

SENATE BILL NO. 2277
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2277 (Second Reprint) with my recommendations for reconsideration.

This bill would direct the Governor to withdraw from the Waterfront Compact and the Waterfront Commission of New York Harbor ("Waterfront Commission"), and transfer the Waterfront Commission's New Jersey operations to the Division of State Police in the Department of Law and Public Safety ("State Police"). With two notable exceptions, the bill generally establishes in New Jersey statute the same policies and procedures currently contained in the bi-state Waterfront Compact. First, the bill aims to clarify the extent of the jurisdiction of the State Police, as successor to the Waterfront Commission. The bill would limit the regulation of warehouses seemingly distant from the water's edge and which do not handle waterborne freight. Second, the bill would preclude the State Police from disrupting a lawful and collectively-bargained hiring process. The Waterfront Commission currently exercises this authority under a provision of the Waterfront Compact known as "5-p." This limitation in the bill is consistent with a law signed by my predecessor, P.L. 2007, c.167, which has not been enacted by the State of New York and therefore, is not binding on the Waterfront Commission.

My administration is committed to enhancing the development of trade in the port region and has encouraged vital investments in the port region's infrastructure including raising the deck of the Bayonne Bridge to permit the ports of Newark and Elizabeth to handle the next generation of larger shipping

vessels capable of traversing an expanded Panama Canal. The State and other governmental entities, including the Waterfront Commission, must continue to work hand-in-hand to maintain the port region as an engine of growth for New Jersey's economy.

Like any institution that has survived largely unchanged for over sixty years, there is near unanimous agreement that the Waterfront Commission is in need of modernization. While I am not unsympathetic to the merits of the bill, I am advised that federal law does not permit one state to unilaterally withdraw from a bi-state compact approved by Congress. As a result, it is premature for New Jersey to contemplate withdrawing from the Waterfront Commission until New York considers similar legislation. Given this concrete constitutional hurdle, I am recommending this bill be amended to direct the Waterfront Commission to promulgate regulations substantially similar to the jurisdictional definitions proposed by this bill. Through this regulatory reform, the Waterfront Commission would expeditiously address one of the major goals of the bill, affording companies doing business in the port region increased regulatory clarity and predictability.

Accordingly, I herewith return Senate Bill No. 2277 (Second Reprint) and recommend that it be amended as follows:

Page 2, Title, Lines 1-3:

Delete "the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and"

Page 2, Title, Line 4:

Delete ", of the State of New Jersey's intention to" and insert "to adopt regulations clarifying the jurisdiction of the Waterfront Commission."

Page 2, Title, Lines 5-8:

Delete in their entirety

Page 2, Line 12:

Insert new Section 1 to read: "1. The Waterfront Commission of New York Harbor (commission) shall adopt, pursuant to the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to clarify that warehouses that are distant from the water's edge and that do not handle waterborne freight are not subject to the commission's jurisdiction and shall address other concerns of warehouse operators and representatives of the commercial real estate industry that commission action has had the effect of expanding the scope of the commission's jurisdiction beyond the applicability of the Waterfront Compact, entered into by the State of New Jersey pursuant to its agreement thereto under P.L. 1953, c. 202 (C.32:23-1 et seq.)."

<u>Page 2, Section 1, Lines 13-44:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-38:</u>	Delete in their entirety
<u>Page 3, Section 2, Lines 40-45:</u>	Delete in their entirety
<u>Page 4, Section 2, Lines 1-16:</u>	Delete in their entirety
<u>Page 4, Section 3, Lines 18-48:</u>	Delete in their entirety
<u>Page 5, Section 3, Lines 1-47:</u>	Delete in their entirety
<u>Page 6, Section 3, Lines 1-47:</u>	Delete in their entirety
<u>Page 7, Section 3, Lines 1-48:</u>	Delete in their entirety
<u>Page 8, Section 3, Lines 1-21:</u>	Delete in their entirety
<u>Page 8, Section 4, Lines 23-47:</u>	Delete in their entirety
<u>Page 9, Section 4, Lines 1-48:</u>	Delete in their entirety
<u>Page 10, Section 4, Lines 1-24:</u>	Delete in their entirety
<u>Page 10, Section 5, Lines 26-48:</u>	Delete in their entirety
<u>Page 11, Section 5, Lines 1-47:</u>	Delete in their entirety
<u>Page 12, Section 5, Lines 1-48:</u>	Delete in their entirety
<u>Page 13, Section 5, Lines 1-7:</u>	Delete in their entirety
<u>Page 13, Section 6, Lines 9-48:</u>	Delete in their entirety
<u>Page 14, Section 6, Lines 1-46:</u>	Delete in their entirety
<u>Page 15, Section 6, Lines 1-41:</u>	Delete in their entirety
<u>Page 15, Section 7, Lines 43-47:</u>	Delete in their entirety
<u>Page 16, Section 7, Lines 1-48:</u>	Delete in their entirety
<u>Page 17, Section 7, Lines 1-48:</u>	Delete in their entirety

<u>Page 18, Section 7, Lines 1-36:</u>	Delete in their entirety
<u>Page 18, Section 8, Lines 38-47:</u>	Delete in their entirety
<u>Page 19, Section 8, Lines 1-46:</u>	Delete in their entirety
<u>Page 20, Section 8, Lines 1-24:</u>	Delete in their entirety
<u>Page 20, Section 9, Lines 26-47:</u>	Delete in their entirety
<u>Page 21, Section 9, Lines 1-33:</u>	Delete in their entirety
<u>Page 21, Section 10, Lines 35-48:</u>	Delete in their entirety
<u>Page 22, Section 10, Lines 1-21:</u>	Delete in their entirety
<u>Page 22, Section 11, Lines 23-47:</u>	Delete in their entirety
<u>Page 23, Section 11, Lines 1-48:</u>	Delete in their entirety
<u>Page 24, Section 11, Lines 1-34:</u>	Delete in their entirety
<u>Page 24, Section 12, Lines 36-47:</u>	Delete in their entirety
<u>Page 25, Section 13, Lines 1-48:</u>	Delete in their entirety
<u>Page 26, Section 13, Lines 1-48:</u>	Delete in their entirety
<u>Page 27, Section 13, Lines 1-3:</u>	Delete in their entirety
<u>Page 27, Section 14, Lines 5-48:</u>	Delete in their entirety
<u>Page 28, Section 14, Lines 1-19:</u>	Delete in their entirety
<u>Page 28, Section 15, Lines 21-43:</u>	Delete in their entirety
<u>Page 28, Section 16, Lines 45-48:</u>	Delete in their entirety
<u>Page 29, Section 16, Lines 1-39:</u>	Delete in their entirety
<u>Page 29, Section 17, Lines 41-48:</u>	Delete in their entirety
<u>Page 30, Section 17, Lines 1-28:</u>	Delete in their entirety
<u>Page 30, Section 18, Lines 30-47:</u>	Delete in their entirety
<u>Page 31, Section 18, Lines 1-26:</u>	Delete in their entirety
<u>Page 31, Section 19, Lines 28-47:</u>	Delete in their entirety
<u>Page 32, Section 19, Lines 1-28:</u>	Delete in their entirety
<u>Page 32, Section 20, Lines 30-48:</u>	Delete in their entirety
<u>Page 33, Section 20, Lines 1-16:</u>	Delete in their entirety
<u>Page 33, Section 21, Lines 18-48:</u>	Delete in their entirety
<u>Page 34, Section 21, Lines 1-16:</u>	Delete in their entirety
<u>Page 34, Section 22, Lines 18-39:</u>	Delete in their entirety
<u>Page 34, Section 23, Lines 41-48:</u>	Delete in their entirety
<u>Page 35, Section 23, Lines 1-14:</u>	Delete in their entirety
<u>Page 35, Section 24, Lines 16-46:</u>	Delete in their entirety
<u>Page 36, Section 25, Lines 1-48:</u>	Delete in their entirety

<u>Page 37, Section 25, Lines 1-4:</u>	Delete in their entirety
<u>Page 37, Section 26, Lines 6-48:</u>	Delete in their entirety
<u>Page 38, Section 26, Lines 1-47:</u>	Delete in their entirety
<u>Page 39, Section 26, Lines 1-35:</u>	Delete in their entirety
<u>Page 39, Section 27, Lines 37-48:</u>	Delete in their entirety
<u>Page 40, Section 27, Lines 1-17:</u>	Delete in their entirety
<u>Page 40, Section 28, Lines 19-48:</u>	Delete in their entirety
<u>Page 41, Section 28, Lines 1-36:</u>	Delete in their entirety
<u>Page 41, Section 29, Lines 38-48:</u>	Delete in their entirety
<u>Page 42, Section 29, Lines 1-36:</u>	Delete in their entirety
<u>Page 42, Section 30, Lines 38-48:</u>	Delete in their entirety
<u>Page 43, Section 30, Lines 1-26:</u>	Delete in their entirety
<u>Page 43, Section 31, Lines 28-38:</u>	Delete in their entirety
<u>Page 43, Section 32, Lines 40-48:</u>	Delete in their entirety
<u>Page 44, Section 32, Lines 1-47:</u>	Delete in their entirety
<u>Page 45, Section 32, Lines 1-48:</u>	Delete in their entirety
<u>Page 46, Section 32, Lines 1-31:</u>	Delete in their entirety
<u>Page 46, Section 33, Lines 33-46:</u>	Delete in their entirety
<u>Page 47, Section 33, Lines 1-5:</u>	Delete in their entirety
<u>Page 47, Section 34, Line 7:</u>	Delete "34." and insert "2."
<u>Page 47, Section 34, Line 7:</u>	Delete ", but sections 3" and insert "."
<u>Page 47, Section 34, Lines 8-10:</u>	Delete in their entirety

Respectfully,

Chris Christie
Governor

Attest:

Christopher S. Porrino
Chief Counsel to the Governor