

SENATE, No. 59

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Co-Sponsored by:

Senators Rice and Turner

SYNOPSIS

Adds two public members to NJT board.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

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

9 4. a. There is hereby established in the Executive Branch of
10 the State Government the New Jersey Transit Corporation, a body
11 corporate and politic with corporate succession. For the purpose of
12 complying with the provisions of Article V, Section IV, paragraph 1
13 of the New Jersey Constitution, the corporation is hereby allocated
14 within the Department of Transportation, but, notwithstanding
15 **【said】** that allocation, the corporation shall be independent of any
16 supervision or control by the department or by any body or officer
17 thereof. The corporation is hereby constituted as an instrumentality
18 of the State exercising public and essential governmental functions,
19 and the exercise by the corporation of the powers conferred by **【this**
20 **act】** P.L.1979, c.150 (C.27:25-1 et al.) shall be deemed and held to
21 be an essential governmental function of the State.

22 b. The corporation shall be governed by a board which shall
23 consist of **【eight】** 10 members, each of whom shall be a voting
24 member.

25 **【Seven of the members shall be voting members and】** The board
26 shall consist of: the Commissioner of Transportation and the State
27 Treasurer, who shall be members ex officio, another member of the
28 Executive Branch to be selected by the Governor who shall also
29 serve ex officio, **【and four】** six other public members who shall be
30 appointed by the Governor, with the advice and consent of the
31 Senate, for four year staggered terms and until their successors are
32 appointed and qualified, and one member who shall be appointed by
33 the Governor upon the recommendation of the labor organization
34 representing the plurality of the employees of the corporation.

35 No more than **【two】** three of the public members shall be
36 members of the same political party. At least **【one】** three public
37 **【member】** members shall be **【a】** regular public transportation
38 **【rider】** riders, two of whom shall be appointed upon the
39 recommendation of the Tri-State Transportation Campaign. Of
40 those public members recommended by the Tri-State Transportation
41 Campaign, one shall be a regular New Jersey Transit motorbus
42 regular route service rider and one shall be a regular New Jersey
43 Transit train or light rail vehicle rider. Each public member may be
44 removed from office by the Governor for cause. A vacancy in the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 membership of the board occurring other than by expiration of term
2 shall be filled in the same manner as the original appointment, but
3 for the unexpired term only. The first appointments shall be for
4 one, two, three, and four years respectively, and thereafter for terms
5 of four years as stated. The board shall annually designate a vice
6 **【chairman】** chairperson and secretary. The secretary need not be a
7 member.

8 **【**There shall also be one non-voting member of the board, who
9 shall not be considered in determining a quorum. The non-voting
10 member shall be appointed by the Governor upon the
11 recommendation of the labor organization representing the plurality
12 of the employees of the corporation.**】** The **【non-voting】** labor
13 organization representative member shall be appointed for a term of
14 four years, provided, however, that if at any time during the term of
15 appointment the **【non-voting】** labor organization representative
16 member ceases to be affiliated with the labor organization
17 representing the plurality of the employees of the corporation, then
18 **【such】** the labor organization may, thereupon or at any time
19 thereafter during **【such】** the member's term, recommend a new
20 member to the Governor for appointment to serve the remainder of
21 the term. If the local bargaining unit decertifies its existing union
22 affiliation and certifies a new union, the union which represents the
23 plurality of the employees may recommend a new member to the
24 Governor for appointment to serve the remainder of the term. The
25 **【chairman】** chairperson of the board may, at the **【chairman's】**
26 chairperson's discretion, exclude **【such non-voting】** the labor
27 organization representative member from attending any portion of a
28 board meeting or any other meeting held for the purpose of
29 discussing negotiations with labor organizations, pending litigation
30 involving the labor organization, the investigation, evaluation, or
31 discipline of an employee of the corporation, or matters concerning
32 private entities engaged in the provision of motorbus regular route
33 service, paratransit service, or motorbus charter service that would
34 otherwise not be considered public information. The **【non-voting】**
35 labor organization representative member may be removed by the
36 Governor for cause.

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

41 d. The Commissioner of Transportation shall serve as
42 **【chairman】** chairperson of the board. **【He】** The commissioner
43 shall chair board meetings and shall have responsibility for the
44 scheduling and convening of all meetings of the board. In **【his】** the
45 commissioner's absence, the vice **【chairman】** chairperson shall
46 chair the board meeting. Each ex officio member of the board may
47 designate two employees of **【his】** the ex officio member's

1 department or agency, one of whom may represent **【him】** the ex
2 officio member at meetings of the board. A designee may lawfully
3 vote and otherwise act on behalf of the member for whom **【he】** the
4 person constitutes the designee. Any **【such】** designation shall be in
5 writing delivered to the board and shall continue in effect until
6 revoked or amended by writing delivered to the board.

7 e. The powers of the corporation shall be vested in the voting
8 members of the board thereof and **【four】** six voting members of the
9 board shall constitute a quorum at any meeting thereof. Actions
10 may be taken and motions and resolutions adopted by the board at
11 any meeting thereof by the affirmative vote of at least **【four】** six
12 members. No vacancy in the membership of the board shall impair
13 the right of a quorum to exercise all the rights and perform all the
14 duties of the board.

15 f. A true copy of the minutes of every meeting of the board
16 shall be delivered forthwith, by and under the certification of the
17 secretary thereof, to the Governor. No action taken at **【such】** a
18 meeting by the board shall have force or effect until approved by
19 the Governor or until 10 days after **【such】** a copy of the minutes
20 shall have been delivered. If, in **【said】** the 10-day period, the
21 Governor returns **【such】** a copy of the minutes with veto of any
22 action taken by the board or any member thereof at **【such】** the
23 meeting, **【such】** the action shall be null and of no effect. The
24 Governor may approve all or part of the action taken at **【such】** a
25 meeting prior to the expiration of the **【said】** 10-day period.

26 g. The board meetings shall be subject to the provisions of the
27 "Senator Byron M. Baer Open Public Meetings Act," P.L.1975,
28 c.231 (C.10:4-6 et seq.).
29 (cf: P.L.2009, c.179, s.1)

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31 2. This act shall take effect immediately.

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STATEMENT-

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36 This bill adds two public members to the New Jersey Transit
37 Corporation (New Jersey Transit) board. The two new public
38 members are to be appointed by the Governor, with the advice and
39 consent of the Senate, upon the recommendation of the Tri-State
40 Transportation Campaign. One of the new members is to be a
41 regular New Jersey Transit motorbus regular route service rider and
42 the other is to be a regular New Jersey Transit train or light rail
43 vehicle rider. The bill also increases the number of members
44 necessary for a quorum and the number of votes necessary to take
45 action or to adopt motions and resolutions to six.