

27:1A-16

LEGISLATIVE HISTORY CHECKLIST

H.R.S.A. 27:1A-16 (Commuter Operating Agency--validates certain actions & clarifies Governor's approval power)

LAWS OF 1977 CHAPTER 337

Bill No. A2292

Sponsor(s) Burns, Contillo, Baer and Hamilton

Date Introduced November 8, 1976

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage  Yes  No

Date of Passage: Assembly July 11, 1977

Senate Nov. 21, 1977

Date of approval Jan. 24, 1978

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

Case referred to in Sponsor's Statement:

In re the matter of public hearings on the amended determination of the Commuter Operating Agency for fiscal year 1975-76.

9/1/78

337  
1-24-78

**ASSEMBLY, No. 2292**

**STATE OF NEW JERSEY**

INTRODUCED NOVEMBER 8, 1976

By Assemblymen BURNS, CONTILLO, BAER and HAMILTON

Referred to Committee on Transportation and Communications

AN ACT to amend and supplement "An act establishing and concerning a Department of Transportation as a principal department in the Executive Branch of the State Government, establishing therein a Commuter Operating Agency, providing an appropriation therefor, repealing chapter 88 of the laws of 1964, and supplementing Title 27 of the Revised Statutes," approved December 12, 1966 (P. L. 1966, c. 301).

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

1 1. Section 16 of P. L. 1966, c. 301 (C. 27:1A-16) is amended to  
2 read as follows:

3 16. (a) There is hereby established in the Department of Trans-  
4 portation the Commuter Operating Agency which for civil service  
5 purposes shall be considered to be a board.

6 (b) The agency shall consist of four members who shall be the  
7 Commissioner of Transportation, the assistant Commissioner for  
8 Public Transportation, the State Treasurer and the President of  
9 the Board of Public Utility Commissioners, or their respective  
10 designees.

11 (c) The Commissioner and the assistant Commissioner for  
12 Public Transportation shall be the chairman and secretary, respec-  
13 tively, of the agency.

14 (d) The commissioner shall assign to the agency such employees  
15 of the department as may be necessary for the efficient performance  
16 of the work of the agency in a division of commuter services under  
17 the supervision of the assistant Commissioner for Public Trans-  
18 portation. To assist the assistant Commissioner for Public  
19 Transportation in the conduct of the work of the agency, the com-  
20 missioner, acting as chairman of the agency, may also appoint a  
21 director of commuter services who shall serve at his pleasure and  
22 whose duties he shall determine. The director of commuter services

23 shall be a person qualified by training and experience in public  
24 transportation to perform the duties of his office, and shall receive  
25 such salary as may be established by the commissioner, with the  
26 approval of the President of the Civil Service Commission and the  
27 Director of the Division of Budget and Accounting, subject to the  
28 availability of funds.

29 (e) The powers of the agency shall be vested in the members  
30 thereof and three members of the agency or their designees shall  
31 constitute a quorum at any meeting thereof. Action may be taken  
32 and motions and resolutions adopted by the agency at any meeting  
33 thereof by the affirmative vote of at least three members or their  
34 designees. No vacancy in the membership of the agency shall im-  
35 pair the right of a quorum to exercise all the rights and perform  
36 all the duties of the agency.

37 (f) A true copy of the minutes of every meeting of the agency  
38 shall be delivered forthwith by and under the certification of the  
39 secretary thereof, to the Governor. No action taken at such meet-  
40 ing by the agency shall have force or effect until 10 days, exclusive  
41 of Saturdays, Sundays and legal holidays, after such copy of the  
42 minutes shall have been delivered. If, in said 10-day period, the  
43 Governor returns such copy of the minutes with veto of any action  
44 taken by the agency or any member thereof at such meeting, such  
45 action shall be null and of no effect. *The Governor may approve*  
46 *all or part of the action taken at such meeting prior to the expira-*  
47 *tion of the said 10-day period.*

1 2. (New section) Any actions taken by the Commuter Operating  
2 Agency prior to the effective date of this act are hereby validated,  
3 ratified and confirmed from the date of the approval of the minutes  
4 by the Governor, notwithstanding such approval of the minutes  
5 occurred prior to the expiration of the 10-day period provided for  
6 in section 16(f) of P. L. 1966, c. 301.

1 3. This act shall take effect immediately.

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#### STATEMENT

A recent decision of the Appellate Division of the Superior Court, held that the present text of section 16(f) does not permit the Governor to approve any action of the Commuter Operating Agency prior to the expiration of the 10-day veto period. Experience has shown that the business of the Commuter Operating Agency is often determined by rapidly-moving events and regulations established by external sources. This amendment would remove doubt that the agency has the flexibility to assure that certain of its

actions become effective as soon as feasible, rather than having to await expiration of the statutory veto period. This would clarify that the procedure used in reviewing the actions of the Commuter Operating Agency is intended to conform to that presently governing other agencies such as the New Jersey Turnpike Authority, Economic Development Authority, Sports and Exposition Authority and Health-Care Facilities Financing Authority. The bill would also validate any actions taken by the agency which were contained in minutes approved by the Governor prior to the expiration of the veto period.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 25, 1978

A2292 - BACK

ANNE BURNS

Governor Brendan Byrne has signed the following bills into law:

A-23, sponsored by Assemblyman Daniel F. Newman, (D-Ocean), which requires corporations applying for certain subdivisions and variances to disclose all the names of stockholders or individual partners owning 10 per cent or more of this stock.

The disclosure will be required when corporation or partnerships apply for approval of subdivisions of six or more lots or for variances for multi-family housing of 25 or more units or for approval of a commercial development.

The legislation also imposes penalties of fines between \$1,000 and \$10,000 for failure to comply with the disclosure requirement.

S-3112, sponsored by Senator Bernard Dwyer, (D-Middlesex), which allows counties to finance, acquire, construct and operate flood control facilities.

The county may finance the flood control facilities from the general revenues of the county or from direct assessments on the lands benefited from the facility.

The legislation authorized the issuance of bonds financed by these revenues.

S-3416, sponsored by Senator James Cafiero, (R-Cape May), which permits certain corporations to make benefits available to their employees, through stock ownership plans, without shareholders' consent. These stock ownership plans must have been authorized by the Board of Public Utilities or must be subject to the disclosure and proxy requirements of the Federal Securities and Exchange Act of 1934.

The bill will bring New Jersey into conformity with current laws in neighboring states including New York, Pennsylvania and Delaware.

S-3484, sponsored by Senator Joseph P. Merlino (D-Mercer), which appropriates \$300,000 to increase the salaries of the Legislators' staffs.

Each legislator will be given an allotment of up to \$20,000. The staff allotment since 1974 has been \$15,000. The increase will be available only to members who hire at least one full-time staff member.

The legislation will become effective upon adoption of joint rules governing staff hiring.

A-2292, sponsored by Assemblyman Robert Burns (D-Bergen), which amends Section 16 of P.L. 1966, Chapter 301 to allow the Governor to approve all or part of the action taken at a Commuter Operating Agency meeting before the expiration of the 10-day veto period.

A recent decision of the Appellate Division of the Superior Court, held that the text of Section 16 prohibited the Governor from approving any action of the COA prior to the expiration of the 10-day period.

The bill also validates any actions taken by the COA which were contained in minutes approved by the Governor before the expiration of the veto period.

A-3443, sponsored by Assemblyman Daniel F. Newman (D-Ocean), which appropriates \$30 million from funds raised by the Green Acres Act for State programs to acquire and develop lands for recreation and conservation purposes.

A third of the funds will go for acquisition of lands for the State. The other two thirds will be used for the development of recreation and conservation projects on State lands.

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