

32:23-226 to 32:23-228
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 216

NJSA: 32:23-226 to 32:23-228 (Prohibits PANYNJ from imposing cargo facility charge in certain instances)

BILL NO: S2747 (Substituted for A4170)

SPONSOR(S) Gordon and others

DATE INTRODUCED: May 9, 2013

COMMITTEE: **ASSEMBLY:** Budget
 SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 13, 2014
 SENATE: June 27, 2013

DATE OF APPROVAL: January 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S2747

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	No
LEGISLATIVE FISCAL ESTIMATE:	No

A4170

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie approves 100 bills," The Record, January 22, 2014

"Christie OKs removal of port container fee," The Record, January 22, 2014

LAW/RWH

P.L.2013, CHAPTER 216, *approved January 17, 2014*
Senate, No. 2747 (*First Reprint*)

1 AN ACT concerning cargo facility charges by the Port Authority of
2 New York and New Jersey and supplementing Title 32 of the
3 Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Bill of lading” means a document evidencing the receipt of
11 goods for shipment issued by a person engaged in the business of
12 transporting or forwarding goods.

13 “Cargo facility charge” means any fee applicable to cargo and
14 cargo containers discharged from, or loaded onto, vessels at any
15 marine facility owned or operated by the port authority.

16 ¹“Carrier” means a carrier as that term is defined in 49 U.S.C.
17 s.13102.¹

18 “Container” means any receptacle, box, carton, or crate which is
19 specifically designed and constructed so that it may be repeatedly
20 used for the carriage of freight by an ocean common carrier.

21 “Marine terminal operator” means any person, corporation,
22 partnership, or any business organization which shall operate and
23 maintain any of the marine terminals established, acquired,
24 constructed, rehabilitated, or improved by the port authority by
25 means of and through leasing agreements entered into by any such
26 person, corporation, partnership, or any business organization with
27 the port authority.

28 “Ocean common carrier” means an ocean common carrier as that
29 term is defined in 46 U.S.C. s.40102.

30 ¹“Rail carrier” means a rail carrier as that term is defined in 49
31 U.S.C. s.10102.¹

32 “Tariff” means a marine terminal operator schedule as that term
33 is defined in 46 C.F.R. 525.2.

34 “User” means:

35 a. any person, company, or other entity that is named as the
36 shipper or consignee on the ocean common carrier bill of lading
37 issued for export or import cargo, or any person owning or entitled

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:

¹Senate STR committee amendments adopted June 13, 2013.

1 to the possession, or having a past or future interest in, the export or
2 import cargo;

3 b. in the case of negotiable bills of lading, any other person,
4 company, or other entity that is a bona fide holder of the bill of
5 lading or who is entitled to receive delivery of export cargo or
6 import cargo; or

7 c. any other bailor of export or import cargo.

8

9 2. Notwithstanding any law, rule, regulation, or existing tariff
10 to the contrary, the port authority shall not assess a user, ocean
11 common carrier, ¹~~or~~¹ marine terminal operator ¹, carrier, or rail
12 carrier¹ a cargo facility charge on import and export cargo leaving
13 any marine facility owned or operated by the port authority, except
14 that the port authority may assess a user, ocean common carrier
15 ¹~~or~~¹ marine terminal operator ¹, carrier, or rail carrier¹ a cargo
16 facility charge upon written mutual agreement between the user,
17 ocean common carrier, ¹~~or~~¹ marine terminal operator ¹, carrier, or
18 rail carrier¹ and the port authority.

19

20 3. This act shall take effect immediately, but shall remain
21 inoperative until the enactment into law of legislation substantially
22 similar to P.L. , c. (C.) (pending before the Legislature as
23 this bill) by the State of New York, but if such legislation shall have
24 been enacted prior to the enactment of this act, this act shall take
25 effect immediately.

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29

30 Prohibits PANYNJ from imposing cargo facility charge in
31 certain instances.

SENATE, No. 2747

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 9, 2013

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

SYNOPSIS

Prohibits PANYNJ from imposing cargo facility charge in certain instances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cargo facility charges by the Port Authority of
2 New York and New Jersey and supplementing Title 32 of the
3 Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Bill of lading” means a document evidencing the receipt of
11 goods for shipment issued by a person engaged in the business of
12 transporting or forwarding goods.

13 “Cargo facility charge” means any fee applicable to cargo and
14 cargo containers discharged from, or loaded onto, vessels at any
15 marine facility owned or operated by the port authority.

16 “Container” means any receptacle, box, carton, or crate which is
17 specifically designed and constructed so that it may be repeatedly
18 used for the carriage of freight by an ocean common carrier.

19 “Marine terminal operator” means any person, corporation,
20 partnership, or any business organization which shall operate and
21 maintain any of the marine terminals established, acquired,
22 constructed, rehabilitated, or improved by the port authority by
23 means of and through leasing agreements entered into by any such
24 person, corporation, partnership, or any business organization with
25 the port authority.

26 “Ocean common carrier” means an ocean common carrier as that
27 term is defined in 46 U.S.C. s.40102.

28 “Tariff” means a marine terminal operator schedule as that term
29 is defined in 46 C.F.R. 525.2.

30 “User” means:

31 a. any person, company, or other entity that is named as the
32 shipper or consignee on the ocean common carrier bill of lading
33 issued for export or import cargo, or any person owning or entitled
34 to the possession, or having a past or future interest in, the export or
35 import cargo;

36 b. in the case of negotiable bills of lading, any other person,
37 company, or other entity that is a bona fide holder of the bill of
38 lading or who is entitled to receive delivery of export cargo or
39 import cargo; or

40 c. any other bailor of export or import cargo.

41
42 2. Notwithstanding any law, rule, regulation, or existing tariff
43 to the contrary, the port authority shall not assess a user, ocean
44 common carrier, or marine terminal operator a cargo facility charge
45 on import and export cargo leaving any marine facility owned or
46 operated by the port authority, except that the port authority may
47 assess a user, ocean common carrier or marine terminal operator a
48 cargo facility charge upon written mutual agreement between the

1 user, ocean common carrier, or marine terminal operator and the
2 port authority.

3

4 3. This act shall take effect immediately, but shall remain
5 inoperative until the enactment into law of legislation substantially
6 similar to P.L. , c. (C.) (pending before the Legislature as
7 this bill) by the State of New York, but if such legislation shall have
8 been enacted prior to the enactment of this act, this act shall take
9 effect immediately.

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STATEMENT

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14 This bill prohibits the Port Authority of New York and New
15 Jersey (port authority) from imposing a cargo facility charge on
16 users, ocean common carriers, and marine terminal operators,
17 except that the port authority may assess a user, ocean common
18 carrier, or marine terminal operator a cargo facility charge upon
19 written mutual agreement between that user, ocean common carrier,
20 or marine terminal operator and the port authority. The bill defines
21 a cargo facility charge as a fee applicable to all cargo and cargo
22 containers discharged from, or loaded onto, vessels at any marine
23 facility owned or operated by the port authority.

24 The elimination of cargo facility charges at port authority ports
25 will make the port authority more competitive with other ports
26 located along the eastern seaboard of the United States.

27 The bill will not take effect until the enactment into law of
28 substantially similar legislation by the State of New York.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2747

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2013

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2747.

As amended and reported, this bill prohibits the Port Authority of New York and New Jersey (port authority) from imposing a cargo facility charge on users, ocean common carriers, marine terminal operators, carriers, and rail carriers except that the port authority may assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge upon written mutual agreement between that user, ocean common carrier, marine terminal operator, carrier, or rail carrier and the port authority. The bill defines a cargo facility charge as a fee applicable to all cargo and cargo containers discharged from, or loaded onto, vessels at any marine facility owned or operated by the port authority.

The bill will not take effect until the enactment into law of substantially similar legislation by the State of New York.

The committee amended the bill to add carriers and rail carriers, as defined in the United States Code, to those entities that the port authority is prohibited from charging a cargo facility charge except upon mutual agreement. A rail carrier is defined as “a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation” and a carrier is defined as a “motor carrier, a water carrier, and a freight forwarder.”

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2747

STATE OF NEW JERSEY

DATED: JANUARY 9, 2014

The Assembly Budget Committee reports favorably Senate Bill No. 2747 (1R).

This bill prohibits the Port Authority of New York and New Jersey (port authority) from imposing a cargo facility charge on users, ocean common carriers, marine terminal operators, carriers, and rail carriers except that the port authority may assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge upon written mutual agreement between that user, ocean common carrier, marine terminal operator, carrier, or rail carrier and the port authority. The bill defines a “cargo facility charge” as a fee applicable to all cargo and cargo containers discharged from, or loaded onto, vessels at any marine facility owned or operated by the port authority.

The bill will not take effect until the enactment into law of substantially similar legislation by the State of New York.

As reported, this bill is identical to Assembly Bill No 4170, as amended and reported by the committee.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

ASSEMBLY, No. 4170

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 6, 2013

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Assemblywoman CELESTE M. RILEY

District 3 (Cumberland, Gloucester and Salem)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

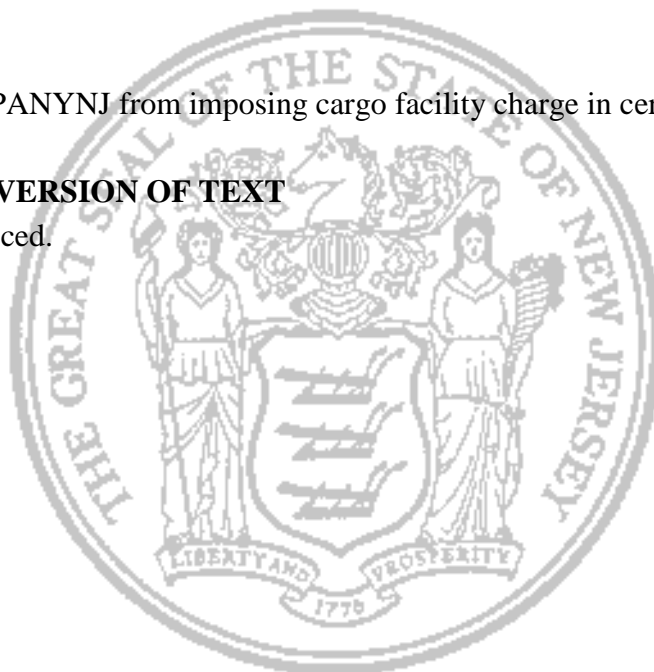
Assemblymen McKeon, Eustace and Johnson

SYNOPSIS

Prohibits PANYNJ from imposing cargo facility charge in certain instances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2014)

1 AN ACT concerning cargo facility charges by the Port Authority of
2 New York and New Jersey and supplementing Title 32 of the
3 Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Bill of lading” means a document evidencing the receipt of
11 goods for shipment issued by a person engaged in the business of
12 transporting or forwarding goods.

13 “Cargo facility charge” means any fee applicable to cargo and
14 cargo containers discharged from, or loaded onto, vessels at any
15 marine facility owned or operated by the port authority.

16 “Container” means any receptacle, box, carton, or crate which is
17 specifically designed and constructed so that it may be repeatedly
18 used for the carriage of freight by an ocean common carrier.

19 “Marine terminal operator” means any person, corporation,
20 partnership, or any business organization which shall operate and
21 maintain any of the marine terminals established, acquired,
22 constructed, rehabilitated, or improved by the port authority by
23 means of and through leasing agreements entered into by any such
24 person, corporation, partnership, or any business organization with
25 the port authority.

26 “Ocean common carrier” means an ocean common carrier as that
27 term is defined in 46 U.S.C. s.40102.

28 “Tariff” means a marine terminal operator schedule as that term
29 is defined in 46 C.F.R. 525.2.

30 “User” means:

31 a. any person, company, or other entity that is named as the
32 shipper or consignee on the ocean common carrier bill of lading
33 issued for export or import cargo, or any person owning or entitled
34 to the possession, or having a past or future interest in, the export or
35 import cargo;

36 b. in the case of negotiable bills of lading, any other person,
37 company, or other entity that is a bona fide holder of the bill of
38 lading or who is entitled to receive delivery of export cargo or
39 import cargo; or

40 c. any other bailor of export or import cargo.

41
42 2. Notwithstanding any law, rule, regulation, or existing tariff
43 to the contrary, the port authority shall not assess a user, ocean
44 common carrier, or marine terminal operator a cargo facility charge
45 on import and export cargo leaving any marine facility owned or
46 operated by the port authority, except that the port authority may
47 assess a user, ocean common carrier or marine terminal operator a
48 cargo facility charge upon written mutual agreement between the

1 user, ocean common carrier, or marine terminal operator and the
2 port authority.

3

4 3. This act shall take effect immediately, but shall remain
5 inoperative until the enactment into law of legislation substantially
6 similar to P.L. , c. (C.) (pending before the Legislature as
7 this bill) by the State of New York, but if such legislation shall have
8 been enacted prior to the enactment of this act, this act shall take
9 effect immediately.

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STATEMENT

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14 This bill prohibits the Port Authority of New York and New
15 Jersey (port authority) from imposing a cargo facility charge on
16 users, ocean common carriers, and marine terminal operators,
17 except that the port authority may assess a user, ocean common
18 carrier, or marine terminal operator a cargo facility charge upon
19 written mutual agreement between that user, ocean common carrier,
20 or marine terminal operator and the port authority. The bill defines
21 a cargo facility charge as a fee applicable to all cargo and cargo
22 containers discharged from, or loaded onto, vessels at any marine
23 facility owned or operated by the port authority.

24 The elimination of cargo facility charges at port authority ports
25 will make the port authority more competitive with other ports
26 located along the eastern seaboard of the United States.

27 The bill will not take effect until the enactment into law of
28 substantially similar legislation by the State of New York.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4170

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 4170, with committee amendments.

As amended, the bill prohibits the Port Authority of New York and New Jersey (port authority) from imposing a cargo facility charge on users, ocean common carriers, marine terminal operators, carriers, and rail carriers except that the port authority may assess a user, ocean common carrier, marine terminal operator, carrier, or rail carrier a cargo facility charge upon written mutual agreement between that user, ocean common carrier, marine terminal operator, carrier, or rail carrier and the port authority. The bill defines a “cargo facility charge” as a fee applicable to all cargo and cargo containers discharged from, or loaded onto, vessels at any marine facility owned or operated by the port authority.

The bill will not take effect until the enactment into law of substantially similar legislation by the State of New York.

As amended and reported, this bill is identical to Senate Bill No. 2747 (1R).

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments add carriers and rail carriers, as defined in the United States Code, to those entities that the port authority is prohibited from charging a cargo facility charge except upon mutual agreement.

A rail carrier is defined by the United States Code as “a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation” and a carrier is defined as a “motor carrier, a water carrier, and a freight forwarder.”