

ASSEMBLY, No. 515

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman CRECCO

1 AN ACT concerning tolls of the New Jersey Highway Authority and
2 amending and supplementing P.L.1952, c.16.

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

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7 1. (New section) A resolution or other action of the New Jersey
8 Highway Authority providing for an increase in tolls or new tolls for
9 the use of any highway project of the authority, or any part or section
10 thereof, which is approved on or after the effective date of this
11 amendatory and supplementary act by the Governor in accordance
12 with section 4 of P.L.1952, c.16 (C.27:12B-4), shall be transmitted,
13 prior to taking effect, to the Legislature for its review and approval.
14 The resolution or other action transmitted to the Legislature shall not
15 take effect for 90 days following receipt by the President of the Senate
16 and the Speaker of the General Assembly of a copy of the resolution
17 or a written copy of the other action, along with supportive
18 documentation therefor and a transcript of the public hearing or
19 hearings thereon held in accordance with section 1 of P.L.1977, c.361
20 (C.27:12B-14.1).

21 Within 90 days of receipt of a copy of the resolution or other
22 action, the Senate and General Assembly may disapprove the toll
23 increase or new toll by concurrent resolution adopted by recorded
24 vote, which shall set forth the reasons for disapproving the resolution
25 or other action and the recommendations of the Legislature thereon.
26 If the Legislature fails to act within the prescribed period of time, the
27 resolution or other action shall be deemed approved.

28 The State covenants not to impair or otherwise interfere with any
29 contract terms agreed to by the New Jersey Highway Authority and
30 holders of debt instruments issued by the authority.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. Section 4 of P.L.1952, c.16 (C.27:12B-4) is amended to read as
2 follows:

3 4. There is hereby established in the State Department of
4 Transportation a body corporate and politic, with corporate
5 succession, to be known as the "New Jersey Highway Authority." The
6 authority is hereby constituted an instrumentality exercising public and
7 essential governmental functions, and the exercise by the authority of
8 the powers conferred by this act in the construction, operation and
9 maintenance of projects shall be deemed and held to be an essential
10 governmental function of the State.

11 The New Jersey Highway Authority shall consist of seven members,
12 each of whom shall be a resident of the State, who shall have been a
13 qualified elector therein for a period of at least 1 year next preceding
14 his appointment. Each member of the authority shall be appointed by
15 the Governor, with the advice and consent of the Senate, for a term of
16 5 years and shall serve until his successor is appointed and has
17 qualified. Of the two members first appointed pursuant to this
18 amendatory act, one shall be for a term of 4 years and one for a term
19 of 5 years. Each member of the authority may be removed from office
20 by the Governor, for cause, after a public hearing. Each member of
21 the authority before entering upon his duties shall take and subscribe
22 an oath to perform the duties of his office faithfully, impartially and
23 justly to the best of his ability. A record of such oaths shall be filed in
24 the office of the Secretary of State.

25 Any vacancies in the membership of the authority occurring other
26 than by expiration of term shall be filled in the same manner as the
27 original appointment, but for the unexpired term only.

28 The Governor shall designate one of the members of the authority
29 as chairman thereof and another member as vice-chairman thereof.
30 The chairman and vice-chairman of the authority so designated shall
31 serve as such at the pleasure of the Governor and until their respective
32 successors have been designated.

33 The authority shall elect a secretary and a treasurer who need not
34 be members. At the option of the authority the same person may be
35 elected to serve both as secretary and treasurer. Four members of the
36 authority shall constitute a quorum and the vote of four members shall
37 be necessary for any action taken by the authority. No vacancy in the
38 membership of the authority shall impair the right of a quorum to
39 exercise all the rights and perform all the duties of the authority.

40 Before the issuance of any bonds or notes under the provisions of
41 this act, each member of the authority shall execute a surety bond in
42 the penal sum of \$25,000.00, and the treasurer shall execute a surety
43 bond in the penal sum of \$50,000.00, each such surety bond to be
44 conditioned upon the faithful performance of the duties of the office
45 of such member or treasurer, as the case may be, to be executed by a
46 surety company authorized to transact business in the State of New

1 Jersey as surety and to be approved by the Attorney General and filed
2 in the office of the Secretary of State.

3 No resolution or other action of the authority providing for the
4 issuance of bonds, refunding bonds or other obligations or for the
5 fixing, revising or adjusting of tolls for the use of any highway projects
6 or parts or sections thereof shall be adopted or otherwise made
7 effective by the authority without the prior approval in writing of the
8 Governor and at least one of the following: the State Treasurer and
9 the Comptroller of the Treasury. The powers conferred in this section
10 upon the Governor, the State Treasurer and the Comptroller of the
11 Treasury shall be exercised with due regard for the rights of the
12 holders of bonds of the authority at any time outstanding, and nothing
13 in, or done pursuant to, this section shall in any way limit, restrict or
14 alter the obligation or powers of the authority or any representative or
15 officer of the authority to carry out and perform in every detail each
16 and every covenant, agreement or contract at any time made or
17 entered into by or on behalf of the authority with respect to its bonds
18 or for the benefit, protection or security of the holders thereof.

19 A true copy of the minutes of every meeting of the authority shall
20 be forthwith delivered by and under the certification of the secretary
21 thereof, to the Governor. No action taken at such meeting by the
22 authority shall have force or effect until 10 days (Saturdays, Sundays
23 and holidays excepted) after such copy of the minutes shall have been
24 delivered or the approval thereof by the Governor prior thereto;
25 except that a resolution or other action of the authority providing for
26 an increase in tolls or for new tolls for the use of any highway project,
27 or part or section thereof, shall not take effect following approval by
28 the Governor or at the end of the 10 day period unless approved by
29 the Legislature in accordance with section 1 of this 1987 amendatory
30 and supplementary act (now pending before the Legislature as this
31 bill). If, in said 10-day period, the Governor returns such copy of the
32 minutes with veto of any action, except action to negotiate or execute
33 a collective negotiation agreement with a certified public employee
34 organization representing employees of the authority, taken by the
35 authority or any member thereof at such meeting, such action shall be
36 null and of no effect.

37 The members of the authority shall not receive compensation for
38 their services as members of the authority. Each member shall be
39 reimbursed by the authority for his actual expenses necessarily
40 incurred in the performance of his duties.

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42 3. The act shall take effect immediately.

1 STATEMENT

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3 This bill requires the New Jersey Highway Authority to transmit
4 proposed highway toll increases or new tolls to the Senate and General
5 Assembly prior to their taking effect. The transmission is to be made
6 after the holding of a public hearing or hearings, if required, and upon
7 approval by the Governor of the toll increase. The Legislature, by
8 concurrent resolution, may disapprove the toll increase or new toll
9 within 90 days of receipt of the transmission. If the Legislature fails
10 to act within the prescribed period of time, the proposed toll increase
11 or new toll shall be deemed to be approved.

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16 Requires the New Jersey Highway Authority to submit to the
17 Legislature, for review and approval, proposals for highway toll
18 increases or new tolls.

WITHDRAWN