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

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

1. Section 4 of P.L.1979, c.150 (C.27:25-4) is amended to read
as follows:
4. a. There is hereby established in the Executive Branch of
the State Government the New Jersey Transit Corporation, a body
corporate and politic with corporate succession. For the purpose of
complying with the provisions of Article V, Section IV, paragraph 1
of the New Jersey Constitution, the corporation is hereby allocated
within the Department of Transportation, but, notwithstanding
[said that allocation, the corporation shall be independent of any
supervision or control by the department or by any body or officer
thereof. The corporation is hereby constituted as an instrumentality
of the State exercising public and essential governmental functions,
and the exercise by the corporation of the powers conferred by [this
act] P.L.1979, c.150 (C.27:25-1 et al.) shall be deemed and held to
be an essential governmental function of the State.
b. The corporation shall be governed by a board which shall
consist of [eight] 10 members, each of whom shall be a voting
member.

[Seven of the members shall be voting members and] The board
shall consist of: the Commissioner of Transportation and the State
Treasurer, who shall be members ex officio, another member of the
Executive Branch to be selected by the Governor who shall also
serve ex officio, [and four] six other public members who shall be
appointed by the Governor, with the advice and consent of the
Senate, for four year staggered terms and until their successors are
appointed and qualified, and one member who shall be appointed by
the Governor upon the recommendation of the labor organization
representing the plurality of the employees of the corporation.

No more than [two] three of the public members shall be
members of the same political party. At least [one] three public
members shall be [a] regular public transportation
riders, two of whom shall be appointed upon the
recommendation of the Tri-State Transportation Campaign. Of
those public members recommended by the Tri-State Transportation
Campaign, one shall be a regular New Jersey Transit motorbus
regular route service rider and one shall be a regular New Jersey
Transit train or light rail vehicle rider. Each public member may be
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.
membership of the board occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only. The first appointments shall be for one, two, three, and four years respectively, and thereafter for terms of four years as stated. The board shall annually designate a vice chairman and secretary. The secretary need not be a member.

[There shall also be one non-voting member of the board, who shall not be considered in determining a quorum. The non-voting member shall be appointed by the Governor upon the recommendation of the labor organization representing the plurality of the employees of the corporation.] The non-voting labor organization representative member shall be appointed for a term of four years, provided, however, that if at any time during the term of appointment the non-voting labor organization representative member ceases to be affiliated with the labor organization representing the plurality of the employees of the corporation, then such the labor organization may, thereupon or at any time thereafter during such the member’s term, recommend a new member to the Governor for appointment to serve the remainder of the term. If the local bargaining unit decertifies its existing union affiliation and certifies a new union, the union which represents the plurality of the employees may recommend a new member to the Governor for appointment to serve the remainder of the term. The chairman of the board may, at the chairman’s discretion, exclude such non-voting labor organization representative member from attending any portion of a board meeting or any other meeting held for the purpose of discussing negotiations with labor organizations, pending litigation involving the labor organization, the investigation, evaluation, or discipline of an employee of the corporation, or matters concerning private entities engaged in the provision of motorbus regular route service, paratransit service, or motorbus charter service that would otherwise not be considered public information. The non-voting labor organization representative member may be removed by the Governor for cause.

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

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

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

f. A true copy of the minutes of every meeting of the board
shall be delivered forthwith, by and under the certification of the
secretary thereof, to the Governor. No action taken at [such] a
meeting by the board shall have force or effect until approved by
the Governor or until 10 days after [such] a copy of the minutes
shall have been delivered. If, in [said] the 10-day period, the
Governor returns [such] a copy of the minutes with veto of any
action taken by the board or any member thereof at [such] the
meeting, [such] the action shall be null and of no effect. The
Governor may approve all or part of the action taken at [such] a
meeting prior to the expiration of the [said] 10-day period.

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

This act shall take effect immediately.

STATEMENT-

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