

**ASSEMBLY CONCURRENT
RESOLUTION No. 10**

**STATE OF NEW JERSEY
216th LEGISLATURE**

INTRODUCED JANUARY 27, 2014

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Constitutes special committee of Senate and General Assembly entitled
“New Jersey Legislative Select Committee on Investigation.”

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** constituting a special committee of
2 the Senate and General Assembly entitled the “New Jersey
3 Legislative Select Committee on Investigation.”
4
5 **WHEREAS**, The Port Authority of New York and New Jersey (Port
6 Authority) is a bi-state agency established by compact between the
7 State of New York and the State of New Jersey; and
8 **WHEREAS**, On March 15, 2012, the General Assembly adopted
9 Assembly Resolution 61, constituting the Assembly Transportation,
10 Public Works and Independent Authorities Committee (committee)
11 as a special committee of the General Assembly to investigate all
12 aspects of the finances of the Port Authority, including, but not
13 limited to, the Port Authority’s 10-year capital plan, the allocation
14 of the revenue generated from the Port Authority’s toll increase
15 plan and how that revenue is being spent, and the salary, overtime,
16 and other compensation paid to officers and employees of the Port
17 Authority; and
18 **WHEREAS**, Assembly Resolution 61 conferred powers pursuant to
19 chapter 13 of Title 52 of the Revised Statutes on the committee
20 including, but not limited to, the power to issue subpoenas to
21 compel attendance and testimony of persons and the production of
22 books, papers, correspondence, and other documents; and
23 **WHEREAS**, On February 14, 2013, the General Assembly adopted
24 Assembly Resolution 91, continuing the committee as a special
25 committee of the General Assembly through noon on Tuesday,
26 January 14, 2014; and
27 **WHEREAS**, Through fall 2013, the committee received limited and
28 incomplete responses to the subpoenas it issued in investigating the
29 finances of the Port Authority; and
30 **WHEREAS**, Subsequent events have highlighted serious issues with the
31 finances, management, and operations at the Port Authority; and
32 **WHEREAS**, Between September 9, 2013 and September 13, 2013, the
33 Port Authority reassigned access lanes in Fort Lee, New Jersey to
34 the George Washington Bridge, without providing notice to
35 commuters or officials from Fort Lee; and
36 **WHEREAS**, The lane reassignment caused considerable traffic delays,
37 significantly inconvenienced motorists, impaired public safety, and
38 had financial consequences for the Port Authority; and
39 **WHEREAS**, Pursuant to authority granted to the committee pursuant to
40 Assembly Resolutions 61 and 91, the committee issued subpoenas
41 to compel attendance and testimony and the production of
42 documents from current and former Port Authority employees
43 concerning the reassignment of access lanes in Fort Lee onto the
44 George Washington Bridge; and
45 **WHEREAS**, The testimony and documents received by the committee
46 raised questions about who made the decision to reassign access
47 lanes in Fort Lee, the events leading up to the morning of
48 September 9, 2013, when Port Authority employees reassigned the

ACR10 PRIETO, GREENWALD

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1 lanes, and whether the decision to reassign the lanes violated any
2 State or federal laws or any ethics rules, regulations, or codes; and

3 **WHEREAS**, Pursuant to authority granted to the Select Committee on
4 Investigation (ASI committee) pursuant to Assembly Resolution 10,
5 the ASI committee issued subpoenas to compel the production of
6 documents from individuals and entities concerning the
7 reassignment of access lanes in Fort Lee onto the George
8 Washington Bridge; and

9 **WHEREAS**, On January 16, 2014, the Senate adopted Senate
10 Resolution 1, constituting the Senate Select Committee on
11 Investigation (SSI committee) as a special committee of the Senate
12 to investigate the organizational structure and management of the
13 Port Authority; all aspects of the finances, operations, and
14 management of the Port Authority; and any other matter raising
15 concerns about abuse of government power or an attempt to conceal
16 an abuse of government power including, but not limited to, the
17 reassignment of access lanes in Fort Lee, New Jersey to the George
18 Washington Bridge; and

19 **WHEREAS**, Given the enormity of the issues which have been exposed
20 in the aftermath of the reassignment of access lanes in Fort Lee to
21 the George Washington Bridge, it is fitting for the Legislature
22 through an appropriate committee to further investigate all aspects
23 of the finances, operations, and management of the Port Authority
24 and any other matter raising concerns about abuse of government
25 power or an attempt to conceal an abuse of government power;
26 now, therefore,

27
28 **BE IT RESOLVED** by the General Assembly of the State of New
29 Jersey (the Senate concurring):

30
31 1. There is constituted a special committee of the Senate and
32 General Assembly entitled the "New Jersey Legislative Select
33 Committee on Investigation," comprising 12 members. Eight
34 members are to be appointed by the Speaker of the General
35 Assembly, not more than five of whom shall be of the same
36 political party. The Minority Leader of the General Assembly shall
37 submit to the Speaker a list of the Minority Leader's
38 recommendations of members to the special committee. Four
39 members are to be appointed by the Senate President, not more than
40 three of whom shall be of the same political party. The Minority
41 Leader of the Senate shall submit to the Senate President a list of
42 the Minority Leader's recommendations of members to the special
43 committee. There shall be two co-chairs of the special committee,
44 one of whom shall be appointed by the Senate President from
45 among the appointed members and one of whom shall be appointed
46 by the Speaker from among the appointed members.

1 2. The New Jersey Legislative Select Committee on
2 Investigation shall investigate all aspects of the finances,
3 operations, and management of the Port Authority of New York and
4 New Jersey and any other matter raising concerns about abuse of
5 government power or an attempt to conceal an abuse of government
6 power including, but not limited to, the reassignment of access
7 lanes in Fort Lee, New Jersey to the George Washington Bridge.

8
9 3. For the purposes of carrying out its charge under this
10 resolution, the New Jersey Legislative Select Committee on
11 Investigation shall:

12 a. have all the powers conferred under the laws and the
13 Constitution of the State of New Jersey and the United States,
14 including, but not limited to, the following powers:

15 (1) conferred pursuant to chapter 13 of Title 52 of the Revised
16 Statutes, including, but not limited to, the power to issue subpoenas
17 to compel attendance and testimony of persons and the production
18 of books, papers, correspondence, other documents and materials,
19 and electronic records and data;

20 (2) to hold hearings, take testimony under oath, and receive
21 documentary or physical evidence relating to the matters and
22 questions it is authorized to investigate or study;

23 (3) to use any and all reasonable means of interviewing or fact
24 gathering, including, but not limited to, preliminary conferences or
25 interviews;

26 (4) to convene a meeting or hearing to determine the adequacy
27 of the return and rule on the objection if a return on a subpoena or
28 order for the production of documentary evidence is incomplete or
29 accompanied by an objection;

30 (5) to utilize the powers provided under R.S.52:13-3 or hold the
31 Port Authority in contempt of the committee;

32 (6) to make findings and reports to the Senate and General
33 Assembly of any recommendations, including recommendations for
34 enforcement, that the committee may consider appropriate with
35 respect to the willful failure or refusal of any person to appear
36 before it, to answer questions or give testimony during an
37 appearance of that person as a witness, or to produce before the
38 committee any books, papers, correspondence, other documents and
39 materials, and electronic records and data in compliance with any
40 subpoena;

41 (7) to respond to any judicial or other process, or to make
42 application to the courts of this State, any other state, or the United
43 States;

44 (8) to report possible violations of any law, rule, regulation, or
45 code to appropriate federal, State, or local authorities; and

46 (9) to adopt additional rules or procedures not inconsistent with
47 this resolution.

1 b. take custody and control of all books, papers,
2 correspondence, other documents and materials, and electronic
3 records and data received by:

4 (1) the Assembly Transportation, Public Works, and
5 Independent Authorities Committee pursuant to subpoenas issued
6 under the powers granted to the committee by Assembly Resolution
7 61 and Assembly Resolution 91 of the 215th Legislative Session;
8 and

9 (2) the Select Committee on Investigation pursuant to subpoenas
10 issued under the powers granted to that committee by Assembly
11 Resolution 10 and such other documents, records, or other data that
12 may be in the possession of that committee.

13 c. have the authority to exercise any available remedies to
14 enforce subpoenas issued by the Select Committee on Investigation
15 pursuant to Assembly Resolution 10.
16

17 4. a. The New Jersey Legislative Select Committee on
18 Investigation shall be entitled to call to its assistance and avail itself
19 of the services of the employees of the State of New Jersey, any
20 political subdivision of the State, and any agency thereof, as may be
21 required and as may be available for that purpose, and to employ
22 any other services as may be deemed necessary, in order to perform
23 the duties provided herein, and within the limits of funds
24 appropriated or otherwise made available for that purpose.

25 b. The New Jersey Legislative Select Committee on
26 Investigation shall be entitled to call to its assistance, employ, and
27 avail itself of the services of special counsel retained to assist the
28 New Jersey Legislative Select Committee on Investigation.
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30 5. The Select Committee on Investigation constituted by
31 Assembly Resolution 10 and the Senate Select Committee on
32 Investigation constituted by Senate Resolution 1 are hereby
33 dissolved.
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35 6. This resolution shall take effect immediately and the special
36 committee's powers pursuant to chapter 13 of Title 52 of the
37 Revised Statutes shall expire at noon on Tuesday, January 12, 2016.
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40 STATEMENT
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42 This resolution constitutes a special committee of the Senate and
43 General Assembly, entitled the "New Jersey Legislative Select
44 Committee on Investigation," charged with investigating all aspects
45 of the finances, operations, and management of the Port Authority
46 of New York and New Jersey and any other matter raising concerns
47 about abuse of government power or an attempt to conceal an abuse
48 of government power including, but not limited to, the reassignment

1 of access lanes in Fort Lee, New Jersey to the George Washington
2 Bridge.

3 The special committee is to be made up 12 members. Eight
4 members are to be appointed by the Speaker of the General
5 Assembly, not more than five of whom may be of the same political
6 party. The Minority Leader of the General Assembly is to submit to
7 the Speaker a list of the Minority Leader's recommendations of
8 members to the special committee. Four members are to be
9 appointed by the Senate President, not more than three of whom
10 shall be of the same political party. The Minority Leader of the
11 Senate shall submit to the Senate President a list of the Minority
12 Leader's recommendations of members to the special committee.
13 There shall be two co-chairs of the special committee, one of whom
14 shall be appointed by the Senate President from among the New
15 Jersey Legislative Select Committee on Investigation's appointed
16 members and one of whom shall be appointed by the Speaker from
17 among the New Jersey Legislative Select Committee on
18 Investigation's appointed members.

19 For the purposes of carrying out its charge, this resolution
20 confers upon the New Jersey Legislative Select Committee on
21 Investigation all the powers conferred under the laws and the
22 Constitution of the State of New Jersey and the United States,
23 including, but not limited to, the following powers:

- 24 • to issue subpoenas to compel attendance and testimony of
25 persons and the production of books, papers,
26 correspondence, other documents and materials, and
27 electronic records and data;
- 28 • to hold hearings, take testimony under oath, and receive
29 documentary or physical evidence;
- 30 • to use any and all reasonable means of interviewing or
31 fact gathering, including, but not limited to, preliminary
32 conferences or interviews;
- 33 • to convene a meeting or hearing to determine the
34 adequacy of the return and rule on the objection if a
35 return on a subpoena or order for the production of
36 documentary evidence is incomplete or accompanied by
37 an objection;
- 38 • to make findings and reports to the Senate and the
39 General Assembly of any recommendations;
- 40 • to utilize the powers provided under R.S.52:13-3 or hold
41 the Port Authority in contempt of the committee;
- 42 • to respond to any judicial or other process, or to make
43 application to the courts of this State, any other state, or
44 the United States;
- 45 • to report possible violations of any law, rule, regulation,
46 or code to appropriate federal, State, or local authorities;
47 and
- 48 • to adopt additional rules or procedures.

ACR10 PRIETO, GREENWALD

1 In addition, the New Jersey Legislative Select Committee on
2 Investigation is to take custody and control of all books, papers,
3 correspondence, other documents and materials, and electronic
4 records and data received by the Assembly Transportation, Public
5 Works, and Independent Authorities Committee pursuant to
6 subpoenas issued under the powers granted to the committee by
7 Assembly Resolution 61 and Assembly Resolution 91 of the 215th
8 Legislative Session; and the Select Committee on Investigation
9 pursuant to subpoenas issued under the powers granted to the
10 committee by Assembly Resolution 10 of the 216th Legislative
11 Session and such other documents, records, or other data that may
12 be in the possession of that committee.

13 The resolution provides that the New Jersey Legislative Select
14 Committee on Investigation may call to its assistance, employ, and
15 avail itself of the services of special counsel retained to assist the
16 New Jersey Legislative Select Committee on Investigation.

17 Finally, the resolution dissolves the Select Committee on
18 Investigation constituted pursuant to Assembly Resolution 10 and
19 the Senate Select Committee on Investigation constituted pursuant
20 to Senate Resolution 1.

21 The resolution expires at noon on Tuesday, January 12, 2016.