# SENATE CONCURRENT RESOLUTION No. 80

# STATE OF NEW JERSEY

## 218th LEGISLATURE

**INTRODUCED FEBRUARY 1, 2018** 

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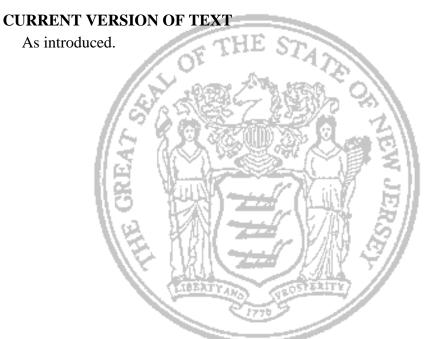
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

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.



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

- **SCR80 SWEENEY** 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 previously existed with the hiring and retention of waterfront 13 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 WHEREAS, The Commission has exercised its regulatory power by, 18 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 beginning to grow significantly in comparison to the New York 28 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
- WHEREAS, The businesses and unions blame the shortages on the 36 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 legislation that would force the Commission to accept applications 41 42 for inclusion in the longshoremen's register if certain conditions are 43 met but that law remains inoperative because New York has failed to enact identical legislation; and
- 44 45 WHEREAS, In 2013, the New York Shipping Association and the 46 International Longshoremen's Association (ILA) petitioned the Commission to add an additional 682 workers to the port district's 47 48 workforce but the Commission approved the filling of less than half

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	no longer serves the best interests of the State, now, therefore,
21	BE IT RESOLVED by the Senate of the State of New Jersey (the
22	General Assembly concurring):
23	General Assembly Concurring).
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	2 The Decident of the Court and the Court of the Court
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.