

32:1 - 35:10

December 31, 1969

LEGISLATIVE HISTORY OF R.S. 32:1-35:10
(Port of New York Authority--Federal aid for air terminals)

Copy 2

1947 - Chapter 63

See Legislative History of R.S. 32:1-35:1 et seq.

- 2. 1949 - Chapter 214 (§ 2) - 3317
 Introduced April 26 by Van Alstyne
 Not amended during passage.
 Bill had statement.
 Adds last sentence to section 2
 (Local laws may apply).

See following reports bearing on this legislation:

- 971.99 Port of New York Authority
 3252 Agreement with respect to The Newark Marine
 1947a and Air Terminals.
 October 22, 1947
- 974.99 Port of New York Authority
 3252 Memorandum for Governor Driscoll on the U.S.
 1947E Government leases at Newark airport and seaport.
 1947.

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STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1948

By Mr. VAN ALSTYNE

Referred to Committee on Interstate Co-operation

AN ACT providing for an agreement by the States of New Jersey and New York to amend chapter forty-three of the laws of New Jersey of one thousand nine hundred and forty-seven and chapter eight hundred and two of the laws of New York of one thousand nine hundred and forty-seven, and to amend "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto," approved April second, one thousand nine hundred and forty-seven (P. L. 1947, c. 43).

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Upon the concurrence of the State of New York herein, in accordance
2 with section three of this act, the States of New Jersey and New York
3 agree that section eight of chapter forty-three of the laws of New Jersey
4 of one thousand nine hundred and forty-seven, entitled "An act to facilitate
5 the financing and effectuation of air terminals by the Port of New York
6 Authority and agreeing with the State of New York with respect thereto,"
7 and section eight of chapter eight hundred and two of the laws of New York
8 of one thousand nine hundred and forty-seven, entitled "An act to facilitate
9 the financing and effectuation of air terminals by the Port of New York Au-
10 thority and agreeing with the State of New Jersey with respect thereto,"
11 shall be and they hereby are amended to read as follows:

12 8. (a) Notwithstanding any contrary provision of law, every municipal-
13 ity in the Port of New York District is authorized and empowered to con-
14 ~~sent to the use~~ by the Port Authority of any air terminal owned by such
15 municipality or of any real or personal property owned by such municipal-
16 ity and necessary, convenient or desirable in the opinion of the Port Author-
17 ity for air terminal purposes, including such real property as has already
18 been devoted to a public use, and as an incident to such consent, to grant,
19 convey, lease, or otherwise transfer to the Port Authority any such air
20 terminal or real or personal property, upon such terms as may be de-
21 termined by the Port Authority and such municipality. Every such mu-
22 nicipality is also authorized and empowered as an incident to such consent
23 to vest in the Port Authority the control, operation, maintenance, rents,
24 tolls, charges and any and all other revenues of any air terminal now
25 owned by such municipality, the title to such air terminal remaining in such
26 municipality. Such consent shall be given and the execution of any agree-
27 ment, deed, lease, conveyance, or other instrument evidencing such consent
28 or given as an incident thereto shall be authorized in the manner provided
29 in Article XXII of the Compact of April thirtieth, one thousand nine hundred
30 and twenty-one, between the two States creating the Port Authority.

31 (b) Notwithstanding any contrary provision of law, every municipality
32 outside the Port District is authorized and empowered to consent to the
33 use of real property owned by such municipality and necessary, convenient
34 or desirable in the opinion of the Port Authority for beacons or other aids
35 to navigation, or to the use of any air space over real property owned by
36 such municipality; and as an incident to such consent, to grant, lease, con-
37 vey or otherwise transfer to the Port Authority such real property or air
38 space.

39 Such consent shall be given and the execution of any agreement, deed,
40 lease, conveyance or other instrument evidencing such consent or given as an
41 incident thereto, shall be given by the officer, board or body authorized by

42 law to convey such property, or if no officer, board or body be otherwise
43 authorized so to do, by the governing body of such municipality.

44 (c) The States of New Jersey and New York hereby consent to suits, ac-
45 tions or proceedings of any form or nature in law, equity or otherwise by
46 any city or other municipality against the Port Authority upon, in connec-
47 tion with or arising out of any such agreement, agreements or any modifi-
48 cation thereof or supplement thereto, for the following types of relief and
49 for such purposes only:

50 (1) For money damages for breach thereof;

51 (2) For money damages for torts arising out of the operation of
52 the municipal air terminal;

53 (3) For rent;

54 (4) For specific performance;

55 (5) For reformation thereof;

56 (6) For accounting;

57 (7) For declaratory judgment;

58 (8) For judgments, orders or decrees restraining or enjoining the
59 Port Authority from transferring title to real property to third persons
60 in cases where it has contracted with such city or other municipality to
61 transfer such title to such city or municipality; and

62 (9) For judgments, orders or decrees restraining or enjoining the
63 Port Authority from committing or continuing to commit other breaches
64 of such agreements with such city or municipality; *provided*, [that if
65 the proceeding for such judgment, order or decree is brought in a court
66 of the State of New Jersey, it shall not take effect until affirmed by the
67 Court of Errors and Appeals of that State, or if the Port Authority
68 takes no appeal therefrom, until the time to take such appeal has ex-
69 pired; *provided, further*, that if the proceeding for such judgment, order
70 or decree is brought in a court of the State of New York, it shall not
71 take effect until affirmed by the Appellate Division of the Supreme
72 Court, or if the Port Authority takes no appeal therefrom, until the

73 time to take such appeal has expired; *and provided, lastly*, that if the
74 proceeding for such judgment, order or decree is brought in a Federal
75 court, it shall not take effect until affirmed by the Circuit Court of Ap-
76 peals, or if the Port Authority fails to take an appeal therefrom, until
77 the time to appeal has expired.] that such judgment, order or decree
78 shall not be entered except upon two days' prior written notice to the
79 Port Authority of the proposed entry thereof and provided further,
80 that upon an appeal taken by the Port Authority from such judgment,
81 order or decree the service of the notice of appeal shall perfect the ap-
82 peal and shall stay the execution of such judgment, order or decree ap-
83 pealed from, without an undertaking or other security.

84 When rules of venue are applicable, the venue of any such suit, action
85 or proceeding shall be laid in the county or judicial district in which the air-
86 port, which is the subject matter of such agreement between the Port Au-
87 thority and the city or other municipality, or any part thereof, is located.

88 If any clause, sentence, paragraph, or part of this subdivision or the ap-
89 plication thereof to any person or circumstances, shall, for any reason, be
90 adjudged by a court of competent jurisdiction to be invalid, such judgment
91 shall not affect, impair, or invalidate the remainder of this subdivision, and
92 the application thereof to any other person or circumstances, but shall be
93 confined in its operation to the clause, sentence, paragraph, or part thereof
94 directly involved in the controversy in which such judgment shall have been
95 rendered and to the person or circumstances involved.

1 2. Upon the concurrence of the State of New York herein, in accordance
2 with section three of this act, the States of New Jersey and New York agree
3 that section ten of chapter forty-three of the laws of New Jersey of one
4 thousand nine hundred and forty-seven, entitled "An act to facilitate the fi-
5 nancing and effectuation of air terminals by the Port of New York Authority
6 and agreeing with the State of New York with respect thereto," and section
7 ten of chapter eight hundred and two of the laws of New York of one thousand
8 nine hundred and forty-seven, entitled "An act to facilitate the financing

9 and effectuation of air terminals by the Port of New York Authority and
10 agreeing with the State of New Jersey with respect thereto," shall be and
11 they hereby are amended to read as follows:

12 10. The Port Authority may make application directly to the proper
13 Federal officials or agencies for Federal loans or grants in aid of air ter-
14 minals owned or operated by it; *provided*, that if either State shall have or
15 adopt general legislation governing applications for Federal aid for air ter-
16 minals by municipalities of such State, or the receipt or disbursement of such
17 Federal aid by or on behalf of such municipalities, then such legislation
18 shall at the option of such State apply to applications by the Port Authority
19 for Federal aid for air terminals located in such State and to the receipt and
20 disbursement of such Federal aid by or on behalf of the Port Authority, in
21 the same manner and to the same extent as other municipalities of such
22 State. Except as above provided, [and except as otherwise provided in any
23 agreement between the Port Authority and a municipality,] no agency or
24 commission of either State shall have jurisdiction over any air terminals
25 under the control of the Port Authority, and all details of financing, con-
26 struction, leasing, charges, rates, tolls, contracts and the operation of air
27 terminals owned or controlled by the Port Authority shall be within its sole
28 discretion and its decision in connection with any and all matters concerning
29 such air terminals shall be controlling and conclusive. The local laws, reso-
30 lutions, ordinances, rules and regulations of a municipality within which an
31 air terminal is situated shall apply to such air terminal, if so provided in any
32 agreement between the Port Authority and such municipality, and to the ex-
33 tent provided in such agreement.

1 3. This act shall take effect upon the enactment into law by the State of
2 New York of legislation having an identical effect with this act, but if the
3 State of New York shall have already enacted such legislation, then this act
4 shall take effect immediately.

STATEMENT

Under chapter 330 of the laws of New Jersey of 1947, municipalities entering into air terminal agreements with the Port Authority were given certain rights of action upon causes which might arise out of or in connection therewith, including a right of action for an injunction.

The amendment to section eight proposed herein is designed to clarify the conditions upon which such right of action for an injunction may be exercised and to conform them to those imposed in the concurrent legislation adopted by the New York Legislature this year. The amendment to section ten is simply for purposes of clarification.

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17 ity for air terminal purposes, including such real property as has already
18 been devoted to a public use, and as an incident to such consent, to grant,
19 convey, lease, or otherwise transfer to the Port Authority any such air
20 terminal or real or personal property, upon such terms as may be de-
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22 nicipality is also authorized and empowered as an incident to such consent
23 to vest in the Port Authority the control, operation, maintenance, rents,
24 tolls, charges and any and all other revenues of any air terminal now
25 owned by such municipality, the title to such air terminal remaining in such
26 municipality. Such consent shall be given and the execution of any agree-
27 ment, deed, lease, conveyance, or other instrument evidencing such consent
28 or given as an incident thereto shall be authorized in the manner provided
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40 lease, conveyance or other instrument evidencing such consent or given as an
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85 or proceeding shall be laid in the county or judicial district in which the air-

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89 plication thereof to any person or circumstances, shall, for any reason, be
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26 by the Port Authority shall be within its sole discretion and its decision in
27 connection with any and all matters concerning such air terminals shall be
28 controlling and conclusive. The local laws, resolutions, ordinances, rules and
29 regulations of a municipality within which an air terminal is situated shall
30 apply to such air terminal, if so provided in any agreement between the Port
31 Authority and such municipality, and to the extent provided in such agree-
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