

ASSEMBLY, No. 1679

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Prohibits the Delaware River Port Authority from selling or leasing certain transportation infrastructure projects to foreign corporations or governments.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the Delaware River Port Authority, authorizing
2 the Governor, on behalf of the State of New Jersey, to enter into
3 a supplemental compact or agreement with the Commonwealth
4 of Pennsylvania supplementing the compact or agreement
5 between the Commonwealth of Pennsylvania and the State of
6 New Jersey entitled "Agreement Between The Commonwealth of
7 Pennsylvania and The State of New Jersey creating the Delaware
8 River Joint Commission as a body corporate and politic and
9 defining its powers and duties," as amended and supplemented;
10 establishing certain limitations on the powers of the authority
11 with regard to transportation infrastructure projects; and
12 authorizing the Governor to apply, on behalf of the State of New
13 Jersey, to the Congress of the United States for its consent to
14 such supplemental compact or agreement.

15
16 **BE IT ENACTED** *by the Senate and General Assembly of the State*
17 *of New Jersey:*

18
19 1. The Governor is authorized to enter into a supplemental
20 compact or agreement, on behalf of the State of New Jersey, with
21 the Commonwealth of Pennsylvania supplementing the compact or
22 agreement between the Commonwealth of Pennsylvania and the
23 State of New Jersey entitled "Agreement Between The
24 Commonwealth of Pennsylvania and The State of New Jersey
25 creating the Delaware River Joint Commission as a body corporate
26 and politic and defining its powers and duties," as set forth in this
27 2006 supplementary act.

28
29 2. a. Notwithstanding the provisions of any law, rule or
30 regulation to the contrary, the authority shall not enter into any
31 contract or private agreement for the sale, acquisition, purchase,
32 lease, or operation in any manner including but not limited to the
33 sharing or pledging of its tolls or other revenues, of any authority
34 projects consisting of roadways or bridges with any corporation, or
35 instrumentality thereof, that:

36 (1) Is organized, incorporated, or doing business under the laws
37 or jurisdiction of a foreign sovereign or country other than the
38 United States of America, and does not have a principal place of
39 business in this State, any other state, or in the United States; or

40 (2) Is owned, controlled, managed or maintained in any manner
41 by the government of a foreign sovereign or country other than the
42 United States.

43 b. For the purposes of this section, "authority" means the
44 Delaware River Port Authority.

45
46 3. The Governor is authorized to apply, on behalf of the State of
47 New Jersey, to the Congress of the United States for its consent to

1 and approval of such supplemental compact or agreement, but in the
2 absence of such consent and approval, the limitation on the
3 authority's powers referred to in such supplemental compact or
4 agreement shall apply to the extent that the Commonwealth of
5 Pennsylvania and the State of New Jersey may impose such
6 limitation upon the authority without the consent and approval of
7 Congress.

8

9 4. This act shall take effect immediately; but the Governor shall
10 not enter into the supplemental compact or agreement hereinabove
11 set forth on behalf of the State of New Jersey until the passage by
12 the Commonwealth of Pennsylvania of a substantially similar act,
13 embodying the supplemental compact or agreement between the
14 two States, and the approval by Congress, if necessary, of the
15 supplemental compact or agreement.

16

17

18

STATEMENT

19

20 This bill would authorize the Governor of New Jersey to enter
21 into a supplemental compact or agreement to supplement the
22 compact or agreement between the Commonwealth of Pennsylvania
23 and the State of New Jersey which established the Delaware River
24 Port Authority (the "authority"). The supplemental compact or
25 agreement is intended to prohibit any action by the authority to
26 enter into any contract or private agreement for the sale,
27 acquisition, purchase, lease or operation in any manner including
28 but not limited to the sharing or pledging of its tolls or other
29 revenues, of any authority projects consisting of roadways or
30 bridges with any corporation, or instrumentality thereof, that:

31 a. Is organized, incorporated, or doing business under the laws
32 or jurisdiction of a foreign sovereign or country other than the
33 United States of America, and does not have a principal place of
34 business in this State, any other state, or in the United States; or

35 b. Is owned, controlled, managed or maintained in any manner
36 by the government of a foreign sovereign or country other than the
37 United States.

38 The bill also authorizes the Governor to apply, on behalf of the
39 State of New Jersey, to the Congress of the United States for its
40 consent to and approval of such supplemental compact or
41 agreement.

42 The bill further provides that in the absence of such consent and
43 approval, the limitation on the authority's powers referred to in such
44 supplemental compact or agreement shall apply to the extent that
45 the Commonwealth of Pennsylvania and the State of New Jersey
46 may impose such limitation upon the authority without the consent
47 and approval of Congress.

A1679 MCHOSE, CHIUSANO

4

1 The bill is to take effect immediately but the Governor is not
2 authorized to enter into the supplemental compact or agreement
3 with the Commonwealth of Pennsylvania until the passage by the
4 Commonwealth of Pennsylvania of a substantially similar act, and
5 the approval by Congress, if necessary, of the supplemental
6 compact or agreement.