

**ASSEMBLY CONCURRENT
RESOLUTION No. 90**

**STATE OF NEW JERSEY
218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblywoman Tucker and Assemblyman Caputo

SYNOPSIS

Memorializes U.S. Congress to repeal compact establishing Waterfront Commission of New York Harbor and dissolve commission.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



ACR90 BRAMNICK, QUIJANO

2

1 **A CONCURRENT RESOLUTION** memorializing the United States
2 Congress to enact legislation that would effectuate the repeal of
3 the compact establishing the waterfront commission of New
4 York harbor, dissolving the commission, and allowing for the
5 transfer of each state's portion of the commission's law
6 enforcement responsibilities to an appropriate state or local
7 agency within each state, and committing the New Jersey
8 Legislature to approving any legislation necessary for the repeal,
9 dissolution, and transfer.

10

11 **WHEREAS**, The Port of New York and New Jersey (port) has been one
12 of the backbones of the region's economy for decades; and

13 **WHEREAS**, When ranked by tonnage, the port is the largest port on the
14 East Coast of North America and the third largest in the United
15 States, and when ranked by the value of shipments passing through
16 it, the port is the second busiest freight gateway in the United
17 States; and

18 **WHEREAS**, The port's strategic location, within one day's drive of a
19 significant percentage of the national market, and developed
20 transportation infrastructure are key assets that have made the
21 region a gateway for international trade; and

22 **WHEREAS**, Since the birth of containerization in 1956, the marine
23 terminals on the New Jersey side of the port have grown
24 significantly in comparison to the New York terminals, and today,
25 more than 85 percent of the cargo and 85 percent of the work hours
26 are on the New Jersey side of the port; and

27 **WHEREAS**, The Waterfront Commission of New York Harbor
28 (commission) was created as a temporary agency through a
29 compact between the states of New Jersey and New York and
30 approved by Congress in 1953 with a mission to ensure fair hiring
31 and employment practices and investigate, deter, and combat
32 criminal activity and influence in the port; and

33 **WHEREAS**, The commission has been tainted by corruption in recent
34 years and, moreover, has exercised powers that do not exist within
35 the authorizing compact by dictating the terms of collective
36 bargaining agreements of organized labor, and by requiring
37 stevedoring companies to hire and retain independent inspectors to
38 examine company operations in order to continue to operate in the
39 port; and

40 **WHEREAS**, To justify its existence as the only waterfront commission
41 in any port in the United States, the commission has over-regulated
42 businesses in and around the port, and as a result, the commission
43 has become an impediment to future job growth and prosperity in
44 and around the port; and

45 **WHEREAS**, While there is a continued need to regulate port-located
46 business to ensure fairness and safety, there are numerous federal,
47 State, and local taxpayer funded agencies that have jurisdiction to
48 regulate port operations to protect consumers; and

ACR90 BRAMNICK, QUIJANO

3

1 **WHEREAS**, These agencies include: the United States Department of
2 Homeland Security; the United States Customs and Border
3 Protection; the United States Coast Guard; the Transportation
4 Security Administration; the Federal Bureau of Investigation; the
5 United States Department of Labor's Division of Longshore and
6 Harbor Workers' Compensation; the National Labor Relations
7 Board; the Food and Drug Administration; the United States
8 Environmental Protection Agency; the United States Department of
9 Transportation; the Federal Maritime Commission; the
10 Occupational Safety and Health Administration; the New Jersey
11 State Police; the Port Authority of New York and New Jersey
12 Police Department; local police departments in the port; and, in
13 matters of fair hiring and employment discrimination, the United
14 States Equal Employment Opportunity Commission, and the New
15 Jersey Division on Civil Rights; and

16 **WHEREAS**, Repealing the compact, dissolving the commission, and
17 allowing for the transfer of New Jersey's and New York's portion
18 of the commission's law enforcement responsibilities to an
19 appropriate agency within each state would be practical and
20 efficient, as state and local police are suited to undertake an
21 investigation of any criminal activity in the ports of northern New
22 Jersey without impeding economic prosperity; and

23 **WHEREAS**, It is altogether fitting and proper and in the public interest
24 for this Legislature to urge the United States Congress to enact
25 legislation that would effectuate the repeal of the compact
26 establishing the waterfront commission of New York harbor,
27 dissolving the commission, and allowing for the transfer of each
28 state's portion of the commission's law enforcement responsibilities
29 to an appropriate state or local agency within each state; now,
30 therefore,

31

32 **BE IT RESOLVED** by the General Assembly of the State of New
33 Jersey (the Senate concurring):

34

35 1. The Legislature of the State of New Jersey respectfully
36 memorializes the United States Congress to enact legislation that
37 would:

38 a. effectuate the repeal of the compact establishing the
39 waterfront commission of New York harbor (commission) and the
40 dissolution of the commission; and

41 b. allow for the transfer of New Jersey's and New York's
42 portion of the commission's law enforcement responsibilities to an
43 appropriate state or local agency within each state.

44

45 2. The Legislature of this State also expresses its commitment
46 to approving any legislation necessary for the repeal, dissolution,
47 and transfer.

ACR90 BRAMNICK, QUIJANO

4

1 3. Copies of this resolution, as filed with the Secretary of State,
2 shall be transmitted by the Clerk of the General Assembly or
3 Secretary of the Senate to the President and Vice President of the
4 United States, the Majority and Minority Leaders of the United States
5 Senate, the Speaker and Majority and Minority Leaders of the United
6 States House of Representatives, and each member of the United
7 States Congress elected from New Jersey.

8

9

10

STATEMENT

11

12 This concurrent resolution memorializes the United States
13 Congress to enact legislation that would: 1) effectuate the repeal of
14 the compact establishing the waterfront commission of New York
15 harbor (commission) and dissolution of the commission; and 2)
16 allow for the transfer of New Jersey's and New York's portion of
17 the commission's law enforcement responsibilities to an appropriate
18 state or local agency within each state. The concurrent resolution
19 also expresses the commitment of the Legislature of this State to
20 approve any legislation necessary for the repeal, dissolution, and
21 transfer.