

Waterfront Commission Compact

The State of New Jersey hereby agrees with the State of New York, upon the enactment by the State of New York of legislation having the same effect as this section, to the following compact:

CREDIT(S)

L.1953, c. 202, p. 1511, Part I, § 1.

HISTORICAL AND STATUTORY NOTES

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Complementary Legislation:

N.J.--N.J.S.A. 32:23-1 et seq.

N.Y.--McKinney's Unconsol.Laws, § 9801 et seq.

U.S.--Aug. 12, 1953, c. 407, 67 Stat. 541.

1990 Main Volume

Title of Act:

An act to enter into compacts with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne and air freight within New York and New Jersey and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers. L.1953, c. 202, p. 1511, amended by L.1970, c. 58, § 1.

LIBRARY REFERENCES

1990 Main Volume

States 6.

Westlaw Topic No. 360.

C.J.S. States §§ 31, 32, 143.

RESEARCH REFERENCES

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ALR Library

134 ALR 1411, Constitutionality, Construction, and Application of Compacts and Statutes Involving Co-Operation Between States.

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Validity 1

1. Validity

Waterfront Commission Compact, embracing a comprehensive plan to regulate New York waterfront, concerned public interest, and its requirements and prohibitions were matters of local concern in which need for uniformity throughout United States did not exist, and hence such legislation did not constitute an encroachment on the exclusive jurisdiction of Congress over maritime matters. *Staten Island Loaders v. Waterfront Commission of New York Harbor*, 1953, 117 F.Supp. 308, affirmed 74 S.Ct. 623, 347 U.S. 439, 98 L.Ed. 826, rehearing denied 74 S.Ct. 849, 347 U.S. 994, 98 L.Ed. 1127. Commerce 82.20

Waterfront Commission Act, which is compact entered into with State of New York with consent of Congress for purpose of eliminating criminal activities in New York harbor, and which prohibits collection of funds for unions having felons as officers or agents, is constitutional. *Hazelton v. Murray*, 21 N.J. 115, 121 A.2d 1 (1956). Commerce 62.30; Constitutional Law 3599; Constitutional Law 4184; Labor And Employment 992(1); Labor And Employment 3264

Compact creating New York Harbor Waterfront Commission, being bistate agreement by virtue of legislation passed by two states of New Jersey and New York, and consented to by Congress, would be presumed constitutionally valid unless incompatible with constitutional provisions. *Application of Waterfront Commission of New York Harbor*, 39 N.J.Super. 33, 120 A.2d 504 (L.1956). Constitutional Law 1007

2. Purpose

The Waterfront Commission Act was designed as a remedial measure to combat waterfront crime in New York Harbor. *Continental Terminals, Inc. v. Waterfront Commission of New York Harbor*, 1980, 486 F.Supp. 1110. Water Law 2556

One of principal purposes of Waterfront Commission was to get rid of criminal element on waterfront, and to that end Commission was empowered to bar persons whom it determined to be unsuitable for waterfront employment by reason of their records. *Application of Kaiser*, 94 N.J.Super. 95, 226 A.2d 846 (A.D.1967). Water Law 2560

Waterfront Commission Act was adopted by the States of New York and New Jersey in an effort to combat the various evils of the waterfront in the Port of New York district. *State v. Maslo*, 81 N.J.Super. 32, 194 A.2d 517 (Co.1963). Water Law 2556

The principal evil sought to be eliminated by the Waterfront Commission Act, § 32:23-1 et seq., was the domination by criminal elements of a labor organization which represents waterfront labor. *Application of Waterfront Commission of New York Harbor*, 32 N.J. 323, 160 A.2d 832 (1960). Water Law 2556

Legislatures of New Jersey and New York in creating compact for Waterfront Commission of New York Harbor intended to deal with joint problems existing to single port area situated partly in one and partly in other state and not with separate problems in separate ports of each state. *Application of Waterfront Commission of New York Harbor*, 39 N.J.Super. 33, 120 A.2d 504 (L.1956). States 6

Waterfront Commission Compact between New York and New Jersey was enacted to eliminate corrupt hiring practices on the New York Harbor waterfront. *Waterfront Com'n of New York Harbor v. Elizabeth-Newark Shipping, Inc.*, C.A.3 (N.J.)1998, 164 F.3d 177. Water Law 2556

3. Interpretation of compact

Interpretation of interstate compact, entered into between states of New York and New Jersey for creation of Waterfront Commission of New York Harbor, was governed by federal law since compact was required to be approved by United States Congress. *American Sugar Refining Co. of New York v. Waterfront Commission of New York Harbor*, 1982, 55 N.Y.2d 11, 447

N.Y.S.2d 685, 432 N.E.2d 578, appeal dismissed 102 S.Ct. 3474, 458 U.S. 1101, 73 L.Ed.2d 1362. States 6

Federal question jurisdiction existed over action brought pursuant to Waterfront Commission Compact between New York and New Jersey, inasmuch as Compact, although a creature of state legislatures, was federalized by virtue of congressional approval pursuant to compact clause of Constitution. *Waterfront Com'n of New York Harbor v. Elizabeth-Newark Shipping, Inc.*, C.A.3 (N.J.)1998, 164 F.3d 177. Federal Courts 194

4. Preemption

NLRA does not preempt actions of the Waterfront Commission of New York Harbor pursuant to interstate compact embodied in the New Jersey Waterfront Commission Act, particularly considering that Congress has approved compact and given its prior consent "to the carrying out and effectuation of said compact, and enactments in furtherance thereof." National Labor Relations Act, § 303, 29 U.S.C.A. § 187; N.J.S.A. 32:23-1 et seq. *Waterfront Com'n of New York Harbor v. Construction and Marine Equipment Co., Inc.*, D.N.J.1996, 928 F.Supp. 1388. States 6; States 18.46

N. J. S. A. 32:23-1, NJ ST 32:23-1

Current with laws effective through L.2011, c. 77 and 79-88 and J.R. No. 6.

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