

ASSEMBLY, No. 1681

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 24 (Sussex, Hunterdon and Morris)

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District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Prohibits the Delaware River Joint Toll Bridge Commission 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 relating to joint action by the State of New Jersey and the
2 Commonwealth of Pennsylvania and through the instrumentality
3 of the Delaware River Joint Toll Bridge Commission;
4 authorizing the Governor to enter into a supplemental compact or
5 agreement on behalf of the State of New Jersey with the
6 Commonwealth of Pennsylvania, supplementing the compact or
7 agreement entitled "Agreement between the Commonwealth of
8 Pennsylvania and the State of New Jersey creating the Delaware
9 River Joint Toll Bridge Commission as a body corporate and
10 politic and defining its powers and duties," as heretofore
11 amended and supplemented; establishing certain limitations on
12 the powers of the commission with regard to transportation
13 infrastructure projects; and authorizing the Governor to apply, on
14 behalf of the State of New Jersey, to the Congress of the United
15 States for its consent to such supplemental compact or
16 agreement.

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

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21 1. The Governor is hereby authorized to enter into a
22 supplemental compact or agreement on behalf of the State of New
23 Jersey with the Commonwealth of Pennsylvania, supplementing the
24 compact or agreement entitled "Agreement between the
25 Commonwealth of Pennsylvania and the State of New Jersey
26 creating the Delaware River Joint Toll Bridge Commission as a
27 body corporate and politic and defining its powers and duties,"
28 which was executed on behalf of the State of New Jersey by its
29 Governor on December 18, 1934, and on behalf of the
30 Commonwealth of Pennsylvania by its Governor on December 19,
31 1934, as heretofore amended and supplemented, such supplemental
32 compact or agreement to be in substantially the following form:

33 "Supplemental Agreement between the Commonwealth of
34 Pennsylvania and the State of New Jersey supplementing the
35 compact or agreement entitled 'Agreement between the
36 Commonwealth of Pennsylvania and the State of New Jersey
37 creating the Delaware River Joint Toll Bridge Commission as a
38 body corporate and politic and defining its powers and duties,' as
39 heretofore amended and supplemented, by establishing certain
40 limitations on the powers of the commission with regard to
41 transportation infrastructure projects.

42 The Commonwealth of Pennsylvania and the State of New Jersey
43 do solemnly covenant and agree, each with the other, as follows:

44 a. Notwithstanding the provisions of any law, rule or regulation
45 to the contrary, the commission shall not enter into any contract or
46 private agreement for the sale, acquisition, purchase, lease, or
47 operation in any manner including but not limited to the sharing or
48 pledging of its tolls or other revenues, of any commission projects

1 consisting of roadways or bridges with any corporation, or
2 instrumentality thereof, that:

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

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

10 b. For the purposes of this section, "commission" means the
11 Delaware River Joint Toll Bridge Commission.

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13 2. Upon its signature on behalf of the State of New Jersey and
14 the Commonwealth of Pennsylvania, the supplemental compact or
15 agreement hereinabove set forth shall become binding, and shall
16 have the force and effect of a statute of the State of New Jersey, and
17 the Delaware River Joint Toll Bridge Commission shall thereupon
18 become vested with all the powers, rights, and privileges, and be
19 subject to the duties, obligations, conditions, and limitations
20 contained therein, as though the same were specifically authorized
21 and imposed by statute, and the State of New Jersey shall be bound
22 by all of the obligations assumed by it under such supplemental
23 compact or agreement, and the Governor shall transmit an original
24 signed copy thereof to the Secretary of State for filing in his office.

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26 3. The Governor is hereby authorized to apply, on behalf of the
27 State of New Jersey, to the Congress of the United States for its
28 consent to and approval of such supplemental compact or
29 agreement, but in the absence of such consent and approval, the
30 limitation on the commission's powers referred to in such
31 supplemental compact or agreement shall apply to the extent that
32 the Commonwealth of Pennsylvania and the State of New Jersey
33 may impose such limitation upon the commission without the
34 consent and approval of Congress.

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36 4. This act shall take effect immediately; but the Governor shall
37 not enter into the supplemental compact or agreement hereinabove
38 set forth on behalf of the State of New Jersey until the passage by
39 the Commonwealth of Pennsylvania of a substantially similar act,
40 embodying the supplemental compact or agreement between the
41 two States, and the approval by Congress, if necessary, of the
42 supplemental compact or agreement.

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STATEMENT

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47 This bill would authorize the Governor of New Jersey to enter
48 into a supplemental compact or agreement to supplement the

1 compact or agreement between the Commonwealth of Pennsylvania
2 and the State of New Jersey creating the Delaware River Joint Toll
3 Bridge Commission (the "commission"). The supplemental
4 compact or agreement is intended to prohibit any action by the
5 commission to enter into any contract or private agreement for the
6 sale, acquisition, purchase, lease, or operation in any manner
7 including but not limited to the sharing or pledging of its tolls or
8 other revenues, of any commission projects consisting of roadways
9 or bridges with any corporation, or instrumentality thereof, that:

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

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

17 The bill also authorizes the Governor of New Jersey to apply, on
18 behalf of the State of New Jersey, to the Congress of the United
19 States for its consent to and approval of such supplemental compact
20 or agreement.

21 The bill further provides that in the absence of such consent and
22 approval, the limitation on the commission's powers referred to in
23 such supplemental compact or agreement shall apply to the extent
24 that the Commonwealth of Pennsylvania and the State of New
25 Jersey may impose such limitation upon the commission without the
26 consent and approval of Congress.

27 The bill is to take effect immediately but the Governor is not
28 authorized to enter into the supplemental compact or agreement
29 with the Commonwealth of Pennsylvania until the passage by the
30 Commonwealth of Pennsylvania of a substantially similar act, and
31 the approval, by Congress, if necessary, of the supplemental
32 compact or agreement.