ownership interest in any contractor
17 that had prior negative experiences with the board or in any
18 contractor that is debarred from bidding on a pupil transportation
19 contract under the provisions of the bill. Current law provides that
20 a board of education may disqualify a bidder when the bidder has at
21 least 10 percent ownership in any contractor that had a prior
22 negative experience with the board.

23 This bill will take effect upon the enactment of Senate Bill. No.
24 XXXX and Assembly Bill No. XXXX, which are currently pending
25 before the Legislature.

[First Reprint]

ASSEMBLY, No. 5818

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on June 14, 2021, with amendments.



1 AN ACT concerning bidding on pupil transportation contracts,
2 amending N.J.S.18A:39-3 and P.L.2005, c.84, and
3 supplementing chapter 39 of Title 18A of the New Jersey
4 Statutes.

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

8
9 1. N.J.S.18A:39-3 is amended to read as follows:
10 18A:39-3. a. No contract for the transportation of pupils to and
11 from school shall be made, when the amount to be paid during the
12 school year for such transportation shall exceed \$7,500.00 or the
13 amount determined pursuant to subsection b. of this section, and
14 have the approval of the executive county superintendent of
15 schools, unless the board of education making such contract shall
16 have first publicly advertised for bids therefor in a newspaper
17 published in the district or, if no newspaper is published therein, in
18 a newspaper circulating in the district, once, at least 10 days prior to
19 the date fixed for receiving proposals for such transportation, and
20 shall have awarded the contract to the lowest responsible bidder.

21 Nothing in this chapter shall require the advertisement and
22 letting on proposals or bids of annual extensions, approved by the
23 executive county superintendent, of any contract for transportation
24 entered into through competitive bidding when--

25 (1) Such annual extensions impose no additional cost upon the
26 board of education, regardless of the fact that the route description
27 has changed; or

28 (2) The increase in the contractual amount as a result of such
29 extensions does not exceed the rise in the Consumer Price Index as
30 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
31 school year, regardless of the fact that the route description has
32 changed or an aide has been added or removed; or

33 (3) (Deleted by amendment, P.L.1982, c.74.)

34 (4) The increase in the contractual amount as a result of an
35 extension exceeds the rise in the Consumer Price Index as defined
36 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
37 but the following apply to the extensions:

38 (a) The increase is directly attributable to a route change to
39 accommodate new student riders or safety concerns as provided for
40 in the original bid, or the increase is directly attributable to the
41 addition of an aide as provided for in the original bid; and

42 (b) The school destination remains unchanged from the original
43 contract.

44 Any such extension as described in this paragraph shall require
45 the approval of the executive county superintendent of schools.

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:

¹Assembly ATR committee amendments adopted June 14, 2021.

1 Nothing in this chapter shall require the immediate bid of any
2 contract renewal for the remainder of a school year in which the
3 only change, in addition to route description, is the bus type.
4 However, any such extension shall be approved by the executive
5 county superintendent of schools and shall be bid for the next
6 school year.

7 No annual extension shall be granted pursuant to this subsection
8 to a person who has been debarred from bidding on a pupil
9 transportation contract pursuant to the provisions of section 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11 b. The Governor, in consultation with the Department of the
12 Treasury, shall, no later than March 1 of each odd-numbered year,
13 adjust the threshold amount set forth in subsection a. of this section,
14 or subsequent to 1985 the threshold amount resulting from any
15 adjustment under this subsection or section 17 of P.L.1985, c.469,
16 in direct proportion to the rise or fall of the Consumer Price Index
17 for all urban consumers in the New York City and the Philadelphia
18 areas as reported by the United States Department of Labor. The
19 Governor shall, no later than June 1 of each odd-numbered year,
20 notify all local school districts of the adjustment. The adjustment
21 shall become effective on July 1 of each odd-numbered year.

22 c. A bid for a pupil transportation contract shall identify each
23 person who has any ownership interest in the company submitting a
24 bid for the pupil transportation contract.

25 d. Prior to awarding any pupil transportation contract, a board
26 of education shall review the debarment list maintained pursuant to
27 section 3 of P.L. , c. (C.) (pending before the Legislature
28 as this bill). No pupil transportation contract shall be awarded to
29 any person who is debarred from bidding pursuant to the provisions
30 of section 3 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 e. As used in this section, "person" means an individual and any
33 business, including any corporation, partnership, association, or
34 proprietorship in which such individual is a principal, or with
35 respect to which the individual owns, directly or indirectly, or
36 controls any of the stock or other equity interest of such business.

37 (cf: P.L.2007, c.260, s.66)

38
39 2. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to
40 read as follows:

41 2. a. A board of education may, by resolution approved by a
42 majority of the board of education and subject to the provisions of
43 subsection b. of this section, disqualify a bidder who would
44 otherwise be determined to be the lowest responsible bidder for a
45 pupil transportation contract, if the board of education finds that it
46 has had prior negative experience with the bidder. The
47 disqualification shall be for a reasonable, defined period of time
48 which shall not exceed three years.

- 1 b. As used in this section, "prior negative experience" means
2 any of the following:
- 3 (1) the bidder has been determined to be "nonperforming" under
4 a pupil transportation contract after a hearing which shall include
5 the bidder, the superintendent of schools, and the county
6 superintendent of schools. The county superintendent of schools
7 shall make the determination as to nonperformance and this
8 determination may be appealed to the Commissioner of Education
9 and the State Board of Education, as provided by law;
- 10 (2) the bidder defaulted on a transportation contract thereby
11 requiring the board of education to utilize the services of another
12 contractor to complete the contract;
- 13 (3) the bidder defaulted on a transportation contract thereby
14 requiring the board of education to look to the bidder's surety for
15 completion of the contract or tender of the costs of completion; or
- 16 (4) the bidder has **【at least a 10%】** any ownership interest in any
17 contractor that had prior negative experience with the board of
18 education as described in paragraphs (1) through (3) of this
19 subsection or in any contractor that is debarred from bidding on a
20 pupil transportation contract pursuant to the provisions of section 3
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill).
23 (cf: P.L.2005, c.84, s.2)
24
- 25 3. (New section) a. The State Board of Education shall
26 provide for the debarment from bidding on any pupil transportation
27 contract of a person for causes that include, but are not limited to:
- 28 (1) the employment or assignment of an individual as a school
29 bus driver who has been disqualified to serve as a school bus driver
30 or determined ineligible to operate a school bus pursuant to the
31 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 32 (2) failure to comply with the provisions of section 1 of
33 P.L.2018, c.152 (C.18A:39-19.6);
- 34 (3) failure to comply with the provisions of the "School Bus
35 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
36 seq.), or any rules or regulations promulgated thereunder;
- 37 (4) commission of a criminal offense as an incident to obtaining
38 or attempting to obtain a public or private contract, or subcontract
39 thereunder, or in the performance of such contract or subcontract;
- 40 (5) commission of a criminal offense that includes child abuse
41 or sexual misconduct involving a child;
- 42 (6) a record of failure to perform or of unsatisfactory
43 performance in accordance with the terms of one or more pupil
44 transportation contracts, provided that such failure or unsatisfactory
45 performance has occurred within a reasonable time preceding the
46 determination to debar and was caused by acts within the control of
47 the person debarred;

1 (7) knowingly submitting a bid for a pupil transportation
2 contract that fails to contain the information required pursuant to
3 subsection c. of N.J.S.18A:39-3 that would have included a person
4 debarred from bidding on a pupil transportation contract pursuant to
5 the provisions of this section; or

6 (8) debarment by some other department or agency in the
7 Executive Branch of the New Jersey State government.

8 b. The debarment shall be for a reasonable, defined period of
9 time not less than one year and not to exceed five years.

10 c. The existence of any of the causes set forth in subsection a.
11 of this section shall not necessarily require that a person be
12 debarred from bidding on a pupil transportation contract. In each
13 instance, the decision to debar shall be made within the discretion
14 of the Commissioner of Education or the 'School' Bus Safety
15 Ombudsman, unless otherwise required by law, and shall be
16 rendered in the best interest of the State.

17 d. A list of persons debarred from bidding on a pupil
18 transportation contract shall be maintained on the Department of
19 Education's Internet website and shall be distributed to each school
20 district and board of education in the State by March 1 of each year.
21 The Commissioner of Education or 'School' Bus Safety
22 Ombudsman may determine to keep the names of such persons
23 debarred pursuant to the provisions of this section on the list
24 beyond completion of any debarment period instituted pursuant to
25 the provisions of this section.

26 e. As used in this section:

27 "Child abuse" means any conduct that falls under the purview
28 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)
29 and is directed toward or against a child or student, regardless of the
30 age of the child or student.

31 "Person" means an individual and any business, including any
32 corporation, partnership, association, or proprietorship in which
33 such individual is a principal, or with respect to which the
34 individual owns, directly or indirectly, or controls any of the stock
35 or other equity interest of such business.

36 "Sexual misconduct" means any verbal, nonverbal, written, or
37 electronic communication, or any other act directed toward or with
38 a child or student that is designed to establish a sexual relationship
39 with the child or student, including a sexual invitation, dating or
40 soliciting a date, engaging in sexual dialogue, making sexually
41 suggestive comments, self-disclosure or physical exposure of a
42 sexual or erotic nature, and any other sexual, indecent, or erotic
43 contact with a child or student.

44

45 4. The State Board of Education shall adopt in accordance with
46 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
47 et seq.), rules and regulations as may be necessary to implement the
48 provisions of this act.

A5818 [1R] TULLY, SWAIN

6

1 5 This act shall take effect upon the enactment of P.L. , c.
2 (C.) (pending before the Legislature as Senate Bill No.
3 ¹**[XXXX]** 3851¹ and Assembly Bill No. ¹**[XXXX]** 5814¹) and shall
4 apply to any pupil transportation contract entered into or renewed
5 on or after the effective date of this act.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5818

with Assembly Floor Amendments
(Proposed by Assemblyman TULLY)

ADOPTED: JUNE 21, 2021

These Assembly Amendments require the Department of Education (DOE), rather than the State Board of Education, to provide for the debarment of certain persons from bidding on pupil transportation contracts.

These Assembly Amendments also provide that the DOE must send written notice to a person subject to debarment under the provisions of the bill. A person has 30 days from the date that the written notice of debarment is received to challenge the cause for debarment to the Commissioner of Education. If no challenge is filed or if the determination of debarment is upheld, the bill requires notification of the debarment be forwarded to the New Jersey Motor Vehicle Commission, each executive county superintendent in the State, and each board of education in the State. Notification of the debarment must also be posted on the DOE's Internet website in accordance with the provisions of the bill.

SENATE, No. 3849

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator Corrado

SYNOPSIS

Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning bidding on pupil transportation contracts,
2 amending N.J.S.18A:39-3 and P.L.2005, c.84, and
3 supplementing chapter 39 of Title 18A of the New Jersey
4 Statutes.

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

8
9 1. N.J.S.18A:39-3 is amended to read as follows:
10 18A:39-3. a. No contract for the transportation of pupils to and
11 from school shall be made, when the amount to be paid during the
12 school year for such transportation shall exceed \$7,500.00 or the
13 amount determined pursuant to subsection b. of this section, and
14 have the approval of the executive county superintendent of
15 schools, unless the board of education making such contract shall
16 have first publicly advertised for bids therefor in a newspaper
17 published in the district or, if no newspaper is published therein, in
18 a newspaper circulating in the district, once, at least 10 days prior to
19 the date fixed for receiving proposals for such transportation, and
20 shall have awarded the contract to the lowest responsible bidder.

21 Nothing in this chapter shall require the advertisement and
22 letting on proposals or bids of annual extensions, approved by the
23 executive county superintendent, of any contract for transportation
24 entered into through competitive bidding when--

25 (1) Such annual extensions impose no additional cost upon the
26 board of education, regardless of the fact that the route description
27 has changed; or

28 (2) The increase in the contractual amount as a result of such
29 extensions does not exceed the rise in the Consumer Price Index as
30 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
31 school year, regardless of the fact that the route description has
32 changed or an aide has been added or removed; or

33 (3) (Deleted by amendment, P.L.1982, c.74.)

34 (4) The increase in the contractual amount as a result of an
35 extension exceeds the rise in the Consumer Price Index as defined
36 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
37 but the following apply to the extensions:

38 (a) The increase is directly attributable to a route change to
39 accommodate new student riders or safety concerns as provided for
40 in the original bid, or the increase is directly attributable to the
41 addition of an aide as provided for in the original bid; and

42 (b) The school destination remains unchanged from the original
43 contract.

44 Any such extension as described in this paragraph shall require
45 the approval of the executive county superintendent of schools.

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 Nothing in this chapter shall require the immediate bid of any
2 contract renewal for the remainder of a school year in which the
3 only change, in addition to route description, is the bus type.
4 However, any such extension shall be approved by the executive
5 county superintendent of schools and shall be bid for the next
6 school year.

7 No annual extension shall be granted pursuant to this subsection
8 to a person who has been debarred from bidding on a pupil
9 transportation contract pursuant to the provisions of section 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11 b. The Governor, in consultation with the Department of the
12 Treasury, shall, no later than March 1 of each odd-numbered year,
13 adjust the threshold amount set forth in subsection a. of this section,
14 or subsequent to 1985 the threshold amount resulting from any
15 adjustment under this subsection or section 17 of P.L.1985, c.469,
16 in direct proportion to the rise or fall of the Consumer Price Index
17 for all urban consumers in the New York City and the Philadelphia
18 areas as reported by the United States Department of Labor. The
19 Governor shall, no later than June 1 of each odd-numbered year,
20 notify all local school districts of the adjustment. The adjustment
21 shall become effective on July 1 of each odd-numbered year.

22 c. A bid for a pupil transportation contract shall identify each
23 person who has any ownership interest in the company submitting a
24 bid for the pupil transportation contract.

25 d. Prior to awarding any pupil transportation contract, a board
26 of education shall review the debarment list maintained pursuant to
27 section 3 of P.L. , c. (C.) (pending before the Legislature
28 as this bill). No pupil transportation contract shall be awarded to
29 any person who is debarred from bidding pursuant to the provisions
30 of section 3 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 e. As used in this section, "person" means an individual and any
33 business, including any corporation, partnership, association, or
34 proprietorship in which such individual is a principal, or with
35 respect to which the individual owns, directly or indirectly, or
36 controls any of the stock or other equity interest of such business.
37 (cf: P.L.2007, c.260, s.66)

38
39 2. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to
40 read as follows:

41 2. a. A board of education may, by resolution approved by a
42 majority of the board of education and subject to the provisions of
43 subsection b. of this section, disqualify a bidder who would
44 otherwise be determined to be the lowest responsible bidder for a
45 pupil transportation contract, if the board of education finds that it
46 has had prior negative experience with the bidder. The
47 disqualification shall be for a reasonable, defined period of time
48 which shall not exceed three years.

1 b. As used in this section, "prior negative experience" means
2 any of the following:

3 (1) the bidder has been determined to be "nonperforming" under
4 a pupil transportation contract after a hearing which shall include
5 the bidder, the superintendent of schools, and the county
6 superintendent of schools. The county superintendent of schools
7 shall make the determination as to nonperformance and this
8 determination may be appealed to the Commissioner of Education
9 and the State Board of Education, as provided by law;

10 (2) the bidder defaulted on a transportation contract thereby
11 requiring the board of education to utilize the services of another
12 contractor to complete the contract;

13 (3) the bidder defaulted on a transportation contract thereby
14 requiring the board of education to look to the bidder's surety for
15 completion of the contract or tender of the costs of completion; or

16 (4) the bidder has **【at least a 10%】** any ownership interest in any
17 contractor that had prior negative experience with the board of
18 education as described in paragraphs (1) through (3) of this
19 subsection or in any contractor that is debarred from bidding on a
20 pupil transportation contract pursuant to the provisions of section 3
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill).

23 (cf: P.L.2005, c.84, s.2)

24

25 3. (New section) a. The State Board of Education shall
26 provide for the debarment from bidding on any pupil transportation
27 contract of a person for causes that include, but are not limited to:

28 (1) the employment or assignment of an individual as a school
29 bus driver who has been disqualified to serve as a school bus driver
30 or determined ineligible to operate a school bus pursuant to the
31 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1);

32 (2) failure to comply with the provisions of section 1 of
33 P.L.2018, c.152 (C.18A:39-19.6);

34 (3) failure to comply with the provisions of the "School Bus
35 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
36 seq.), or any rules or regulations promulgated thereunder;

37 (4) commission of a criminal offense as an incident to obtaining
38 or attempting to obtain a public or private contract, or subcontract
39 thereunder, or in the performance of such contract or subcontract;

40 (5) commission of a criminal offense that includes child abuse
41 or sexual misconduct involving a child;

42 (6) a record of failure to perform or of unsatisfactory
43 performance in accordance with the terms of one or more pupil
44 transportation contracts, provided that such failure or unsatisfactory
45 performance has occurred within a reasonable time preceding the
46 determination to debar and was caused by acts within the control of
47 the person debarred;

1 (7) knowingly submitting a bid for a pupil transportation
2 contract that fails to contain the information required pursuant to
3 subsection c. of N.J.S.18A:39-3 that would have included a person
4 debarred from bidding on a pupil transportation contract pursuant to
5 the provisions of this section; or

6 (8) debarment by some other department or agency in the
7 Executive Branch of the New Jersey State government.

8 b. The debarment shall be for a reasonable, defined period of
9 time not less than one year and not to exceed five years.

10 c. The existence of any of the causes set forth in subsection a.
11 of this section shall not necessarily require that a person be
12 debarred from bidding on a pupil transportation contract. In each
13 instance, the decision to debar shall be made within the discretion
14 of the Commissioner of Education or the Bus Safety Ombudsman,
15 unless otherwise required by law, and shall be rendered in the best
16 interest of the State.

17 d. A list of persons debarred from bidding on a pupil
18 transportation contract shall be maintained on the Department of
19 Education's Internet website and shall be distributed to each school
20 district and board of education in the State by March 1 of each year.
21 The Commissioner of Education or Bus Safety Ombudsman may
22 determine to keep the names of such persons debarred pursuant to
23 the provisions of this section on the list beyond completion of any
24 debarment period instituted pursuant to the provisions of this
25 section.

26 e. As used in this section:

27 "Child abuse" means any conduct that falls under the purview
28 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)
29 and is directed toward or against a child or student, regardless of the
30 age of the child or student.

31 "Person" means an individual and any business, including any
32 corporation, partnership, association, or proprietorship in which
33 such individual is a principal, or with respect to which the
34 individual owns, directly or indirectly, or controls any of the stock
35 or other equity interest of such business.

36 "Sexual misconduct" means any verbal, nonverbal, written, or
37 electronic communication, or any other act directed toward or with
38 a child or student that is designed to establish a sexual relationship
39 with the child or student, including a sexual invitation, dating or
40 soliciting a date, engaging in sexual dialogue, making sexually
41 suggestive comments, self-disclosure or physical exposure of a
42 sexual or erotic nature, and any other sexual, indecent, or erotic
43 contact with a child or student.

44

45 4. The State Board of Education shall adopt in accordance with
46 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
47 et seq.), rules and regulations as may be necessary to implement the
48 provisions of this act.

1 5 This act shall take effect upon the enactment of P.L. , c.
2 (C.) (pending before the Legislature as Senate Bill No. XXXX
3 and Assembly Bill No. XXXX) and shall apply to any pupil
4 transportation contract entered into or renewed on or after the
5 effective date of this act.

6

7

8

STATEMENT

9

10 This bill requires the State Board of Education to provide for
11 debarment of school bus contractors for certain violations. Under
12 current law, a board of education must, with limited exception,
13 accept the lowest responsible bid for a pupil transportation contract.
14 A board of education may only disqualify the lowest responsible
15 bidder if the board finds it has had certain prior negative
16 experiences with the bidder.

17 Under the bill, the State Board of Education is required to
18 provide for debarment from bidding on any pupil transportation
19 contract of a person for certain causes that include, but are not
20 limited to: failing to comply with certain provisions of law
21 pertaining to the qualification of school bus drivers and school bus
22 inspections; the commission of a criminal offense as an incident to
23 obtaining or attempting to obtain a public or private contract, or
24 subcontract thereunder, or in the performance of such contract or
25 subcontract; the commission of a criminal offense that includes
26 child abuse or sexual misconduct involving a child; a record of
27 failure to perform or of unsatisfactory performance in accordance
28 with the terms of one or more pupil transportation contracts;
29 knowingly submitting a bid for a pupil transportation contract that
30 fails to identify each person who has any ownership interest in the
31 company and that would have included a person debarred from
32 bidding on a pupil transportation contract under the bill; and
33 debarment by some other department or agency in the Executive
34 Branch of the New Jersey State government. Under the bill,
35 debarment, which must be for a reasonable, defined period of time
36 of not less than one year and not longer than five years, based on
37 one of the above causes need not be automatic. The decision to
38 debar will be at the discretion of the Commissioner of Education or
39 Bus Safety Ombudsman and rendered in the best interest of the
40 State.

41 The bill requires that a list of persons debarred from bidding on a
42 pupil transportation contract under the bill be maintained on the
43 Department of Education's Internet website and distributed to each
44 school district and board of education in the State by March 1 of
45 each year. The commissioner or ombudsman may keep the names
46 of debarred persons on this list beyond the completion of a period
47 of debarment. The bill defines "person" to mean an individual and
48 any business, including any corporation, partnership, association, or

1 proprietorship in which such individual is a principal, or with
2 respect to which the individual owns, directly or indirectly, or
3 controls any of the stock or other equity interest of such business.

4 The bill amends current law to require a bid for a pupil
5 transportation contract to identify each person who has any
6 ownership interest in the company submitting the bid and to require
7 a board of education to review the debarment list prior to awarding
8 a pupil transportation contract. The bill prohibits a board of
9 education from awarding a pupil transportation contract to any
10 person debarred from bidding on a pupil transportation contract
11 under the provisions of the bill.

12 The bill also expands what qualifies as a prior negative
13 experience for which a board of education may disqualify the
14 lowest responsible bidder for a pupil transportation contract. Under
15 the bill, a board of education may disqualify the lowest responsible
16 bidder when the bidder has any ownership interest in any contractor
17 that had prior negative experiences with the board or in any
18 contractor that is debarred from bidding on a pupil transportation
19 contract under the provisions of the bill. Current law provides that
20 a board of education may disqualify a bidder when the bidder has at
21 least 10 percent ownership in any contractor that had a prior
22 negative experience with the board.

23 This bill will take effect upon the enactment of Senate Bill. No.
24 XXXX and Assembly Bill No. XXXX, which are currently pending
25 before the Legislature.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3849

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3849.

As amended and reported, this bill requires the State Board of Education to provide for debarment of school bus contractors for certain violations. Under current law, a board of education must, with limited exception, accept the lowest responsible bid for a pupil transportation contract. A board of education may only disqualify the lowest responsible bidder if the board finds it has had certain prior negative experiences with the bidder.

Under the bill, the State Board of Education is required to provide for debarment from bidding on any pupil transportation contract of a person for certain causes that include, but are not limited to: failing to comply with certain provisions of law pertaining to the qualification of school bus drivers and school bus inspections; the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract; the commission of a criminal offense that includes child abuse or sexual misconduct involving a child; a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more pupil transportation contracts; knowingly submitting a bid for a pupil transportation contract that fails to identify each person who has any ownership interest in the company and that would have included a person debarred from bidding on a pupil transportation contract under the bill; and debarment by some other department or agency in the Executive Branch of the New Jersey State government. Under the bill, debarment, which must be for a reasonable, defined period of time of not less than one year and not longer than five years, based on one of the above causes need not be automatic. The decision to debar will be at the discretion of the Commissioner of Education or School Bus Safety Ombudsman and rendered in the best interest of the State.

The bill requires that a list of persons debarred from bidding on a pupil transportation contract under the bill be maintained on the Department of Education's Internet website and distributed to each

school district and board of education in the State by March 1 of each year. The commissioner or ombudsman may keep the names of debarred persons on this list beyond the completion of a period of debarment. The bill defines “person” to mean an individual and any business, including any corporation, partnership, association, or proprietorship in which such individual is a principal, or with respect to which the individual owns, directly or indirectly, or controls any of the stock or other equity interest of such business.

The bill amends current law to require a bid for a pupil transportation contract to identify each person who has any ownership interest in the company submitting the bid and to require a board of education to review the debarment list prior to awarding a pupil transportation contract. The bill prohibits a board of education from awarding a pupil transportation contract to any person debarred from bidding on a pupil transportation contract under the provisions of the bill.

The bill also expands what qualifies as a prior negative experience for which a board of education may disqualify the lowest responsible bidder for a pupil transportation contract. Under the bill, a board of education may disqualify the lowest responsible bidder when the bidder has any ownership interest in any contractor that had prior negative experiences with the board or in any contractor that is debarred from bidding on a pupil transportation contract under the provisions of the bill. Current law provides that a board of education may disqualify a bidder when the bidder has at least 10 percent ownership in any contractor that had a prior negative experience with the board.

This bill will take effect upon the enactment of Senate Bill. No. 3851 and Assembly Bill No. 5814, which are currently pending before the Legislature.

The committee amended the bill to update the information pertaining to the bills tied to this bills’ effective date and to change a reference to the “Bus Safety Ombudsman” to the “School Bus Safety Ombudsman”.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3849

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3849.

As amended and reported, this bill requires the State Board of Education to provide for debarment of school bus contractors for certain violations. Under current law, a board of education must, with limited exception, accept the lowest responsible bid for a pupil transportation contract. A board of education may only disqualify the lowest responsible bidder if the board finds it has had certain prior negative experiences with the bidder.

Under the bill, the State Board of Education is required to provide for debarment from bidding on any pupil transportation contract of a person for certain causes that include, but are not limited to: failing to comply with certain provisions of law pertaining to the qualification of school bus drivers and school bus inspections; the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract; the commission of a criminal offense that includes child abuse or sexual misconduct involving a child; a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more pupil transportation contracts; knowingly submitting a bid for a pupil transportation contract that fails to identify each person who has any ownership interest in the company and that would have included a person debarred from bidding on a pupil transportation contract under the bill; and debarment by some other department or agency in the Executive Branch of the New Jersey State government. Under the bill, debarment, which must be for a reasonable, defined period of time of not less than one year and not longer than five years, based on one of the above causes need not be automatic. The decision to debar will be at the discretion of the Commissioner of Education or School Bus Safety Ombudsman and rendered in the best interest of the State.

The bill requires that a list of persons debarred from bidding on a pupil transportation contract under the bill be maintained on the Department of Education's Internet website and distributed to each

school district and board of education in the State by March 1 of each year. The commissioner or ombudsman may keep the names of debarred persons on this list beyond the completion of a period of debarment. The bill defines “person” to mean an individual and any business, including any corporation, partnership, association, or proprietorship in which such individual is a principal, or with respect to which the individual owns, directly or indirectly, or controls any of the stock or other equity interest of such business.

The bill amends current law to require a bid for a pupil transportation contract to identify each person who has any ownership interest in the company submitting the bid and to require a board of education to review the debarment list prior to awarding a pupil transportation contract. The bill prohibits a board of education from awarding a pupil transportation contract to any person debarred from bidding on a pupil transportation contract under the provisions of the bill.

The bill also expands what qualifies as a prior negative experience for which a board of education may disqualify the lowest responsible bidder for a pupil transportation contract. Under the bill, a board of education may disqualify the lowest responsible bidder when the bidder has any ownership interest in any contractor that had prior negative experiences with the board or in any contractor that is debarred from bidding on a pupil transportation contract under the provisions of the bill. Current law provides that a board of education may disqualify a bidder when the bidder has at least 10 percent ownership in any contractor that had a prior negative experience with the board.

This bill will take effect upon the enactment of Senate Bill. No. 3851 and Assembly Bill No. 5814, which are currently pending before the Legislature.

The committee amended the bill to update the information pertaining to the bills tied to this bills’ effective date and to change a reference to the “Bus Safety Ombudsman” to the “School Bus Safety Ombudsman”.

STATEMENT TO
[First Reprint]
SENATE, No. 3849

with Senate Floor Amendments
(Proposed by Senator LAGANA)

ADOPTED: JUNE 21, 2021

These Senate Amendments require the Department of Education (DOE), rather than the State Board of Education, to provide for the debarment of certain persons from bidding on pupil transportation contracts.

These Senate Amendments also provide that the DOE must send written notice to a person subject to debarment under the provisions of the bill. A person has 30 days from the date that the written notice of debarment is received to challenge the cause for debarment to the Commissioner of Education. If no challenge is filed or if the determination of debarment is upheld, the bill requires notification of the debarment be forwarded to the New Jersey Motor Vehicle Commission, each executive county superintendent in the State, and each board of education in the State. Notification of the debarment must also be posted on the DOE's Internet website in accordance with the provisions of the bill.

Governor Murphy Takes Action on Legislation

11/8/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle) – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce) – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley) – Requires residential landlords to install covers on steam radiators upon request of tenant

S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle) – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle) – Requires certain student identification cards to contain telephone number for suicide prevention hotline

SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley) – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli) – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy) – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway) – Requires public water systems to offer drinking water tests to customers in certain circumstances

S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle) – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson) – Permits counties and municipalities to bond for alternative fuel vehicles

S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin) – Concerns disclosure of certain information prior to sale of real estate

S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly) – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey) – Authorizes imposition of fee for connection to municipal electric distribution system

S-1259/A-2628 (Singleton/Murphy) – Concerns labor contractors

S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker) – Prohibits sale of cosmetic products that have been tested on animals

- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttle, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission's senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttle)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttle, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttle, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as "Gun Violence Awareness Day"
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttle)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal) – Increases fee for New Jersey Waterfowl Stamps

A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey) – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari) – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale) – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco) – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey) – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

A-4633/S-2856 (Giblin, DeCroce/Pou) – Permits certain nonresident Certified Public Accountants to provide attest services

A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari) – Clarifies classification in this State of criminal offenses committed in other states or under federal law

A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner) – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal) – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden) – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale) – Requires DOH to establish certain nursing education and professional advancement programs

A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan) – Permits dentists to administer vaccines under certain circumstances

A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal) – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan) – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan) – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean) – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton) – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

S-108/A-169 (Gill, Turner/Caputo, Wirths) – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

[Copy of Statement](#)

S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttle) – CONDITIONAL - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

[Copy of Statement](#)

S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL - Creates special education unit within the Office of Administrative Law; requires annual report

[Copy of Statement](#)

S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

[Copy of Statement](#)

S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

[Copy of Statement](#)

S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL - Mandates training on culturally responsive teaching for all candidates for teaching certification

[Copy of Statement](#)

S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL - Expands scope of inmate reentry assistance and benefits

[Copy of Statement](#)

S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL - Establishes New Jersey Easy Enrollment Health Insurance Program

[Copy of Statement](#)

S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

[Copy of Statement](#)

S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttle) – CONDITIONAL - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

[Copy of Statement](#)

S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

[Copy of Statement](#)

A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

[Copy of Statement](#)

A-2455/S-2204 (Benson, Vainieri Huttie, DeAngelo/Greenstein, Oroho) – CONDITIONAL - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

[Copy of Statement](#)

A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL - Establishes three year Financial Empowerment Pilot Program

[Copy of Statement](#)

A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL - Allows deduction of promotional gaming credit from gross revenue on sports wagering

[Copy of Statement](#)

A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

[Copy of Statement](#)

A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

[Copy of Statement](#)

A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL - Concerns labor harmony agreements in retail and distribution center projects

[Copy of Statement](#)

A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL - Requires that certain provider subsidy payments for child care services be based on enrollment

[Copy of Statement](#)

A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL - Requires disclosure letter be included with mail falsely implying State government connection

[Copy of Statement](#)

A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL - Establishes expedited construction inspection program

[Copy of Statement](#)

A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

[Copy of Statement](#)

A-5353/S-3421 (Conaway, Vainieri Huttie, Benson/Madden, Turner) – CONDITIONAL - Provides for certification of temporary nurse aides

[Copy of Statement](#)

A-5599/S-3916 (Chiaravalloti, Vainieri Huttie, McKnight/Scutari, Gill) – CONDITIONAL - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

[Copy of Statement](#)

A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bills:

S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

[Copy of Statement](#)

S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

[Copy of Statement](#)

S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE - Revises law relating to common interest communities

[Copy of Statement](#)

S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

[Copy of Statement](#)

S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsens) – ABSOLUTE - Establishes county-based mitigation plan to allow businesses to operate during pandemic

[Copy of Statement](#)

S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

[Copy of Statement](#)

S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE - Concerns construction code enforcing agency fee revenue

[Copy of Statement](#)

A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

[Copy of Statement](#)

A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

[Copy of Statement](#)

A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

[Copy of Statement](#)

