

**SENATE CONCURRENT
RESOLUTION No. 80**

**STATE OF NEW JERSEY
218th LEGISLATURE**

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

**Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)**

Co-Sponsored by:

Assemblywomen McKnight and Pinkin

SYNOPSIS

Provides that Senate and General Assembly support and authorize intervention into federal action filed against Governor by Waterfront Commission of New York Harbor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/16/2018)

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1 **A CONCURRENT RESOLUTION** providing that the Senate and
2 General Assembly support and authorize the Legislature’s
3 intervention into a federal action filed against the Governor of
4 New Jersey by the Waterfront Commission of New York Harbor.
5
6 **WHEREAS**, In or around 1953, the states of New York and New Jersey
7 entered into a Compact establishing the Waterfront Commission of
8 New York Harbor (“the Compact”); and
9 **WHEREAS**, The purpose of establishing the Waterfront Commission of
10 New York Harbor (“the Commission”) was to ensure the
11 availability of sufficient labor in the ports of New York and New
12 Jersey, while also protecting against potential corruption that
13 previously existed with the hiring and retention of waterfront
14 laborers; and
15 **WHEREAS**, The Compact empowered the Commission to regulate
16 employment of those engaged in the handling of cargo within the
17 Commission’s geographical jurisdiction (“port district”); and
18 **WHEREAS**, The Commission has exercised its regulatory power by,
19 among other things, licensing pier superintendents, hiring agents,
20 stevedores, and port watchmen, as well as managing the registration
21 of longshoremen; and
22 **WHEREAS**, The Compact provides that conviction of certain criminal
23 offenses shall be grounds upon which a person may be disqualified
24 from receiving or retaining status as a licensee or registrant; and
25 **WHEREAS**, In or around 1956, a few years after the Commission was
26 created, containerization changed the waterfront forever, with the
27 marine terminals on the New Jersey side of the port district
28 beginning to grow significantly in comparison to the New York
29 side; and
30 **WHEREAS**, Today, the New Jersey side of the port district accounts for
31 over 80 percent of the cargo handled and over 80 percent of the
32 man hours worked within the port district; and
33 **WHEREAS**, In recent years, businesses engaged in port activities and
34 unions representing workers in the port district have complained of
35 chronic labor shortages that threaten terminal operations; and
36 **WHEREAS**, The businesses and unions blame the shortages on the
37 Commission’s overly-bureaucratic hiring process which requires
38 the maritime shipping industry to obtain approval to hire additional
39 port labor when necessary; and
40 **WHEREAS**, In September 2007, the State of New Jersey enacted
41 legislation that would force the Commission to accept applications
42 for inclusion in the longshoremen’s register if certain conditions are
43 met but that law remains inoperative because New York has failed
44 to enact identical legislation; and
45 **WHEREAS**, In 2013, the New York Shipping Association and the
46 International Longshoremen’s Association (ILA) petitioned the
47 Commission to add an additional 682 workers to the port district’s
48 workforce but the Commission approved the filling of less than half

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1 of those positions, resulting in a lawsuit by the ILA and the New
2 York Shipping Association; and

3 **WHEREAS**, On January 16, 2018, the State of New Jersey enacted
4 legislation setting forth its intention to withdraw from the Compact
5 and authorizing the New Jersey Division of State Police to assume
6 the Commission's former functions and duties; and

7 **WHEREAS**, On or about January 16, 2018, the Commission filed a
8 lawsuit in federal district court against Philip Murphy, in his
9 capacity as Governor of New Jersey, challenging New Jersey's
10 authority to unilaterally dissolve the Commission and withdraw
11 from the Compact; and

12 **WHEREAS**, The State Attorney General has undertaken to defend the
13 State of New Jersey's right to withdraw from the Compact; and

14 **WHEREAS**, It is altogether fitting and proper for the Senate and the
15 General Assembly to intervene in the lawsuit in support of the
16 State's right to withdraw from a Compact that regulates a
17 waterfront much different than in 1953, makes the State's ports less
18 efficient due to the inability to hire more labor when necessary, and
19 no longer serves the best interests of the State; now, therefore,

20

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

23

24 1. The Senate and General Assembly express support for
25 intervention by the Senate and General Assembly, either jointly or
26 individually, in the federal action brought by the Waterfront
27 Commission of New York Harbor against Philip Murphy, in his
28 official capacity as Governor of New Jersey, challenging duly
29 enacted New Jersey legislation that withdraws from the compact
30 establishing the Waterfront Commission of New York Harbor.

31

32 2. The President of the Senate and the Speaker of the General
33 Assembly may take any actions that may be necessary for their
34 respective Houses to participate in any legal action relating to any
35 challenge by the Waterfront Commission of New York Harbor to
36 duly enacted New Jersey legislation, and may pay, as those
37 presiding officers may deem appropriate, attorneys' fees and other
38 fees or costs associated with such legal action.

39 Nothing herein shall be construed as a limitation on any power
40 heretofore granted to the President of the Senate or the Speaker of
41 the General Assembly.

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43 3. This resolution shall take effect immediately.

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45 STATEMENT

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47 This resolution expresses support for intervention by the Senate
48 and General Assembly in the federal action brought by the

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1 Waterfront Commission of New York Harbor against Philip
2 Murphy, in his official capacity as Governor of New Jersey,
3 challenging duly enacted New Jersey legislation that withdraws
4 from the compact establishing the Waterfront Commission of New
5 York Harbor.

6 The resolution also authorizes the President of the Senate and the
7 Speaker of the General Assembly to take any actions that may be
8 necessary for their respective Houses to participate in any legal
9 action relating to any challenge by the Waterfront Commission of
10 New York Harbor to duly enacted New Jersey legislation, and may
11 pay, as those presiding officers may deem appropriate, attorneys'
12 fees and other fees or costs associated with such legal action.