

32:11E-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:11E-1 (Delaware River and Bay Authority)

LAWS OF: 1989 **CHAPTER:** 192

Bill No: S3702

Sponsor(s): Zane

Date Introduced: June 22, 1989

Committee: Assembly:

Senate: Independent Authorities

Amended during passage: Yes Amendments during passage denoted by asterisks

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Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

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Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

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[FIRST REPRINT]
SENATE, No. 3702

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1989

By Senator ZANE

2 AN ACT concerning the Delaware River and Bay Authority and
amending P.L.1961, c.66.

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

6 1. Section 1 of P.L.1961, c.66 (C.32:11E-1) is amended to read
as follows:

8 1. The State of New Jersey hereby agrees with the State of
Delaware, upon enactment by the State of Delaware of
10 legislation having the same effect as this section, to the
following compact:

12

DELAWARE-NEW JERSEY COMPACT

14 WHEREAS, The ¹[State] States¹ of Delaware and New Jersey are
separated by the Delaware River and Bay which create a
16 natural obstacle to the uninterrupted passage of traffic other
than by water and with normal commercial activity between
18 the two States thereby hindering the economic growth and
development of those areas in both States which border the
20 river and bay; and

WHEREAS, The pressures of existing trends from increasing
22 traffic, growing population and greater industrialization
indicate the need for closer cooperation between the two
24 States in order to advance the economic development and to
improve crossings, transportation, terminal and other facilities
26 of the area; and

WHEREAS, The financing, construction, operation and
28 maintenance of such crossings, transportation, terminal and
other facilities of commerce and the overall planning for
30 future economic development of the area may be best
accomplished for the benefit of the two States and their
32 citizens, the region and nation, by the cordial cooperation of
Delaware and New Jersey ¹[,]¹ by and through a joint or
34 common agency or authority; and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SIA committee amendments adopted June 26, 1989.

2 WHEREAS, The Delaware-New Jersey Compact, enacted
3 pursuant to 53 Laws of Delaware, Chapter 145 (17 Del. C.
4 1[A.]¹ §1701) and P.L.1961, c.66 (C.32:11E-1 et seq.) of the
5 Pamphlet Laws of New Jersey, with the consent of the United
6 States Congress in accordance with Pub. L. 87-678 (1962),
7 created the Delaware River and Bay Authority with the
8 intention of advancing the economic growth and development
9 of those areas in both States which border the Delaware River
10 and Bay by the financing, development, construction, operation
11 and maintenance of crossings, transportation or terminal
12 facilities, and other facilities of commerce, and by providing
13 for overall planning for the future economic development of
14 those areas; and

15 WHEREAS, The economic growth and development of areas of
16 both States ¹[bordering the Delaware River and Bay]¹ will be
17 further advanced by ¹[also entrusting the Delaware River and
18 Bay Authority with responsibility or the general economic
19 development of those areas, and by]¹ authorizing the authority
20 to undertake ¹economic development¹ projects ¹[relating
21 thereto]¹, other than major projects as defined in Article II, at
22 its own initiative, and to undertake major projects after
23 securing only such approvals as may be required by legislation
24 of the State in which the project is to be located, except that
25 the authority is prohibited from undertaking any major project,
26 to be located in the Delaware River or Bay, including, without
27 limitation, any deep-water port or superport, without the prior
28 approval, by concurrent legislation, of the two States; and

29 WHEREAS, The natural environment of those areas in the two
30 States which border the Delaware River and Bay would be
31 better preserved by requiring that the projects, other than
32 crossings, of the authority shall be in complete compliance
33 with all applicable environmental protection laws and
34 regulations before the authority may undertake the planning,
35 development, construction or operation of any project, other
36 than a crossing;

37
38 NOW THEREFORE, The State of Delaware and the State of
39 New Jersey, do hereby solemnly covenant and agree, each with
40 the other as follows:

ARTICLE I

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SHORT TITLE

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This compact shall be known as the "Delaware-New Jersey Compact."

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ARTICLE II

DEFINITIONS

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"Crossing" means any structure or facility adapted for public use in crossing the Delaware River or Bay between the States, whether by bridge, tunnel, ferry or other device, and by any vehicle or means of transportation of persons or property, as well as all approaches thereto and connecting and service routes and all appurtenances and equipment relating thereto.

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"Transportation facility" and "terminal facility" ¹[means] mean¹ any structure or facility other than a crossing as herein defined, adapted for public use within each of the States party hereto in connection with the transportation of persons or property, including railroads, motor vehicles, watercraft, airports and aircraft, docks, wharves, piers, slips, basins, storage places, sheds, warehouses, and every means or vehicle of transportation now or hereafter in use for the transportation of persons and property or the storage, handling or loading of property, as well as all appurtenances and equipment related thereto.

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"Commerce facility or development" means any structure or facility adapted for public use or any development for a public purpose within each of the States party hereto in connection with recreational and commercial fishery development, recreational marina development, aquaculture (marine farming), shoreline preservation and development (including wetlands and open-lands acquisition, active recreational and park development, beach restoration and development, dredge spoil disposal, and port-oriented development), foreign trade zone site development, manufacturing and industrial facilities, and other ¹[related]¹ facilities of commerce which, in the judgment of the authority, are required for the sound economic development of the area.

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"Appurtenances" and "equipment" mean all works, buildings, structures, devices, appliances and supplies, as well as every kind of mechanism, arrangement, object or substance related to and necessary ~~or~~ convenient for the proper construction, equipment,

2 maintenance, improvement and operation of any crossing,
 2 transportation facility or terminal facility, or commerce facility
or development.

4 "Project" means any undertaking or program for the
 acquisition or creation of any crossing, transportation facility or
 6 terminal facility, or commerce facility or development, or any
 part thereof, as well as for the operation, maintenance and
 8 improvement thereof.

"Major project" means any project, other than a crossing,
 10 having or likely to have significant environmental ¹[impact]
impacts¹ on the Delaware River and Bay, its shorelines or
 12 estuaries, or any other area ¹[of] in¹ the State of Delaware or the
New Jersey counties of Cape May, Cumberland, Gloucester and
 14 Salem, as determined ¹in accordance with state law¹ by the
environmental agency of the State in which the major project is
 16 to be located.

"Tunnel" means a tunnel of one or more tubes.

18 "Governor" means any person authorized by the Constitution
 and law of each State to exercise the functions, powers and
 20 duties of that office.

"Authority" means the authority created by this compact or
 22 any agency successor thereto.

The singular whenever used ¹[herein] in this compact¹ shall
 24 include the plural, and the plural shall include the singular.

26 ARTICLE III

FAITHFUL COOPERATION

28 They agree to and pledge, each to the other, faithful
 cooperation in the effectuation of this compact and any future
 30 amendment or supplement thereto, and of any legislation
 expressly in implementation thereof hereafter enacted, and in the
 32 planning, development, financing, construction, operation,
 maintenance and improvement of all projects entrusted to the
 34 authority created by this compact.

36 ARTICLE IV

ESTABLISHMENT OF AGENCY; PURPOSES

38 The two States agree that there shall be created and they do
 hereby create a body politic, to be known ~~as~~ "The Delaware River
 40 and Bay Authority" (for brevity hereinafter referred to as the

2 "authority"), which shall constitute an agency of government of
the State of Delaware and the State of New Jersey for the
4 following general public purposes, and which shall be deemed to
be exercising essential government functions in effectuating such
purposes, to wit:

6 (a) The planning, financing, development, construction,
purchase, lease, maintenance, improvement and operation of
8 crossings between the States of Delaware and New Jersey across
the Delaware River or Bay at any location south of the boundary
10 line between the State of Delaware and the Commonwealth of
Pennsylvania as extended across the Delaware River to the New
12 Jersey shore of said river, together with such approaches or
connections thereto as in the judgment of the authority are
14 required to make adequate and efficient connections between
such crossings and any public highway, or other routes in the
16 State of Delaware or in the State of New Jersey; and

(b) The planning, financing, development, construction,
18 purchase, lease, maintenance, improvement and operation of any
transportation or terminal facility within [those areas of both
20 States which border on or are adjacent to the Delaware River or
bay south of the aforesaid line and] the State of Delaware or the
22 New Jersey counties of Cape May, Cumberland, Gloucester and
Salem, which facility, in the judgment of the [States] authority, is
24 required for the sound economic development of the area; ¹and¹

(c) The planning, financing, development, construction,
26 purchase, lease, maintenance, improvement and operation of any
commerce facility or development within the State of Delaware
28 or the New Jersey counties of Cape May, Cumberland, Gloucester
and Salem, which in the judgment of the authority is required for
30 the sound economic development of the area; and

32 [(c)] (d) The performance of such other functions as may be
hereafter entrusted to the authority by concurrent legislation
expressly in implementation hereof.

34 The authority shall not undertake any major project or part
thereof [, other than a crossing,] without having first secured
36 [approval thereof by concurrent legislation of the two States
expressly in implementation hereof] such approvals as may be
38 required by legislation of the State in which the project is to be

located.

2 The authority shall not undertake any major project, or part
4 thereof, to be located in the Delaware River or Bay, including,
6 without limitation, any deep-water port or superport, without
6 having first secured approval thereof by concurrent legislation of
6 the two States expressly in implementation thereof.

8 The authority shall not undertake any major project or part
8 thereof without first giving public notice and holding a public
10 hearing, if requested, on any proposed major project, in
10 accordance with the law of the State in which the major project
12 is to be located. Each State shall provide by law for the time and
12 manner for the giving of such public notice, the requesting of a
14 public hearing and the holding of such public hearings.

ARTICLE V

COMMISSIONERS

16 The authority shall consist of ¹[10] 12¹ commissioners, ¹[five]
18 six¹ of whom shall be residents of and qualified to vote in, and
20 shall be appointed from, the State of Delaware, and ¹[five] six¹
20 of whom shall be residents of and qualified to vote in, and shall
22 be appointed from, the State of New Jersey; not more than three
22 of the commissioners of each State shall be of the same political
24 party; the commissioners for each State shall be appointed in the
24 manner fixed and determined from time to time by the law of
26 each State respectively. Each commissioner shall hold office for
26 a term of five years, and until his successor shall have been
28 appointed and qualified, but the terms of the first commissioners
28 shall be so designated that the term of 1at least¹ one
30 commissioner from each State shall expire each year. All terms
30 shall run to 1the first day of¹ July ¹[1]¹. Any vacancy, however
32 created, shall be filled for the unexpired term only. Any
32 commissioner may be suspended or removed from office as
34 provided by law of the State from which he shall be appointed.

34 Commissioners shall be entitled to reimbursement for
36 necessary expenses to be paid only from revenues of the authority
36 and may not receive any other compensation for services to the
38 authority except such as may from time to time be authorized
38 from such revenues by concurrent legislation.

ARTICLE VI

BOARD ACTION

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3 The commissioners shall have charge of the authority's
4 property and affairs and shall, for the purpose of doing business,
5 constitute a board; but no action of the commissioners shall be
6 binding or effective unless taken at a meeting at which at least
7 ¹[three] four¹ commissioners from each State are present, and
8 unless at least ¹[three] four¹ commissioners from each State shall
9 vote in favor thereof. The vote of any one or more of the
10 commissioners from each State shall be subject to cancellation by
11 the Governor of such State at any time within 10 days (Saturdays,
12 Sundays and public holidays in the particular State excepted)
13 after receipt at the Governor's office of a certified copy of the
14 minutes of the meeting at which such vote was taken. Each State
15 may provide by law for the manner of delivery of such minutes,
16 and for notification of the action thereon.

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ARTICLE VII

GENERAL POWERS

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21 For the effectuation of its authorized purposes, the authority is
22 hereby granted the following powers:

22

a. To have perpetual succession.

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b. To adopt and use an official seal.

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c. To elect a chairman and a vice-chairman from among the
25 commissioners. The chairman and vice-chairman shall be elected
26 from different States, and shall each hold office for two years.
27 The chairmanship and vice-chairmanship shall be alternated
28 between the two States.

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d. To adopt bylaws to govern the conduct of its affairs by the
30 board of commissioners, and it may adopt rules and regulations
31 and may make appropriate orders to carry out and discharge its
32 powers, duties and functions, but no bylaw, or rule, regulation or
33 order shall take effect until it has been filed with the Secretary
34 of State of each State or in such other manner in each State as
35 may be provided by the law thereof. In the establishment of
36 rules, regulations and orders respecting the use of any crossing,
37 transportation or terminal facility or commerce facility or
38 development owned or operated by the authority, including
approach roads, it shall consult with appropriate officials of both

2 States in order to insure, as far as possible, uniformity of such
rules, regulations and orders with the law of both States.

4 e. To appoint, or employ, such other officers, agents,
attorneys, engineers and employees as it may require for the
6 performance of its duties and to fix and determine their
qualifications, duties, compensation, pensions, terms of office
and all other conditions and terms of employment and retention.

8 f. To enter into contracts and agreements with either State or
with the United States, or with any public body, department, or
10 other agency of either State or of the United States or with any
individual, firm or corporation, deemed necessary or advisable for
12 the exercise of its purposes and powers.

14 g. To accept from any government or governmental
department, agency or other public or private body, or from any
other source, grants or contributions of money or property as well
16 as loans, advances, guarantees, or other forms of financial
assistance which it may use for or in aid of any of its purposes.

18 h. To acquire (by gift, purchase or condemnation), own, hire,
lease, use, operate and dispose of property, whether real,
20 personal or mixed, or of any interest therein, including any rights,
franchise and property for any crossing, facility or other project
22 owned by another, and which the authority is authorized to own
and operate.

24 i. To designate as express highways, and control public and
private access thereto, all or any approaches to any crossing or
26 other facility of the authority for the purpose of connecting the
same with any highway or other route in either State.

28 j. To borrow money and to evidence such loans by bonds, notes
or other obligations, either secured or unsecured, and either in
30 registered or unregistered form, and to fund or refund such
evidences of indebtedness, which may be executed with facsimile
32 signatures of such persons as may be designated by the authority
and by a facsimile of its corporate seal.

34 k. To procure and keep in force adequate insurance or
otherwise provide for the adequate protection of its property, as
36 well as to indemnify it or its officers, agents or employees
against loss or liability with respect to any risk to which it or
38 they may be exposed in carrying out any function hereunder.

l. To grant the use of, by franchise, lease or otherwise, and to

2 make charges for the use of, any crossing, facility or other
project or property owned or controlled by it.

4 m. To exercise the right of eminent domain to acquire any
property or interest therein.

6 n. To determine the exact location, system and character of
and all other matters in connection with any and all crossings,
8 transportation or terminal facilities, commerce facilities or
developments or other projects which it may be authorized to
own, construct, establish, effectuate, operate or control.

10 o. To exercise all other powers not inconsistent with the
12 Constitutions of the two States or of the United States, which
may be reasonably necessary or incidental to the effectuation of
14 its authorized purposes or to the exercise of any of the foregoing
powers, except the power to levy taxes or assessments, and
16 generally to exercise in connection with its property and affairs;
and in connection with property within its control, any and all
18 powers which might be exercised by a natural person or a private
corporation in connection with similar property and affairs.

20

ARTICLE VIII

ADDITIONAL POWERS

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For the purpose of effectuating the authorized purposes of the
24 authority, additional powers may be granted to the authority by
legislation of either State without the concurrence of the other,
and may be exercised within such State, or may be granted to the
26 authority by Congress and exercised by it; but no additional
duties or obligations shall be undertaken by the authority under
28 the law of either State or of Congress without authorization by
the law of both States.

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ARTICLE IX

32

EMINENT DOMAIN

34 If the authority shall find and determine that any property or
interest therein is required for a public use [because] in
furtherance of the purposes of the authority, said determination
36 shall not be affected by the fact that such property has
theretofore been taken over or is then devoted to a public use,
38 but the public use in the hands or under the control of the
authority, shall be deemed superior to the public use for which it

has theretofore been taken or to which it is then devoted. The authority shall not exercise the power of eminent domain granted herein to acquire any property, other than a crossing, devoted to a public use, of either State, or of any municipality, ¹[county,]¹ local government, agency, public authority or commission, or of two or more of them, for any purpose other than a crossing, without having first secured the authorization of the holder of the title to the land in question and such other approvals as may be required by legislation of the state in which the project is to be located. The authority shall not exercise the power of eminent domain in connection with any commerce facility ¹or¹ development.

In any condemnation proceeding in connection with the acquisition by the authority of property or property rights of any character in either State and the right of inspection and immediate entry thereon, through the exercise by it of its power of eminent domain, any existing or future law or rule of court of the State in which such property is located with respect to the condemnation of property for the construction, reconstruction and maintenance of highways therein, shall control. The authority shall have the same power and authority with respect thereto as the State agency named in any such law; provided that nothing herein contained shall be construed as requiring joint or concurrent action by the two States with respect to the enactment, repeal or amendment of any law or rule of court on the subject of condemnation under which the authority may proceed by virtue of this article.

If the established grade of any street, avenue, highway or other route shall be changed by reason of the construction by the authority of any work so as to cause loss or injury to any property abutting on such street, avenue, highway or other route, the authority may enter into voluntary agreements with such abutting property owners and pay reasonable compensation for any loss or injury so sustained, whether or not it be compensable as damages under the condemnation law of the State.

The power of the authority to acquire property by condemnation shall be a continuing power, and no exercise thereof shall be deemed to exhaust it.

ARTICLE X

2 REVENUES AND APPLICATION

4 The authority is hereby authorized to establish, levy and
6 collect such tolls and other charges as it may deem necessary,
8 proper or desirable, in connection with any crossing,
10 transportation or terminal facility, commerce facility or
12 development, or other project which it is or may be authorized at
14 any time to construct, own, operate or control, and the aggregate
16 of said tolls and charges shall be at least sufficient (1) to meet
18 the combined expenses of operation, maintenance and
20 improvement thereof, (2) to pay the cost of acquisition or
22 construction, including the payment, amortization and retirement
24 of bonds or other securities or obligations assumed, issued or
26 incurred by the authority, together with interest thereon and (3)
to provide reserves for such purposes; and the authority is hereby
authorized and empowered, subject to prior pledges, if any, to
pledge such tolls and other revenues or any part thereof as
security for the repayment with interest of any moneys borrowed
by it or advanced to it for its authorized purposes and as security
for the satisfaction of any other obligations assumed by it in
connection with such loans or advances. There shall be allocated
to the cost of the acquisition, construction, operation,
maintenance and improvement of such facilities and projects,
such proportion of the general expenses of the authority as it
shall deem properly chargeable thereto.

ARTICLE XI

28 COVENANT WITH BONDHOLDERS

30 The two said States covenant and agree with each other and
32 with the holders of any bonds or other securities or obligations of
34 the authority, assumed, issued or incurred by it and as security
36 for which there may be pledged the tolls and revenues or any part
38 thereof of any crossing, transportation or terminal facility,
commerce facility or development, or other project, that the two
said States will not, so long as any of such bonds or other
obligations remain outstanding and unpaid, diminish or impair the
power of the authority to establish, levy and collect tolls and
other charges in connection therewith, and that neither of the
two said States will, so long as any of such bonds or other

2 obligations remain outstanding and unpaid, authorize any crossing
of the Delaware River or Delaware Bay south of the line
4 mentioned in Article IV (a) of this compact, by any person or
body other than the authority; unless, in either case, adequate
6 provision shall be made by law for the protection of those
advancing money upon such obligations.

8

ARTICLE XII

SECURITIES LAWFUL INVESTMENTS

10 The bonds or other securities or obligations which may be
issued by the authority pursuant to this compact, or any
12 amendments hereof or supplements hereto, are hereby declared
to be negotiable instruments, and are hereby made securities in
14 which all State and municipal officers and bodies of each State,
all banks, bankers, trust companies, savings banks, building and
16 loan associations, saving and loan associations, investment
companies and other persons carrying on a banking business, all
18 insurance companies, insurance associations and other persons
carrying on an insurance business, and all administrators,
20 executors, guardians, trustees and other fiduciaries and all other
persons whatsoever who are now or may hereafter be authorized
22 to invest in bonds or other obligations of either State, may
properly and legally invest any funds, including capital, belonging
24 to them or within their control; and said obligations are hereby
made securities which may properly and legally be deposited with
26 and shall be received by any State or municipal officer or agency
of either State for any purpose for which the deposit of bonds or
28 other obligations of such State is now or may hereafter be
authorized.

30

ARTICLE XIII

32

TAX STATUS

34 The powers and functions exercised by the authority under this
compact and any amendments hereof or supplements hereto are
and will be in all respects for the benefit of the people of the
36 States of Delaware and New Jersey, the region and nation, for
the increase of their commerce and prosperity and for the
38 enhancement of their general welfare. To this end, the authority
shall be regarded as performing essential governmental functions

2 in exercising such powers and functions and in carrying out the
provisions of this compact and of any law relating thereto, and
4 shall not be required to pay any taxes or assessments of any
character, levied by either State or political subdivision thereof,
6 upon any of the property used by it for such purposes, or any
income or revenue therefrom, including any profit from a sale or
8 exchange. The bonds or other securities or obligations issued by
the authority, their transfer and the interest paid thereon or
10 income therefrom, including any profit from a sale or exchange,
shall at all times be free from taxation by either State or any
subdivision thereof.

12

ARTICLE XIV

14

JURISDICTION; USE OF LANDS

Each of the two States hereby consents to the use and
16 occupancy by the authority of any lands and property of the
authority in such State for the construction, operation,
18 maintenance or improvement of any crossing, transportation or
terminal facility, commerce facility or development, or other
20 project which it is or may be authorized at any time to construct,
own or operate, including lands lying under water.

22

ARTICLE XV

24

REVIEW AND ENFORCEMENT OF RULES

Judicial proceedings to review any by-law, rule, regulation,
26 order or other action of the authority or to determine the
meaning or effect thereof, may be brought in such court of each
28 State, and pursuant to such law or rules thereof, as a similar
proceeding with respect to any agency of such State might be
30 brought.

Each State may provide by law what penalty or penalties shall
32 be imposed for violation of any lawful rule, regulation or order of
the authority, and, by law or rule of court, for the manner of
34 enforcing the same.

36

ARTICLE XVI

NO PLEDGE OF CREDIT

38

The authority shall have no power to pledge the credit or to
create any debt or liability of the State of Delaware, of the State

2 of New Jersey, or of any other agency or of any political
subdivision of said States.

4

ARTICLE XVII

LOCAL COOPERATION AND AGREEMENTS

6 a. All municipalities, political subdivisions and every
department, agency or public body of each of the States are
8 hereby authorized and empowered to cooperate with, aid and
assist the authority in effectuating the provisions of this compact
10 and of any amendment hereof or supplement hereto.

12 b. The authority is authorized and empowered to cooperate
with each of the States, or any political subdivision thereof, and
with any municipality, ¹[county,]¹ local government, agency,
14 public authority or commission of the foregoing, in connection
with the acquisition, planning, rehabilitation, construction or
16 development of any project, other than a crossing, and to enter
into an agreement or agreements ¹, subject to compliance with
18 the laws of the state in which the project is to be located,¹ with
each of the States, or with any political subdivision thereof, and
20 with any municipality, county, local government, agency, public
authority or commission or with two or more of them, for or
22 relating to such purposes.

24 c. The authority and the city, town, municipality or other
political subdivision in which any project, other than a crossing, is
to be located are hereby authorized and empowered ¹, subject to
26 compliance with the laws of the state in which the project is to
be located,¹ to enter into an agreement ¹or agreements¹ to
28 provide which local laws, resolutions, ordinances, rules and
regulations, if any, of the city, town, municipality or other
30 political subdivision affected by such project shall apply to such
project. All other existing local laws, resolutions, ordinances or
32 rules and regulations not provided for in the agreement shall be
applicable to the project, other than a crossing. All local laws,
34 resolutions, ordinances or rules and regulations enacted after the
date of the agreement shall not be applicable to ¹[any] such¹
36 projects unless made applicable by the agreement or any
modification thereto.

ARTICLE XVIII

2

DEPOSITARIES

4 All banks, bankers, trust companies, savings banks and other
persons carrying on a banking business under the laws of either
6 State are authorized to give security for the safekeeping and
prompt payment of moneys of the authority deposited by it with
8 them, in such manner and form as may be required by and may be
approved by the authority, which security may consist of a good
and sufficient undertaking with such sureties as may be approved
10 by the authority, or may consist of the deposit with the authority
or other depository approved by the authority as collateral of
12 such securities as the authority may approve.

14

ARTICLE XIX

AGENCY POLICE

16 Members of the police force established by the authority,
regardless of their residence, shall have in each State, on the
18 crossings, transportation or terminal facilities, commerce
facilities or developments and other projects and the approaches
20 thereto, owned, operated or controlled by the authority, and at
such other places and under such circumstances as the law of
22 each State may provide, all the powers of investigation, detention
and arrest conferred by law on peace officers, sheriffs or
24 constables in such State or usually exercised by such officers in
each State.

26

ARTICLE XX

28

REPORTS AND AUDITS

30 The authority shall make annual reports to the Governors and
Legislatures of the State of Delaware and the State of New
Jersey, setting forth in detail its operations and transactions, and
32 may make such additional reports from time to time to the
Governors and Legislatures as it may deem desirable.

34 It shall, at least annually, cause an independent audit of its
fiscal affairs to be made and shall furnish a copy of such audit
36 report together with such additional information or data with
respect to its affairs as it may deem desirable to the Governors
38 and Legislatures of each State.

It shall furnish such information ¹[on] ~~or~~¹ data with respect to

2 its affairs as may be requested by the Governor or Legislature of
each State.

4 ARTICLE XXI
BOUNDARIES UNAFFECTED

6 The existing territorial or boundary lines of the States, or the
jurisdiction of the two States established by said boundary lines,
8 shall not be changed hereby.

10 ARTICLE XXII
ENVIRONMENTAL PROTECTION

12 a. The planning, development, construction and operation of
14 any project, other than a crossing, shall comply with all
environmental protection laws, regulations, directives and orders,
16 including, without limitation, any coastal zone laws, wetlands
laws, or subaqueous land laws or natural resource laws, now or
18 hereinafter enacted, or promulgated by the State in which the
project ¹, or any part thereof,¹ is located.

20 b. The planning, development, construction and operation of
any ¹[major]¹ project, other than a crossing, to be located in the
22 Delaware River and Bay ¹[having or likely to have significant
environmental impacts upon both States]¹ shall comply with all
24 environmental protection laws, regulations, directives and orders,
including, without limitation, any coastal zone laws, wetlands
26 laws, subaqueous land laws or natural resource laws, now or
hereinafter enacted or promulgated by either State.

28 c. The planning, development, construction and operation of
any project, other than a crossing, located in the coastal zone of
30 Delaware (as defined in Chapter 70 of Title 7 of the Delaware
Code, as in effect on January 1, 1989), shall be subject to the
32 same limitations, requirements, procedures and appeals as apply
to any other person under the Delaware Coastal Zone Act,
34 Chapter 70 of Title 7 of the Delaware Code, as in effect on
January 1, 1989. Nothing in this compact shall be deemed to
36 preempt, modify or supersede any provision of the Delaware
Coastal Zone Act, Chapter ¹[79] 70¹ of Title 7 of the Delaware
38 Code, as in effect on January 1, 1989. The interpretation and
application of this paragraph shall be governed by the laws of the
State of Delaware and be determined by the courts of the State

of Delaware.

2 d. The planning, development, construction and operation of
 4 any project, other than a crossing, located in New Jersey, shall be
 6 subject to the provisions of New Jersey law, when applicable,
 8 including, but not limited to, ¹[the] ¹"¹The¹ Wetlands Act of
 10 1970," P.L.1970, c.272 (C.13:9A-1 et seq.) and the "Coastal Area
 12 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.)
 14 (cf: P.L.1961, c.66, s.1)

16 2. Section 2 of P.L.1961, c.66 (C.32:11E-2) is amended to read
 18 as follows:

20 2. The commissioners for the State of New Jersey, provided
 22 for in Article V of the compact set out in section 1 hereof, shall
 24 be appointed by the Governor with the advice and consent of the
 26 Senate [, and 3 of the 5 commissioners shall, at the time of their
 28 appointment, be residents of the area embraced by the counties
 30 of Salem, Cumberland and Cape May] as follows: one resident
 32 each from the counties of Salem, Cumberland, Gloucester and
 34 Cape May, and ¹[one] two¹ at-large ¹[commissioner who]
 36 commissioners each of whom¹ shall be a resident of the area
 38 embraced by the counties of Salem, Cumberland, Gloucester and
 40 Cape May. ¹Notwithstanding the aforementioned residency
 42 requirement, any commissioner from the State of New Jersey
 44 -serving on the effective date of this 1989 amendatory act shall be
 46 eligible for reappointment regardless of that commissioner's
 48 place of residence.¹ Immediately upon enactment of this act,
 50 the Governor may so appoint the first commissioners for the
 52 State of New Jersey, notwithstanding that the said compact may
 54 not have yet taken effect. The persons nominated by him to
 56 serve as the first commissioners shall be authorized to sign
 58 duplicate originals of said compact on the part of the State of
 60 New Jersey and to apply to Congress for such consent thereto as
 62 may be required by law, although they may not then have been
 64 confirmed or have taken their oath of office.

66 (cf: P.L.1961, c.66, s.2)

68 3. This act shall take effect immediately but shall remain
 70 inoperative until the enactment into law by the State of
 72 Delaware of legislation of substantially similar substance and
 74 effect; but if such legislation already has been enacted, this act
 76 shall take effect immediately.

AUTHORITIES AND REGIONAL COMMISSIONS

2

Building and Construction

- 4 Empowers the Delaware River and Bay Authority to take certain
actions with respect to commerce facilities and developments
6 and requires projects, other than crossings, approved by the
authority to comply with environmental laws.

1 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.)
(cf: P.L.1961, c.66, s.1)

3 2. Section 2 of P.L.1961, c.66 (C.32:11E-2) is amended to read
as follows:

5 2. The commissioners for the State of New Jersey, provided
for in Article V of the compact set out in section 1 hereof, shall
7 be appointed by the Governor with the advice and consent of the
Senate[, and 3 of the 5 commissioners shall, at the time of their
9 appointment, be residents of the area embraced by the counties
of Salem, Cumberland and Cape May] as follows: one resident
11 each from the counties of Salem, Cumberland, Gloucester and
13 Cape May, and one at-large commissioner who shall be a resident
15 of the area embraced by the counties of Salem, Cumberland,
17 Gloucester and Cape May. Immediately upon enactment of this
act, the Governor may so appoint the first commissioners for the
State of New Jersey, notwithstanding that the said compact may
not have yet taken effect. The persons nominated by him to
serve as the first commissioners shall be authorized to sign
duplicate originals of said compact on the part of the State of
New Jersey and to apply to Congress for such consent thereto as
may be required by law, although they may not then have been
confirmed or have taken their oath of office.

23 (cf: P.L.1961, c.66, s.2)

25 3. This act shall take effect immediately but shall remain
inoperative until the enactment into law by the State of
Delaware of legislation of substantially similar substance and
27 effect; but if such legislation already has been enacted, this act
shall take effect immediately.

31 STATEMENT

33 This bill amends section 1 of P.L.1961, c.66 (C.32:11E-1), also
known as the "Delaware-New Jersey Compact," and permits the
35 Delaware River and Bay Authority to plan, finance, develop,
construct, purchase, lease, maintain, improve and operate a
37 commerce facility or development in Delaware or the New Jersey
counties of Cape May, Cumberland, Gloucester and Salem. This
39 bill also requires the authority, when undertaking any project,

S3702

1 other than a crossing, that is to be located in the Delaware River
and bay, and having a significant environmental impact, to
3 comply with environmental laws, rules and regulations adopted by
either State. "Major project," as defined in this bill, means any
5 project, other than a crossing, having or likely to have a
significant environmental impact on the Delaware River Bay, or
7 estuaries, as determined by the Department of Environmental
Protection.

9 Further, current law exempts any projects of the authority
from taxation. Therefore commercial projects developed as a
11 result of this bill would also be tax exempt.

The Governor would be authorized to apply to the Congress of
13 the United States for its consent and approval to amendments to
the compact.

15

17 AUTHORITIES AND REGIONAL COMMISSIONS

Building and Construction

19

Empowers the Delaware River and Bay Authority to take certain
21 actions with respect to commerce facilities and developments
and requires projects, other than crossings, approved by the
23 authority to comply with environmental laws.

SENATE INDEPENDENT AUTHORITIES
COMMITTEE

STATEMENT TO

SENATE, No. 3702

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 1989

The Senate Independent Authorities Committee favorably reports Senate Bill No. 3702, with Senate committee amendments.

This bill amends section 1 of P.L.1961, c.66 (C.32:11E-1), also known as the "Delaware-New Jersey Compact," and permits the Delaware River and Bay Authority to plan, finance, develop, construct, purchase, lease, maintain, improve and operate a commerce facility or development in Delaware or the New Jersey counties of Cape May, Cumberland, Gloucester and Salem. This bill also requires the authority, when undertaking any project, other than a crossing, that is to be located in the Delaware River and bay, to comply with the environmental laws, rules and regulations of the compact states. "Major project," as defined in this bill, means any project, other than a crossing, having or likely to have significant environmental impacts on the Delaware River Bay, its shorelines or estuaries or other areas in the compact's geographic region, as determined in accordance with state law by the environmental protection agency of the state in which the project is to be located.

Further, current law exempts any projects of the authority from taxation. Therefore, commercial projects developed as a result of this bill would also be tax exempt.

These amendments increase the number of commissioners on the authority from 10 to 12, enabling each state to have one additional commissioner.

The committee's amendments would make the compact substantially similar to the bill, House 338, currently pending before the Delaware Legislature.



OFFICE OF THE GOVERNOR

NEWS RELEASE

Governor Thomas H. Kean
TRENTON, N.J. 08625
Release: WED., 10/18/89

CN-001

Contact: CARL GOLDEN
609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed legislation which will permit the Delaware River and Bay Authority to undertake economic growth and development projects in its areas of jurisdiction, increase the authority membership from 10 to 12 members, and give the Legislature the right to approve Authority projects.

The bills, which amend the 1961 compact with the State of Delaware which created the Authority, were sponsored in the Senate by Senator Raymond Zane, D-Salem, and in the Assembly by Assemblymen Gary Stuhltrager and Jack Collins, Salem County Republicans. The bills are S-3701 and S-3702.

"The effect of these changes in the compact will be to generate greater involvement by the bi-state Authority in economic development projects in the two states," Kean said. "The ability granted under these bills for the Authority to finance projects will greatly enhance the economic growth and development of the areas involved.

"It is one more example of how independent authorities can be utilized to provide service and assistance beyond their original purpose to meet new and increased needs," the Governor said. "The growth of this area of southern New Jersey will be of immense benefit in terms of employment as well as increased economic and fiscal well-being."

The Delaware Legislature must approve legislation in that state for the compact amendments to become effective. The House of Representatives in Delaware has approved the package, but the Senate there has not yet acted.

-more-

S-3702 authorizes the Authority to undertake economic development projects in the four affected counties in New Jersey --- Cape May, Cumberland, Gloucester and Salem.

Among projects which could be undertaken by the Authority would be recreational or commercial fishing development, marina development, aquaculture, shoreline preservation and development, foreign trade zone site development, manufacturing and industrial facilities.

The bill also increase the membership on the Authority to six each --- rather than five --- from both New Jersey and Delaware.

S-3701 provides:

*A public hearing be held before the Authority may approve a project

*The Legislature have the right to approve projects to be undertaken by the Authority

*A limit on the right of the Authority to increase volume discount tolls on the Delaware Memorial Bridge for a period of 10 years.

Any increase in the volume discount rate would be prohibited during the 10-year period if the increase would cause the discount rate to exceed 25 percent of the basic toll rate charged for individual crossings. Currently, the individual toll rate is 75 cents and the discount rate 37.5 cents.

In addition to operating the Delaware Memorial Bridge, the Authority operates the Cape May to Lewes, Delaware, ferry system.

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