

SENATE, No. 194

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1953

By Mr. VAN ALSTYNE

Referred to Committee on Federal and Interstate Relations

AN ACT with respect to suits against The Port of New York Authority upon certain leases at New York International Airport and agreeing with the State of New York with respect thereto.

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

1 1. Upon the concurrence of the State of New York in accordance with  
2 section six hereof, the States of New York and New Jersey consent to suits,  
3 actions or proceedings (including proceedings to enforce arbitration agree-  
4 ments and to enter judgments upon awards resulting therefrom) of any  
5 form or nature, at law, in equity or otherwise by any person or corporation  
6 engaged in the business of scheduled transportation by aircraft, against The  
7 Port of New York Authority (hereinafter referred to as the "Port Author-  
8 ity"), and to appeals therefrom and reviews thereof, upon or for the en-  
9 forcement of any written contract for the use or occupancy of space, premises  
10 or facilities at New York International Airport, in the County of Queens, City  
11 of New York, State of New York, executed on or after January first, one  
12 thousand nine hundred fifty-three, between the Port Authority and any such  
13 person or corporation, or by any such person or corporation so contracting  
14 with the Port Authority upon any cause of action arising out of such use or  
15 occupancy pursuant to any such written contract.

1       2. The foregoing consent is granted upon the condition that in suits,  
2 actions or proceedings, thereunder for judgments, orders or decrees restrain-  
4 ing or enjoining the Port Authority from committing or continuing to com-  
5 mit breaches of such written contract, no such judgment, order or decree  
6 shall be entered except upon at least two days' prior written notice to the  
7 Port Authority of the proposed entry thereof; and upon an appeal taken by  
8 the Port Authority from such judgment, order or decree, the service of the  
9 notice of appeal shall perfect the appeal, without an undertaking or other se-  
10 curity.

1       3. The venue in any suit, action or proceeding against the Port Author-  
2 ity to which consent is given by this act shall be laid within a county or a  
3 judicial district, established by one of said two States or by the United  
4 States and situated wholly or partially within the Port of New York District.  
5 The Port Authority shall be deemed to be a resident of each such county or  
6 judicial district for the purpose of such suits, actions or proceedings and  
7 shall be deemed to be a citizen of both of said two States.

1       4. Nothing herein contained shall be deemed to revoke, rescind or affect  
2 any consents to suits, actions or proceedings against the Port Authority  
3 heretofore given by the two said States or the terms and conditions upon  
4 which such consents are given.

1       5. This act together with the act of the State of New York concurring  
2 herein in accordance with section six hereof, shall constitute an agreement  
3 between the States of New York and New Jersey supplementary to and  
4 amendatory of the compact between the two said States dated April thir-  
5 tieth, one thousand nine hundred twenty-one.

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

## STATEMENT

Under the provisions of this bill the States of New Jersey and New York would consent to suits against The Port of New York Authority arising out of leases to scheduled airlines of space and services at New York International Airport (at Idlewild) executed on or after January 1, 1953. Such leases were executed by the Port Authority and United States and foreign flag airlines on January 8, 1953.

The recently executed leases are based upon a Memorandum of Agreement dated August 5, 1949 which provided, among other provisions, that the Port Authority and the Airlines would sponsor legislation making the definitive leases enforceable in the courts and making the Port Authority suable upon any cause of action arising from the leases and subsequent to the execution thereof. Pursuant to the original Memorandum of Agreement the definitive leases as executed contain the following provision:

“The Authority agrees that prior to February 1, 1953, it will recommend to the Governors and Legislatures of the States of New York and New Jersey the adoption of legislation, in the form annexed hereto and marked Exhibits 27 and 28 consenting to suits, actions, or proceedings by the Airline against the Authority. The Authority and the Airline shall jointly and actively support and sponsor such legislation until adopted.”

[OFFICIAL COPY REPRINT]

SENATE, No. 194

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1953

By Mr. VAN ALSTYNE

Referred to Committee on Federal and Interstate Relations

AN ACT with respect to suits against The Port of New York Authority upon certain leases at New York International Airport and agreeing with the State of New York with respect thereto.

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

1 1. Upon the concurrence of the State of New York in accordance with  
2 section six hereof, the States of New York and New Jersey consent to suits,  
3 actions or proceedings (including proceedings to enforce arbitration agree-  
4 ments and to enter judgments upon awards resulting therefrom) of any  
5 form or nature, at law, in equity or otherwise by any person or corporation  
6 engaged in the business of scheduled transportation by aircraft, against The  
7 Port of New York Authority (hereinafter referred to as the "Port Author-  
8 ity"), and to appeals therefrom and reviews thereof, upon or for the en-  
9 forcement of any written contract for the use or occupancy of space, premises  
10 or facilities at New York International Airport, in the County of Queens, City  
11 of New York, State of New York, executed on or after January first, one  
12 thousand nine hundred fifty-three, between the Port Authority and any such  
13 person or corporation, or by any such person or corporation so contracting  
14 with the Port Authority upon any cause of action arising out of such use or  
15 occupancy pursuant to any such written contract.

1        2. The foregoing consent is granted upon the condition that in suits,  
 2 actions or proceedings, thereunder for judgments, orders or decrees restrain-  
 4 ing or enjoining the Port Authority from committing or continuing to com-  
 5 mit breaches of such written contract, no such judgment, order or decree  
 6 shall be entered except upon at least two days' prior written notice to the  
 7 Port Authority of the proposed entry thereof; and upon an appeal taken by  
 8 the Port Authority from such judgment, order or decree, the service of the  
 9 notice of appeal shall perfect the appeal, without an undertaking or other se-  
 10 curity.

1        3. The venue in any suit, action or proceeding against the Port Author-  
 2 ity to which consent is given by this act shall be laid within a county or a  
 3 judicial district, established by one of said two States or by the United  
 4 States and situated wholly or partially within the Port of New York District.  
 5 The Port Authority shall be deemed to be a resident of each such county or  
 6 judicial district for the purpose of such suits, actions or proceedings and  
 7 shall be deemed to be a citizen of both of said two States.

1        4. Nothing herein contained shall be deemed to revoke, rescind or affect  
 2 any consents to suits, actions or proceedings against the Port Authority  
 3 heretofore given by the two said States or the terms and conditions upon  
 4 which such consents are given.

1        5. This act together with the act of the State of New York concurring  
 2 herein in accordance with section six hereof, shall constitute an agreement  
 3 between the States of New York and New Jersey supplementary to and  
 4 amendatory of the compact between the two said States dated April thir-  
 5 tieth, one thousand nine hundred twenty-one.

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

S

A:

1  
 2  
 1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17