

32:1-35.72 to 32:1-35.93

LEGISLATIVE HISTORY CHECKLIST

NJSA 32:1-35.72 to 32:1-35.93 (Port Authority - Industrial development projects)

LAWS OF 1978 CHAPTER 110

Bill No. A1413

Sponsor(s) Jackman and others

Date Introduced May 15, 1978

Committee: Assembly Taxation

Senate Revenue, Finance & Appropriations

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 26, 1978

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Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly ~~YESX~~ No

Senate Yes ~~XX~~

Fiscal Note ~~YESX~~ No

Veto message ~~YESX~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports Yes ~~XX~~

Hearings ~~XXSX~~ No

See:

974.90 Port Authority of New York and New Jersey
I42 Industrial Development Feasibility
1976c Study. January, 1976.

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CHAPTER 110 LAWS OF N. J. 1978
APPROVED 8-24-78

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1413

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1978

By Assemblymen JACKMAN, T. GALLO, CALI, PASCULLI,
COWAN, MAYS, JANISZEWSKI, ADUBATO, THOMPSON,
BROWN, MARTIN, BORNHEIMER, LITTELL and
KAVANAUGH

Referred to Committee on Taxation

AN ACT to provide for the further coordination, facilitation, promo-
tion, preservation and protection of trade and commerce in and
through the Port of New York District through the financing and
effectuation of industrial development projects therein by the
Port Authority of New York and New Jersey, and agreeing with
the state of New York with respect thereto.

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

1 1. The States of New York and New Jersey hereby find and
2 determine that:

3 a. To prevent further deterioration of the economy of the port
4 district and thereby to promote, preserve and protect trade and
5 commerce in and through the Port of New York District as defined
6 in the compact between the two states dated April 30, 1921 (herein-
7 after called the port district), it is the policy of each of the two
8 states actively to promote, attract, encourage and develop econom-
9 ically sound commerce and industry through governmental action;

10 b. In order to preserve and protect the position of the port of
11 New York as the nation's leading gateway for world commerce,
12 it is incumbent on the States of New York and New Jersey to make
13 every effort to insure that the port receives its rightful share of
14 interstate and international commerce generated by the manufac-
15 turing, industrial, trade and commercial segments of the economy
16 of the Nation and of the port district;

17 c. Since 1950 the number of available jobs in the port district,
18 particularly within the older central cities thereof, has decreased,
19 thereby resulting in the underutilization of available land and other
20 resources, the erosion of the port district's tax bases and a rate of
21 unemployment substantially in excess of the national average;

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

22 d. In order to preserve the port district from further economic
23 deterioration, adequate industrial development projects and facil-
24 ities must be provided, preserved and maintained to attract and
25 retain industry within the port district;

26 e. A number of new industrial development projects and facilities
27 should be organized into industrial parks or districts;

28 f. The construction of such industrial parks or districts shall
29 conform to the policies of the two states with respect to affirmative
30 action and equal employment opportunities;

31 g. Providing port district industrial development projects and
32 facilities is in the public interest and involves the exercise of public
33 and essential governmental functions which may include appropriate
34 and reasonable limitations on competition and which must be per-
35 formed by the two states, or any municipality, public authority,
36 agency or commission of either state and by a joint agency of the
37 two states to accomplish the purposes of this act;

37A **h. That it is an objective of the two states, acting through the*
37B *port authority, to facilitate reemployment of residents of the older*
37C *cities through job training programs and employment opportunity*
37D *priorities in connection with industrial development parks in their*
37E *respective cities;**

38 ***[h.]*** **i.** The acquisition and use by such joint agency of
39 abandoned, undeveloped or underutilized land or land owned by
40 governmental entities within the port district for the generation of
41 jobs and to reduce the hazards of unemployment would promote,
42 preserve and protect the industry, trade and commerce of the port
43 district, and will materially assist in preservng for the two states
44 and the people thereof the material and other benefits of a pros-
45 perous port community;

46 ***[i.]*** **j.** The collection, disposal and utilization of refuse, solid
47 waste or waste resulting from other treatment processes is an activ-
48 ity of concern to all citizens within the port district, that the health,
49 safety and general welfare of the citizens within the port district
50 require efficient and reasonable collection and disposal services and
51 efficient utilization of such refuse, solid waste or waste resulting
52 from other treatment processes with adequate consideration given
53 to regional planning and coordination, and, therefore, that the con-
54 struction and operation of any port district industrial development
55 project and facility should conform to the environmental and solid
56 waste disposal standards and state and county plans therefor in the
57 state in which such project or facility is located;

58 ***[j.]*** **k.** The dedication by the municipailties of the port dis-
59 trict of refuse, solid waste or waste resulting from other treatment

60 processes to resource recovery to permit the generation of lower
61 priced energy and the recovery of useful materials, together with
62 the commitment by such municipalities to pay fees to permit the
63 delivery and removal after processing of such refuse or solid waste
64 at rates and for periods of time at least sufficient to assure the
65 continued furnishing of such lower priced energy and material is
66 in the public interest and would be a major incentive for the
67 attraction and retention of industry within the port district;

68 ***[k.]*** **l.** The Port Authority of New York and New Jersey
69 (hereinafter called the port authority), which was created by agree-
70 ment of the two states as a joint agent for the development of termi-
71 nal, transportation and other facilities of commerce of the port
72 district and for the promotion and protection of the commerce of
73 the port, is a proper agency to act in their behalf (either directly
74 or by any subsidiary corporation) to finance and effectuate such
75 industrial development projects and facilities;

76 ***[l.]*** **m.** It is desirable for the port authority, after consulta-
77 tion with the governing body of each municipality **and within the*
78 *the city of New York the appropriate community board or boards*
79 *and elsewhere another governmental entity or entities designated*
80 *by such municipality** in which industrial development projects or
81 facilities are proposed to be located and with other persons, includ-
82 ing but not limited to private real estate developers, to prepare and
83 adopt a master plan providing for the development of such indus-
84 trial development projects and facilities in the port district, which
85 plan shall give consideration to the extent of unemployment and the
86 general economic conditions of the respective portions of the port
87 district and shall include among other things the locations and the
88 nature and scope of such projects and facilities as may be included
89 in the plan;

90 ***[m.]*** **n.** The undertaking of such industrial development
91 projects and facilities by the port authority has the single object
92 of and is part of a unified plan to aid in preserving the economic
93 well-being of the port district and is found and determined to be in
94 the public interest;

95 ***[n.]*** **o.** No such port district industrial development projects
96 and facilities are to be constructed if the sole intent of the con-
97 struction thereof would be the removal of an industrial or manu-
97A facturing plant of an occupant of such projects and facilities from
97B one location to another location or in the abandonment of one or
97C more plants or facilities of such occupant, unless such port district
98 industrial development projects and facilities are reasonably neces-

99 sary to discourage such occupant from removing such plant or
 100 facility to a location outside the port district or are reasonably
 101 necessary to preserve the competitive position of such project
 102 occupant in its industry;

103 ***[o.]*** *p.* No such port district industrial development projects
 104 or facilities are to be constructed unless and until the port authority
 105 has entered into an agreement or agreements with the municipality
 106 in which any such project or facility is to be located with respect to
 107 payments in lieu of real estate taxes and the location, nature and
 108 scope of any project or facility; and

109 ***[p.]*** *q.* Subject to entering into said agreement or agree-
 110 ments, the port authority should have the ability to acquire, lease,
 111 vacate, clear and otherwise develop abandoned, undeveloped or
 112 underutilized property or property owned by governmental entities
 113 within the port district and to finance and construct industrial de-
 114 velopment projects and facilities.

1 2. As used in this act:

2 a. "Bonds" means bonds, notes, securities or other obligations
 3 or evidences of indebtedness;

4 b. "Effectuation" of any project or facility or part of any such
 5 project or facility includes but is not limited to its establishment,
 6 acquisition, construction, development, maintenance, operation,
 7 improvement by way of betterments, additions or otherwise and
 8 rehabilitation by the port authority or any other person and the
 9 provision of funds therefor through the issuance of obligations, the
 10 making or granting of loans or otherwise;

11 c. "General reserve fund statutes" shall mean chapter 48 of the
 12 laws of New York of 1931 as amended, and chapter 5 of the laws
 13 of New Jersey of 1931 as amended, and "general reserve fund"
 14 shall mean the general reserve fund of the port authority au-
 15 thORIZED by said statutes;

16 d. "Governing body" means the board or body vested with the
 17 general legislative powers of the municipality in which an in-
 18 dustrial development project or facility will be financed or effec-
 19 tuated pursuant to this act;

20 e. "Industrial development project or facility" *or "port dis-
 20A trict industrial development project or facility"* means any equip-
 21 ment, improvement, structure or facility or any land, and any
 22 building, structure, facility or other improvement thereon, or any
 23 combination thereof, and all real and personal property, located
 24 within *the New York portion of* the port district *or within a
 24A municipality in the New Jersey portion of the port district which

24B *qualified for State aid under the provisions of P. L. 1971, c. 64 as*
 24C *most recently supplemented by P. L. 1978, c. 14 or which may here-*
 24D *after qualify for such aid**, including but not limited to, machinery,
 25 equipment and other facilities deemed necessary or desirable in
 26 connection therewith, or incidental thereto, whether or not now in
 27 existence or under construction, which shall be considered suitable
 28 by the port authority for manufacturing, research, non-retail com-
 29 mercial or industrial purposes within an industrial park, or for pur-
 30 poses of warehousing or consumer and supporting services directly
 31 related to any of the foregoing or to any other port authority
 32 project or facility; and which may also include or be an industrial
 33 pollution control facility or a resource recovery facility; **provided*
 33A *that no such industrial development project or facility may include*
 33B *or be a facility used for the storage of chemicals fuel or liquified*
 33C *natural gas unless incidental to the effectuation of such industrial*
 33D *development project or facility;**

34 f. "Industrial pollution control facility" means any equipment,
 35 improvement, structure or facility or any land, and any building,
 36 structure, facility or other improvement thereon, or any combina-
 37 tion thereof, and all real and personal property, located within the
 38 port district, including, but not limited to, machinery, equipment
 39 and other facilities deemed necessary or desirable in the opinion of
 40 the port authority in connection therewith, or incidental thereto,
 41 whether or not now in existence or under construction, having to
 42 do with or the end purpose of which is the control, abatement or
 43 prevention of land, sewer, water, air, noise or general environ-
 44 mental pollution deriving from the operation of industrial, manu-
 45 facturing, warehousing, commercial and research facilities, includ-
 46 ing, but not limited to any air pollution control facility, noise abate-
 47 ment facility, water management facility, waste water collecting
 48 system, waste water treatment works, sewage treatment works
 49 system, sewage treatment system or solid waste disposal facility or
 50 site, provided that no such industrial pollution control facility may
 51 include or be used as a site for organic landfill or be of a character
 52 or nature generally furnished or supplied by any other govern-
 53 mental entity where such industrial pollution control facility is
 54 located without the consent of such governmental entity;

55 ***[**g. "Municipality" means a city, county or town all or any
 55A **]** part of which is located within the port district;**]***

56 *g. "Municipality" means a city, county, town or village all or
 56A any part of which is located within the New York portion of the port
 56B district, or a city, county, town, borough or township all or any

56C *part of which is located within the New Jersey portion of the port*
56D *district;**

57 h. "Person" means any person, including an individual, firm,
58 partnership, association, society, trust, public utility, public or
59 private corporation, or other legal entities, including public or
60 governmental body which may include the port authority, as well
61 as natural person.

62 i. "Port authority" means the Port Authority of New York and
63 New Jersey any subsidiary corporation now or hereafter in-
64 corporated for any of the purposes of this act; provided, however,
65 as used in sections 4 and 5 of this act it shall not include any such
66 subsidiary corporation;

67 j. "Purposes of this act" means the effectuation of industrial
68 development projects and facilities and of each project or facility
69 constituting a portion thereof and of each part of each project or
70 facility, and purposes incidental thereto;

71 k. "Real property" means lands, structures, franchises and in-
72 terests in land, including air space and air rights, waters, lands
73 under water, wetlands and riparian rights, and any and all things
74 and rights included within the said term, and includes not only fees
75 simple absolute but also any and all lesser interests, including but
76 not limited to easements, rights-of-way, uses, leases, licenses and
77 all other incorporeal hereditaments and every estate, interest or
78 right, legal or equitable, including terms for years and liens thereon
79 by way of judgments, mortgages or otherwise;

80 l. "Resource recovery facility" means any equipment, improve-
81 ment, structure or facility or any land, and any building, structure,
82 facility or other improvement thereon, or any combination thereof,
83 and all real and personal property located within the port district,
84 including, but not limited to, machinery, equipment and other
85 facilities deemed necessary or desirable in the opinion of the port
86 authority in connection therewith, or incidental thereto, whether or
87 not now in existence or under construction, for the disposal of
88 refuse or other solid wastes or wastes resulting from other treat-
89 ment processes and for the recovery and sale or use of energy and
90 other resources from such refuse or other solid wastes or wastes
91 resulting from other treatment processes, provided that no such
92 resource recovery facility may include or be used as a site for
93 organic landfill;

94 m. "Surplus revenues" from any facility means the balance of
95 the revenues from such facility including but not limited to the
96 revenues of any subsidiary corporation incorporated for any of the

97 purposes of this act remaining at any time currently in the hands
98 of the port authority after the deduction of the current expenses
99 of the operation and maintenance thereof, including a proportion
100 of the general expenses of the port authority as it shall deem
101 properly chargeable thereto, which general expenses shall include
102 but not be limited to the expense of protecting and promoting the
103 commerce of the port district, and after the deduction of any
104 amounts which the port authority may or shall be obligated or may
105 or shall have obligated itself to pay to or set aside out of the current
106 revenues therefrom for the benefit of the holders of any bonds
107 legal for investment as defined in the general reserve fund statutes ;
108 n. "Surplus revenues of port district industrial development
109 projects or facilities" means the surplus revenues of all industrial
110 development projects or facilities effectuated pursuant to the terms
111 of this act.

1 3. a. In furtherance of the aforesaid findings and determina-
2 tions, in partial effectuation of and supplemental to the compre-
3 hensive plan heretofore adopted by the two said states for the
4 development of the said port district, and subject to the prepara-
5 tion and adoption of the plan authorized in subsection b. of this
6 section and the execution of an agreement or agreements authorized
7 by sections 11 and 12 of this act, the port authority is hereby au-
8 thorized, empowered and directed to establish, acquire, construct,
9 effectuate, develop, own, lease, maintain, operate, improve, reha-
10 bilitate, sell, transfer and mortgage projects or facilities herein
11 referred to as port district industrial development projects or
12 facilities, as defined in this act.

13 The port authority is hereby authorized and empowered to es-
14 tablish, levy and collect such rentals, fares, fees and other charges
15 as it may deem necessary, proper or desirable in connection with
16 any facility or part of any facility constituting a portion of any
17 port district industrial development project or facility and to issue
18 bonds for any of the purposes of this act and to provide for pay-
19 ment thereof, with interest thereon, and for the amortization and
20 retirement of such bonds, and to secure all or any portion of such
21 bonds by a pledge of such rentals, fares, fees, charges and other
22 revenues or any part thereof including but not limited to the rev-
23 enues of any subsidiary corporation incorporated for any of the
24 purposes of this act, and to secure all or any portion of such bonds
25 by mortgages upon any property held or to be held by the port
26 authority for any of the purposes of this act, and for any of the
27 purposes of this act to exercise all appropriate powers heretofore

28 or hereafter delegated to it by the states of New York and New
29 Jersey, including, but not limited to, those expressly set forth in
30 this act. The surplus revenues of port district industrial develop-
31 ment projects or facilities may be pledged in whole or in part as
32 hereinafter provided.

33 b. The port authority is hereby authorized to **initiate studies*
34 *and** prepare and adopt a master plan providing for the develop-
35 ment of port district industrial development projects and facilities
36 which shall include the location of such projects and facilities as
37 may be included in the plan and shall to the maximum extent prac-
38 ticable include inter alia a general description of each of such
39 projects and facilities, the land use requirements necessary there-
40 for, and estimates of project costs, of project employment poten-
41 tial and of a schedule for commencement of each such project.
42 Prior to adopting such master plan, the port authority shall ***[con-**
43 **sult with]*** **give written notice to, afford a reasonable opportunity*
44 *for comment, consult with and consider any recommendation made*
45 *by** the governing body of municipalities **and within the city of*
46 *New York the appropriate community board or boards and else-*
47 *where another governmental entity or entities designated by such*
48 *municipality** in which industrial development projects or facilities
49 are proposed to be located and with such other persons, including
50 but not limited to private real estate developers, which in the
51 opinion of the port authority is either necessary or desirable. **The*
52 *master plan shall include the port authority's estimate of the rev-*
53 *enues to be derived by municipalities from each such industrial*
54 *development project or facility and also a description of the pro-*
55 *posed additional arrangements with municipalities necessary or*
56 *desirable for each such project or facility.** The port authority
57 may modify or change any part of such plan in the same form and
58 manner as provided for the adoption of such original plan. At the
59 time the port authority authorizes any industrial development
60 project or facility, the port authority shall include with such au-
61 thorization a statement as to the status of each project in such
62 master plan and any amendment thereof.

63 **c. No industrial development project proposed to be located*
64 *within the city of New York may be included in such master plan*
65 *unless and until the mayor of the city of New York requests the*
66 *port authority to conduct a comprehensive study of the feasibility*
67 *of the effectuation of one or more industrial development projects*
68 *or any parts thereof (including resource recovery or industrial*
69 *pollution control facilities) in such city, which request shall specify*

70 *the borough in which such comprehensive study is to take place;*
71 *provided, however, that the president of any borough in which an*
72 *industrial development project or facility is proposed to be located*
73 *may within 60 days of receipt of notice of such request, and after*
74 *consulting with and considering any recommendation made by the*
75 *local borough improvement board, notify the port authority not to*
76 *include any proposed industrial development project or facility*
77 *within that county in such feasibility study. Any such request by*
78 *the mayor of the city of New York may specify the facilities to be*
79 *included in such industrial park project.**

1 4. The moneys in the general reserve fund may be pledged in
2 whole or in part by the port authority as security for or applied
3 by it to the repayment with interest of any moneys which it may
4 raise upon bonds issued or incurred by it from time to time for
5 any of the purposes of this act or upon bonds secured in whole or
6 in part by the pledge of the revenues from any industrial develop-
7 ment project or facility or any portion thereof or upon bonds both
8 so issued or incurred and so secured; and the moneys in said gen-
9 eral reserve fund may be applied by the port authority to the ful-
10 fillment of any other undertakings which it may assume to or for
11 the benefit of the holders of any such bonds.

12 Subject to prior liens and pledges and to the obligation of the
13 port authority to apply revenues to the maintenance of its general
14 reserve fund in the amount prescribed by the general reserve fund
15 statutes, the revenues from facilities established, constructed, ac-
16 quired or otherwise effectuated through the issuance or sale of
17 bonds of the port authority secured in whole or in part by a pledge
18 of its general reserve fund or any portion thereof may be pledged
19 in whole or in part as security for or applied by it to any of the
20 purposes of this act, including the repayment with interest of any
21 moneys which it may raise upon bonds issued or incurred from
22 time to time for any of the purposes of this act or upon bonds
23 secured in whole or in part by the pledge of the revenues of the
24 port authority from any industrial development project or facility
25 or any portion thereof or upon bonds both so issued or incurred
26 and so secured; and said revenues may be applied by the port
27 authority to the fulfillment of any other undertakings which it
28 may assume to or for the benefit of the holders of such bonds.

1 5. In all cases where the port authority has raised or shall here-
2 after raise moneys for any of the purposes of this act by the issue
3 and sale of bonds which are secured in whole or in part by a pledge
4 of the general reserve fund or any portion thereof, the surplus

5 revenues from industrial development projects or facilities financed
6 in whole or in part out of the proceeds of such bonds and the
7 surplus revenues from any other port authority facility the surplus
8 revenues of which at such time may be payable into the general
9 reserve fund shall be pooled and applied by the port authority to
10 the establishment and maintenance of the general reserve fund
11 in an amount equal to one-tenth of the par value of all bonds legal
12 for investment, as defined in the general reserve fund statutes,
13 issued by the port authority and currently outstanding, including
14 such bonds issued for any of the purposes of this act; and all such
15 moneys in said general reserve fund may be pledged and applied
16 in the manner provided in the general reserve fund statutes.

17 In the event that any time the balance of moneys theretofore
18 paid into the general reserve fund and not applied therefrom shall
19 exceed an amount equal to one-tenth of the par value of all bonds
20 upon the principal amount of which the amount of the general
21 reserve fund is calculated, by reason of the retirement of bonds
22 issued or incurred from time to time for any of the purposes of this
23 act the par value of which had theretofore been included in the
24 computation of said amount of the general reserve fund, then the
25 port authority may pledge or apply such excess for and only for
26 the purposes for which it is authorized by the general reserve fund
27 statutes to pledge the moneys in the general reserve fund and such
28 pledge may be made in advance of the time when such excess
29 may occur.

1 6. The two states covenant and agree with each other and with
2 the holders of any bonds issued by the port authority for the
3 purposes of this act, that so long as any of such bonds remain
4 outstanding and unpaid and the holders thereof shall not have
5 given their consent as provided in their contract with the port
6 authority, the two states shall not diminish or impair the power
7 of the port authority to establish, levy and collect rentals, fares,
8 fees or other charges in connection with industrial development
9 projects or facilities or any other facility owned or operated by
10 the port authority the revenues of which have been or shall be
11 pledged in whole or in part as security for such bonds, directly
12 or indirectly, or through the medium of the general reserve fund
13 or otherwise, or to determine the quantity, quality, frequency or
14 nature of any services provided by the port authority in connection
15 with the operation of each such project or facility. **This section*
16 *shall not affect or diminish the provisions of section 12. of this act.**

1 7. The port authority is authorized and empowered to cooperate
2 with the States of New York and New Jersey, with any municipi-
3 pality thereof, with any person, with the Federal Government and
4 with any agency, public authority or commission of any one or more
5 of the foregoing, or with any one or more of them, for and in
6 connection with the acquisition, clearance, replanning, rehabilita-
7 tion, reconstruction or redevelopment of any industrial develop-
8 ment project or facility or of any other area forming part of any
9 industrial development project or facility for the purpose of
10 renewal and improvement of said area and for any of the purposes
11 of this act, and to enter into an agreement or agreements, and
12 from time to time to enter into agreements amending or supple-
13 menting the same, with any such person, municipality, commission,
14 public authority or agency and with the States of New York and
15 New Jersey and with the Federal Government, or with any one
16 or more of them, for or relating to such purposes, including but
17 not limited to agreements with respect to the dedication by the
18 municipalities of the port district of refuse, solid waste or waste
19 resulting from other treatment processes to resource recovery to
20 permit the generation of lower priced energy and the recovery of
21 useful materials; with respect to a commitment by such municipi-
22 palities to pay fees to permit the delivery and removal after
23 processing of such refuse or solid waste at rates and for periods
24 of time at least sufficient to assure the continued availability of
25 such energy and recovered materials; with respect to financial
26 assistance, loans and grants pursuant to any Federal law now
27 in effect or hereinafter enacted which would provide such financial
28 assistance, loans and grants in connection with any of the purposes
29 of this act, provided, that if either state shall have or adopt general
30 legislation governing applications for such Federal aid by municipi-
31 palities, public authorities, agencies or commissions of such state
32 or the receipt or disbursement of such Federal aid by or on behalf
33 of such municipalities, public authorities, agencies or commissions,
34 then such legislation shall at the option of such state apply to
35 applications by the port authority for such Federal aid in connec-
36 tion with an industrial development project or facility located in
37 such state and to the receipt and disbursement of such Federal
38 aid by or on behalf of the port authority, in the same manner and
39 to the same extent as other municipalities, public authorities,
40 agencies or commissions of such state; and, with respect to
41 occupancy of space in any industrial development project or facility.
42 The port authority is hereby authorized and empowered to apply

43 for and accept financial assistance, loans and grants for such
44 purposes under Federal, State or local laws, and to make applica-
45 tion directly to the proper officials or agencies for and receive
46 Federal, State or local loans or grants in aid for any of the
47 purposes of this act. Nothing contained in this act shall be con-
48 strued to limit or impair the power of the Governor of the State
49 of New York and the Governor of the State of New Jersey to
50 review the actions of the commissioners of the port authority as
51 provided for in chapter 700 of the laws of New York of 1927, as
52 amended, and in chapter 330 of the laws of New Jersey of 1927, as
53 amended, or to authorize the port authority to commence the
54 effectuation of any industrial development project or facility unless
55 and until the municipality in which such project or facility is to
56 be located has consented to the commencement of such effectuation,
57 with such consent to be provided for in the agreement authorized
58 by section 11 or section 12 hereof. The port authority is authorized
59 and empowered to enter into an agreement or agreements (and
60 from time to time to enter into agreements amending or supple-
61 menting the same) with any public authority, agency or commis-
62 sion of either or both states to provide for the effectuation of any
63 of the purposes of this act through a subsidiary corporation owned
64 jointly by the port authority and any such public authority, agency
65 or commission, and any such public authority, agency or commis-
66 sion is authorized and empowered to enter into such agreement
67 or agreements with the port authority.

1 8. Notwithstanding any contrary provision of law, general,
2 special or local, either state and any municipality thereof and any
3 commission, public authority or agency of either or both of said two
4 states is authorized and empowered to cooperate with the port
5 authority and to enter into an agreement or agreements and from
6 time to time to enter into agreements amending or supplementing
7 the same with the port authority or with any other person for and
8 in connection with or relating to the acquisition, clearance, re-
9 planning, rehabilitation, reconstruction, redevelopment, sale,
10 transfer or mortgage of any industrial development project or
11 facility or of any other area forming part of any industrial develop-
12 ment project or facility for the purpose of renewal and improve-
13 ment of said area as aforesaid or for any of the other purposes of
14 this act, including but not limited to the dedication by the munici-
15 palities of the port district of refuse, solid waste or waste resulting
16 from other treatment processes to resource recovery to permit the
17 generation of lower priced energy and the recovery of useful

18 materials and a commitment by such municipalities to pay fees to
19 permit the delivery and removal after processing of such refuse or
20 solid waste at rates and for periods of time at least sufficient to
21 assure the continued availability of such energy and recovered
22 materials, upon such reasonable terms and conditions as may be
23 determined by such state, municipality, public authority, agency
24 or commission and the port authority. Such agreement may, with-
25 out limiting the generality of the foregoing, further include consent
26 to the use by the port authority or any other person of any real
27 property owned or to be acquired by said state, municipality, public
28 authority, agency or commission and consent to the use by such
29 state, municipality, public authority, agency or commission of any
30 real property owned or to be acquired by the port authority or by
31 any other person which in either case is necessary, convenient or
32 desirable in the opinion of the port authority for any of the pur-
33 poses of this act, including such real property, improved or unim-
34 proved, as has already been devoted to or has been or is to be
35 acquired for urban renewal or other public use, and as an incident
36 to such consent such State, municipality, public authority, agency
37 or commission may grant, convey, lease or otherwise transfer any
38 such real property to the port authority or to any other person and
39 the port authority may grant, convey, lease or otherwise transfer
40 any such real property to such state, municipality, public authority,
41 agency, commission or any other person for such term and upon
42 such conditions as may be agreed upon. If any real property of
43 such state, municipality, public authority, agency or commission be
44 leased to the port authority or to any other person for any of the
45 purposes of this act, such state, municipality, public authority,
46 agency or commission may consent to the port authority or any
47 other person having the right to mortgage the fee of such property
48 and thus enable the port authority or such other person to give as
49 security for its bond or bonds a lien upon the land and improve-
50 ments, but such state, municipality, public authority, agency or
51 commission by consenting to the execution by the port authority or
52 such other person of a mortgage upon the leased property shall not
53 thereby assume and such consent shall not be construed as imposing
54 upon such state, municipality, public authority, agency or com-
55 mission any liability upon the bond or bonds secured by the
56 mortgage. In connection with any of the purposes of this act,
57 either state and any municipality thereof, any commission, public
58 authority or agency of either or both of said two states, the port
59 authority and any other person are empowered to enter into any

60 other agreement or agreements, and from time to time to enter
61 into agreements amending or supplementing same, which may
62 provide inter alia for the establishment of prices or rates, a re-
63 quirement that any person sell, lease or purchase any commodity
64 or service from any other person, or any other similar arrangement.

65 Nothing contained in this section shall impair or diminish the
66 powers vested in either state or in any municipality, public
67 authority, agency or commission to acquire, clear, replan, recon-
68 struct, rehabilitate or redevelop abandoned, undeveloped or under-
69 utilized land and the powers herein granted to either state or any
70 municipality, public authority, agency or commission shall be
71 construed to be in aid of and not in limitation or in derogation of
72 any such powers heretofore or hereafter conferred upon or granted
73 to such state, municipality, public authority, agency or commission.

74 Nothing contained in this act shall be construed to authorize the
75 port authority to acquire, by condemnation or the exercise of the
76 right of eminent domain, property now or hereafter vested in or
77 held by either state or by any municipality, public authority, agency
78 or commission without the authority or consent of such state,
79 municipality, public authority, agency or commission, provided that
80 the state under whose laws such public authority, agency or com-
81 mission has been created may authorize by appropriate legislation
82 the port authority to acquire any such property vested in or held
83 by any such public authority, agency or commission by condemna-
84 tion or the exercise of the right of eminent domain without such
85 authority or consent; nor shall anything herein impair or invalidate
86 in any way any bonded indebtedness of either State or any such
87 municipality, public authority, agency or commission, nor impair
88 the provisions of law regulating the payment into sinking funds
89 of revenues derived from such property, or dedicating the revenues
90 derived from such property to a specific purpose.

91 The port authority, subject to the express authority or consent of
92 any such state, municipality, public authority, agency or com-
93 mission, is hereby authorized and empowered to acquire from any
94 such state or municipality, or from any other public authority,
95 agency or commission having jurisdiction in the premises, by agree-
96 ment therewith, and such state or municipality, public authority,
97 agency or commission, notwithstanding any contrary provision of
98 law, is hereby authorized and empowered to grant and convey, upon
99 reasonable terms and conditions, any real property which may be
99A necessary, convenient or desirable for any of the purposes of this
99B act, including such real property as has already been devoted to a

99D *section or act or any compact or general or special law, the port*
99E *authority may not acquire any park lands for industrial develop-*
100 *ment projects or facilities unless each such conveyance of such land*
101 *is specifically authorized by the legislature of the state wherein the*
102 *land is located.**

103 Any consent by a municipality shall be given and the terms, con-
104 ditions and execution by a municipality of any agreement, deed,
105 lease, conveyance or other instrument pursuant to this section or
106 any other section of this act shall be authorized in the manner pro-
107 vided in article 22 of the compact of April 30, 1921 between the two
108 states creating the port authority, except that as to towns in the
109 State of New York, such consent shall be authorized in the manner
110 provided in the town law and as to counties in the State of New
111 Jersey, such consent shall be authorized in the manner provided in
112 Title 40 of the Revised Statutes.

113 Any consent by either state shall be effective if given, and the
114 terms and conditions and execution of any agreement, deed, lease,
115 conveyance or other instrument pursuant to this section or any
116 other section of this act shall be effective if authorized by the
117 Governor of such state. Any consent by a public authority, agency
118 or commission shall be effective if given by such public authority,
119 agency or commission.

1 9. The States of New York and New Jersey hereby consent to
2 suits, actions or proceedings by any municipality, public authority,
3 agency or commission against the port authority upon, in con-
4 nection with or arising out of any agreement, or any amendment
5 thereof, entered into for any of the purposes of this act, as follows:

6 a. For judgments, orders or decrees restraining or enjoining the
7 port authority from transferring title to real property to other
8 persons in cases where it has agreed with said municipality, public
9 authority, agency, or commission for transfer of such title to the
10 municipality, public authority, agency or commission; and

11 b. For judgments, orders or decrees restraining or enjoining the
12 port authority from committing or continuing to commit other
13 breaches of such agreement or any amendment thereof; provided,
14 that such judgment, order or decree shall not be entered except
15 upon 2 days' prior written notice to the port authority of the pro-
16 posed entry thereof; and provided further that upon appeal taken
17 by the port authority from such judgment, order or decree the
18 service of the notice of appeal shall perfect the appeal and stay
19 the execution of such judgment, order or decree appealed from
20 without an undertaking or other security.

21 Nothing herein contained shall be deemed to revoke, rescind or
22 affect any consent to suits, actions, or proceedings against the
23 port authority heretofore given by the two said states in chapter
24 301 of the laws of New York of 1950 and chapter 204 of the laws
25 of New Jersey of 1951.

1 10. The effectuation of industrial development projects or fa-
2 cilities or any such projects or facilities constituting a portion of
3 any industrial development project or facility, are and will be in
4 all respects for the benefit of the people of the States of New York
5 and New Jersey, for the increase of their commerce and prosperity
6 and for the improvement of their health and living conditions;
7 and the port authority and any subsidiary corporation incorpo-
8 rated for any of the purposes of this act shall be regarded as per-
9 forming an essential governmental function in undertaking the
10 effectuation thereof, and in carrying out the provisions of law
11 relating thereto.

1 11. The port authority shall be required to pay no taxes or
2 assessments upon any of the property acquired and used by it for
3 any of the purposes of this act or upon any deed, mortgage or
4 other instrument affecting such property or upon the recording
5 of any such instrument. However, to the end that no ***[municipality,**
6 **borough, village or township]*** **taxing jurisdiction** shall suffer
7 undue loss of taxes and assessments by reason of the acquisition
8 and ownership of property by the port authority for any of the
9 purposes of this act, the port authority is hereby authorized and
10 empowered, in its discretion, to enter into a voluntary agreement
11 or agreements with any ***[municipality, borough, village or town-**
12 **ship]*** **city, town, township or village** whereby the port authority
13 will undertake to pay in lieu of taxes a fair and reasonable sum,
13A if any, or sums annually in connection with any real property
14 acquired and owned by the port authority for any of the purposes
15 of this act and to provide for the payment as a rental or additional
16 rental charge by any person occupying any portion of any industrial
17 development project ***[of]*** **or** facility either as lessee, vendee or
18 otherwise of such reasonable sum, if any, or sums as hereinafter
19 provided. Such sums in connection with any real property acquired
20 and owned by the port authority for any of the purposes of this
21 act shall not be more than the sum last paid as taxes upon such
22 real property prior to the time of its acquisition by the port au-
23 thority; provided, however, that in connection with any portion
24 of **any** industrial development project or facility, which is owned
25 by the port authority or another governmental entity and improved

26 pursuant to this act with buildings, structures or improvements
27 greater in value than the buildings, structures or improvements in
28 existence at the time of its acquisition, development or improve-
29 ment by the port authority, any person occupying such portion
30 of such industrial development project or facility either as lessee,
31 vendee or otherwise shall, as long as title thereto shall remain in
32 the port authority or in another governmental entity, pay as a
33 rental or additional rental charge an amount in lieu of taxes, if
34 any, not in excess of the taxes on such improvements and on per-
35 sonal property, including water and sewer service charges or as-
36 sessment, which such person would have been required to pay had
37 it been the owner of such property during the period for which
38 such payment is made; provided further, however, that neither
39 the port authority nor any of its projects, facilities, properties,
40 moneys or bonds and notes shall be obligated, liable or subject
41 to lien of any kind whatsoever for the enforcement, collection or
42 payment thereof. Each such ***[municipality, borough, village or**
43 **township]*** **city, town, township or village** is hereby authorized
44 and empowered to enter into such agreement or agreements with
45 the port authority*, *which agreement or agreements may also in-*
46 *clude provisions with respect to the joint review of categories of*
47 *tenants proposed as occupants for industrial development projects*
48 *or facilities with the cities, towns, townships or villages in which*
49 *they are proposed to be located,** and to accept the payment or pay-
50 ments which the port authority is hereby authorized and empow-
51 ered to make or which are paid by a person occupying any such
52 portion of such industrial development project or facility as rental
53 or as additional rental in lieu of taxes, and the sums so received
54 by such ***[municipality]*** **city, town, township or village** shall
55 be devoted to purposes to which taxes may be applied **in all af-*
56 *ected taxing jurisdictions** unless and until otherwise directed by
57 law of the state in which such ***[municipality]*** **city, town, town-*
58 *ship or village** is located. At least 10 days prior to the authoriza-
59 tion by the port authority of any agreement provided for in this
60 section 11, the port authority shall notify the chief executive officer
61 of each city in the port district **within which an industrial develop-*
62 *ment project or facility has been included in the master plan pro-*
63 *vided for in paragraph b. of section 3 hereof** of the proposed
64 authorization of such agreement, shall seek their comments and
65 shall include with such authorization any comments received from
66 such city. **The port authority shall not sell or lease substantially*
67 *all of an industrial development project or facility to a proposed*

68 purchaser or lessee without the prior approval by the municipality
69 wherein the project or facility is located of such purchaser or les-
70 see.*

1 12. Except as otherwise specifically provided, all details of the
2 effectuation, including but not limited to details of financing,
3 leasing, rentals, fees and other charges, rates, contracts and ser-
4 vices, of industrial development projects or facilities by the port
5 authority shall be within its sole discretion and its decision in
6 connection with any and all matters concerning industrial develop-
7 ment projects or facilities shall be controlling and conclusive*; pro-
7A vided that the construction and operation of any such project or
7B facility shall conform to the environmental and solid waste disposal
7C standards and any state and county plans therefore in the state in
7D which such project or facility is located. At least 90 days prior to
7E the authorization by the port authority of the first contract for the
7F construction of any industrial development project or facility, the
7G port authority shall transmit to the Governor of the state in which
8 such project or facility is to be located a statement as to the con-
8A formance of such industrial development project or facility with
8B such environmental and solid waste disposal standards and any
8C state and county plans therefor, and shall consult with such Gov-
8D ernor or his designee with respect thereto. The port authority and
8E the city, town, township or village in which any industrial develop-
8F ment project or facility is to be located and for whose benefit such
8G project or facility is undertaken are hereby authorized and em-
9 powered to enter into an agreement or agreements to provide which
9A local laws, resolutions, ordinances, rules and regulations, if any,
9B of such city, town, township or village affecting any industrial de-
9C velopment project or facility shall apply to such project or facility.
9D All other existing local laws, resolutions, ordinances or rules and
9E regulations not provided for in such agreement shall be applicable
9F to such industrial development projects or facilities. All such local
9G laws, resolutions, ordinances or rules and regulations enacted after
10 the date of such agreement or agreements shall not be applicable
10A to such projects or facilities unless made applicable by such agree-
10B ment or agreements or any modification or modifications thereto.*
10C *The local laws, resolutions, ordinances, rules and regulations of
10D the municipality, borough, village or township pertaining to the lo-
10E cation and scope of industrial development projects and facilities in
11 which any such project or facility is located and for whose benefit
12 such project or facility is undertaken shall apply to such project or
13 facility if so provided in any agreement between the port authority

14 and such municipality, borough, village or township and the con-
15 struction and operation of any such project or facility shall conform
16 to the environmental and solid waste disposal standards and any
17 state and county plans therefor in the state in which such project
18 or facility is located. At least 90 days prior to the authorization by
19 the port authority of the first contract for the construction of any
20 industrial development project or facility, the port authority shall
21 transmit to the Governor of the state in which such project or
22 facility is to be located a statement as to the conformance of such
23 industrial development project or facility with such environmental
24 and solid waste disposal standards and any state and county plans
25 therefor, and shall consult with such Governor or his designee with
26 respect thereto.]*

27 So long as any facility constituting a portion of any industrial
28 development project or facility shall be owned, controlled or oper-
29 ated by the port authority, no public authority, agency, commission
30 or municipality of either or both of the two states shall have
31 jurisdiction over such project or facility nor shall any such public
32 authority, agency, commission or municipality have any juris-
33 diction over the terms or method of effectuation of all or any
34 portion thereof by the port authority including but not limited to
35 the transfer of all or any portion thereof to or by the port authority;
36 provided, however, the port authority is authorized and empowered
37 to submit to the jurisdiction over such project or facility of either
38 state or any department thereof or any such public authority,
39 agency, commission or municipality when the exercise of such
40 jurisdiction is necessary for the administration or implementation
41 of Federal environmental or solid waste disposal laws by either
42 state.

43 Nothing in this act shall be deemed to prevent the port authority
44 from establishing, acquiring, owning, leasing, constructing, effec-
45 tuating, developing, maintaining, operating, rehabilitating, improv-
46 ing, selling, transferring or mortgaging all or any portion of any
47 industrial development project or facility through wholly owned
48 subsidiary corporations of the port authority or subsidiary corpo-
49 rations owned by the port authority jointly with any public
50 authority, agency or commission of either or both of the two states
51 or from transferring to or from any such corporations any moneys,
52 real property or other property for any of the purposes of this act.
53 If the port authority shall determine from time to time to form such
54 a subsidiary corporation it shall do so by executing and filing with
55 the Secretary of State of the State of New York and the Secretary

56 of State of the State of New Jersey a certificate of incorporation,
57 which may be amended from time to time by similar filing, which
58 shall set forth the name of such subsidiary corporation, its duration,
59 the location of its principal office, any joint owners thereof, and
60 the purposes of the corporation which shall be one or more of the
61 purposes of establishing, acquiring, owning, leasing, constructing,
62 effectuating, developing, maintaining, operating, rehabilitating,
63 improving, selling, transferring or mortgaging all or any portion
64 of any industrial development project or facility. The directors of
65 such subsidiary corporation shall be the same persons holding the
66 offices of commissioners of the port authority together with persons
67 representing any joint owner thereof as provided for in the agree-
68 ment in connection with the incorporation thereof. Such subsidiary
69 corporation shall have all the powers vested in the port authority
70 itself for the purposes of this act except that it shall not have the
71 power to contract indebtedness. Such subsidiary corporation and
72 any of its property, functions and activities shall have all of the
73 privileges, immunities, tax exemptions and other exemptions of the
74 port authority and of the port authority's property, functions and
75 activities. Such subsidiary corporation shall be subject to the
76 restrictions and limitations to which the port authority may be
77 subject, including, but not limited to the requirement that no action
78 taken at any meeting of the board of directors of such subsidiary
79 corporation shall have force or effect until the Governors of the
80 two states shall have an opportunity, in the same manner and
81 within the same time as now or hereafter provided by law for
82 approval or veto of actions taken at any meeting of the port
83 authority itself, to approve or veto such action. Such subsidiary
84 corporation shall be subject to suit in accordance with section 9 of
85 this act and chapter 301 of the laws of New York of 1950 and
86 chapter 204 of the laws of New Jersey of 1951 as if such subsidiary
87 corporation were the port authority itself. Such subsidiary corpo-
88 ration may be a participating employer under the New York
89 retirement and social security law or any similar law of either
90 state and the employees of any such subsidiary corporation, except
91 those who are also employees of the port authority, shall not be
92 deemed employees of the port authority.

93 Whenever any state, municipality, commission, public authority,
94 agency, officer, department, board or division is authorized and
95 empowered for any of the purposes of this act to cooperate and
96 enter into agreements with the port authority or to grant any
97 consent to the port authority or to grant, convey, lease or otherwise

98 transfer any property to the port authority or to execute any
 99 document, such state, municipality, commission, public authority,
 100 agency, officer, department, board or division shall have the same
 101 authorization and power for any of such purposes to cooperate and
 102 enter into agreements with such subsidiary corporation and to
 103 grant consents to such subsidiary corporation and to grant, convey,
 104 lease or otherwise transfer property to such subsidiary corporation
 105 and to execute documents for such subsidiary corporation.

1 13. The bonds issued by the port authority to provide funds for
 2 any of the purposes of this act are hereby made securities in which
 3 all state and municipal officers and bodies of both states, all trust
 4 companies and banks other than savings banks, all building and
 5 loan associations, savings and loan associations, investment com-
 6 panies and other persons carrying on a commercial banking busi-
 7 ness, all insurance companies, insurance associations and other
 8 persons carrying on an insurance business, and all administrators,
 9 executors, guardians, trustees and other fiduciaries, and all other
 10 persons whatsoever other than savings banks, who are now or may
 11 hereafter be authorized by either state to invest in bonds of such
 12 state, may properly and legally invest any funds, including capital,
 13 belonging to them or within their control, and said bonds are hereby
 14 made securities which may properly and legally be deposited with
 15 and shall be received by any state or municipal officer or agency of
 16 either state for any purpose for which the deposit of bonds of such
 17 state is now or may hereafter be authorized. The bonds issued by
 18 the port authority to provide funds for any of the purposes of this
 19 act as security for which the general reserve fund shall have been
 20 pledged in whole or in part are hereby made securities in which
 21 all savings banks also may properly and legally invest any funds
 22 including capital, belonging to them or within their control.

1 14. ***[If]*** **Subsequent to and subject to the execution of the*
 2 *agreement or agreements authorized by sections 11 and 12 hereof*
 3 *for the projects and facilities and at the locations specified herein,*
 3A *if** the port authority shall find it necessary, convenient or de-
 3B sirable to acquire from time to time any real property or any
 3C property other than real property including but not limited to
 4 contract rights and other tangible or intangible personal property,
 5 for any of the purposes of this act whether for immediate or future
 6 use (including temporary construction, rehabilitation or improve-
 7 ment), the port authority may find and determine that such prop-
 8 erty, whether a fee simple absolute or a lesser interest, is required
 9 for a public use, and upon such determination the said property
 10 shall be and shall be deemed to be required for such public use until

11 otherwise determined by the port authority, and such determination
12 shall not be affected by the fact that such property has theretofore
13 been taken for and is then devoted to a public use; but the public
14 use in the hands of or under the control of the port authority shall
15 be deemed superior to the public use in the hands of any other
16 person, association or corporation.

17 The port authority may acquire and is hereby authorized so to
18 acquire from time to time, for any of the purposes of this act, such
19 property, whether a fee simple absolute or a lesser interest, by
20 condemnation, including the exercise of the right of eminent domain
21 under and pursuant to the provisions of the eminent domain pro-
22 cedure law of the State of New York in the case of property located
23 in or having its situs in such state, or the "Eminent Domain Act,"
24 P. L. 1971, c. 361 (C. 20:3-1 et seq.), in the case of property located
25 in or having its situs in the State of New Jersey, or, at the option
26 of the port authority, as provided in section 15 of chapter 43 of
27 the laws of New Jersey of 1947, as amended, in the case of property
28 located in or having its situs in such state, or pursuant to such
29 other and alternate procedure as may be provided by law of the
30 state in which such property is located or has its situs; and all of
31 said statutes for the acquisition of real property shall, for any of
32 the purposes of this act, ***[he]*** *be* applied also to the acquisition
33 of other property authorized by this section, except that such pro-
34 visions as pertain to surveys, diagrams, maps, plans or profiles,
35 assessed valuation, lis pendens, service of notice and papers, filing
36 in the office of the clerk in which the real property affected is situ-
37 ated and such other provisions as by their nature cannot be applica-
38 ble to property other than real property, shall not be applicable to
39 the acquisition of such other property. In the event that any prop-
40 erty other than real property is acquired for any of the purposes
41 of this act under this section then, with respect to such other
42 property, notice of such proceeding and all subsequent notices or
43 court processes shall be served upon the owners of such other
44 property and upon the port authority by personal service or by
45 registered or certified mail, except as may be otherwise directed by
46 the court.

47 The port authority is hereby authorized and empowered, in its
48 discretion, from time to time to combine any property which is to
49 be acquired as aforesaid by condemnation for any of the purposes
50 of this act for acquisition in a single action or proceeding notwith-
51 standing that part of the property so to be acquired is personal
52 property or mixed real and personal property or may be owned
53 by more than one owner.

54 The owner of any property acquired by condemnation or the
55 exercise of the right of eminent domain for any of the purposes of
56 this act shall not be awarded for such property any increment
57 above the just compensation required by the constitutions of the
58 United States and of the state or states in which the property is
59 located or has its situs by reason of any circumstances whatsoever.

60 Nothing herein contained shall be construed to prevent the port
61 authority from bringing any proceedings to remove a cloud on
62 title or such other proceedings as it may, in its discretion, deem
63 proper and necessary, for from acquiring any such property by
64 negotiation or purchase.

65 Where a person entitled to an award in the proceedings for the
66 the acquisition of property by condemnation or the right of eminent
67 domain for any of the purposes of this act remains in possession
68 of such property after the time of the vesting of title in the port
69 authority, the reasonable value of this use and occupancy of such
70 property subsequent to such time, as fixed by agreement or by the
71 court in such proceedings or by any court of competent jurisdiction,
72 shall be a lien against such award, subject only to liens of record
73 at the time of the vesting of title in the port authority.

1 15. The port authority and its duly authorized agents, and all
2 persons acting under its authority and by its direction, may enter
3 in the daytime into and upon any real property for the purpose
4 of making such surveys, diagrams, maps, plans, soundings or
5 borings as the port authority may deem necessary, convenient or
6 desirable for any of the purposes of this act.

1 16. Any declarations contained herein with respect to the gov-
2 ernmental nature and public purpose of any industrial develop-
3 ment project or facility and to the exemption of any industrial
4 development project or facility property and instruments relating
5 thereto from taxation and to the discretion of the port authority
6 with respect to said projects or facilities shall not be construed
7 to imply that other port authority facilities, property and opera-
8 tions are not of a governmental nature or do not serve public
9 purposes, or that they are subject to taxation, or that the deter-
10 minations of the port authority with respect thereto are not con-
11 clusive. The powers hereby vested in the port authority and in
12 any subsidiary corporation incorporated for any of the purposes
13 of this act including but not limited to the power to acquire real
14 property by condemnation or the exercise of the right or eminent
15 domain shall be continuing powers and no exercise thereof by the
16 port authority or a subsidiary corporation incorporated for any of

17 the purposes of this act shall be deemed to exhaust them or any of
18 them.

1 17. This section and the preceding sections hereof constitute an
2 agreement between the states of New York and New Jersey sup-
3 plementary to the compact between the two states dated April 30,
4 1921 and amendatory thereof, and shall be liberally construed to
5 effectuate the purposes of said compact and of the comprehensive
6 plan heretofore adopted by the two states, and the powers granted
7 to the port authority shall be construed to be in aid of and not in
8 limitation or in derogation of any other powers, heretofore con-
9 ferred upon or granted to the port authority.

1 18. If any section, part, phrase, or provision of this act or the
2 application thereof to any person or circumstances be adjudged
3 invalid by any court of competent jurisdiction, so long as the act
4 or remainder of the act shall nonetheless permit the effectuation,
5 as a unified project, of any industrial development project or fa-
6 cility, such judgment shall be confined in its operation to the sec-
7 tion, part, phrase, provision or application directly involved in the
8 controversy in which such judgment shall have been rendered and
9 shall not affect or impair the validity of the remainder of this act
10 or the application thereof to other persons or circumstances and
11 the two states hereby declare that they would have entered into
12 this act or the remainder thereof had the invalidity of such pro-
13 vision or application thereof been apparent.

1 *19. *A copy of the minutes of any action taken at any meeting*
2 *of the port authority in connection with any modification, addition*
3 *or deletion in or to any or all of the covenants with or pledges to*
4 *bondholders contained in a resolution authorizing the issuance of*
5 *consolidated bonds of the port authority from such covenants or*
6 *pledges set forth in the immediately preceding resolution of the*
7 *port authority authorizing the issuance of such bonds shall be filed*
8 *with the temporary President and Minority Leader of the Senate*
9 *and the Speaker and Minority Leader of the Assembly of the State*
10 *of New York and the Secretary of the Senate and Clerk of the Gen-*
11 *eral Assembly of the State of New Jersey within 10 calendar days*
12 *prior to transmitting the same to the Governor of each state for*
13 *review if the legislature of such state be in session and not ad-*
14 *journed for more than 2 days, and, in the event the legislatures of*
15 *the respective states are not in session or are adjourned for more*
16 *than 2 days, the same shall be filed with such officers 30 calendar*
17 *days prior to transmitting the same to the Governor of each state*
18 *for review. Notice of such filing shall be provided to the Governor*
19 *of each state at the same time.*

20 *The temporary President and Minority Leader of the Senate and*
21 *the Speaker and Minority Leader of the Assembly of the State of*
22 *New York and the Speaker of the General Assembly and the Presi-*
23 *dent of the Senate of the State of New Jersey, or their representa-*
24 *tives designated by them in writing for this purpose, may by cer-*
25 *tificate filed with the secretary of the port authority waive the*
26 *foregoing filing requirement with respect to any specific minutes.*

1 20. *The port authority shall file with the temporary President*
2 *and Minority Leader of the Senate and the Speaker and Minority*
3 *Leader of the Assembly of the State of New York and the Secretary*
4 *of the Senate and the Clerk of the General Assembly of the State*
5 *of New Jersey a copy of the minutes of any action taken at any*
6 *meeting of the port authority in connection with any of the pur-*
7 *poses of this act. Such filing must be made at least 10 calendar*
8 *days before such minutes are transmitted to the Governor of each*
9 *state for review; and notice of such filing shall be provided to the*
10 *Governor of each state at the same time.*

11 *The temporary President and Minority Leader of the Senate and*
12 *the Speaker and Minority Leader of the Assembly of the State of*
13 *New York and the Speaker of the General Assembly and the Presi-*
14 *dent of the Senate of the State of New Jersey, or their representa-*
15 *tives designated by them in writing for this purpose, may by cer-*
16 *tificate filed with the secretary of the port authority waive the*
17 *foregoing filing requirement with respect to any specific minutes.*

1 21. *The Comptroller of the State of New York and the Treasurer*
2 *of the State of New Jersey may each from time to time request a*
3 *special report with such information as each such officer may re-*
4 *quire with respect thereto from the port authority with respect to*
5 *any or all industrial development projects or facilities.**

1 ***[19.]*** 22.* *This act shall take effect upon the enactment into*
2 *law by the State of New York of legislation having an identical effect*
3 *with this act, but if the State of New York has already enacted*
4 *such legislation, this act shall take effect immediately.*

ASSEMBLY, No. 1413

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1978

By Assemblymen JACKMAN, T. GALLO, CALI, PASCULLI,
COWAN, MAYS, JANISZEWSKI, ADUBATO, THOMPSON,
BROWN, MARTIN, BORNHEIMER, LITTELL and
KAVANAUGH

Referred to Committee on Taxation

AN ACT to provide for the further coordination, facilitation, promo-
tion, preservation and protection of trade and commerce in and
through the Port of New York District through the financing and
effectuation of industrial development projects therein by the
Port Authority of New York and New Jersey, and agreeing with
the State of New York with respect thereto.

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

1 1. The States of New York and New Jersey hereby find and
2 determine that:

3 a. To prevent further deterioration of the economy of the port
4 district and thereby to promote, preserve and protect trade and
5 commerce in and through the Port of New York District as defined
6 in the compact between the two states dated April 30, 1921 (herein-
7 after called the port district), it is the policy of each of the two
8 states actively to promote, attract, encourage and develop econom-
9 ically sound commerce and industry through governmental action;

10 b. In order to preserve and protect the position of the port of
11 New York as the nation's leading gateway for world commerce,
12 it is incumbent on the States of New York and New Jersey to make
13 every effort to insure that the port receives its rightful share of
14 interstate and international commerce generated by the manufac-
15 turing, industrial, trade and commercial segments of the economy
16 of the Nation and of the port district;

17 c. Since 1950 the number of available jobs in the port district,
18 particularly within the older central cities thereof, has decreased,
19 thereby resulting in the underutilization of available land and other
20 resources, the erosion of the port district's tax bases and a rate of
21 unemployment substantially in excess of the national average;

22 d. In order to preserve the port district from further economic
23 deterioration, adequate industrial development projects and facil-
24 ities must be provided, preserved and maintained to attract and
25 retain industry within the port district;

26 e. A number of new industrial development projects and facilities
27 should be organized into industrial parks or districts;

28 f. The construction of such industrial parks or districts shall
29 conform to the policies of the two states with respect to affirmative
30 action and equal employment opportunities;

31 g. Providing port district industrial development projects and
32 facilities is in the public interest and involves the exercise of public
33 and essential governmental functions which may include appropriate
34 and reasonable limitations on competition and which must be per-
35 formed by the two states, or any municipality, public authority,
36 agency or commission of either state and by a joint agency of the
37 two states to accomplish the purposes of this act;

38 h. The acquisition and the use by such joint agency of abandoned,
39 undeveloped or underutilized land or land owned by governmental
40 entities within the port district for the generation of jobs and to
41 reduce the hazards of unemployment would promote, preserve and
42 protect the industry, trade and commerce of the port district, and
43 will materially assist in preserving for the two states and the
44 people thereof the material and other benefits of a prosperous
45 port community;

46 i. The collection, disposal and utilization of refuse, solid waste or
47 waste resulting from other treatment processes is an activity of
48 concern to all citizens within the port district, that the health, safety
49 and general welfare of the citizens within the port district require
50 efficient and reasonable collection and disposal services and efficient
51 utilization of such refuse, solid waste or waste resulting from
52 other treatment processes with adequate consideration given to
53 regional planning and coordination, and, therefore, that the con-
54 struction and operation of any port district industrial development
55 project and facility should conform to the environmental and solid
56 waste disposal standards and state and county plans therefor in the
57 state in which such project or facility is located;

58 j. The dedication by the municipalities of the port district of
59 refuse, solid waste or waste resulting from other treatment
60 processes to resource recovery to permit the generation of lower
61 priced energy and the recovery of useful materials, together with
62 the commitment by such municipalities to pay fees to permit the
63 delivery and removal after processing of such refuse or solid waste
64 at rates and for periods of time at least sufficient to assure the

65 continued furnishing of such lower priced energy and material is
66 in the public interest and would be a major incentive for the
67 attraction and retention of industry within the port district;

68 k. The Port Authority of New York and New Jersey (hereinafter
69 called the port authority), which was created by agreement of the
70 two states as a joint agent for the development of terminal, trans-
71 portation and other facilities of commerce of the port district and
72 for the promotion and protection of the commerce of the port,
73 is a proper agency to act in their behalf (either directly or by any
74 subsidiary corporation) to finance and effectuate such industrial
75 development projects and facilities;

76 l. It is desirable for the port authority, after consultation with
77 the governing body of each municipality in which industrial devel-
78 opment projects or facilities are proposed to be located and with
79 other persons, including but not limited to private real estate
80 developers, to prepare and adopt a master plan providing for the
81 development of such industrial development projects and facilities
82 in the port district, which plan shall give consideration to the extent
83 of unemployment and the general economic conditions of the
84 respective portions of the port district and shall include among
85 other things the locations and the nature and scope of such projects
86 and facilities as may be included in the plan;

87 m. The undertaking of such industrial development projects and
88 facilities by the port authority has the single object of and is part
89 of a unified plan to aid in preserving the economic well-being of the
90 port district and is found and determined to be in the public
91 interest;

92 n. No such port district industrial development projects and
93 facilities are to be constructed if the sole intent of the construction
94 thereof would be the removal of an industrial or manufacturing
95 plant of an occupant of such projects and facilities from one
96 location to another location or in the abandonment of one or more
97 plants or facilities of such occupant, unless such port district
98 industrial development projects and facilities are reasonably neces-
99 sary to discourage such occupant from removing such plant or
100 facility to a location outside the port district or are reasonably
101 necessary to preserve the competitive position of such project
102 occupant in its industry;

103 o. No such port district industrial development projects or facil-
104 ities are to be constructed unless and until the port authority has
105 entered into an agreement or agreements with the municipality in
106 which any such project or facility is to be located with respect to

107 payments in lieu of real estate taxes and the location, nature and
108 scope of any project or facility; and

109 p. Subject to entering into said agreement or agreements, the
110 port authority should have the ability to acquire, lease, vacate, clear
111 and otherwise develop abandoned, undeveloped or underutilized
112 property or property owned by governmental entities within the
113 port district and to finance and construct industrial development
114 projects and facilities.

1 2. As used in this act:

2 a. "Bonds" means bonds, notes, securities or other obligations
3 or evidences of indebtedness;

4 b. "Effectuation" of any project or facility or part of any such
5 project or facility includes but is not limited to its establishment,
6 acquisition, construction, development, maintenance, operation,
7 improvement by way of betterments, additions or otherwise and
8 rehabilitation by the port authority or any other person and the
9 provision of funds therefor through the issuance of obligations, the
10 making or granting of loans or otherwise;

11 c. "General reserve fund statutes" shall mean chapter 48 of the
12 laws of New York of 1931 as amended, and chapter 5 of the laws
13 of New Jersey of 1931 as amended, and "general reserve fund"
14 shall mean the general reserve fund of the port authority au-
15 thorized by said statutes;

16 d. "Governing body" means the board or body vested with the
17 general legislative powers of the municipality in which an in-
18 dustrial development project or facility will be financed or effec-
19 tuated pursuant to this act;

20 e. "Industrial development project or facility" means any equip-
21 ment, improvement, structure or facility or any land, and any
22 building, structure, facility or other improvement thereon, or any
23 combination thereof, and all real and personal property, located
24 within the port district, including, but not limited to, machinery,
25 equipment and other facilities deemed necessary or desirable in
26 connection therewith, or incidental thereto, whether or not now in
27 existence or under construction, which shall be considered suitable
28 by the port authority for manufacturing, research, non-retail com-
29 mercial or industrial purposes within an industrial park, or for pur-
30 poses of warehousing or consumer and supporting services directly
31 related to any of the foregoing or to any other port authority
32 project or facility; and which may also include or be an industrial
33 pollution control facility or a resource recovery facility;

34 f. "Industrial pollution control facility" means any equipment,
35 improvement, structure or facility or any land, and any building,

36 structure, facility or other improvement thereon, or any combina-
37 tion thereof, and all real and personal property, located within the
38 port district, including, but not limited to, machinery, equipment
39 and other facilities deemed necessary or desirable in the opinion of
40 the port authority in connection therewith, or incidental thereto,
41 whether or not now in existence or under construction, having to
42 do with or the end purpose of which is the control, abatement or
43 prevention of land, sewer, water, air, noise or general environ-
44 mental pollution deriving from the operation of industrial, manu-
45 facturing, warehousing, commercial and research facilities, includ-
46 ing, but not limited to any air pollution control facility, noise abate-
47 ment facility, water management facility, waste water collecting
48 system, waste water treatment works, sewage treatment works
49 system, sewage treatment system or solid waste disposal facility or
50 site, provided that no such industrial pollution control facility may
51 include or be used as a site for organic landfill or be of a character
52 or nature generally furnished or supplied by any other govern-
53 mental entity where such industrial pollution control facility is
54 located without the consent of such governmental entity;

55 g. "Municipality" means a city, county or town all or any part
56 of which is located within the port district;

57 h. "Person" means any person, including an individual, firm,
58 partnership, association, society, trust, public utility, public or
59 private corporation, or other legal entities, including public or
60 governmental body which may include the port authority, as well
61 as natural person.

62 i. "Port authority" means the Port Authority of New York and
63 New Jersey any subsidiary corporation now or hereafter in-
64 corporated for any of the purposes of this act; provided, however,
65 as used in sections 4 and 5 of this act it shall not include any such
66 subsidiary corporation;

67 j. "Purposes of this act" means the effectuation of industrial
68 development projects and facilities and of each project or facility
69 constituting a portion thereof and of each part of each project or
70 facility, and purposes incidental thereto;

71 k. "Real property" means lands, structures, franchises and in-
72 terests in land, including air space and air rights, waters, lands
73 under water, wetlands and riparian rights, and any and all things
74 and rights included within the said term, and includes not only fees
75 simple absolute but also any and all lesser interests, including but
76 not limited to easements, rights-of-way, uses, leases, licenses and
77 all other incorporeal hereditaments and every estate, interest or

78 right, legal or equitable, including terms for years and liens thereon
79 by way of judgments, mortgages or otherwise;

80 l. "Resource recovery facility" means any equipment, improve-
81 ment, structure or facility or any land, and any building, structure,
82 facility or other improvement thereon, or any combination thereof,
83 and all real and personal property located within the port district,
84 including, but not limited to, machinery, equipment and other
85 facilities deemed necessary or desirable in the opinion of the port
86 authority in connection therewith, or incidental thereto, whether or
87 not now in existence or under construction, for the disposal of
88 refuse or other solid wastes or wastes resulting from other treat-
89 ment processes and for the recovery and sale or use of energy and
90 other resources from such refuse or other solid wastes or wastes
91 resulting from other treatment processes, provided that no such
92 resource recovery facility may include or be used as a site for
93 organic landfill;

94 m. "Surplus revenues" from any facility means the balance of
95 the revenues from such facility including but not limited to the
96 revenues of any subsidiary corporation incorporated for any of the
97 purposes of this act remaining at any time currently in the hands
98 of the port authority after the deduction of the current expenses
99 of the operation and maintenance thereof, including a proportion
100 of the general expenses of the port authority as it shall deem
101 properly chargeable thereto, which general expenses shall include
102 but not be limited to the expense of protecting and promoting the
103 commerce of the port district, and after the deduction of any
104 amounts which the port authority may or shall be obligated or may
105 or shall have obligated itself to pay to or set aside out of the current
106 revenues therefrom for the benefit of the holders of any bonds
107 legal for investment as defined in the general reserve fund statutes;

108 n. "Surplus revenues of port district industrial development
109 projects or facilities" means the surplus revenues of all industrial
110 development projects or facilities effectuated pursuant to the terms
111 of this act.

1 3. a. In furtherance of the aforesaid findings and determina-
2 tions, in partial effectuation of and supplemental to the compre-
3 hensive plan heretofore adopted by the two said states for the
4 development of the said port district, and subject to the prepara-
5 tion and adoption of the plan authorized in subsection b. of this
6 section and the execution of an agreement or agreements authorized
7 by sections 11 and 12 of this act, the port authority is hereby au-
8 thorized, empowered and directed to establish, acquire, construct,
9 effectuate, develop, own, lease, maintain, operate, improve, reha-

10 bilitate, sell, transfer and mortgage projects or facilities herein
11 referred to as port district industrial development projects or
12 facilities, as defined in this act.

13 The port authority is hereby authorized and empowered to es-
14 tablish, levy and collect such rentals, fares, fees and other charges
15 as it may deem necessary, proper or desirable in connection with
16 any facility or part of any facility constituting a portion of any
17 port district industrial development project or facility and to issue
18 bonds for any of the purposes of this act and to provide for pay-
19 ment thereof, with interest thereon, and for the amortization and
20 retirement of such bonds, and to secure all or any portion of such
21 bonds by a pledge of such rentals, fares, fees, charges and other
22 revenues or any part thereof including but not limited to the rev-
23 enues of any subsidiary corporation incorporated for any of the
24 purposes of this act, and to secure all or any portion of such bonds
25 by mortgages upon any property held or to be held by the port
26 authority for any of the purposes of this act, and for any of the
27 purposes of this act to exercise all appropriate powers heretofore
28 or hereafter delegated to it by the states of New York and New
29 Jersey, including, but not limited to, those expressly set forth in
30 this act. The surplus revenues of port district industrial develop-
31 ment projects or facilities may be pledged in whole or in part as
32 hereinafter provided.

33 b. The port authority is hereby authorized to prepare and
34 adopt a master plan providing for the development of port district
35 industrial development projects and facilities which shall include
36 the location of such projects and facilities as may be included in
37 the plan and shall to the maximum extent practicable include inter
38 alia a general description of each of such projects and facilities,
39 the land use requirements necessary therefor, and estimates of
40 project costs, of project employment potential and of a schedule
41 for commencement of each such project. Prior to adopting such
42 master plan, the port authority shall consult with the governing
43 body of municipalities in which industrial development projects or
44 facilities are proposed to be located and with such other persons,
45 including but not limited to private real estate developers, which
46 in the opinion of the port authority is either necessary or desirable.
47 The port authority may modify or change any part of such plan
48 in the same form and manner as provided for the adoption of such
49 original plan. At the time the port authority authorizes any in-
50 dustrial development project or facility, the port authority shall
51 include with such authorization a statement as to the status of
52 each project in such master plan and any amendment thereof.

1 4. The moneys in the general reserve fund may be pledged in
2 whole or in part by the port authority as security for or applied
3 by it to the repayment with interest of any moneys which it may
4 raise upon bonds issued or incurred by it from time to time for
5 any of the purposes of this act or upon bonds secured in whole or
6 in part by the pledge of the revenues from any industrial develop-
7 ment project or facility or any portion thereof or upon bonds both
8 so issued or incurred and so secured; and the moneys in said gen-
9 eral reserve fund may be applied by the port authority to the ful-
10 fillment of any other undertakings which it may assume to or for
11 the benefit of the holders of any such bonds.

12 Subject to prior liens and pledges and to the obligation of the
13 port authority to apply revenues to the maintenance of its general
14 reserve fund in the amount prescribed by the general reserve fund
15 statutes, the revenues from facilities established, constructed, ac-
16 quired or otherwise effectuated through the issuance or sale of
17 bonds of the port authority secured in whole or in part by a pledge
18 of its general reserve fund or any portion thereof may be pledged
19 in whole or in part as security for or applied by it to any of the
20 purposes of this act, including the repayment with interest of any
21 moneys which it may raise upon bonds issued or incurred from
22 time to time for any of the purposes of this act or upon bonds
23 secured in whole or in part by the pledge of the revenues of the
24 port authority from any industrial development project or facility
25 or any portion thereof or upon bonds both so issued or incurred
26 and so secured; and said revenues may be applied by the port
27 authority to the fulfillment of any other undertakings which it
28 may assume to or for the benefit of the holders of such bonds.

1 5. In all cases where the port authority has raised or shall here-
2 after raise moneys for any of the purposes of this act by the issue
3 and sale of bonds which are secured in whole or in part by a pledge
4 of the general reserve fund or any portion thereof, the surplus
5 revenues from industrial development projects or facilities financed
6 in whole or in part out of the proceeds of such bonds and the
7 surplus revenues from any other port authority facility the surplus
8 revenues of which at such time may be payable into the general
9 reserve fund shall be pooled and applied by the port authority to
10 the establishment and maintenance of the general reserve fund
11 in an amount equal to one-tenth of the par value of all bonds legal
12 for investment, as defined in the general reserve fund statutes,
13 issued by the port authority and currently outstanding, including
14 such bonds issued for any of the purposes of this act; and all such

15 moneys in said general reserve fund may be pledged and applied
16 in the manner provided in the general reserve fund statutes.

17 In the event that any time the balance of moneys theretofore
18 paid into the general reserve fund and not applied therefrom shall
19 exceed an amount equal to one-tenth of the par value of all bonds
20 upon the principal amount of which the amount of the general
21 reserve fund is calculated, by reason of the retirement of bonds
22 issued or incurred from time to time for any of the purposes of this
23 act the par value of which had theretofore been included in the
24 computation of said amount of the general reserve fund, then the
25 port authority may pledge or apply such excess for and only for
26 the purposes for which it is authorized by the general reserve fund
27 statutes to pledge the moneys in the general reserve fund and such
28 pledge may be made in advance of the time when such excess
29 may occur.

1 6. The two states covenant and agree with each other and with
2 the holders of any bonds issued by the port authority for the
3 purposes of this act, that so long as any of such bonds remain
4 outstanding and unpaid and the holders thereof shall not have
5 given their consent as provided in their contract with the port
6 authority, the two states shall not diminish or impair the power
7 of the port authority to establish, levy and collect rentals, fares,
8 fees or other charges in connection with industrial development
9 projects or facilities or any other facility owned or operated by
10 the port authority the revenues of which have been or shall be
11 pledged in whole or in part as security for such bonds, directly
12 or indirectly, or through the medium of the general reserve fund
13 or otherwise, or to determine the quantity, quality, frequency or
14 nature of any services provided by the port authority in connection
15 with the operation of each such project or facility.

1 7. The port authority is authorized and empowered to cooperate
2 with the States of New York and New Jersey, with any munici-
3 pality thereof, with any person, with the Federal Government and
4 with any agency, public authority or commission of any one or more
5 of the foregoing, or with any one or more of them, for and in
6 connection with the acquisition, clearance, replanning, rehabilita-
7 tion, reconstruction or redevelopment of any industrial develop-
8 ment project or facility or of any other area forming part of any
9 industrial development project or facility for the purpose of
10 renewal and improvement of said area and for any of the purposes
11 of this act, and to enter into an agreement or agreements, and
12 from time to time to enter into agreements amending or supple-

13 menting the same, with any such person, municipality, commission,
14 public authority or agency and with the States of New York and
15 New Jersey and with the Federal Government, or with any one
16 or more of them, for or relating to such purposes, including but
17 not limited to agreements with respect to the dedication by the
18 municipalities of the port district of refuse, solid waste or waste
19 resulting from other treatment processes to resource recovery to
20 permit the generation of lower priced energy and the recovery of
21 useful materials; with respect to a commitment by such municipi-
22 palities to pay fees to permit the delivery and removal after
23 processing of such refuse or solid waste at rates and for periods
24 of time at least sufficient to assure the continued availability of
25 such energy and recovered materials; with respect to financial
26 assistance, loans and grants pursuant to any Federal law now in
27 in effect or hereinafter enacted which would provide such financial
28 assistance, loans and grants in connection with any of the purposes
29 of this act, provided, that if either state shall have or adopt general
30 legislation governing applications for such Federal aid by municipi-
31 palities, public authorities, agencies or commissions of such state
32 or the receipt or disbursement of such Federal aid by or on behalf
33 of such municipalities, public authorities, agencies or commissions,
34 then such legislation shall at the option of such state apply to
35 applications by the port authority for such Federal aid in connec-
36 tion with an industrial development project or facility located in
37 such state and to the receipt and disbursement of such Federal
38 aid by or on behalf of the port authority, in the same manner and
39 to the same extent as other municipalities, public authorities,
40 agencies or commissions of such state; and, with respect to
41 occupancy of space in any industrial development project or facility.
42 The port authority is hereby authorized and empowered to apply
43 for and accept financial assistance, loans and grants for such
44 purposes under Federal, State or local laws, and to make applica-
45 tion directly to the proper officials or agencies for and receive
46 Federal, State or local loans or grants in aid for any of the
47 purposes of this act. Nothing contained in this act shall be con-
48 strued to limit or impair the power of the Governor of the State
49 of New York and the Governor of the State of New Jersey to
50 review the actions of the commissioners of the port authority as
51 provided for in chapter 700 of the laws of New York of 1927, as
52 amended, and in chapter 330 of the laws of New Jersey of 1927, as
53 amended, or to authorize the port authority to commence the
54 effectuation of any industrial development project or facility unless

55 and until the municipality in which such project or facility is to
56 be located has consented to the commencement of such effectuation,
57 with such consent to be provided for in the agreement authorized
58 by section 11 or section 12 hereof. The port authority is authorized
59 and empowered to enter into an agreement or agreements (and
60 from time to time to enter into agreements amending or supple-
61 menting the same) with any public authority, agency or commis-
62 sion of either or both states to provide for the effectuation of any
63 of the purposes of this act through a subsidiary corporation owned
64 jointly by the port authority and any such public authority, agency
65 or commission, and any such public authority, agency or commis-
66 sion is authorized and empowered to enter into such agreement
67 or agreements with the port authority.

1 8. Notwithstanding any contrary provision of law, general,
2 special or local, either state and any municipality thereof and any
3 commission, public authority or agency of either or both of said two
4 states is authorized and empowered to cooperate with the port
5 authority and to enter into an agreement or agreements and from
6 time to time to enter into agreements amending or supplementing
7 the same with the port authority or with any other person for and
8 in connection with or relating to the acquisition, clearance, re-
9 planning, rehabilitation, reconstruction, redevolpment, sale,
10 transfer or mortgage of any industrial development project or
11 facility or of any other area forming part of any industrial develop-
12 ment project or facility for the purpose of renewal and improve-
13 ment of said area as aforesaid or for any of the other purposes of
14 this act, including but not limited to the dedication by the munici-
15 palities of the port district of refuse, solid waste or waste resulting
16 from other treatment processes to resource recovery to permit the
17 generation of lower priced energy and the recovery of useful
18 materials and a commitment by such municipalities to pay fees to
19 permit the delivery and removal after processing of such refuse or
20 solid waste at rates and for periods of time at least sufficient to
21 assure the continued availability of such energy and recovered
22 materials, upon such reasonable terms and conditions as may be
23 determined by such state, municipality, public authority, agency
24 or commission and the port authority. Such agreement may, with-
25 out limiting the generality of the foregoing, further include consent
26 to the use by the port authority or any other person of any real
27 property owned or to be acquired by said state, municipality, public
28 authority, agency or commission and consent to the use by such
29 state, municipality, public authority, agency or commission of any

30 real property owned or to be acquired by the port authority or by
31 any other person which in either case is necessary, convenient or
32 desirable in the opinion of the port authority for any of the pur-
33 poses of this act, including such real property, improved or unim-
34 proved, as has already been devoted to or has been or is to be
35 acquired for urban renewal or other public use, and as an incident
36 to such consent such State, municipality, public authority, agency
37 or commission may grant, convey, lease or otherwise transfer any
38 such real property to the port authority or to any other person and
39 the port authority may grant, convey, lease or otherwise transfer
40 any such real property to such state, municipality, public authority,
41 agency, commission or any other person for such term and upon
42 such conditions as may be agreed upon. If any real property of
43 such state, municipality, public authority, agency or commission be
44 leased to the port authority or to any other person for any of the
45 purposes of this act, such state, municipality, public authority,
46 agency or commission may consent to the port authority or any
47 other person having the right to mortgage the fee of such property
48 and thus enable the port authority or such other person to give as
49 security for its bond or bonds a lien upon the land and improve-
50 ments, but such state, municipality, public authority, agency or
51 commission by consenting to the execution by the port authority or
52 such other person of a mortgage upon the leased property shall not
53 thereby assume and such consent shall not be construed as imposing
54 upon such state, municipality, public authority, agency or com-
55 mission any liability upon the bond or bonds secured by the
56 mortgage. In connection with any of the purposes of this act,
57 either state and any municipality thereof, any commission, public
58 authority or agency of either or both of said two states, the port
59 authority and any other person are empowered to enter into any
60 other agreement or agreements, and from time to time to enter
61 into agreements amending or supplementing same, which may
62 provide inter alia for the establishment of prices or rates, a re-
63 quirement that any person sell, lease or purchase any commodity
64 or service from any other person, or any other similar arrangement.

65 Nothing contained in this section shall impair or diminish the
66 powers vested in either state or in any municipality, public
67 authority, agency or commission to acquire, clear, replan, recon-
68 struct, rehabilitate or redevelop abandoned, undeveloped or under-
69 utilized land and the powers herein granted to either state or any
70 municipality, public authority, agency or commission shall be
71 construed to be in aid of and not in limitation or in derogation of
72 any such powers heretofore or hereafter conferred upon or granted

73 to such state, municipality, public authority, agency or commission.

74 Nothing contained in this act shall be construed to authorize the
75 port authority to acquire, by condemnation or the exercise of the
76 right of eminent domain, property now or hereafter vested in or
77 held by either state or by any municipality, public authority, agency
78 or commission without the authority or consent of such state,
79 municipality, public authority, agency or commission, provided that
80 the state under whose laws such public authority, agency or com-
81 mission has been created may authorize by appropriate legislation
82 the port authority to acquire any such property vested in or held
83 by any such public authority, agency or commission by condemna-
84 tion or the exercise of the right of eminent domain without such
85 authority or consent; nor shall anything herein impair or invalidate
86 in any way any bonded indebtedness of either State or any such
87 municipality, public authority, agency or commission, nor impair
88 the provisions of law regulating the payment into sinking funds
89 of revenues derived from such property, or dedicating the revenues
90 derived from such property to a specific purpose.

91 The port authority, subject to the express authority or consent of
92 any such state, municipality, public authority, agency or com-
93 mission, is hereby authorized and empowered to acquire from any
94 such state or municipality, or from any other public authority,
95 agency or commission having jurisdiction in the premises, by agree-
96 ment therewith, and such state or municipality, public authority,
97 agency or commission, notwithstanding any contrary provision of
98 law, is hereby authorized and empowered to grant and convey, upon
99 reasonable terms and conditions, any real property which may be
100 necessary, convenient or desirable for any of the purposes of this
101 act, including such real property as has already been devoted to a
102 public use.

103 Any consent by a municipality shall be given and the terms, con-
104 ditions and execution by a municipality of any agreement, deed,
105 lease, conveyance or other instrument pursuant to this section or
106 any other section of this act shall be authorized in the manner pro-
107 vided in article 22 of the compact of April 30, 1921 between the two
108 states creating the port authority, except that as to towns in the
109 State of New York, such consent shall be authorized in the manner
110 provided in the town law and as to counties in the State of New
111 Jersey, such consent shall be authorized in the manner provided in
112 Title 40 of the Revised Statutes.

113 Any consent by either state shall be effective if given, and the
114 terms and conditions and execution of any agreement, deed, lease,
115 conveyance or other instrument pursuant to this section or any

116 other section of this act shall be effective if authorized by the
117 Governor of such state. Any consent by a public authority, agency
118 or commission shall be effective if given by such public authority,
119 agency or commission.

1 9. The States of New York and New Jersey hereby consent to
2 suits, actions or proceedings by any municipality, public authority,
3 agency or commission against the port authority upon, in con-
4 nection with or arising out of any agreement, or any amendment
5 thereof, entered into for any of the purposes of this act, as follows:

6 a. For judgments, orders or decrees restraining or enjoining the
7 port authority from transferring title to real property to other
8 persons in cases where it has agreed with said municipality, public
9 authority, agency, or commission for transfer of such title to the
10 municipality, public authority, agency or commission; and

11 b. For judgments, orders or decrees restraining or enjoining the
12 port authority from committing or continuing to commit other
13 breaches of such agreement or any amendment thereof; provided,
14 that such judgment, order or decree shall not be entered except
15 upon 2 days' prior written notice to the port authority of the pro-
16 posed entry thereof; and provided further that upon appeal taken
17 by the port authority from such judgment, order or decree the
18 service of the notice of appeal shall perfect the appeal and stay
19 the execution of such judgment, order or decree appealed from
20 without an undertaking or other security.

21 Nothing herein contained shall be deemed to revoke, rescind or
22 affect any consent to suits, actions, or proceedings against the
23 port authority heretofore given by the two said states in chapter
24 301 of the laws of New York of 1950 and chapter 204 of the laws
25 of New Jersey of 1951.

1 10. The effectuation of industrial development projects or fa-
2 cilities or any such projects or facilities constituting a portion of
3 any industrial development project or facility, are and will be in
4 all respects for the benefit of the people of the States of New York
5 and New Jersey, for the increase of their commerce and prosperity
6 and for the improvement of their health and living conditions;
7 and the port authority and any subsidiary corporation incorpo-
8 rated for any of the purposes of this act shall be regarded as per-
9 forming an essential governmental function in undertaking the
10 effectuation thereof, and in carrying out the provisions of law
11 relating thereto.

1 11. The port authority shall be required to pay no taxes or
2 assessments upon any of the property acquired and used by it for

3 any of the purposes of this act or upon any deed, mortgage or
4 other instrument affecting such property or upon the recording
5 of any such instrument. However, to the end that no municipality,
6 borough, village or township shall suffer undue loss of taxes and
7 assessments by reason of the acquisition and ownership of prop-
8 erty by the port authority for any of the purposes of this act, the
9 port authority is hereby authorized and empowered, in its discre-
10 tion, to enter into a voluntary agreement or agreements with any
11 municipality, borough, village or township whereby the port au-
12 thority will undertake to pay in lieu of taxes a fair and reasonable
13 sum, if any, or sums annually in connection with any real property
14 acquired and owned by the port authority for any of the purposes
15 of this act and to provide for the payment as a rental or additional
16 rental charge by any person occupying any portion of any industrial
17 development project or facility either as lessee, vendee or other-
18 wise of such reasonable sum, if any, or sums as hereinafter pro-
19 vided. Such sums in connection with any real property acquired
20 and owned by the port authority for any of the purposes of this
21 act shall not be more than the sum last paid as taxes upon such
22 real property prior to the time of its acquisition by the port au-
23 thority; provided, however, that in connection with any portion
24 of industrial development project or facility, which is owned by
25 the port authority or another governmental entity and improved
26 pursuant to this act with buildings, structures or improvements
27 greater in value than the buildings, structures or improvements in
28 existence at the time of its acquisition, development or improve-
29 ment by the port authority, any person occupying such portion
30 of such industrial development project or facility either as lessee,
31 vendee or otherwise shall, as long as title thereto shall remain in
32 the port authority or in another governmental entity, pay as a
33 rental or additional rental charge an amount in lieu of taxes, if
34 any, not in excess of the taxes on such improvements and on per-
35 sonal property, including water and sewer service charges or as-
36 sessment, which such person would have been required to pay had
37 it been the owner of such property during the period for which
38 such payment is made; provided further, however, that neither
39 the port authority nor any of its projects, facilities, properties,
40 moneys or bonds and notes shall be obligated, liable or subject
41 to lien of any kind whatsoever for the enforcement, collection or
42 payment thereof. Each such municipality, borough, village or
43 township is hereby authorized and empowered to enter into such
44 agreement or agreements with the port authority and to accept the
45 payment or payments which the port authority is hereby autho-

46 rized and empowered to make or which are paid by a person oc-
47 cupying any such portion of such industrial development project
48 or facility as rental or as additional rental in lieu of taxes, and
49 the sums so received by such municipality shall be devoted to pur-
50 poses to which taxes may be applied unless and until otherwise
51 directed by law of the state in which such municipality is located.
52 At least 10 days prior to the authorization by the port authority
53 of any agreement provided for in this section 11, the port authority
54 shall notify the chief executive officer of each city in the port dis-
55 trict of the proposed authorization of such agreement, shall seek
56 their comments and shall include with such authorization any com-
57 ments received from such city.

1 12. Except as otherwise specifically provided, all details of the
2 effectuation, including but not limited to details of financing,
3 leasing, rentals, fees and other charges, rates, contracts and ser-
4 vices, of industrial development projects or facilities by the port
5 authority shall be within its sole discretion and its decision in
6 connecton with any and all matters concerning industrial develop-
7 ment projects or facilities shall be controlling and conclusive. The
8 local laws, resolutions, ordinances, rules and regulations of the
9 municipality, borough, village or township pertaining to the location
10 and scope of industrial development projects and facilities in which
11 any such project or facility is located and for whose benefit such
12 project or facility is undertaken shall apply to such project or
13 facility if so provided in any agreement between the port authority
14 and such municipality, borough, village or township and the con-
15 struction and operation of any such project or facility shall conform
16 to the environmental and solid waste disposal standards and any
17 state and county plans therefor in the state in which such project
18 or facility is located. At least 90 days prior to the authorization by
19 the port authority of the first contract for the construction of any
20 industrial development project or facility, the port authority shall
21 transmit to the Governor of the state in which such project or
22 facility is to be located a statement as to the conformance of such
23 industrial development project or facility with such environmental
24 and solid waste disposal standards and any state and county plans
25 therefor, and shall consult with such Governor or his designee with
26 respect thereto.

27 So long as any facility constituting a portion of any industrial
28 development project or facility shall be owned, controlled or oper-
29 ated by the port authority, no public authority, agency, commission
30 or municipality of either or both of the two states shall have
31 jurisdiction over such project or facility nor shall any such public

32 authority, agency, commission or municipality have any juris-
33 diction over the terms or method of effectuation of all or any
34 portion thereof by the port authority including but not limited to
35 the transfer of all or any portion thereof to or by the port authority;
36 provided, however, the port authority is authorized and empowered
37 to submit to the jurisdiction over such project or facility of either
38 state or any department thereof or any such public authority,
39 agency, commission or municipality when the exercise of such
40 jurisdiction is necessary for the administration or implementation
41 of Federal environmental or solid waste disposal laws by either
42 state.

43 Nothing in this act shall be deemed to prevent the port authority
44 from establishing, acquiring, owning, leasing, constructing, effec-
45 tuating, developing, maintaining, operating, rehabilitating, improv-
46 ing, selling, transferring or mortgaging all or any portion of any
47 industrial development project or facility through wholly owned
48 subsidiary corporations of the port authority or subsidiary corpo-
49 rations owned by the port authority jointly with any public
50 authority, agency or commission of either or both of the two states
51 or from transferring to or from any such corporations any moneys,
52 real property or other property for any of the purposes of this act.
53 If the port authority shall determine from time to time to form such
54 a subsidiary corporation it shall do so by executing and filing with
55 the Secretary of State of the State of New York and the Secretary
56 of State of the State of New Jersey a certificate of incorporation,
57 which may be amended from time to time by similar filing, which
58 shall set forth the name of such subsidiary corporation, its duration,
59 the location of its principal office, any joint owners thereof, and
60 the purposes of the corporation which shall be one or more of the
61 purposes of establishing, acquiring, owning, leasing, constructing,
62 effectuating, developing, maintaining, operating, rehabilitating,
63 improving, selling, transferring or mortgaging all or any portion
64 of any industrial development project or facility. The directors of
65 such subsidiary corporation shall be the same persons holding the
66 offices of commissioners of the port authority together with persons
67 representing any joint owner thereof as provided for in the agree-
68 ment in connection with the incorporation thereof. Such subsidiary
69 corporation shall have all the powers vested in the port authority
70 itself for the purposes of this act except that it shall not have the
71 power to contract indebtedness. Such subsidiary corporation and
72 any of its property, functions and activities shall have all of the
73 privileges, immunities, tax exemptions and other exemptions of the
74 port authority and of the port authority's property, functions and

75 activities. Such subsidiary corporation shall be subject to the
76 restrictions and limitations to which the port authority may be
77 subject, including, but not limited to the requirement that no action
78 taken at any meeting of the board of directors of such subsidiary
79 corporation shall have force or effect until the Governors of the
80 two states shall have an opportunity, in the same manner and
81 within the same time as now or hereafter provided by law for
82 approval or veto of actions taken at any meeting of the port
83 authority itself, to approve or veto such action. Such subsidiary
84 corporation shall be subject to suit in accordance with section 9 of
85 this act and chapter 301 of the laws of New York of 1950 and
86 chapter 204 of the laws of New Jersey of 1951 as if such subsidiary
87 corporation were the port authority itself. Such subsidiary corpo-
88 ration may be a participating employer under the New York
89 retirement and social security law or any similar law of either
90 state and the employees of any such subsidiary corporation, except
91 those who are also employees of the port authority, shall not be
92 deemed employees of the port authority.

93 Whenever any state, municipality, commission, public authority,
94 agency, officer, department, board or division is authorized and
95 empowered for any of the purposes of this act to cooperate and
96 enter into agreements with the port authority or to grant any
97 consent to the port authority or to grant, convey, lease or otherwise
98 transfer any property to the port authority or to execute any
99 document, such state, municipality, commission, public authority,
100 agency, officer, department, board or division shall have the same
101 authorization and power for any of such purposes to cooperate and
102 enter into agreements with such subsidiary corporation and to
103 grant consents to such subsidiary corporation and to grant, convey,
104 lease or otherwise transfer property to such subsidiary corporation
105 and to execute documents for such subsidiary corporation.

1 13. The bonds issued by the port authority to provide funds for
2 any of the purposes of this act are hereby made securities in which
3 all state and municipal officers and bodies of both states, all trust
4 companies and banks other than savings banks, all building and
5 loan associations, savings and loan associations, investment com-
6 panies and other persons carrying on a commercial banking busi-
7 ness, all insurance companies, insurance associations and other
8 persons carrying on an insurance business, and all administrators,
9 executors, guardians, trustees and other fiduciaries, and all other
10 persons whatsoever other than savings banks, who are now or may
11 hereafter be authorized by either state to invest in bonds of such
12 state, may properly and legally invest any funds, including capital,

13 belonging to them or within their control, and said bonds are hereby
14 made securities which may properly and legally be deposited with
15 and shall be received by any state or municipal officer or agency of
16 either state for any purpose for which the deposit of bonds of such
17 state is now or may hereafter be authorized. The bonds issued by
18 the port authority to provide funds for any of the purposes of this
19 act as security for which the general reserve fund shall have been
20 pledged in whole or in part are hereby made securities in which
21 all savings banks also may properly and legally invest any funds
22 including capital, belonging to them or within their control.

1 14. If the port authority shall find it necessary, convenient or
2 desirable to acquire from time to time any real property or any
3 property other than real property including but not limited to
4 contract rights and other tangible or intangible personal property,
5 for any of the purposes of this act whether for immediate or future
6 use (including temporary construction, rehabilitation or improve-
7 ment), the port authority may find and determine that such prop-
8 erty, whether a fee simple absolute or a lesser interest, is required
9 for a public use, and upon such determination the said property
10 shall be and shall be deemed to be required for such public use until
11 otherwise determined by the port authority, and such determination
12 shall not be affected by the fact that such property has theretofore
13 been taken for and is then devoted to a public use; but the public
14 use in the hands of or under the control of the port authority shall
15 be deemed superior to the public use in the hands of any other
16 person, association or corporation.

17 The port authority may acquire and is hereby authorized so to
18 acquire from time to time, for any of the purposes of this act, such
19 property, whether a fee simple absolute or a lesser interest, by
20 condemnation, including the exercise of the right of eminent domain
21 under and pursuant to the provisions of the eminent domain pro-
22 cedure law of the State of New York in the case of property located
23 in or having its situs in such state, or the "Eminent Domain Act,"
24 P. L. 1971, c. 361 (C. 20:3-1 et seq.), in the case of property located
25 in or having its situs in the State of New Jersey, or, at the option
26 of the port authority, as provided in section 15 of chapter 43 of
27 the laws of New Jersey of 1947, as amended, in the case of property
28 located in or having its situs in such state, or pursuant to such
29 other and alternate procedure as may be provided by law of the
30 state in which such property is located or has its situs; and all of
31 said statutes for the acquisition of real property shall, for any of
32 the purposes of this act, be applied also to the acquisition of other
33 property authorized by this section, except that such provisions as

34 pertain to surveys, diagrams, maps, plans or profiles, assessed
35 valuation, lis pendens, service of notice and papers, filing in the
36 office of the clerk in which the real property affected is situated
37 and such other provisions as by their nature cannot be applicable
38 to property other than real property, shall not be applicable to
39 the acquisition of such other property. In the event that any prop-
40 erty other than real property is acquired for any of the purposes
41 of this act under this section then, with respect to such other
42 property, notice of such proceeding and all subsequent notices or
43 court processes shall be served upon the owners of such other
44 property and upon the port authority by personal service or by
45 registered or certified mail, except as may be otherwise directed by
46 the court.

47 The port authority is hereby authorized and empowered, in its
48 discretion, from time to time to combine any property which is to
49 be acquired as aforesaid by condemnation for any of the purposes
50 of this act for acquisition in a single action or proceeding notwith-
51 standing that part of the property so to be acquired is personal
52 property or mixed real and personal property or may be owned
53 by more than one owner.

54 The owner of any property acquired by condemnation or the
55 exercise of the right of eminent domain for any of the purposes of
56 this act shall not be awarded for such property any increment
57 above the just compensation required by the constitutions of the
58 United States and of the state or states in which the property is
59 located or has its situs by reason of any circumstances whatsoever.

60 Nothing herein contained shall be construed to prevent the port
61 authority from bringing any proceedings to remove a cloud on
62 title or such other proceedings as it may, in its discretion, deem
63 proper and necessary, for from acquiring any such property by
64 negotiation or purchase.

65 Where a person entitled to an award in the proceedings for the
66 the acquisition of property by condemnation or the right of eminent
67 domain for any of the purposes of this act remains in possession
68 of such property after the time of the vesting of title in the port
69 authority, the reasonable value of this use and occupancy of such
70 property subsequent to such time, as fixed by agreement or by the
71 court in such proceedings or by any court of competent jurisdiction,
72 shall be a lien against such award, subject only to liens of record
73 at the time of the vesting of title in the port authority.

1 15. The port authority and its duly authorized agents, and all
2 persons acting under its authority and by its direction, may enter

3 in the daytime into and upon any real property for the purpose
4 of making such surveys, diagrams, maps, plans, soundings or
5 borings as the port authority may deem necessary, convenient or
6 desirable for any of the purposes of this act.

1 16. Any declarations contained herein with respect to the gov-
2 ernmental nature and public purpose of any industrial develop-
3 ment project or facility and to the exemption of any industrial
4 development project or facility property and instruments relating
5 thereto from taxation and to the discretion of the port authority
6 with respect to said projects or facilities shall not be construed
7 to imply that other port authority facilities, property and opera-
8 tions are not of a governmental nature or do not serve public
9 purposes, or that they are subject to taxation, or that the deter-
10 minations of the port authority with respect thereto are not con-
11 clusive. The powers hereby vested in the port authority and in
12 any subsidiary corporation incorporated for any of the purposes
13 of this act including but not limited to the power to acquire real
14 property by condemnation or the exercise of the right or eminent
15 domain shall be continuing powers and no exercise thereof by the
16 port authority or a subsidiary corporation incorporated for any of
17 the purposes of this act shall be deemed to exhaust them or any of
18 them.

1 17. This section and the preceding sections hereof constitute an
2 agreement between the states of New York and New Jersey sup-
3 plementary to the compact between the two states dated April 30,
4 1921 and amendatory thereof, and shall be liberally construed to
5 effectuate the purposes of said compact and of the comprehensive
6 plan heretofore adopted by the two states, and the powers granted
7 to the port authority shall be construed to be in aid of and not in
8 limitation or in derogation of any other powers, heretofore con-
9 ferred upon or granted to the port authority.

1 18. If any section, part, phrase, or provision of this act or the
2 application thereof to any person or circumstances be adjudged
3 invalid by any court of competent jurisdiction, so long as the act
4 or remainder of the act shall nonetheless permit the effectuation,
5 as a unified project, of any industrial development project or fa-
6 cility, such judgment shall be confined in its operation to the sec-
7 tion, part, phrase, provision or application directly involved in the
8 controversy in which such judgment shall have been rendered and
9 shall not affect or impair the validity of the remainder of this act
10 or the application thereof to other persons or circumstances and
11 the two states hereby declare that they would have entered into

12 this act or the remainder thereof had the invalidity of such pro-
13 vision or application thereof been apparent.

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

STATEMENT

A. *Description.* This bill would authorize, empower and direct The Port Authority of New York and New Jersey to effectuate industrial development projects and facilities, including resource recovery and industrial pollution control facilities as those terms are defined therein. By its terms, the bill would take effect upon enactment into law by the States of New York and New Jersey of legislation having an identical effect.

B. *Purposes and Need for the Legislation:* (1) To prevent further deterioration of the economy of the region and to promote, preserve and protect trade and commerce in and through the Port of New York, consistent with the long-standing commitment of the State of New York, the State of New Jersey and the Port Authority to actively promote, attract, encourage and develop economically sound commerce and industry through governmental action. (2) Since 1950 the number of available jobs in the Port District and the region has decreased, particularly in the older central cities thereof, resulting in the under-utilization of available land and other resources, the erosion of the region's tax bases and a rate of unemployment substantially in excess of the national average. (3) Adequate industrial development projects must be provided to attract and retain industry within the Port District and to assist in reducing the hazards of unemployment. The provision of such projects by the Port Authority would be in the public interest and would involve the exercise of public and essential governmental functions which may include appropriate and reasonable limitations on competition. (4) The collection, disposal and utilization of refuse, solid waste or waste resulting from other treatment processes involves the health, safety and general welfare of the citizens of the Port District and must be provided in a manner which gives adequate consideration to regional planning and coordination. (5) To facilitate industrial development it is necessary for the municipalities of the Port District to dedicate refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy

and the recovery of useful materials and to pay fees to permit the delivery and removal after processing of such refuse and solid waste at rates and for periods of time at least sufficient to assure the continued furnishing of such lower priced energy and material.

C. Major Provisions of the Bill: (1) The Port Authority would be authorized to establish, acquire, construct, develop, maintain, operate, improve, rehabilitate and finance industrial development projects, including industrial pollution control facilities and resource recovery facilities. (2) The Port Authority, after consultation with the governing body of each municipality in which industrial development projects are proposed to be located and with any other person, including private real estate developers, would prepare a master plan providing for the development of industrial development projects in the Port District. The plan would give consideration to the extent of unemployment and the general economic conditions of the respective portions of the Port District and would include among other things the location and the nature and scope of such projects, the land use requirements necessary therefor, estimates of project costs, of project employment potential and of a schedule for the commencement of each such project. (3) No industrial development project could be constructed unless and until the Port Authority entered into an agreement with the municipality in which the project is to be constructed with respect to payments in-lieu-of real estate taxes and the location, nature and scope of the project, and such municipality has consented to the commencement of such project. Local laws and regulations would be applicable if so provided in the agreement. (4) At least 10 days prior to the authorization by the Port Authority of any agreement which provides for payments in lieu of real estate taxes, the Port Authority would notify the chief executive officer of each city in the Port District of the proposed authorization of such agreement, and would include with such authorization any comments received from such city. (5) The construction and operation of each industrial development project would conform to the environmental and solid waste disposal standards and any state and county plans therefor in the state in which such project is located. Additionally, at least 90 days prior to the authorization by the Port Authority of the first contract for the construction of any industrial development project, the Port Authority would be required to transmit to the Governor of the state in which such project is to be located, a statement as to such conformance, and to consult with such Governor or his

designee with respect thereto. The Port Authority would also be authorized to submit to the jurisdiction over any industrial development project of either state or any department thereof or any public authority, agency or commission when the exercise of such jurisdiction is necessary for the administration or implementation by either state of Federal environmental or solid waste laws. (6) The Port Authority would have the ability to acquire (by exercise of the right of eminent domain or otherwise), lease, vacate, clear and otherwise develop abandoned, undeveloped or underutilized property within the Port District. (7) The Port Authority would be authorized to cooperate with the States of New York and New Jersey, with any municipality thereof, with the Federal government and with any public authority, agency, or commission of any one or more of the foregoing, or with any one or more of them in connection with any of the purposes of this act, and to enter into an agreement or agreements with any such entity for or relating to any of the purposes of this act, and to apply for financial assistance, loans and grants pursuant to any Federal law. Either state or any county or municipality thereof or any commission or public authority or agency of either or both of said states would also be authorized and empowered to cooperate with the Port Authority and to enter into any such agreements for the purposes of this act.

D. Approximate Cost to the State of New York and the State of New Jersey—None: The Port Authority is an instrumentality of the States of New York and New Jersey, created in 1921 by Compact between the two states, with the consent of the Congress of the United States. The authority raises the necessary funds for the construction or acquisition of its facilities upon the basis of its own credit, its reserve funds and its future revenues. The authority has no power to levy taxes or assessments. Its bonds and other obligations are not obligations of the State of New York or the State of New Jersey or either of them and they are not guaranteed by the states or either of them.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1413

STATE OF NEW JERSEY

ADOPTED JUNE 26, 1978

Amend page 2, section 1, after line 37, insert new subsection h. as follows:

“h. That it is an objective of the two states, acting through the port authority, to facilitate reemployment of residents of the older cities through job training programs and employment opportunity priorities in connection with industrial development parks in their respective cities;”.

Amend page 2, section 1, line 38, omit “h.”, insert “i.”.

Amend page 2, section 1, line 46, omit “i.”, insert “j.”.

Amend page 2, section 1, line 58, omit “j.”, insert “k.”.

Amend page 3, section 1, line 68, omit “k.”, insert “l.”.

Amend page 3, section 1, line 76, omit “l.”, insert “m.”.

Amend page 3, section 1, line 77, after “municipality”, insert “and within the city of New York the appropriate community board or boards and elsewhere another governmental entity or entities designated by such municipality”.

Amend page 3, section 1, line 87, omit “m.”, insert “n.”.

Amend page 3, section 1, line 92, omit “n.”, insert “o.”.

Amend page 3, section 1, line 103, omit “o.”, insert “p.”.

Amend page 4, section 1, line 109, omit “p.”, insert “q.”.

Amend page 4, section 2, line 20, after “facility””, insert “or ‘port district industrial development project or facility’”.

Amend page 4, section 2, line 24, after “within”, insert “the New York portion of”; after “district”, insert “or within a municipality in the New Jersey portion of the port district which qualified for State aid under the provisions of P. L. 1971, c. 64 as most recently supplemented by P. L. 1978, c. 14 or which may hereafter qualify for such aid”.

Amend page 4, section 2, line 33, after “;”, insert “provided that no such industrial development project or facility may include or be a facility used for the storage of chemicals, fuel or liquified natural gas unless incidental to the effectuation of such industrial development project or facility;”.

Amend page 5, section 2, lines 55-56, omit and insert new subsection g. as follows:

“g. “Municipality” means a city, county, town or village all or any part of which is located within the New York portion of the port district, or a city, county, town, borough or township all or any part of which is located within the New Jersey portion of the port district;”.

Amend page 7, section 3, line 33, after “to”, insert “initiate studies and”.

Amend page 7, section 3, line 42, omit “consult with”, insert “give written notice to, afford a reasonable opportunity for comment, consult with and consider any recommendation made by”.

Amend page 7, section 3, line 43, after “municipalities”, insert “and within the city of New York the appropriate community board or boards and elsewhere another governmental entity or entities designated by such municipality”.

Amend page 7, section 3, line 46, after “desirable.”, insert “The master plan shall include the port authority’s estimate of the revenues to be derived by municipalities from each such industrial development project or facility and also a description of the proposed additional arrangements with municipalities necessary or desirable for each such project or facility.”.

Amend page 7, section 3, after line 52, insert subsection c. as follows:

“c. No industrial development project proposed to be located within the city of New York may be included in such master plan unless and until the mayor of the city of New York requests the port authority to conduct a comprehensive study of the feasibility of the effectuation of one or more industrial development projects or any parts thereof (including resource recovery or industrial pollution control facilities) in such city, which request shall specify the borough in which such comprehensive study is to take place; provided, however, that the president of any borough in which an industrial development project or facility is proposed to be located may within 60 days of receipt of notice of such request, and after consulting with and considering any recommendation made by the local borough improvement board, notify the port authority not to include any proposed industrial development project or facility within that county in such feasibility study. Any such request by the mayor of the city of New York may specify the facilities to be included in such industrial park project.”.

Amend page 9, section 6, line 15, after “facility.”, insert “This section shall not affect or diminish the provisions of section 12. of this act.”.

Amend page 13, section 8, line 102, after "use.", insert new paragraph as follows:

"Notwithstanding any inconsistent provision of this section or act or any compact or general or special law, the port authority may not acquire any park lands for industrial development projects or facilities unless each such conveyance of such land is specifically authorized by the legislature of the state wherein the land is located."

Amend page 15, section 11, lines 5-6, omit "municipality, borough, village or township", insert "taxing jurisdiction".

Amend page 15, section 11, line 11, omit "municipality, borough, village or township", insert "city, town, township or village".

Amend page 15, section 11, line 17, omit "of", insert "or".

Amend page 15, section 11, line 24, after "of", insert "any".

Amend page 15, section 11, lines 42-43, omit "municipality, borough, village or township", insert "city, town, township or village".

Amend page 15, section 11, line 44, after "authority,", insert ", which agreement or agreements may also include provisions with respect to the joint review of categories of tenants proposed as occupants for industrial development projects or facilities with the cities, towns, townships or villages in which they are proposed to be located,".

Amend page 16, section 11, line 49, omit "municipality", insert "city, town, township or village".

Amend page 16, section 11, after "applied", insert "in all affected taxing jurisdictions".

Amend page 16, section 11, line 51, omit "municipality", insert "city, town, township or village".

Amend page 16, section 11, line 55, after "trict", insert "within which an industrial development project or facility has been included in the master plan provided for in paragraph b. of section 3. hereof".

Amend page 16, section 11, line 57, after "city.", insert "The port authority shall not sell or lease substantially all of an industrial development project or facility to a proposed purchaser or lessee without the prior approval by the municipality wherein the project or facility is located of such purchaser or lessee."

Amend page 16, section 12, line 7, after "conclusive", insert "; provided that the construction and operation of any such project or facility shall conform to the environmental and solid waste disposal standards and any state and county plans therefor in the state in which such project or facility is located. At least 90 days prior to the authorization by the port authority of the first contract for the construction of any industrial development project or facility, the port authority shall

transmit to the governor of the state in which such project or facility is to be located a statement as to the conformance of such industrial development project or facility with such environmental and solid waste disposal standards and any state and county plans therefor, and shall consult with such governor or his designee with respect thereto. The port authority and the city, town, township or village in which any industrial development project or facility is to be located and for whose benefit such project or facility is undertaken are hereby authorized and empowered to enter into an agreement or agreements to provide which local laws, resolutions, ordinances, rules and regulations, if any, of such city, town, township or village affecting any industrial development project or facility shall apply to such project or facility. All other existing local laws, resolutions, ordinances or rules and regulations not provided for in such agreement shall be applicable to such industrial development projects or facilities. All such local laws, resolutions, ordinances or rules and regulations enacted after the date of such agreement or agreements shall not be applicable to such projects or facilities unless made applicable by such agreement or agreements or any modification or modifications thereto.”.

Amend page 16, section 12, line 7, omit “The”.

Amend page 16, section 12, lines 8-26, omit in their entirety.

Amend page 19, section 14, line 1, omit “If”, and insert “Subsequent to and subject to the execution of the agreement or agreements authorized by sections 11 and 12 hereof for the projects and facilities and at the locations specified herein, if”.

Amend page 19, section 14, line 32, omit “he”, insert “be”.

Amend page 22, section 18, after line 13, insert new sections 19, 20 and 21 as follows:

“19. A copy of the minutes of any action taken at any meeting of the port authority in connection with any modification, addition or deletion in or to any or all of the covenants with or pledges to bondholders contained in a resolution authorizing the issuance of consolidated bonds of the port authority from such covenants or pledges set forth in the immediately preceding resolution of the port authority authorizing the issuance of such bonds shall be filed with the temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Secretary of the Senate and Clerk of the General Assembly of the State of New Jersey within 10 calendar days prior to transmitting the same to the Governor of each state for review if the legislature of such state be in session and not adjourned for more than 2 days, and, in the event the legislatures of the respective states are not in session or are

adjourned for more than 2 days, the same shall be filed with such officers 30 calendar days prior to transmitting the same to the Governor of each state for review. Notice of such filing shall be provided to the Governor of each state at the same time.

The temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Speaker of the General Assembly and the President of the Senate of the State of New Jersey, or their representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

20. The port authority shall file with the temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Secretary of the Senate and the Clerk of the General Assembly of the State of New Jersey a copy of the minutes of any action taken at any meeting of the port authority in connection with any of the purposes of this act. Such filing must be made at least 10 calendar days before such minutes are transmitted to the Governor of each state for review; and notice of such filing shall be provided to the Governor of each state at the same time.

The temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Speaker of the General Assembly and the President of the Senate of the State of New Jersey, or their representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

21. The Comptroller of the State of New York and the Treasurer of the State of New Jersey may each from time to time request a special report with such information as each such officer may require with respect thereto from the port authority with respect to any or all industrial development projects or facilities.”.

Amend page 22, section 19, line 1, omit “19.”, insert “22.”.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1413.

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JULY 19, 1978

A. Description. This bill would authorize, empower and direct The Port Authority of New York and New Jersey to effectuate industrial development projects and facilities, including resource recovery and industrial pollution control facilities as those terms are defined therein. By its terms, the bill would take effect upon enactment into law by the States of New York and New Jersey of legislation having an identical effect.

B. Purposes and Need for the Legislation. (1) To prevent further deterioration of the economy of the region and to promote, preserve and protect trade and commerce in and through the Port of New York, consistent with the long-standing commitment of the State of New York, the State of New Jersey and the Port Authority to actively promote, attract, encourage and develop economically sound commerce and industry through governmental action. (2) Since 1950 the number of available jobs in the Port District and the region has decreased, particularly in the older central cities thereof, resulting in the under-utilization of available land and other resources, the erosion of the region's tax bases and a rate of unemployment substantially in excess of the national average. (3) Adequate industrial development projects must be provided to attract and retain industry within the Port District and to assist in reducing the hazards of unemployment. The provision of such projects by the Port Authority would be in the public interest and would involve the exercise of public and essential governmental functions which may include appropriate and reasonable limitations on competition. (4) The collection, disposal and utilization of refuse, solid waste or waste resulting from other treatment processes involves the health, safety and general welfare of the citizens of the Port District and must be provided in a manner which gives adequate consideration to regional planning and coordination. (5) To facilitate industrial development it is necessary for the municipalities of the Port District to dedicate refuse, solid waste or waste resulting from other treatment

processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials and to pay fees to permit the delivery and removal after processing of such refuse and solid waste at rates and for periods of time at least sufficient to assure the continued furnishing of such lower priced energy and material.

C. Major Provision of the Bill: (1) The Port Authority would be authorized to establish, acquire, construct, develop, maintain, operate, improve, rehabilitate and finance industrial development projects, including industrial pollution control facilities and resources recovery facilities. The New Jersey municipalities in which such projects and facilities may be effectuated include only those municipalities in the port district which are qualified for urban aid. (2) The Port Authority, after written notice to, extending a reasonable opportunity for comment by, and after consideration of any recommendation made by each municipality in which industrial development projects are proposed to be located and with any other person, including private real estate developers, would prepare a master plan providing for the development of industrial development projects in the Port District. The plan would give consideration to the extent of unemployment and the general economic conditions of the respective portions of the Port District and would include among other things the Port Authority's estimate of the revenues to be derived by municipalities from each project or facility, a description of the proposed additional arrangements with municipalities necessary or desirable for each project or facility, the location and the nature and scope of such projects, the land use requirements necessary therefor, estimates of project costs, of project employment potential and of a schedule for the commencement of each such project. (3) No industrial development project could be constructed unless and until the Port Authority entered into an agreement with the municipality in which the project is to be constructed with respect to payments in-lieu-of real estate taxes and the location, nature and scope of the project, and such municipality has consented to the commencement of such project. No sale or lease of a project or facility could occur without the prior approval of the municipality wherein such is located. Local laws and regulations would be applicable if so provided in the agreement. (4) At least 10 days prior to the authorization by the Port Authority of any agreement which provides for payments in lieu of real estate taxes, Port Authority would notify the chief executive officer of each municipality in the Port District within which an industrial development project or facility has been included in the master plan of the proposed authorization of such agreement, and would include with such authorization any comments received from such city. (5) The construction and operation of each industrial development

project would conform to the environmental and solid waste disposal standards and any state and county plans therefor in the state in which such project is located. Additionally, at least 90 days prior to the authorization by the Port Authority of the first contract for the construction of any industrial development project, the Port Authority would be required to transmit to the Governor of the state in which such project is to be located, a statement as to such conformance, and to consult with such Governor or his designee with respect thereto. The Port Authority would also be authorized to submit to the jurisdiction over any industrial development project of either state or any department thereof or any public authority, agency or commission when the exercise of such jurisdiction is necessary for the administration or implementation by either state or Federal environmental or solid waste laws. (6) The Port Authority would have the ability to acquire (by exercise of the right of eminent domain or otherwise), lease, vacate, clear and otherwise develop abandoned, undeveloped or underutilized property within the Port District. (7) The Port Authority would be authorized to cooperate with the States of New York and New Jersey, with any municipality thereof, with the Federal government and with any public authority, agency, or commission of any one or more of the foregoing, or with any one or more of them in connection with any of the purposes of this act, and to enter into an agreement or agreements with any such entity for or relating to any of the purposes of this act, and to apply for financial assistance, loans and grants pursuant to any Federal law. Either state or any county or municipality thereof or any commission or public authority or agency of either or both of said states would also be authorized and empowered to cooperate with the Port Authority and to enter into any such agreements for the purposes of this act. (8) In the matter of industrial parks, the Legislature will be notified by the submission of the minutes of the meeting of the Commissioners ten days prior to the submission of such minutes to the Governor as now required. Also, the minutes of any action at any meeting of the Port Authority in connection with any modifications, additions, or deletion to any or all of the covenants with, or pledges to, bondholders contained in a resolution authorizing the issuance of consolidated bonds will be required to be filed with the Legislature in both states prior to the submission of the minutes of such actions to the Governor.

D. Approximate Cost to the State of New York and the State of New Jersey—None: The Port Authority is an instrumentality of the States of New York and New Jersey, created in 1921 by Compact between the two states, with the consent of the Congress of the United States. The authority raises the necessary funds for the construction or acquisition

of its facilities upon the basis of its own credit, its reserve funds and its future revenues. The authority has no power to levy taxes or assessments. Its bonds and other obligations are not obligations of the State of New York or the State of New Jersey or either of them and they are not guaranteed by the states or either of them.

This bill has undergone an extensive review by the Assembly Committee on Taxation. As a result of that review, in conjunction with the Legislature of New York, many substantive amendments, restrictive on the Port Authority in nature, and providing for absolute municipal control over location and type of projects and facilities, were adopted. The Senate Revenue, Finance and Appropriations Committee has heard many of the same arguments made before the Assembly Committee on Taxation for changes to the provisions of the bill and finds the bill, in the form passed by the Assembly, to be responsible and complete in its provisions.

The Committee will forthwith consider any bill introduced addressing the subject of adherence to environmental law and rules, regulations and standards by the Authority or involved municipality if found necessary. However, the Committee records the following observation in this regard for the legislative history on this bill should there be a question. This statement is offered for the record and in response to the business and citizen groups who have expressed a concern that projects and facilities effectuated under the authority of this bill will be so effectuated in violation of or in non-compliance with environmental laws, rules and regulations in the State of New Jersey.

It is the intent of the Legislature that nothing in the language of Assembly Bill No. 1413 be deemed to preclude the maintenance of any action at law or equity by any person, corporation, municipality, public authority, agency or commission against any other person, corporation, municipality, public authority, agency or commission or any cause arising out of an industrial development project or facility or agreement relating thereto.

AUGUST 24, 1978

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

JOE SANTANGELO

Governors Brendan Byrne of New Jersey and Hugh Carey of New York today signed A1413 legislation to enable the Port Authority of New York and New Jersey to develop industrial parks in the inner cities of the Port District and create 30,000 jobs over the next ten years.

Port Authority Chairman Alan Sagner and Executive Director Peter C. Goldmark, Jr. joined in the ceremony at the Great Hall of the New York Chamber of Commerce and Industry, together with legislative leaders of the two states, municipal officials and executives of Port District business and civic organizations.

The legislation is aimed at reversing the loss of manufacturing plants and jobs and to stimulate the economy of the entire region.

The event in the Great Hall recalled the joint meeting held there on April 30, 1921 when the two states ratified the Compact which created the Port Authority.

The Port Authority program to develop sites for manufacturing plants in the hard-pressed central cities would require an investment of more than \$1 billion in public and private funds over the next ten years.

The Port Authority would invest up to \$400 million on a self-supporting basis. It is estimated that the program would return revenues and improve the economy not only of the port cities but of the two states when the first three industrial parks reach full development.

The project would require some 4,000 construction jobs which in turn will generate economic benefits and state and local taxes.

Byrne said, "This is a major commitment by the two states and by the Port Authority to the people of our urban communities."

When the legislation was introduced in May, the two Governors, in a joint statement, declared: "This is an historic effort by the two states of New York and New Jersey, to join together through the Port Authority in a regional approach to create jobs and revitalize our economies. It is clear from all we have experienced during the past decade that unless we can rebuild upon the economic strengths of our inner cities, we cannot expect our states or the Northeast region to prosper."

(more)

[REDACTED]

In an aggressive approach toward improving the economy in the metropolitan area, the Port Authority has established a new Industrial Development Department to undertake industrial park development.

Under New Jersey law, only municipalities which have received state urban aid grants will be eligible to participate in the program.

The site selection process differs slightly in the two states. In New York, the Mayor of New York City will request that the Port Authority look in boroughs he selects. In New Jersey, the Port Authority will consult with municipalities before making a determination.

One of the most important aspects of the new parks will be the construction of resource recovery facilities.

Garbage would be used as a fuel to create sufficient power needs for the parks. Recovered material, such as metals, glass and paper, could serve as a source of supply for certain primary industries, such as a mini-steel mill, detinning plant, paper production and many others.

New York City and New Jersey cities have been especially hard hit by industrial deterioration. Manufacturing jobs in the area declined by 500,000 from 1.8 million in 1954 to 1.3 million in 1976. During the same period, the region has lost about 15,000 manufacturing plants.

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