

Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

*"The committee will meet to update members concerning the status of its investigation
and convene in closed session"*

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: April 8, 2014
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Loretta Weinberg, Co-Chair
Assemblyman John S. Wisniewski, Co-Chair
Senator Nia H. Gill
Senator Linda R. Greenstein
Senator Kevin J. O'Toole
Assemblywoman Marlene Caride
Assemblywoman Valerie Vainieri Huttie
Assemblyman Michael Patrick Carroll
Assemblywoman Amy H. Handlin
Assemblywoman Holly T. Schepisi



ALSO PRESENT:

Charles A. Buono Jr.
Maureen McMahon
Office of Legislative Services
Committee Aides

Francisco Maldonado
Senate Majority
Aaron Binder
Assembly Majority
Committee Aides

Frank Dominguez
Senate Republican
Keith A. Loughlin
Assembly Republican
Committee Aides

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

LORETTA WEINBERG
Co-Chair

JOHN S. WISNIEWSKI
Co-Chair

SENATE

NIA H. GILL
LINDA R. GREENSTEIN
KEVIN J. O'TOOLE

ASSEMBLY

MARLENE CARIDE
LOUIS D. GREENWALD
PAUL D. MORIARTY
VALERIE VAINIERI HUTTLE
MICHAEL PATRICK CARROLL
AMY H. HANDLIN
HOLLY T. SCHEPISI



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COMMITTEE NOTICE

TO: MEMBERS OF THE NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

FROM: SENATOR LORETTA WEINBERG, CO-CHAIR AND ASSEMBLYMAN JOHN S. WISNIEWSKI, CO-CHAIR

SUBJECT: COMMITTEE MEETING - APRIL 8, 2014

The public may address comments and questions to Charles A. Buono, Jr., Michael R. Molimock, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideLSI@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The New Jersey Legislative Select Committee on Investigation will meet on Tuesday, April 8, 2014 at 2:00 PM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The committee will meet to update members concerning the status of its investigation and convene in closed session.

Issued 4/3/14

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For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

We'll call this meeting of the Joint Select Investigative Committee to order.

May we have the roll, please?

MS. McMAHON (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Here.

MS. McMAHON: Senator O'Toole.

SENATOR O'TOOLE: Here.

MS. McMAHON: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Here.

MS. McMAHON: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MS. McMAHON: Assemblywoman Vainieri Huttie.

ASSEMBLYWOMAN VAINIERI HUTTLE: Here.

MS. McMAHON: Assemblyman Moriarty is absent; Majority Leader Greenwald, absent.

Senator Greenstein.

SENATOR GREENSTEIN: Here.

MS. McMAHON: Senator Gill.

SENATOR GILL: Here.

MS. McMAHON: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Present.

MS. McMAHON: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Here.

MS. McMAHON: Co-Chair Weinberg.

SENATOR LORETTA WEINBERG (Co-Chair): Here.

ASSEMBLYMAN WISNIEWSKI: We have a quorum.

Thank you, ladies and gentlemen. Thank you, members, for attending this afternoon. I know it was relatively short notice.

We're going to begin the meeting.

I have a brief opening statement; I know Assemblywoman Handlin has a statement that she would like to read as well. And then I believe we are going to discuss business with our counsel in Executive Session.

So to begin with, I just wanted to underscore where we are at as a Committee. Our responsibility as a Committee is to develop an understanding of how the politically motivated lane closures could have happened, and then develop the legislative response we need and we deem appropriate to make sure that that type of action and abuse of power never happens again.

To suggest that the Gibson Dunn report provides all of the information that we need to know is to, frankly, deliberately ignore its critical deficiencies -- which are numerous. To suggest that the U.S. Attorney's work will suffice is to deliberately ignore the strictly criminal focus of the U.S. Attorney's probe, and the limited public disclosure that goes along with it.

This Committee and this State still does not have a clear understanding of how this happened, and there are still people we can question and documents we can gather to review and enhance our understanding. When we are confident that we have gathered all of the information we can, and that we have enhanced our understanding as best we can, then and only then will we be in a position to put forward a remedy

in the form of legislation that we can embrace and move through this Legislature.

Let me remind Committee members that our investigation had its genesis in an examination of the Port Authority -- its lack of transparency and accountability. It is only because of the meticulous work that was patiently done that we followed the evidence that led us into the Governor's Office. Having arrived there, it would be a disservice -- to ourselves and to the people of the state -- if we did not pursue this investigation to its conclusion. A complete investigation by the Legislature is our only hope to ensure that the residents of northern New Jersey never again -- never again -- become pawns in some vindictive political power play by any Administration, Democrat or Republican; and to curb the insatiable appetite that the Port Authority has for more money and higher tolls that unfairly burden area residents.

Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Thank you, Mr. Chairman.

First of all, let me just say that I share your fervent belief in the importance and the great potential of this Committee.

Having said that, I am very troubled. So far we have been billed over \$200,000 by our counsel for two of our meetings. So that's over \$100,000 per meeting.

Now, this may or may not be a meaningful way to look at it, but here's the point: For every dollar that we spend here, the Port Authority is spending \$100, or \$1,000, or \$10,000 in a way that is completely dysfunctional, even parasitic. It's been going on for years; we all know that. But more to the point, this Committee has been willfully

allowing it to go on for the 82 days that we've been in existence. So that's 82 days worth of waste and arrogance that we could have put a stop to, and did not.

So we can earn our keep today by taking some immediate action to reform the Port Authority. I have here a whole pile of reform bills that include bills sponsored by you, Mr. Chairman, and also by Madam Chairwoman. And I have others sponsored by members of this Committee on both sides. What on earth is stopping us from moving forward on this legislation today? We're Legislators; it's our job to advance legislation.

Response?

ASSEMBLYMAN WISNIEWSKI: Are you done with your-- I was told you wanted to make an opening statement.

ASSEMBLYWOMAN HANDLIN: Well, I guess I'll continue, if I may.

Just to say that-- I understand, in your opening statement, you made some comments along the lines of, "Eventually we'll get to the reform part of our job." I don't understand the notion, "No culprits, no reform." It's as though-- Let's say I was walking down the street and I saw a stabbing victim bleeding on the sidewalk. Am I supposed to wait before I try to stop the bleeding until the police have caught the stabber? Don't you think that the bleeding at the Port Authority has gone on long enough?

I'm finished; thank you.

ASSEMBLYMAN WISNIEWSKI: You are? Okay, thank you for your opening statement.

We don't know who the culprit is. We don't know why the culprit closed the lanes. We don't know how far this goes, or for what

purpose. I don't know how we effectively carry out our function. (Assemblywoman Handlin gestures with a stack of papers; Assemblyman Wisniewski does the same)

ASSEMBLYMAN WISNIEWSKI: I could do the same thing.
I mean--

ASSEMBLYWOMAN HANDLIN: Bills-- These are bills.

ASSEMBLYMAN WISNIEWSKI: The Governor vetoed a bill that was put in front of him--

ASSEMBLYWOMAN HANDLIN: I know.

ASSEMBLYMAN WISNIEWSKI: --that would have addressed this.

ASSEMBLYWOMAN HANDLIN: I was a sponsor of that bill.

ASSEMBLYMAN WISNIEWSKI: So to showboat here, to talk about how we can now--

ASSEMBLYWOMAN HANDLIN: Showboat?

ASSEMBLYMAN WISNIEWSKI: --put forward legislation today, Assemblywoman-- We're not done with our work. Now, you're certainly free to introduce any piece of legislation you'd like. And you and I may disagree about whether or not you think it's the appropriate time versus whether I think it's the appropriate time. We will disagree, because I don't think our work is done, and I don't think we can effectively prevent this from happening. Maybe you don't want to prevent it from happening again. Maybe you're content with the way the Governor's Office treats the Port Authority as just another desk in the Governor's Office -- I'm not. But until we know exactly how this happened, we're not in a position to stop it from happening again.

Co-Chair Weinberg.

ASSEMBLYWOMAN HANDLIN: We can walk and chew gum at the same time.

SENATOR WEINBERG: I think Assemblywoman Handlin is quite serious in her attempts to put in legislation. But I just want to reiterate one point that my Co-Chair said, and that is approximately two years ago -- I think it's been about two years, Assemblywoman? -- Assemblywoman Huttie, Senator Bob Gordon, and myself put in a whole package of Port Authority reform -- or a Port Authority reform bill. It was passed on a bipartisan basis by both houses of the Legislature, and the Governor vetoed it.

ASSEMBLYMAN WISNIEWSKI: Yes.

SENATOR WEINBERG: Today, as we speak, there are people in both of our caucuses who are working quite diligently to look at the issues as we might know them now, or as we have read about them now; and hopefully together we can come up with a reform package at the appropriate time, that this time Governor Christie might see fit to sign. But it's not anything that people in our caucus are ready for. And I believe, as I said, that in a bipartisan manner -- and you and I have had that discussion, and I agree with you. And I think your intentions are appropriate and for the good of the people of New Jersey.

Now we have to work together to really get a good series of bills out into the Legislature. And we will do that as this Committee is progressing on its fact finding.

SENATOR O'TOOLE: Chair, if I could just add one thing.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes, thank you, Chairman and Chairwoman.

I'd like to move to convene to closed session to receive advice from our special counsel at this time.

ASSEMBLYMAN WISNIEWSKI: Is there a second?

SENATOR GILL: Second.

ASSEMBLYMAN WISNIEWSKI: Motion made and seconded to convene into closed session to receive advice from our special counsel.

Could we have a roll call, please?

MS. McMAHON (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: I believe some of my colleagues had additional questions and statements at this time, so I'm voting no.

SENATOR O'TOOLE: I'll just say, if the Chair would allow us a 30-second add on to what Senator Weinberg said, then I'm going to vote yes after I have that opportunity to say something. I'd appreciate that.

So I'm going to say yes; but if I can just agree with Senator Weinberg, Chair.

I think that when you use politically charged words like *showboat*-- I don't think anybody here who knows Amy thinks she's showboating, John; she's not. And Senator Weinberg, we're here -- we're here to do a job.

SENATOR WEINBERG: Right.

SENATOR O'TOOLE: And we take on face value what you say, Chair. I think we owe Amy the same respect that when she says she is

intent on moving bills and getting to the bottom of it, I just don't think it goes anywhere by taking a shot by saying she's showboating or doing whatever she's doing. She's sincere; she really is.

ASSEMBLYMAN WISNIEWSKI: Senator, you approached me 30 seconds before this Committee meeting convened and said that Assemblywoman Handlin had an opening statement.

SENATOR O'TOOLE: Correct.

ASSEMBLYMAN WISNIEWSKI: And we would then go into closed--

SENATOR O'TOOLE: That's right. I didn't know you were going to call her a *showboat*, and that (indiscernible).

ASSEMBLYMAN WISNIEWSKI: Well, and then subsequent to that statement, there's a resolution on the desk that now your members want -- that nobody has seen before we walked into this meeting -- to ask this Committee to act on legislation. No one has seen this.

SENATOR O'TOOLE: But if you want to get to that--

ASSEMBLYMAN WISNIEWSKI: So if we're going to talk about--

SENATOR O'TOOLE: Through the Chair, you gave us 18 subpoenas and said, "Go out there and vote on them." So if you want to talk about process, (indiscernible).

ASSEMBLYMAN WISNIEWSKI: If we're going to talk about process-- If you want to talk about process, you deliberately misrepresented -- deliberately misrepresented what was happening in this meeting, so--

SENATOR O'TOOLE: No, I take exception to that charge, Chair. I did not. I got that, literally, 30 seconds ago -- the resolution --

and all she simply asked was that we consider bipartisan bills. And don't tell me that I'm deliberately misrepresenting.

ASSEMBLYMAN WISNIEWSKI: You are.

SENATOR O'TOOLE: You deliberately misrepresented when you said--

ASSEMBLYMAN WISNIEWSKI: You are.

SENATOR O'TOOLE: --that OLS was being represented by Jenner and Block. They weren't. You signed the resolution, so don't trade charges with me about deliberately misrepresenting. I resent that.
(indiscernible)

ASSEMBLYMAN WISNIEWSKI: I will not.

SENATOR WEINBERG: Point of order.

Assemblyman Wisniewski, we have a motion on the floor to go into closed session. Can we please vote.

ASSEMBLYMAN WISNIEWSKI: Continue the roll.

MS. McMAHON: Senator O'Toole indicated yes.

SENATOR O'TOOLE: Yes.

MS. McMAHON: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Since I was the subject of that whole exchange, I think I'm entitled to say something.

ASSEMBLYMAN WISNIEWSKI: You are.

ASSEMBLYWOMAN HANDLIN: Mr. Chairman, you can call me whatever you like. I'm a big girl; it really doesn't bother me.

ASSEMBLYMAN WISNIEWSKI: I didn't call you anything. I said you were showboating.

ASSEMBLYWOMAN HANDLIN: And by the way, I didn't introduce the resolution, did I? So let's just get back here.

But I want everyone on this Committee to understand, and I have talked to Co-Chair Weinberg myself; I've talked to some other members of this Committee, as well, that I will not rest until we get this reform job done. Because I see that as our single biggest responsibility to the citizens who are paying our salaries.

And I vote no.

MS. McMAHON: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MS. McMAHON: Assemblywoman Vainieri Huttie.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MS. McMAHON: Assemblyman Moriarty and Majority Leader Greenwald are absent.

Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MS. McMAHON: Senator Gill.

SENATOR GILL: Yes.

MS. McMAHON: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MS. McMAHON: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MS. McMAHON: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

(Committee convenes in closed Executive Session)