

ASSEMBLY, No. 4561

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 15, 2015

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

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District 33 (Hudson)

SYNOPSIS

Concerns rights of Delaware River Joint Toll Bridge Commission employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/10/2015)

1 AN ACT concerning the Delaware River Joint Toll Bridge
2 Commission, amending P.L.1941, c.100, amending and
3 supplementing article 11 of chapter 8 of Title 32 of the Revised
4 Statutes, authorizing the Governor, on behalf of the State of New
5 Jersey, to enter into a supplemental compact or agreement with
6 the Commonwealth of Pennsylvania amending the compact or
7 agreement between the State of New Jersey and the
8 Commonwealth of Pennsylvania entitled "Agreement Between
9 The State of New Jersey and The Commonwealth of
10 Pennsylvania creating the Delaware River Joint Toll Bridge
11 Commission as a body corporate and politic and defining its
12 powers and duties," as amended and supplemented, and
13 authorizing the Governor to apply, on behalf of the State of New
14 Jersey, to the Congress of the United States for its consent to
15 such supplemental compact or agreement.

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

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

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30 2. Article II of the "Agreement Between the Commonwealth of
31 Pennsylvania and the State of New Jersey creating the Delaware
32 River Joint Toll Bridge Commission as a body corporate and politic
33 and defining its powers and duties," as amended and supplemented
34 (R.S.32:8-3) is amended to read as follows:

35 32:8-3. For the effectuation of its authorized purposes, the
36 commission is hereby granted the following powers as limited and
37 supplemented by P.L.1994, c.176 (C.32:8-3.5 et seq.) and P.L.1994,
38 c.177 (C.32:8-3.8 et seq.):

39 (a) To have perpetual succession.

40 (b) To sue and be sued.

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

42 (d) To elect a chairman, vice-chairman, secretary, and treasurer
43 and appoint an engineer. The secretary, treasurer, and engineer
44 need not be members of the commission.

45 (e) To adopt suitable by-laws for the management of its affairs.

**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 (f) To appoint such other officers, agents and employees as it
2 may require for the performance of its duties, by contract or
3 otherwise, and fix and determine their qualifications, duties and
4 compensation, provided that the employees of the Delaware River
5 Joint Toll Bridge Commission: shall be subject, as determined by
6 the commission for each unit of employees, to either the "New
7 Jersey Employer-Employee Relations Act," P.L.1941, c.100
8 (C.34:13A-1 et seq.) or the Pennsylvania Act of July, 23, 1970,
9 P.L.563, No.195, as amended, known as the "Public Employee
10 Relations Act"; and shall have all of the rights provided to
11 employees by whichever of the two acts the commission determines
12 appropriate for the unit of employees, including but not limited to,
13 the right to form, join or assist an employee organization, and the
14 right to have that employee organization engage in collective
15 bargaining on behalf of the employees. The commission shall
16 determine which of the two acts to apply to any unit of employees
17 by selecting the act of the state in which the largest share of the
18 employees in the unit reside at the time that the determination is
19 made.

20 (g) To determine the qualifications and duties of its appointees,
21 and to fix their compensation, except that the commission shall not
22 employ directly or as an independent contractor a member of the
23 commission for a period of two years after the expiration of the
24 term of office of that member.

25 (h) To enter into contracts.

26 (i) To acquire, own, hire, use, operate, and dispose of personal
27 property.

28 (j) To acquire, own, use, lease, operate, and dispose of real
29 property and interest in real property, and to make improvements
30 thereon.

31 (k) To grant the use of, by franchise, lease, and otherwise, and
32 to make and collect charges for the use of, any property or facility
33 owned or controlled by it.

34 (l) To borrow money upon its bonds or other obligations, either
35 with or without security.

36 (m) To exercise the power of eminent domain.

37 (n) To determine the exact location, system, and character of,
38 and all other matters in connection with, any and all improvements
39 or facilities which it may be authorized to own, construct, establish,
40 effectuate, maintain, operate or control.

41 (o) In addition to the foregoing powers, to exercise the powers,
42 duties, authority and jurisdiction heretofore conferred and imposed
43 upon the aforesaid commissions, hereby constituted a joint
44 commission by reciprocal legislation of the Commonwealth of
45 Pennsylvania and the State of New Jersey, with respect to the
46 acquisition of toll bridges over the Delaware River, the
47 management, operation and maintenance of such bridges, and the
48 location, acquisition, construction, administration, operation and

1 maintenance of additional bridge communications over the
2 Delaware River at any location north of the boundary line between
3 Bucks county and Philadelphia county in the Commonwealth of
4 Pennsylvania as extended across the Delaware River to the New
5 Jersey shore of said river. The powers granted in this paragraph
6 shall be in addition to those powers granted by paragraph (a) of
7 Article X of this agreement.

8 (p) To exercise all other powers, not inconsistent with the
9 Constitutions of the States of Pennsylvania and New Jersey or of
10 the United States, which may be reasonably necessary or incidental
11 to the effectuation of its authorized purposes or to the exercise of
12 any of the powers granted to the commission by this agreement or
13 any amendment thereof or supplement thereto, except the power to
14 levy taxes or assessments for benefits; and generally to exercise, in
15 connection with its property and affairs and in connection with
16 property under its control, any and all powers which might be
17 exercised by a natural person or a private corporation in connection
18 with similar property and affairs.

19 (q) To acquire, construct, rehabilitate, improve, maintain, lease
20 as lessor or as lessee, repair and operate port and terminal facilities
21 as hereinafter defined within the district, including the dredging of
22 ship channels and turning basins and the filling and grading of land
23 therefor.

24 (r) To provide from time to time for the issuance of its bonds or
25 other obligations for any one or more of its corporate purposes; all
26 bonds and other obligations hereafter issued by the commission
27 shall have all the qualities and incidents of negotiable instruments.

28 (s) To fix, charge, and collect fees, rentals, tolls and other
29 charges for the use of any of its port and terminal facilities so as to
30 provide funds at least sufficient, with other funds available for such
31 purposes (1) to pay the cost of maintaining, repairing and operating
32 such port and terminal facilities, including the administrative
33 expenses of the commission chargeable thereto, (2) to pay the bonds
34 or other obligations issued on account of such facilities and the
35 interest thereon as the same become due and payable, and (3) to
36 provide reserves for such purposes, and to pledge such funds, over
37 and above such costs of maintenance, repair and operation, to the
38 payment of such bonds or other obligations and the interest thereon.

39 (t) To petition the Interstate Commerce Commission, any public
40 service or public utilities commission, or any other Federal, State or
41 local authority, whether administrative, judicial or legislative, for
42 the adoption and execution of any physical improvement, change in
43 method, rate of transportation, system of handling freight,
44 warehousing, docking, lightering or transfer of freight, which, in the
45 opinion of the commission, may be designed to improve or facilitate
46 the movement or handling of commerce within the district or
47 improve the terminal or transportation facilities therein.

1 As used in this agreement the term "port and terminal facilities"
2 shall mean and shall include, without intending thereby to limit the
3 definition of such term, any one or more of the following or any
4 combination thereof:

5 (1) every kind of terminal or storage structure or facility now in
6 use or hereafter designed for use in the handling, storage, loading or
7 unloading of freight or passengers at steamship, railroad or motor
8 terminals or airports, and every kind of transportation facility now
9 in use or hereafter designed for use in connection therewith; and

10 (2) all real and personal property and all works, buildings,
11 structures, equipment, machinery, appliances and appurtenances
12 necessary or convenient for the proper construction, equipment,
13 maintenance and operation of such facility or facilities or any one
14 or more of them.

15 Notwithstanding any other provision of this agreement or any
16 provision of law, State or Federal, to the contrary, the commission
17 may combine for financing purposes any port and terminal facility
18 or facilities constructed or acquired by it under the provisions of
19 this agreement with any bridge or bridges heretofore or hereafter
20 constructed or acquired by the commission, subject to any
21 limitations contained in any trust indenture securing bonds of the
22 commission at the time outstanding.

23 The powers herein granted to the commission with reference to
24 port and terminal facilities shall supersede the right to exercise any
25 such powers within the district, as defined in paragraph (e) of
26 Article I of this agreement, by any other body which has been
27 heretofore created by compact or agreement between the
28 Commonwealth of Pennsylvania and the State of New Jersey.

29 Nothing contained in any other of the provisions of this compact
30 or agreement shall be deemed or construed to amend, modify or
31 repeal any of the powers, rights or duties conferred by, or
32 limitations or restrictions expressed in, Article X of this compact or
33 agreement, or any of the provisions of said Article X relating to a
34 bridge to be constructed, operated and maintained by the
35 Pennsylvania Turnpike Commission or the New Jersey Turnpike
36 Authority, acting alone or in conjunction with each other.

37 Notwithstanding the above, each state reserves the right to
38 provide by law for the exercise of a veto power by the Governor of
39 that state over any action of any commissioner from that state at any
40 time within 10 days (Saturdays, Sundays and public holidays in the
41 particular state excepted) after receipt at the Governor's office of a
42 certified copy of the minutes of the meeting at which such vote was
43 taken. Each state may provide by law for the manner of delivery of
44 such minutes, and for notification of the action thereon.

45 (cf: P.L.1994, c.173, s.3)

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47 3. (New section) The Governor is authorized to apply, on behalf
48 of the State of New Jersey, to the Congress of the United States for

1 its consent and approval to such supplemental compact or
2 agreement, but in the absence of such consent and approval, the
3 commission referred to in such supplemental compact or agreement
4 shall have all of the powers which the Commonwealth of
5 Pennsylvania and the State of New Jersey may confer upon it
6 without the consent and approval of Congress.

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

10 3. When used in this act:

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

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

15 (c) The term "employer" includes an employer and any person
16 acting, directly or indirectly, on behalf of or in the interest of an
17 employer with the employer's knowledge or ratification, but a labor
18 organization, or any officer or agent thereof, shall be considered an
19 employer only with respect to individuals employed by such
20 organization. This term shall include "public employers" and shall
21 mean the State of New Jersey, or the several counties and
22 municipalities thereof, or any other political subdivision of the
23 State, or a school district, or any special district, or any authority,
24 commission, or board, or any branch or agency of the public
25 service. The term shall also include the Delaware River Port
26 Authority, established pursuant to R.S.32:3-1 et seq. and the
27 Delaware River Joint Toll Bridge Commission, established pursuant
28 to R.S.32:8-1 et seq.

29 (d) The term "employee" shall include any employee, and shall
30 not be limited to the employees of a particular employer unless this
31 act explicitly states otherwise, and shall include any individual
32 whose work has ceased as a consequence of or in connection with
33 any current labor dispute or because of any unfair labor practice and
34 who has not obtained any other regular and substantially equivalent
35 employment. This term, however, shall not include any individual
36 taking the place of any employee whose work has ceased as
37 aforesaid, nor shall it include any individual employed by his parent
38 or spouse, or in the domestic service of any person in the home of
39 the employer, or employed by any company owning or operating a
40 railroad or railway express subject to the provisions of the Railway
41 Labor Act (45 U.S.C. s.151 et seq.). This term shall include any
42 public employee, i.e., any person holding a position, by
43 appointment or contract, or employment in the service of a public
44 employer, including the Delaware River Port Authority and the
45 Delaware River Joint Toll Bridge Commission, except elected
46 officials, members of boards and commissions, managerial
47 executives and confidential employees.

1 (e) The term "representative" is not limited to individuals but
2 shall include labor organizations, and individual representatives
3 need not themselves be employed by, and the labor organization
4 serving as a representative need not be limited in membership to the
5 employees of, the employer whose employees are represented. This
6 term shall include any organization, agency or person authorized or
7 designated by a public employer, public employee, group of public
8 employees, or public employee association to act on its behalf and
9 represent it or them.

10 (f) "Managerial executives" of a public employer, in the case of
11 the State of New Jersey, means persons who formulate management
12 policies and practices, but shall not mean persons who are charged
13 with the responsibility of directing the effectuation of such
14 management policies and practices, except that, in the case of the
15 Executive Branch of the State of New Jersey, "managerial
16 executive" shall include only personnel at or above the level of
17 assistant commissioner.

18 In the case of any public employer other than the State of New
19 Jersey, "managerial executives" of a public employer means persons
20 who formulate management policies and practices, and persons who
21 are charged with the responsibility of directing the effectuation of
22 such management policies and practices, except that in any school
23 district this term shall include only the superintendent or other chief
24 administrator, and the assistant superintendent of the district.

25 (g) "Confidential employees" of a public employer means
26 employees whose functional responsibilities or knowledge in
27 connection with the issues involved in the collective negotiations
28 process would make their membership in any appropriate
29 negotiating unit incompatible with their official duties.

30 "Confidential employees" of the State of New Jersey means
31 employees who have direct involvement in representing the State in
32 the collective negotiations process making their membership in any
33 appropriate negotiating unit incompatible with their official duties.

34 (cf: P.L.2009, c.314, s.1)

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36 5. This section and sections 1 through 3 of this act shall take
37 effect upon enactment into law of legislation substantially similar to
38 P.L. , c. (C.) (pending before the Legislature as this bill) by
39 the Commonwealth of Pennsylvania, but if such legislation shall
40 have been enacted prior to the enactment of this act, this section and
41 sections 1 through 3 of this act shall take effect immediately.
42 Section 4 shall take effect upon passage of that substantially similar
43 act, and the consent and approval of Congress to that supplemental
44 compact or agreement, if that consent and approval is required to
45 confer the powers granted in this act upon the Delaware River Joint
46 Toll Bridge Commission.

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STATEMENT

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This bill amends Article II (R.S.32:8-3) of the compact between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission. The bill provides that employees of the commission shall be subject, as determined by the commission for each unit of employees, to either the “New Jersey Employer-Employee Relations Act,” or the Pennsylvania “Public Employee Relations Act.” The bill stipulates that the employees shall have all of the rights provided to employees by whichever of the two acts the commission determines appropriate for the unit of employees, 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 commission is required to determine which of the two acts to apply to any unit of employees by selecting the act of the state in which the largest share of the employees in the unit reside at the time the determination is made.

The enactment by Pennsylvania of substantially similar legislation will be required before the supplemental compact authorized by this bill may be entered into.

The bill also amends the “New Jersey Employer-Employee Relations Act” by adding the Delaware River Joint Toll Bridge Commission as a public employer subject to the act.