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LAW/RWH

SENATE, No. 814

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY
District 3 (Salem, Cumberland and Gloucester)
Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)
Assemblyman THOMAS P. GIBLIN
District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Baroni and Assemblywoman Riley

SYNOPSIS

Concerns rights of DRPA employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

S814 SWEENEY

2

1 AN ACT concerning the Delaware River Port Authority, amending
2 P.L.1941, c.100 and amending P.L.1931, c.391, authorizing the
3 Governor, on behalf of the State of New Jersey, to enter into a
4 supplemental compact or agreement with the Commonwealth of
5 Pennsylvania amending the compact or agreement between the
6 State of New Jersey and the Commonwealth of Pennsylvania
7 entitled "Agreement Between The Commonwealth of
8 Pennsylvania and The State of New Jersey creating the Delaware
9 River Joint Commission as a body corporate and politic and
10 defining its powers and duties," as amended and supplemented,
11 and authorizing the Governor to apply, on behalf of the State of
12 New Jersey, to the Congress of the United States for its consent
13 to such supplemental compact or agreement.

14

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

17

18 1. The Governor is authorized to enter into a supplemental
19 compact or agreement, on behalf of the State of New Jersey, with
20 the Commonwealth of Pennsylvania amending Article IV of the
21 compact or agreement between the Commonwealth of Pennsylvania
22 and the State of New Jersey entitled "Agreement Between The
23 Commonwealth of Pennsylvania and The State of New Jersey
24 creating the Delaware River Joint Commission as a body corporate
25 and politic and defining its powers and duties," as set forth in this
26 act.

27

28 2. Article IV of the "Agreement Between the Commonwealth
29 of Pennsylvania and the State of New Jersey creating the Delaware
30 River Joint Commission as a body corporate and politic and
31 defining its powers and duties," as amended and supplemented
32 (R.S.32:3-5) is amended to read as follows:

33 R.S.32:3-5. For the effectuation of its authorized purposes the
34 commission is hereby granted the following powers:

35 (a) To have perpetual succession.

36 (b) To sue and be sued.

37 (c) To adopt and use an official seal.

38 (d) To elect a chairman, vice-chairman, secretary and treasurer,
39 and to adopt suitable bylaws for the management of its affairs. The
40 secretary and treasurer need not be members of the commission.

41 (e) To appoint, hire, or employ counsel and such other officers
42 and such agents and employees as it may require for the
43 performance of its duties, by contract or otherwise, and fix and
44 determine their qualifications, duties and compensation, provided
45 that the employees of the Delaware River Port Authority shall be

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

Matter underlined thus is new matter.

1 subject to the "New Jersey Employer-Employee Relations Act,"
2 P.L.1941, c.100 (C.34:13A-1 et seq.) and shall have all of the rights
3 provided to employees by that act, including but not limited to, the
4 right to form, join or assist an employee organization, and the right
5 to have that employee organization engage in collective bargaining
6 on behalf of the employees.

7 (f) To enter into contracts.

8 (g) To acquire, own, hire, use, operate and dispose of personal
9 property.

10 (h) To acquire, own, use, lease, operate, mortgage and dispose
11 of real property and interests in real property, and to make
12 improvements thereon.

13 (i) To grant by franchise, lease or otherwise, the use of any
14 property or facility owned or controlled by the commission and to
15 make charges therefor.

16 (j) To borrow money upon its bonds or other obligations, either
17 with or without security, and to make, enter into and perform any
18 and all such covenants and agreements with the holders of such
19 bonds or other obligations as the commission may determine to be
20 necessary or desirable for the security and payment thereof,
21 including without limitation of the foregoing, covenants and
22 agreements as to the management and operation of any property or
23 facility owned or controlled by it, the tolls, rents, rates or other
24 charges to be established, levied, made and collected for any use of
25 any such property or facility, or the application, use and disposition
26 of the proceeds of any bonds or other obligations of the commission
27 or the proceeds of any such tolls, rents, rates or other charges or any
28 other revenues or moneys of the commission.

29 (k) To exercise the right of eminent domain within the Port
30 District.

31 (l) To determine the exact location, system and character of and
32 all other matters in connection with any and all improvements or
33 facilities which it may be authorized to own, construct, establish,
34 effectuate, operate or control.

35 (m) In addition to the foregoing, to exercise the powers, duties,
36 authority and jurisdiction heretofore conferred and imposed upon
37 the aforesaid the Delaware River Joint Commission by the
38 Commonwealth of Pennsylvania or the State of New Jersey, or both
39 of the said two States.

40 (n) To exercise all other powers not inconsistent with the
41 constitutions of the two States or of the United States, which may
42 be reasonably necessary or incidental to the effectuation of its
43 authorized purposes or to the exercise of any of the foregoing
44 powers, except the power to levy taxes or assessments, and
45 generally to exercise in connection with its property and affairs, and
46 in connection with property within its control, any and all powers
47 which might be exercised by a natural person or a private
48 corporation in connection with similar property and affairs.

1 (o) To acquire, purchase, construct, lease, operate, maintain and
2 undertake any project, including any terminal, terminal facility,
3 transportation facility, or any other facility of commerce and to
4 make charges for the use thereof.

5 (p) To make expenditures anywhere in the United States and
6 foreign countries, to pay commissions, and hire or contract with
7 experts or consultants, and otherwise to do indirectly anything
8 which the commission may do directly.

9 (q) To establish one or more operating divisions as deemed
10 necessary to exercise the power and effectuate the purposes of this
11 agreement.

12 The commission shall also have such additional powers as may
13 hereafter be delegated to or imposed upon it from time to time by
14 the action of either State concurred in by legislation of the other.

15 It is the policy and intent of the Legislature of the
16 Commonwealth of Pennsylvania and the State of New Jersey that
17 the powers granted by this article shall be so exercised that the
18 American system of free competitive private enterprise is given full
19 consideration and is maintained and furthered. In making its
20 reports and recommendations to the Legislatures of the
21 Commonwealth of Pennsylvania and the State of New Jersey on the
22 need for any facility or project which the commission believes
23 should be undertaken for the promotion and development of the
24 Port District, the commission shall include therein its findings
25 which fully set forth that the facility or facilities operated by private
26 enterprise within the Port District and which it is intended shall be
27 supplanted or added to are not adequate.

28 (cf: P.L.1991, c.515, s.5)

29

30 3. The Governor is authorized to apply, on behalf of the State
31 of New Jersey, to the Congress of the United States for its consent
32 and approval to such supplemental compact or agreement, but in the
33 absence of such consent and approval, the commission referred to in
34 such supplemental compact or agreement shall have all of the
35 powers which the Commonwealth of Pennsylvania and the State of
36 New Jersey may confer upon it without the consent and approval of
37 Congress.

38

39 4. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
40 read as follows:

41 3. When used in this act:

42 (a) The term "board" shall mean New Jersey State Board of
43 Mediation.

44 (b) The term "commission" shall mean New Jersey Public
45 Employment Relations Commission.

46 (c) The term "employer" includes an employer and any person
47 acting, directly or indirectly, on behalf of or in the interest of an
48 employer with the employer's knowledge or ratification, but a labor

1 organization, or any officer or agent thereof, shall be considered an
2 employer only with respect to individuals employed by such
3 organization. This term shall include "public employers" and shall
4 mean the State of New Jersey, or the several counties and
5 municipalities thereof, or any other political subdivision of the
6 State, or a school district, or any special district, or any authority,
7 commission, or board, or any branch or agency of the public
8 service. The term shall also include the Delaware River Port
9 Authority, established pursuant to R.S.32:3-1 et seq.

10 (d) The term "employee" shall include any employee, and shall
11 not be limited to the employees of a particular employer unless this
12 act explicitly states otherwise, and shall include any individual
13 whose work has ceased as a consequence of or in connection with
14 any current labor dispute or because of any unfair labor practice and
15 who has not obtained any other regular and substantially equivalent
16 employment. This term, however, shall not include any individual
17 taking the place of any employee whose work has ceased as
18 aforesaid, nor shall it include any individual employed by his parent
19 or spouse, or in the domestic service of any person in the home of
20 the employer, or employed by any company owning or operating a
21 railroad or railway express subject to the provisions of the Railway
22 Labor Act. This term shall include any public employee, i.e., any
23 person holding a position, by appointment or contract, or
24 employment in the service of a public employer, including the
25 Delaware River Port Authority, except elected officials, members of
26 boards and commissions, managerial executives and confidential
27 employees.

28 (e) The term "representative" is not limited to individuals but
29 shall include labor organizations, and individual representatives
30 need not themselves be employed by, and the labor organization
31 serving as a representative need not be limited in membership to the
32 employees of, the employer whose employees are represented. This
33 term shall include any organization, agency or person authorized or
34 designated by a public employer, public employee, group of public
35 employees, or public employee association to act on its behalf and
36 represent it or them.

37 (f) "Managerial executives" of a public employer means persons
38 who formulate management policies and practices, and persons who
39 are charged with the responsibility of directing the effectuation of
40 such management policies and practices, except that in any school
41 district this term shall include only the superintendent or other chief
42 administrator, and the assistant superintendent of the district.

43 (g) "Confidential employees" of a public employer means
44 employees whose functional responsibilities or knowledge in
45 connection with the issues involved in the collective negotiations
46 process would make their membership in any appropriate
47 negotiating unit incompatible with their official duties.

48 (cf: P.L.1974, c.123, s.2)

1 5. This section and sections 1 through 3 of this act shall take
2 effect immediately; but the Governor shall not enter into the
3 supplemental compact or agreement hereinabove set forth on behalf
4 of the State of New Jersey until passage by the Commonwealth of
5 Pennsylvania of a substantially similar act embodying the
6 supplemental compact or agreement between the two States.
7 Section 4 shall take effect upon passage of that substantially similar
8 act, and the consent and approval of Congress to that supplemental
9 compact or agreement, if that consent and approval is required to
10 confer the powers granted in this act upon the Delaware River Port
11 Authority.

12

13

14

STATEMENT

15

16 This bill amends Article IV (R.S.32:3-5) of the compact between
17 the Commonwealth of Pennsylvania and the State of New Jersey
18 creating the Delaware River Port Authority. The bill provides that
19 employees of the Delaware River Port Authority shall be subject to
20 the provisions of the “New Jersey Employer – Employee Relations
21 Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), and shall have all of
22 rights provided to employees by that act, including but not limited
23 to, the right to form, join or assist an employee organization, and
24 the right to have that employee organization engage in collective
25 bargaining on behalf of the employees.

26 The approval of Congress and the enactment by Pennsylvania of
27 substantially similar legislation will be required before the
28 supplemental compact authorized by this bill may be entered into.
29 In the absence of Congressional consent, the Delaware River Port
30 Authority would have all of the powers which may be conferred
31 upon it by the two states

32 This bill also amends the “New Jersey Employer-Employee
33 Relations Act” by adding the Delaware River Port Authority as a
34 public employer subject to the act. This provision would take effect
35 upon the concurrence of Pennsylvania with the supplemental
36 compact and the consent of Congress if that consent is required.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 814

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Senate Transportation Committee reports favorably Senate Bill No. 814.

This bill amends Article IV (R.S.32:3-5) of the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority. The bill provides that employees of the Delaware River Port Authority shall be subject to the provisions of the “New Jersey Employer – Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), and shall have all of the rights provided to employees by that act, including but not limited to, the right to form, join or assist an employee organization, and the right to have that employee organization engage in collective bargaining on behalf of the employees.

The approval of Congress and the enactment by Pennsylvania of substantially similar legislation will be required before the supplemental compact authorized by this bill may be entered into. In the absence of Congressional consent, the Delaware River Port Authority would have all of the powers which may be conferred upon it by the two states

This bill also amends the “New Jersey Employer-Employee Relations Act” by adding the Delaware River Port Authority as a public employer subject to the act. This provision would take effect upon the concurrence of Pennsylvania with the supplemental compact and the consent of Congress if that consent is required.

ASSEMBLY, No. 4240

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

Sponsored by:

Assemblyman **JOHN J. BURZICHELLI**
District 3 (Salem, Cumberland and Gloucester)
Assemblyman **THOMAS P. GIBLIN**
District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblywoman Riley

SYNOPSIS

Concerns rights of DRPA employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning the Delaware River Port Authority, amending
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10 defining its powers and duties," as amended and supplemented,
11 and authorizing the Governor to apply, on behalf of the State of
12 New Jersey, to the Congress of the United States for its consent
13 to such supplemental compact or agreement.
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16 of New Jersey:

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19 compact or agreement, on behalf of the State of New Jersey, with
20 the Commonwealth of Pennsylvania amending Article IV of the
21 compact or agreement between the Commonwealth of Pennsylvania
22 and the State of New Jersey entitled "Agreement Between The
23 Commonwealth of Pennsylvania and The State of New Jersey
24 creating the Delaware River Joint Commission as a body corporate
25 and politic and defining its powers and duties," as set forth in this
26 act.
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39 and to adopt suitable bylaws for the management of its affairs. The
40 secretary and treasurer need not be members of the commission.

41 (e) To appoint, hire, or employ counsel and such other officers
42 and such agents and employees as it may require for the
43 performance of its duties, by contract or otherwise, and fix and
44 determine their qualifications, duties and compensation, provided
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9 property.

10 (h) To acquire, own, use, lease, operate, mortgage and dispose
11 of real property and interests in real property, and to make
12 improvements thereon.

13 (i) To grant by franchise, lease or otherwise, the use of any
14 property or facility owned or controlled by the commission and to
15 make charges therefor.

16 (j) To borrow money upon its bonds or other obligations, either
17 with or without security, and to make, enter into and perform any
18 and all such covenants and agreements with the holders of such
19 bonds or other obligations as the commission may determine to be
20 necessary or desirable for the security and payment thereof,
21 including without limitation of the foregoing, covenants and
22 agreements as to the management and operation of any property or
23 facility owned or controlled by it, the tolls, rents, rates or other
24 charges to be established, levied, made and collected for any use of
25 any such property or facility, or the application, use and disposition
26 of the proceeds of any bonds or other obligations of the commission
27 or the proceeds of any such tolls, rents, rates or other charges or any
28 other revenues or moneys of the commission.

29 (k) To exercise the right of eminent domain within the Port
30 District.

31 (l) To determine the exact location, system and character of and
32 all other matters in connection with any and all improvements or
33 facilities which it may be authorized to own, construct, establish,
34 effectuate, operate or control.

35 (m) In addition to the foregoing, to exercise the powers, duties,
36 authority and jurisdiction heretofore conferred and imposed upon
37 the aforesaid the Delaware River Joint Commission by the
38 Commonwealth of Pennsylvania or the State of New Jersey, or both
39 of the said two States.

40 (n) To exercise all other powers not inconsistent with the
41 constitutions of the two States or of the United States, which may
42 be reasonably necessary or incidental to the effectuation of its
43 authorized purposes or to the exercise of any of the foregoing
44 powers, except the power to levy taxes or assessments, and
45 generally to exercise in connection with its property and affairs, and
46 in connection with property within its control, any and all powers
47 which might be exercised by a natural person or a private
48 corporation in connection with similar property and affairs.

1 (o) To acquire, purchase, construct, lease, operate, maintain and
2 undertake any project, including any terminal, terminal facility,
3 transportation facility, or any other facility of commerce and to
4 make charges for the use thereof.

5 (p) To make expenditures anywhere in the United States and
6 foreign countries, to pay commissions, and hire or contract with
7 experts or consultants, and otherwise to do indirectly anything
8 which the commission may do directly.

9 (q) To establish one or more operating divisions as deemed
10 necessary to exercise the power and effectuate the purposes of this
11 agreement.

12 The commission shall also have such additional powers as may
13 hereafter be delegated to or imposed upon it from time to time by
14 the action of either State concurred in by legislation of the other.

15 It is the policy and intent of the Legislature of the
16 Commonwealth of Pennsylvania and the State of New Jersey that
17 the powers granted by this article shall be so exercised that the
18 American system of free competitive private enterprise is given full
19 consideration and is maintained and furthered. In making its
20 reports and recommendations to the Legislatures of the
21 Commonwealth of Pennsylvania and the State of New Jersey on the
22 need for any facility or project which the commission believes
23 should be undertaken for the promotion and development of the
24 Port District, the commission shall include therein its findings
25 which fully set forth that the facility or facilities operated by private
26 enterprise within the Port District and which it is intended shall be
27 supplanted or added to are not adequate.

28 (cf: P.L.1991, c.515, s.5)

29

30 3. The Governor is authorized to apply, on behalf of the State
31 of New Jersey, to the Congress of the United States for its consent
32 and approval to such supplemental compact or agreement, but in the
33 absence of such consent and approval, the commission referred to in
34 such supplemental compact or agreement shall have all of the
35 powers which the Commonwealth of Pennsylvania and the State of
36 New Jersey may confer upon it without the consent and approval of
37 Congress.

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41 3. When used in this act:

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43 Mediation.

44 (b) The term "commission" shall mean New Jersey Public
45 Employment Relations Commission.

46 (c) The term "employer" includes an employer and any person
47 acting, directly or indirectly, on behalf of or in the interest of an
48 employer with the employer's knowledge or ratification, but a labor
49 organization, or any officer or agent thereof, shall be considered an

1 employer only with respect to individuals employed by such
2 organization. This term shall include "public employers" and shall
3 mean the State of New Jersey, or the several counties and
4 municipalities thereof, or any other political subdivision of the
5 State, or a school district, or any special district, or any authority,
6 commission, or board, or any branch or agency of the public
7 service. The term shall also include the Delaware River Port
8 Authority, established pursuant to R.S.32:3-1 et seq.

9 (d) The term "employee" shall include any employee, and shall
10 not be limited to the employees of a particular employer unless this
11 act explicitly states otherwise, and shall include any individual
12 whose work has ceased as a consequence of or in connection with
13 any current labor dispute or because of any unfair labor practice and
14 who has not obtained any other regular and substantially equivalent
15 employment. This term, however, shall not include any individual
16 taking the place of any employee whose work has ceased as
17 aforesaid, nor shall it include any individual employed by his parent
18 or spouse, or in the domestic service of any person in the home of
19 the employer, or employed by any company owning or operating a
20 railroad or railway express subject to the provisions of the Railway
21 Labor Act. This term shall include any public employee, i.e., any
22 person holding a position, by appointment or contract, or
23 employment in the service of a public employer, including the
24 Delaware River Port Authority, except elected officials, members of
25 boards and commissions, managerial executives and confidential
26 employees.

27 (e) The term "representative" is not limited to individuals but
28 shall include labor organizations, and individual representatives
29 need not themselves be employed by, and the labor organization
30 serving as a representative need not be limited in membership to the
31 employees of, the employer whose employees are represented. This
32 term shall include any organization, agency or person authorized or
33 designated by a public employer, public employee, group of public
34 employees, or public employee association to act on its behalf and
35 represent it or them.

36 (f) "Managerial executives" of a public employer means persons
37 who formulate management policies and practices, and persons who
38 are charged with the responsibility of directing the effectuation of
39 such management policies and practices, except that in any school
40 district this term shall include only the superintendent or other chief
41 administrator, and the assistant superintendent of the district.

42 (g) "Confidential employees" of a public employer means
43 employees whose functional responsibilities or knowledge in
44 connection with the issues involved in the collective negotiations
45 process would make their membership in any appropriate
46 negotiating unit incompatible with their official duties.

47 (cf: P.L.1974, c.123, s.2)

1 5. This section and sections 1 through 3 of this act shall take
2 effect immediately; but the Governor shall not enter into the
3 supplemental compact or agreement hereinabove set forth on behalf
4 of the State of New Jersey until passage by the Commonwealth of
5 Pennsylvania of a substantially similar act embodying the
6 supplemental compact or agreement between the two States.
7 Section 4 shall take effect upon passage of that substantially similar
8 act, and the consent and approval of Congress to that supplemental
9 compact or agreement, if that consent and approval is required to
10 confer the powers granted in this act upon the Delaware River Port
11 Authority.

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15

STATEMENT

16 This bill amends Article IV (R.S.32:3-5) of the compact between
17 the Commonwealth of Pennsylvania and the State of New Jersey
18 creating the Delaware River Port Authority. The bill provides that
19 employees of the Delaware River Port Authority shall be subject to
20 the provisions of the “New Jersey Employer – Employee Relations
21 Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), and shall have all of
22 rights provided to employees by that act, including but not limited
23 to, the right to form, join or assist an employee organization, and
24 the right to have that employee organization engage in collective
25 bargaining on behalf of the employees.

26 The approval of Congress and the enactment by Pennsylvania of
27 substantially similar legislation will be required before the
28 supplemental compact authorized by this bill may be entered into.
29 In the absence of Congressional consent, the Delaware River Port
30 Authority would have all of the powers which may be conferred
31 upon it by the two states

32 This bill also amends the “New Jersey Employer-Employee
33 Relations Act” by adding the Delaware River Port Authority as a
34 public employer subject to the act. This provision would take effect
35 upon the concurrence of Pennsylvania with the supplemental
36 compact and the consent of Congress if that consent is required.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4240

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 4240.

As reported, this bill amends Article IV (R.S.32:3-5) of the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority. The bill provides that employees of the Delaware River Port Authority shall be subject to the provisions of the “New Jersey Employer – Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), and shall have all of the rights provided to employees by that act, including but not limited to, the right to form, join or assist an employee organization, and the right to have that employee organization engage in collective bargaining on behalf of the employees.

The approval of Congress and the enactment by Pennsylvania of substantially similar legislation will be required before the supplemental compact authorized by this bill may be entered into. In the absence of Congressional consent, the Delaware River Port Authority would have all of the powers which may be conferred upon it by the two states.

This bill also amends the “New Jersey Employer-Employee Relations Act” by adding the Delaware River Port Authority as a public employer subject to the act. This provision would take effect upon the concurrence of Pennsylvania with the supplemental compact and the consent of Congress if that consent is required.