

**SENATE, No. 2277**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 30, 2014

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senators Singer, Pennacchio, Bateman and Thompson**

**SYNOPSIS**

Directs Governor to withdraw from compact establishing Waterfront Commission of New York Harbor; dissolves compact and commission; transfers commission's NJ operations to State Police.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/19/2014)**

1   **AN ACT** directing the Governor, on behalf of the State of New  
2       Jersey, to notify the Congress of the United States, the Governor  
3       of the State of New York, and the Waterfront Commission of  
4       New York Harbor, of the State of New Jersey's intention to  
5       withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6       1 et seq.), supplementing Titles 32 and 53 of the Revised  
7       Statutes, and repealing parts of the statutory law.

8  
9       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
10      *of New Jersey:*

11  
12      1. The Legislature finds and declares that:

13      a. The Port of New York and New Jersey (port) has been one of  
14      the backbones of the region's economy for decades. When ranked by  
15      tonnage, the port is the largest port complex on the East coast of North  
16      America and the third largest in the United States. When ranked by  
17      the value of shipments passing through it, the port is the second busiest  
18      freight gateway in the United States. The port's strategic location,  
19      within one day's drive of a significant percentage of the national  
20      market and developed transportation infrastructure, are key assets that  
21      have made the region a gateway for international trade. Since the birth  
22      of containerization in 1956, the marine terminals on the New Jersey  
23      side of the port have grown significantly in comparison to the New  
24      York terminals. Today more than 82 percent of the cargo and 82  
25      percent of the work hours are on the New Jersey side of the port. The  
26      port and freight industry in New Jersey alone supports more than  
27      143,000 direct jobs and 250,000 total jobs, nearly \$14.5 billion in  
28      personal income, over \$20 billion in business income, and nearly \$4.9  
29      billion in federal, State, and local taxes, of which State and local taxes  
30      account for \$1.6 billion.

31      b. The Waterfront Commission of New York Harbor  
32      (commission) was created through a compact between the states of  
33      New Jersey and New York and approved by Congress in 1953. The  
34      commission's mission is to ensure fair hiring and employment  
35      practices and investigate, deter, and combat criminal activity and  
36      influence in the port. The commission has itself been tainted by  
37      corruption in recent years and, moreover, has exercised powers that do  
38      not exist within the authorizing compact, by dictating the terms of  
39      collective bargaining agreements of organized labor, and by requiring  
40      stevedoring companies to hire and retain independent inspectors to  
41      examine company operations in order for those companies to continue  
42      to operate in the port. Further, the commission, despite changes in the  
43      industry to drive out organized crime's influence, has over-regulated  
44      the businesses at the port in an effort to justify its existence as the only  
45      waterfront commission in any port in the United States. As a result,  
46      the commission has become an impediment to future job growth and  
47      prosperity at the port.

1       c. While there is a continued need to regulate port-located  
2 business to ensure fairness and safety, the commission is no longer  
3 necessary to carry out that regulation. Several taxpayer funded  
4 agencies already have authority to monitor operations at the port,  
5 including: the United States Department of Homeland Security, the  
6 United States Coast Guard, the Federal Bureau of Investigation, the  
7 United States Department of Labor, the United States Department of  
8 Transportation, the Federal Maritime Commission, the Occupational  
9 Safety and Health Administration, the New Jersey and New York State  
10 Police, and local police departments.

11       d. Abolishing the commission and transferring the New Jersey  
12 portion of the commission's law enforcement responsibilities to the  
13 New Jersey State Police would be practical and efficient, as the State  
14 Police is suited to undertake an investigation of any criminal activity  
15 in the ports of northern New Jersey without impeding economic  
16 prosperity.

17  
18       2. a. Within 30 days of the effective date of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), the Governor, on behalf  
20 of the State of New Jersey, shall notify the Congress of the United  
21 States, the Governor of the State of New York, and the waterfront  
22 commission of New York harbor, of the State of New Jersey's  
23 intention to withdraw from:

24       (1) the compact entered into by the State of New Jersey pursuant  
25 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.)  
26 and by the State of New York pursuant to its agreement thereto  
27 under P.L.1953, c.882 (NY Unconsol. Ch. 307, s.1), as amended  
28 and supplemented; and

29       (2) the compact, entered into by the State of New Jersey  
30 pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150  
31 et seq.) and by the State of New York pursuant to its agreement  
32 thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307, s.10), as  
33 amended and supplemented.

34       b. As soon as practicable after the date of notification pursuant  
35 to subsection a. of this section, the Governor shall notify the  
36 presiding officers of each house of the Legislature that the  
37 notification has occurred, the date of the notification, and any other  
38 information concerning the notification the Governor deems  
39 appropriate.

40  
41       3. As used in P.L. , c. (C. ) (pending before the  
42 Legislature as this bill):

43       "Bill of lading" means a document evidencing the receipt of  
44 goods for shipment issued by a person engaged in the business of  
45 transporting or forwarding goods.

46       "Career offender" means a person whose behavior is pursued in  
47 an occupational manner or context for the purpose of economic

1 gain, utilizing methods that are deemed criminal violations against  
2 the laws of this State.

3 "Career offender cartel" means a number of career offenders  
4 acting in concert, and may include what is commonly referred to as  
5 an organized crime group.

6 "Cargo facility charge" means any fee applicable to cargo and  
7 cargo containers discharged from, or loaded onto, vessels at any  
8 marine facility owned or operated by the port authority.

9 "Carrier" means a carrier as that term is defined in 49 U.S.C.  
10 s.13102.

11 "Carrier of freight by water" means any person who may be  
12 engaged or who may hold himself or herself out as willing to be  
13 engaged, whether as a common carrier, a contract carrier, or  
14 otherwise, except for carriage of liquid cargoes in bulk in tank  
15 vessels designed for use exclusively in that service or carriage by  
16 barge of bulk cargoes consisting of only a single commodity loaded  
17 or carried without wrappers or containers and delivered by the  
18 carrier without transportation mark or count, in the carriage of  
19 freight by water between any point in the port of New York district,  
20 as applicable only within the State of New Jersey, and a point  
21 outside that district.

22 "Checker" means a longshoreman who is employed to engage in  
23 direct and immediate checking of waterborne freight or of the  
24 custodial accounting therefor or in the recording or tabulation of the  
25 hours worked at piers or other waterfront terminals by natural  
26 persons employed by carriers of freight by water or stevedores.

27 "Commission" means the waterfront commission of New York  
28 harbor established by the State of New Jersey pursuant to P.L.1953,  
29 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to  
30 its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.  
31 307, s.1).

32 "Common carrier" means a common carrier as that term is  
33 defined in 46 U.S.C. s.40102.

34 "Compact" means entered into by the State of New Jersey  
35 pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1  
36 et seq.) and by the State of New York pursuant to its agreement  
37 thereto under P.L.1953, c.882 (NY Unconsol. Ch. 307, s.1), as  
38 amended and supplemented.

39 "Container" means any receptacle, box, carton, or crate which is  
40 specifically designed and constructed so that it may be repeatedly  
41 used for the carriage of freight by a carrier of freight by water.

42 "Contract carrier" means a contract carrier as that term is defined  
43 in 49 U.S.C. s.13102.

44 "Court of the United States" means all courts enumerated in  
45 section 451 of Title 28 of the United States Code and the courts-  
46 martial of Armed Forces of the United States.

47 "Division" means the Division of State Police in the Department  
48 of Law and Public Safety.

1       "Freight" means freight which has been or will be, carried by, or  
2 consigned for carriage by a carrier of freight by water.

3       "Hiring agent" means any natural person who, on behalf of a  
4 carrier of freight by water or a stevedore, shall select any  
5 longshoreman for employment, and "hiring agent" includes any  
6 natural person, who on behalf of any other person shall select any  
7 longshoreman for employment.

8       "Immunity" means that a person shall not be prosecuted or  
9 subjected to any penalty or forfeiture for or on account of any  
10 transaction, matter, or thing concerning which, pursuant to an order  
11 of the division, the person gave answer or produced evidence, and  
12 that no answer given or evidence produced shall be received against  
13 the person upon any criminal proceeding.

14       "Labor organization" means and includes any organization which  
15 exists and is constituted for the purpose in whole or in part of  
16 collective bargaining, or of dealing with employers concerning  
17 grievances, terms and conditions of employment, or other mutual  
18 aid or protection, but "labor organization" shall not include a  
19 federation or congress of labor organizations organized on a  
20 national or international basis even though one of its constituent  
21 labor organizations may represent persons so registered or licensed.

22       "Longshoreman" means a natural person, other than a hiring  
23 agent, who is employed for work at a pier or other waterfront  
24 terminal, either by a carrier of freight by water or by a stevedore, to:  
25 a. physically move waterborne freight on vessels berthed at piers,  
26 on piers or at other waterfront terminals; b. engage in direct and  
27 immediate checking of any such freight or of the custodial  
28 accounting therefor or in the recording or tabulation of the hours  
29 worked at piers or other waterfront terminals by natural persons  
30 employed by carriers of freight by water or stevedores; c. supervise  
31 directly and immediately others who are employed as a  
32 longshoreman; d. physically to perform labor or services incidental  
33 to the movement of waterborne freight on vessels berthed at piers,  
34 on piers or at other waterfront terminals; e. physically move  
35 waterborne freight to or from a barge, lighter, or railroad car for  
36 transfer to or from a vessel of a carrier of freight by water which is,  
37 shall be, or shall have been berthed at the same pier or other  
38 waterfront terminal; or f. perform labor or services involving, or  
39 incidental to, the movement of freight at a pier or other waterfront  
40 terminal.

41       "Longshoremen's register" means the register of eligible  
42 longshoremen compiled and maintained by the division pursuant to  
43 section 8 of P.L.     , c.     (C.     ) (pending before the Legislature  
44 as this bill).

45       "Marine terminal" means an area which includes piers, which is  
46 used primarily for the moving, warehousing, distributing, or  
47 packing of waterborne freight or freight to or from piers and which  
48 is under common ownership or control.

1 "Other waterfront terminal" means any warehouse, depot, or  
2 other terminal, other than a pier, which is located within 1,000  
3 yards of any pier in the port of New York district and which is used  
4 for waterborne freight in whole or substantial part, and includes any  
5 warehouse, depot, or other terminal, other than a pier, whether  
6 enclosed or open, which is located in a marine terminal in the port  
7 of New York district, any part of which is used by any person to  
8 perform labor or services involving, or incidental to, the movement  
9 of waterborne freight or freight.

10 "Person" means not only a natural person but also any  
11 partnership, joint venture, association, corporation, or any other  
12 legal entity but shall not include the United States, any state or  
13 territory thereof, or any department, division, board, authority, or  
14 authority of one or more of the foregoing.

15 "Pier" means any wharf, pier, dock, or quay.

16 "Pier superintendent" means any natural person other than a  
17 longshoreman who is employed for work at a pier or other  
18 waterfront terminal by a carrier of freight by water or a stevedore  
19 and whose work at the pier or other waterfront terminal includes the  
20 supervision, directly or indirectly, of the work of longshoremen.

21 "Port of New York district" or "district" means the district  
22 created by Article II of the compact dated April 30, 1921, between  
23 the states of New York and New Jersey, authorized by chapter 154  
24 of the laws of New York of 1921 and chapter 151 of the laws of  
25 New Jersey of 1921.

26 "Port watchman" means any watchman, gateman, roundsman,  
27 detective, guard, guardian, or protector of property employed by the  
28 operator of any pier or other waterfront terminal or by a carrier of  
29 freight by water to perform services in that capacity on any pier or  
30 other waterfront terminal.

31 "Select any longshoreman for employment" means select a  
32 person for the commencement or continuation of employment as a  
33 longshoreman, or the denial or termination of employment as a  
34 longshoreman.

35 "Stevedore" means a contractor, not including an employee,  
36 engaged for compensation pursuant to a contract or arrangement  
37 with a carrier of freight by water, in moving waterborne freight  
38 carried or consigned for carriage by the carrier on vessels of the  
39 carrier berthed at piers, on piers at which the vessels are berthed or  
40 at other waterfront terminals. "Stevedore" shall also include: a. a  
41 contractor engaged for compensation pursuant to a contract or  
42 arrangement with the United States, any state or territory thereof, or  
43 any department, division, board, commission, or authority of one or  
44 more of the foregoing, in moving freight carried or consigned for  
45 carriage between any point in the port of New York district and a  
46 point outside that district on vessels of the public agency berthed at  
47 piers, on piers at which their vessels are berthed or at other  
48 waterfront terminals; b. a contractor, engaged for compensation

1 pursuant to a contract or arrangement with any person to perform  
2 labor or services incidental to the movement of waterborne freight  
3 on vessels berthed at piers, on piers or at other waterfront terminals;  
4 or c. a contractor engaged for compensation pursuant to a contract  
5 or arrangement with any other person to perform labor or services  
6 involving, or incidental to, the movement of freight into or out of  
7 containers, which have been or which will be carried by a carrier of  
8 freight by water, on vessels berthed at piers, on piers or at other  
9 waterfront terminals.

10 "State Treasurer" means the Treasurer of the State of New  
11 Jersey.

12 "Terrorist group" means a group associated, affiliated, or funded  
13 in whole or in part by a terrorist organization designated by the  
14 United States Secretary of State in accordance with section 219 of  
15 the federal Immigration and Nationality Act, as amended from time  
16 to time, or any other organization which assists, funds, or engages  
17 in crimes or acts of terrorism as defined in the laws of the United  
18 States, or of this State.

19 "Transfer date" means the 90th day following the notification by  
20 the Governor pursuant to section 2 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill).

22 "Waterborne freight" means freight carried by or consigned for  
23 carriage by carriers of freight by water, and shall also include  
24 freight described in the definition of "stevedore" and in the  
25 definition "other waterfront terminal" and ships' stores, baggage,  
26 and mail carried by or consigned for carriage by carriers of freight  
27 by water.

28 "Witness" means any person whose testimony is desired in any  
29 investigation, interview, or other proceeding conducted by the  
30 division under the authority granted pursuant to P.L. , c. (C. )  
31 (pending before the Legislature as this bill).

32

33 4. a. Until the transfer date established pursuant to section 31  
34 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
35 shall have become operative, the division shall not exercise any  
36 powers, rights, or duties conferred by P.L. , c. (C. )  
37 (pending before the Legislature as this bill) or by any other law in  
38 any way which will interfere with the powers, rights, and duties of  
39 the commission. The division and the commission are directed to  
40 cooperate with each other after the date of notification pursuant to  
41 section 2 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill) until the transfer date, and the commission shall make  
43 available to the division all information concerning its property and  
44 assets, contracts, operations, and finances within New Jersey as the  
45 division may require to provide for the efficient exercise by the  
46 division of all powers, rights, and duties conferred upon the division  
47 by P.L. , c. (C. ) (pending before the Legislature as this  
48 bill).

1       b. After the transfer date established pursuant to section 31 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill):

3       (1) The division shall assume all of the powers, rights, assets,  
4 and duties of the commission within this State, and those powers,  
5 rights, assets, and duties shall then and thereafter be vested in and  
6 exercised by the division;

7       (2) The officers having custody of the funds of the commission  
8 applicable to this State shall deliver those funds into the custody of  
9 the State Treasurer, the property and assets of the commission  
10 within this State shall, without further act or deed, become the  
11 property and assets of the division; and

12       (3) Any officers and employees of the commission seeking to be  
13 transferred to the division may apply to become employees of the  
14 division until determined otherwise by the division. Nothing in  
15 P.L. , c. (C. ) (pending before the Legislature as this bill)  
16 shall be construed to deprive any officers or employees of the  
17 commission of their rights, privileges, obligations, or status with  
18 respect to any pension or retirement system. The commission  
19 employees shall retain all of their rights and benefits under existing  
20 collective negotiation agreements or contracts until such time as  
21 new or revised agreements or contracts are agreed to. All existing  
22 employee representatives shall be retained to act on behalf of those  
23 employees until such time as the employees shall, pursuant to law,  
24 elect to change those representatives. Nothing in P.L. , c. (C. )  
25 (pending before the Legislature as this bill) shall affect the civil  
26 service status, if any, of those officers or employees;

27       (4) All debts, liabilities, obligations, and contracts of the  
28 commission applicable only to this State, as determined by the  
29 officers having custody of the funds of the commission, except to  
30 the extent specifically provided for or established to the contrary in  
31 P.L. , c. (C. ) (pending before the Legislature as this bill),  
32 are imposed upon the division, and all creditors of the commission  
33 and persons having claims against or contracts with the commission  
34 of any kind or character may enforce those debts, claims, and  
35 contracts against the division as successor to the commission in the  
36 same manner as they might have done against the commission, and  
37 the rights and remedies of those holders, creditors, and persons  
38 having claims against or contracts with the commission shall not be  
39 limited or restricted in any manner by P.L. , c. (C. )  
40 (pending before the Legislature as this bill);

41       (5) In continuing the functions, contracts, obligations, and duties  
42 of the commission within this State, the division is authorized to act  
43 in its own name as may be convenient or advisable under the  
44 circumstances from time to time;

45       (6) Any references to the commission in any other law or  
46 regulation shall then and thereafter be deemed to refer and apply to  
47 the division;



1 (7) All rules and regulations of the commission shall continue in  
2 effect as the rules and regulations of the division until amended,  
3 supplemented, or rescinded by the division pursuant to the  
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
5 seq.). Regulations of the commission inconsistent with the  
6 provisions of P.L. , c. (C. ) (pending before the Legislature  
7 as this bill) or of regulations of the division shall be deemed void;

8 (8) All operations of the commission within this State shall  
9 continue as operations of the division until altered by the division as  
10 provided or permitted pursuant to P.L. , c. (C. ) (pending  
11 before the Legislature as this bill); and

12 (9) The powers vested in the division by P.L. , c. (C. )  
13 (pending before the Legislature as this bill) shall be construed as  
14 being in addition to, and not in diminution of, the powers heretofore  
15 vested by law in the commission to the extent not otherwise altered  
16 or provided for in P.L. , c. (C. ) (pending before the  
17 Legislature as this bill).

18 c. A license, registration, or permit issued by the commission  
19 prior to the date of notification pursuant to section 2 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill) shall,  
21 subject to the terms of its issuance, continue to be valid on and after  
22 the transfer date as a license, registration, or permit issued by the  
23 division. An application for a license, registration, or permit filed  
24 with the commission prior to and pending on that notification date  
25 shall, as of and from the notification date, be deemed to be filed  
26 with and pending before the division.

27  
28 5. In addition to the powers and duties elsewhere prescribed in  
29 law, the division shall have the power:

30 a. To determine the location, size, and suitability of  
31 accommodations necessary and desirable for the establishment and  
32 maintenance of the employment information centers provided in  
33 section 16 of P.L. , c. (C. ) (pending before the Legislature  
34 as this bill) and for administrative offices for the division;

35 b. To administer and enforce the provisions of P.L. , c. (C. )  
36 (pending before the Legislature as this bill);

37 c. Consistent with the provisions of the "Administrative  
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt and  
39 enforce rules and regulations as the division may deem necessary to  
40 effectuate the purposes of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) or to prevent the circumvention or evasion  
42 thereof;

43 d. By its members and its properly designated officers, agents,  
44 and employees, with respect to the implementation and enforcement  
45 of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill), to administer oaths and issue subpoenas to compel the  
47 attendance of witnesses and the giving of testimony and the  
48 production of other evidence;

1 e. To have for its properly designated officers, agents and  
2 employees, full and free access, ingress, and egress to and from all  
3 vessels, piers, and other waterfront terminals or other places in the  
4 port of New York district within this State, for the purposes of  
5 making inspection or enforcing the provisions of P.L. , c. (C. )  
6 (pending before the Legislature as this bill); and no person shall  
7 obstruct or in any way interfere with any officer, employee, or  
8 agent of the division in the making of an inspection, or in the  
9 enforcement of the provisions of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill) or in the performance of any  
11 other power or duty under P.L. , c. (C. ) (pending before the  
12 Legislature as this bill);

13 f. To recover possession of any suspended or revoked license  
14 issued pursuant to sections 6, 7, and 13 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) within the port of New  
16 York district in this State;

17 g. To make investigations and collect and compile information  
18 concerning waterfront practices generally within the port of New  
19 York district in this State and upon all matters relating to the  
20 accomplishment of the objectives of P.L. , c. (C. ) (pending  
21 before the Legislature as this bill);

22 h. To advise and consult with representatives of labor and  
23 industry and with public officials and agencies concerned with the  
24 effectuation of the purposes of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), upon all matters which the  
26 division may desire, including but not limited to, the form and  
27 substance of rules and regulations, the administration of the  
28 provisions of P.L. , c. (C. ) (pending before the Legislature  
29 as this bill), maintenance of the longshoremen's register, and  
30 issuance and revocation of licenses;

31 i. To make annual and other reports to the Governor and,  
32 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
33 Legislature containing recommendations for the improvement of the  
34 conditions of waterfront labor within the port of New York district  
35 in this State and for the effectuation of the purposes of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill). The  
37 annual reports shall state the division's findings and determinations  
38 as to whether the public necessity still exists for: (1) the continued  
39 registration of longshoremen; (2) the continued licensing of any  
40 occupation or employment required to be licensed hereunder; and  
41 (3) the continued public operation of the employment information  
42 centers provided for in section 16 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill);

44 j. To co-operate with and receive from any department,  
45 division, bureau, board, commission, authority, or agency of this  
46 State, or of any county or municipality thereof, any assistance and  
47 data as will enable the division to properly to carry out its powers  
48 and duties hereunder; and to request a department, division, bureau,

- 1 board, commission, authority, or agency, with the consent thereof,  
2 to execute the division's functions and powers, as the public interest  
3 may require; and
- 4 k. To exercise the powers and duties of the division as  
5 provided in P.L. , c. (C. ) (pending before the Legislature as  
6 this bill) to its officers, employees, and agents designated by the  
7 division;
- 8 l. To issue temporary permits and permit temporary  
9 registrations under such terms and conditions as the division may  
10 prescribe which shall be valid for a period to be fixed by the  
11 division not in excess of six months;
- 12 m. To require any applicant for a license or registration or any  
13 prospective licensee to furnish facts and evidence as the division  
14 may deem appropriate to enable it to ascertain whether the license  
15 or registration should be granted;
- 16 n. In any case in which the division has the power to revoke,  
17 cancel or suspend any license, the division shall also have the  
18 power to impose as an alternative to that revocation, cancellation, or  
19 suspension, a penalty, which the licensee may elect to pay the  
20 division in lieu of the revocation, cancellation, or suspension. The  
21 maximum penalty shall be \$5,000 for each separate offense. The  
22 division may, for good cause shown, abate all or part of the penalty;
- 23 o. To designate any officer, agent, or employee of the division  
24 to be an investigator who shall be vested with all the powers of a  
25 peace or police officer of the State of New Jersey;
- 26 p. To confer immunity, in the following manner prescribed by  
27 section 20 of P.L. , c. (C. ) (pending before the Legislature  
28 as this bill);
- 29 q. To require any applicant or renewal applicant for registration  
30 as a longshoreman, any applicant or renewal applicant for  
31 registration as a checker, or any applicant or renewal applicant for  
32 registration as a telecommunications system controller and any  
33 person who is sponsored for a license as a pier superintendent or  
34 hiring agent, any person who is an individual owner of an applicant  
35 or renewal applicant stevedore, or any persons who are individual  
36 partners of an applicant or renewal applicant stevedore, or any  
37 officers, directors, or stockholders owning five percent or more of  
38 any of the stock of an applicant or renewal applicant corporate  
39 stevedore or any applicant or renewal applicant for a license as a  
40 port watchman or any other category of applicant or renewal  
41 applicant for registration or licensing within the division's  
42 jurisdiction to be fingerprinted by the division at the cost and  
43 expense of the applicant or renewal applicant;
- 44 r. To exchange fingerprint data with and receive criminal  
45 history record information from the Federal Bureau of Investigation  
46 and the State Bureau of Identification for use in making the  
47 determinations required by this section; and

1 s. Notwithstanding any other provision of law, rule, or  
2 regulation to the contrary, to require any applicant for employment  
3 or employee of the division engaged in the implementation or  
4 enforcement of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) to be fingerprinted at the cost and expense  
6 of the applicant or employee and to exchange fingerprint data with  
7 and receive criminal history record information from the Federal  
8 Bureau of Investigation and the State Bureau of Identification for  
9 use in the hiring or retention of those persons.

10  
11 6. a. A person shall not act as a pier superintendent or as a  
12 hiring agent within the port of New York district in this State  
13 without first having obtained from the division a license to act as a  
14 pier superintendent or hiring agent, as the case may be, and a person  
15 shall not employ or engage another person to act as a pier  
16 superintendent or hiring agent who is not so licensed.

17 b. A license to act as a pier superintendent or hiring agent shall  
18 be issued only upon the written application, under oath, of the  
19 person proposing to employ or engage another person to act as a  
20 pier superintendent or hiring agent, verified by the prospective  
21 licensee as to the matters concerning the prospective licensee, and  
22 shall state the following:

23 (1) The full name and business address of the applicant;

24 (2) The full name, residence, business address, if any, place and  
25 date of birth, and social security number of the prospective licensee;

26 (3) The present and previous occupations of the prospective  
27 licensee, including the places where the person was employed and  
28 the names of the person's employers;

29 (4) Any further facts and evidence as may be required by the  
30 division to ascertain the character, integrity, and identity of the  
31 prospective licensee; and

32 (5) That if a license is issued to the prospective licensee, the  
33 applicant will employ the licensee as pier superintendent or hiring  
34 agent, as the case may be.

35 c. A license shall not be granted pursuant to this section:

36 (1) Unless the division shall be satisfied that the prospective  
37 licensee possesses good character and integrity;

38 (2) If the prospective licensee has, without subsequent pardon,  
39 been convicted by a court of the United States, or any State or  
40 territory thereof, of the commission of, or the attempt or conspiracy  
41 to commit, treason, murder, manslaughter, or any of the following  
42 offenses: illegally using, carrying, or possessing a pistol or other  
43 dangerous weapon; making or possessing burglar's instruments;  
44 buying or receiving stolen property; unlawful entry of a building;  
45 aiding an escape from prison; unlawfully possessing, possessing  
46 with intent to distribute, sale, or distribution of a controlled  
47 dangerous substance or a controlled dangerous substance analog; or  
48 a violation prescribed in subsection g. of this section. Any

1 prospective licensee ineligible for a license by reason of any  
2 conviction under this paragraph may submit satisfactory evidence to  
3 the division that the prospective licensee has for a period of not less  
4 than five years, measured as hereinafter provided, and up to the  
5 time of application, so acted as to warrant the grant of a license, in  
6 which event the division may, in its discretion, issue an order  
7 removing that ineligibility. The five-year period shall be measured  
8 either from the date of payment of any fine imposed upon that  
9 person or the suspension of sentence or from the date of the  
10 person's unrevoked release from custody by parole, commutation,  
11 or termination of sentence; and

12 (3) If the prospective licensee knowingly or willfully advocates  
13 the desirability of overthrowing or destroying the government of the  
14 United States by force or violence or shall be a member of a group  
15 which advocates that desirability, knowing the purposes of a group  
16 having that advocacy.

17 d. When the application shall have been examined and further  
18 inquiry and investigation made as the division shall deem proper  
19 and when the division shall be satisfied therefrom that the  
20 prospective licensee possesses the qualifications and requirements  
21 prescribed in this section, the division shall issue and deliver to the  
22 prospective licensee a license to act as pier superintendent or hiring  
23 agent for the applicant, as the case may be, and shall inform the  
24 applicant of this action. The division may issue a temporary permit  
25 to any prospective licensee for a license issued under this section  
26 pending final action on an application made for that license. Any  
27 temporary permit shall be valid for a period not in excess of 30  
28 days.

29 e. A person shall not be licensed to act as a pier superintendent  
30 or hiring agent for more than one employer, except at a single pier  
31 or other waterfront terminal, but nothing in P.L. , c. (C. )  
32 (pending before the Legislature as this bill) shall be construed to  
33 limit in any way the number of pier superintendents or hiring agents  
34 any employer may employ.

35 f. A license granted pursuant to this section shall continue  
36 through the duration of the licensee's employment by the employer  
37 who shall have applied for the license.

38 g. Any license issued pursuant to this section may be revoked  
39 or suspended for a period as the division deems in the public  
40 interest or the licensee thereunder may be reprimanded for any of  
41 the following offenses:

42 (1) Conviction of a crime or act by the licensee or other cause  
43 which would require or permit the person's disqualification from  
44 receiving a license upon original application;

45 (2) Fraud, deceit, or misrepresentation in securing the license, or  
46 in the conduct of the licensed activity;

47 (3) Violation of any of the provisions of P.L. , c. (C. )  
48 (pending before the Legislature as this bill);

1 (4) Unlawfully possessing, possessing with intent to distribute,  
2 sale, or distribution of a controlled dangerous substance or a  
3 controlled dangerous substance analog;

4 (5) Employing, hiring, or procuring any person in violation of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
6 inducing or otherwise aiding or abetting any person to violate the  
7 terms of P.L. , c. (C. ) (pending before the Legislature as  
8 this bill);

9 (6) Paying, giving, causing to be paid or given or offering to pay  
10 or give to any person any valuable consideration to induce the other  
11 person to violate any provision of P.L. , c. (C. ) (pending  
12 before the Legislature as this bill) or to induce any public officer,  
13 agent, or employee to fail to perform the person's duty hereunder;

14 (7) Consorting with known criminals for an unlawful purpose;

15 (8) Transfer or surrender of possession of the license to any  
16 person either temporarily or permanently without satisfactory  
17 explanation;

18 (9) False impersonation of another licensee under P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill);

20 (10) Receipt or solicitation of anything of value from any person  
21 other than the licensee's employer as consideration for the selection  
22 or retention for employment of any longshoreman;

23 (11) Coercion of a longshoreman by threat of discrimination or  
24 violence or economic reprisal, to make purchases from or to utilize  
25 the services of any person;

26 (12) Lending any money to or borrowing any money from a  
27 longshoreman for which there is a charge of interest or other  
28 consideration; or

29 (13) Membership in a labor organization which represents  
30 longshoremen or port watchmen; but nothing in this section shall be  
31 deemed to prohibit pier superintendents or hiring agents from being  
32 represented by a labor organization or organizations which do not  
33 also represent longshoremen or port watchmen. The American  
34 Federation of Labor, the Congress of Industrial Organizations and  
35 any other similar federation, congress, or other organization of  
36 national or international occupational or industrial labor  
37 organizations shall not be considered an organization which  
38 represents longshoremen or port watchmen within the meaning of  
39 this section although one of the federated or constituent labor  
40 organizations thereof may represent longshoremen or port  
41 watchmen.

42

43 7. a. A person shall not act as a stevedore within the port of  
44 New York district in this State without having first obtained a  
45 license from the division, and a person shall not employ a stevedore  
46 to perform services as such within the port of New York district  
47 unless the stevedore is so licensed.

1       b. Any person intending to act as a stevedore within the port of  
2 New York district shall file in the office of the division a written  
3 application for a license to engage in that occupation, duly signed,  
4 and verified as follows:

5       c. If the applicant is a natural person, the application shall be  
6 signed and verified by that person and if the applicant is a  
7 partnership, the application shall be signed and verified by each  
8 natural person composing or intending to compose that partnership.  
9 The application shall state the full name, age, residence, business  
10 address, if any, present and previous occupations of each natural  
11 person so signing the application, and any other facts and evidence  
12 as may be required by the division to ascertain the character,  
13 integrity, and identity of each natural person signing the  
14 application.

15       d. If the applicant is a corporation, the application shall be  
16 signed and verified by the president, secretary, and treasurer  
17 thereof, and shall specify the name of the corporation, the date and  
18 place of its incorporation, the location of its principal place of  
19 business, the names and addresses of, and the amount of the stock  
20 held by stockholders owning five percent or more of any of the  
21 stock thereof, and of all officers, including all members of the board  
22 of directors. The requirements of subsection a. of this section as to  
23 a natural person who is a member of a partnership, and the  
24 requirements as may be specified in rules and regulations  
25 promulgated by the division pursuant to the "Administrative  
26 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
27 each above-named officer or stockholder and their successors in  
28 office or interest, as the case may be.

29       In the event of the death, resignation, or removal of any officer,  
30 and in the event of any change in the list of stockholders who shall  
31 own five percent or more of the stock of the corporation, the  
32 secretary of the corporation shall forthwith give notice of that fact  
33 in writing to the division, certified by the secretary.

34       e. A license shall not be granted:

35       (1) If any person whose signature or name appears in the  
36 application is not the real party in interest, required by subsection d.  
37 of this section, to sign or to be identified in the application or if the  
38 person so signing or named in the application is an undisclosed  
39 agent or trustee for any real party in interest;

40       (2) Unless the division shall be satisfied that the applicant and  
41 all members, officers, and stockholders required by subsection d. of  
42 this section to sign or be identified in the application for license  
43 possess good character and integrity;

44       (3) Unless the applicant is either a natural person, partnership,  
45 or corporation;

46       (4) Unless the applicant shall be a party to a contract then in  
47 force or which will take effect upon the issuance of a license, with a  
48 carrier of freight by water for the loading and unloading by the

1 applicant of one or more vessels of such carrier at a pier within the  
2 port of New York district;

3 (5) If the applicant or any member, officer, or stockholder  
4 required by subsection d. of this section to sign or be identified in  
5 the application for license has, without subsequent pardon, been  
6 convicted by a court of the United States or any State or territory  
7 thereof of the commission of, or the attempt or conspiracy to  
8 commit, treason, murder, manslaughter, or any of the offenses  
9 described in subsection h. of this section. Any applicant ineligible  
10 for a license by reason of any of those convictions may submit  
11 satisfactory evidence to the division that the person whose  
12 conviction was the basis of ineligibility has for a period of not less  
13 than five years, measured as hereinafter provided and up to the time  
14 of application, so acted as to warrant the grant of that license, in  
15 which event the division may, in its discretion issue an order  
16 removing that ineligibility. The aforesaid period of five years shall  
17 be measured either from the date of payment of any fine imposed  
18 upon that person or the suspension of sentence or from the date of  
19 the person's unrevoked release from custody by parole,  
20 commutation, or termination of sentence;

21 (6) If the applicant has paid, given, caused to have been paid or  
22 given, or offered to pay or give to any officer or employee of any  
23 carrier of freight by water any valuable consideration for an  
24 improper or unlawful purpose or to induce that person to procure  
25 the employment of the applicant by the carrier for the performance  
26 of stevedoring services; or

27 (7) If the applicant has paid, given, caused to be paid or given,  
28 or offered to pay or give to any officer or representative of a labor  
29 organization any valuable consideration for an improper or unlawful  
30 purpose or to induce the officer or representative to subordinate the  
31 interests of the labor organization or its members in the  
32 management of the affairs of the labor organization to the interests  
33 of the applicant.

34 f. When the application shall have been examined and further  
35 inquiry and investigation made as the division shall deem proper  
36 and when the division shall be satisfied therefrom that the applicant  
37 possesses the qualifications and requirements prescribed in this  
38 section, the division shall issue and deliver a license to that  
39 applicant. The division may issue a temporary permit to any  
40 applicant for a license under the provisions of this section pending  
41 final action on an application made for a license. A temporary  
42 permit shall be valid for a period not in excess of 30 days.

43 g. A stevedore's license shall be for a term of five years or  
44 fraction of that five-year period, and shall expire on the first day of  
45 December. In the event of the death of the licensee, if a natural  
46 person, or its termination or dissolution by reason of the death of a  
47 partner, if a partnership, or if the licensee shall cease to be a party  
48 to any contract of the type prescribed by paragraph (4) of



1 subsection e. of section 7 of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill), the license shall terminate 90 days after  
3 that event or upon its expiration date, whichever shall be sooner. A  
4 license may be renewed by the division for successive five-year  
5 periods upon fulfilling the same requirements as are established in  
6 this section for an original application for a stevedore's license.

7 h. Any license issued pursuant to this section may be revoked  
8 or suspended for a period as the division deems in the public  
9 interest or the licensee thereunder may be reprimanded for any of  
10 the following offenses on the part of the licensee or of any person  
11 required by this section to sign or be identified in an original  
12 application for a license:

13 (1) Conviction of a crime or other cause which would permit or  
14 require disqualification of the licensee from receiving a license  
15 upon original application;

16 (2) Fraud, deceit, or misrepresentation in securing the license or  
17 in the conduct of the licensed activity;

18 (3) Failure by the licensee to maintain a complete set of books  
19 and records containing a true and accurate account of the licensee's  
20 receipts and disbursements arising out of the licensee's activities  
21 within the port of New York district in this State;

22 (4) Failure to keep its books and records available during  
23 business hours for inspection by the division and its duly designated  
24 representatives until the expiration of the fifth calendar year  
25 following the calendar year during which occurred the transactions  
26 recorded therein; or

27 (5) Any other offense described in this section.

28 i. In addition to the grounds elsewhere established in P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill), the  
30 division shall not grant an application for a license as stevedore if  
31 the applicant has paid, given, caused to have been paid or given, or  
32 offered to pay or give to any agent of any carrier of freight by water  
33 any valuable consideration for an improper or unlawful purpose or,  
34 without the knowledge and consent of the carrier, to induce the  
35 agent to procure the employment of the applicant by the carrier or  
36 its agent for the performance of stevedoring services.

37

38 8. a. The division shall establish a longshoremen's register in  
39 which shall be included all qualified longshoremen eligible, as  
40 hereinafter provided, for employment as longshoremen in the port  
41 of New York district in this State. A person shall not act as a  
42 longshoreman within the port of New York district in this State  
43 unless at the time the person is included in the longshoremen's  
44 register, and a person shall not employ another to work as a  
45 longshoreman within the port of New York district in this State  
46 unless at the time the other person is included in the longshoremen's  
47 register.

1       b. Any person applying for inclusion in the longshoremen's  
2 register shall file at a place and in a manner as the division shall  
3 designate a written statement, signed, and verified by the applicant,  
4 setting forth the applicant's full name, residence address, social  
5 security number, and any further facts and evidence as the division  
6 may prescribe to establish the identity of that person and the  
7 person's criminal record, if any.

8       c. The division may in its discretion deny application for  
9 inclusion in the longshoremen's register by a person:

10       (1) Who has been convicted by a court of the United States or  
11 any State or territory thereof, without subsequent pardon, of  
12 treason, murder, manslaughter, or of any of the offenses described  
13 in subsection g. of section 6 of P.L.     , c.     (C.     ) (pending  
14 before the Legislature as this bill) or of attempt or conspiracy to  
15 commit any of those crimes;

16       (2) Who knowingly or willingly advocates the desirability of  
17 overthrowing or destroying the government of the United States by  
18 force or violence or who shall be a member of a group which  
19 advocates that desirability knowing the purposes of the group  
20 advocating that desirability; or

21       (3) Whose presence at the piers or other waterfront terminals in  
22 the port of New York district in this State is found by the division,  
23 on the basis of the facts and evidence before it, to constitute a  
24 danger to the public peace or safety.

25       d. Unless the division shall determine to exclude the applicant  
26 from the longshoremen's register for violation of the offenses  
27 described in subsection g. of section 6 of P.L.     , c.     (C.     )  
28 (pending before the Legislature as this bill), it shall include that  
29 person in the longshoremen's register. The division may permit  
30 temporary registration of any applicant under the provisions of this  
31 section pending final action on an application made for temporary  
32 registration. Any temporary registration shall be valid for a period  
33 not in excess of 30 days.

34       e. The division shall have power to reprimand any  
35 longshoreman registered under this section or to remove the person  
36 from the longshoremen's register for a period of time as it deems in  
37 the public interest for any of the following offenses:

38       (1) Conviction of a crime or other cause which would permit  
39 disqualification of a person from inclusion in the longshoremen's  
40 register upon original application;

41       (2) Fraud, deceit, or misrepresentation in securing inclusion in  
42 the longshoremen's register;

43       (3) Transfer or surrender of possession to any person either  
44 temporarily or permanently of any card or other means of  
45 identification issued by the authority as evidence of inclusion in the  
46 longshoremen's register, without satisfactory explanation;

- 1 (4) False impersonation of another longshoreman registered  
2 under this section or of another person licensed pursuant to P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill);
- 4 (5) Willful commission of or willful attempt to commit at or on  
5 a waterfront terminal or adjacent highway any act of physical injury  
6 to any other person or of willful damage to or misappropriation of  
7 any other person's property, unless justified or excused by law; and
- 8 (6) Any other offense described in subsection g. of section 6 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 10 f. Whenever, as a result of amendments to P.L. , c. (C. )  
11 (pending before the Legislature as this bill) or of a ruling by the  
12 division, registration as a longshoreman is required for any person  
13 to continue in employment, that person shall be registered as a  
14 longshoreman; provided, however, that the person satisfies all the  
15 other requirements of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill) for registration as a longshoreman.
- 17 g. The division shall have the right to recover possession of  
18 any card or other means of identification issued as evidence of  
19 inclusion in the longshoremen's register in the event that the holder  
20 thereof has been removed from the longshoremen's register.
- 21 h. Nothing contained in P.L. , c. (C. ) (pending before  
22 the Legislature as this bill) shall be construed to limit in any way  
23 any labor rights reserved by P.L. , c. (C. ) (pending before  
24 the Legislature as this bill).
- 25
- 26 9. a. The division shall, at regular intervals, remove from the  
27 longshoremen's register any person who shall have been registered  
28 for at least nine months and who shall have failed during the  
29 preceding six calendar months either to have worked as a  
30 longshoreman in the port of New York district in this State or to  
31 have applied for employment as a longshoreman at an employment  
32 information center established under section 16 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill) for the minimum  
34 number of days as shall have been established by the division  
35 pursuant to subsection b. of this section.
- 36 b. On or before the first day of June following the date on  
37 which P.L. , c. (C. ) (pending before the Legislature as this  
38 bill) becomes operative, and on or before each succeeding first day  
39 of June or December, the division shall, for the purposes of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), establish  
41 for the six-month period beginning on each date a minimum number  
42 of days and the distribution of the days during that period.
- 43 c. In establishing any minimum number of days or period, the  
44 division shall observe the following standards to accomplish the  
45 following objectives:
- 46 (1) To encourage as far as practicable the regularization of the  
47 employment of longshoremen;

1       (2) To bring the number of eligible longshoremen more closely  
2 into balance with the demand for longshoremen's services within  
3 the port of New York district in this State without reducing the  
4 number of eligible longshoremen below that necessary to meet the  
5 requirements of longshoremen in the port of New York district in  
6 this State;

7       (3) To eliminate oppressive and evil hiring practices affecting  
8 longshoremen and waterborne commerce in the port of New York  
9 district in this State;

10       (4) To eliminate unlawful practices injurious to waterfront  
11 labor; and

12       (5) To establish hiring practices and conditions which will  
13 permit the termination of governmental regulation and intervention  
14 at the earliest opportunity.

15       d. A longshoreman who has been removed from the  
16 longshoremen's register pursuant to subsection e. of section 8 of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 may seek reinstatement upon fulfilling the same requirements as for  
19 initial inclusion in the longshoremen's register, but not before the  
20 expiration of one year from the date of removal, except that  
21 immediate reinstatement shall be made upon proper showing that  
22 the registrant's failure to work or apply for work for the minimum  
23 number of days, described in subsection c. of this section, was  
24 caused by the fact that the registrant was engaged in the military  
25 service of the United States or was incapacitated by ill health,  
26 physical injury, or other good cause.

27       e. Notwithstanding any other provision of P.L. , c. (C. )  
28 (pending before the Legislature as this bill), the division shall at any  
29 time have the power to register longshoremen on a temporary basis  
30 to meet special or emergency needs.

31  
32       10. Notwithstanding any other provisions of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), the division shall have  
34 the power to remove from the longshoremen's register any person,  
35 including a person registered as longshoremen for less than nine  
36 months, who shall have failed to have worked as a longshoreman in  
37 the port of New York district in this State for a minimum number of  
38 days during a period of time as shall have been established by the  
39 division. In administering this section, the division, in its  
40 discretion, may count applications for employment as a  
41 longshoreman at an employment information center established  
42 pursuant to section 16 of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) as constituting actual work as a  
44 longshoreman, provided, however, that the division shall count as  
45 actual work the compensation received by any longshoreman  
46 pursuant to the guaranteed wage provisions of any collective  
47 bargaining agreement relating to longshoremen. Prior to the  
48 commencement of any period of time established by the division

1 pursuant to this section, the division shall establish for that period  
2 the minimum number of days of work required and the distribution  
3 of days during that period and shall also determine whether or not  
4 application for employment as a longshoreman shall be counted as  
5 constituting actual work as a longshoreman. The division may  
6 classify longshoremen according to length of service as a  
7 longshoreman and develop other criteria as may be reasonable and  
8 necessary to carry out the provisions of P.L. , c. (C. )  
9 (pending before the Legislature as this bill). The division shall  
10 have the power to vary the requirements of this section with respect  
11 to their application to the various classifications of longshoremen.  
12 In administering this section, the division shall observe the  
13 standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as  
14 that section shall have been amended through the enactment of  
15 P.L.1999, c.206. Nothing in this section shall be construed to  
16 modify, limit, or restrict in any way any of the rights protected by  
17 section 23 of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill).

19

20 11. a. The division shall establish within the longshoremen's  
21 register a list of all qualified longshoremen eligible, as hereinafter  
22 provided, for employment as checkers in the port of New York  
23 district in this State. A person shall not act as a checker within the  
24 port of New York district in this State unless at the time the person  
25 is included in the longshoremen's register as a checker, and a person  
26 shall not employ another to work as a checker within the port of  
27 New York district in this State unless at the time such other person  
28 is included in the longshoremen's register as a checker.

29 b. Any person applying for inclusion in the longshoremen's  
30 register as a checker shall file at a place and in a manner as the  
31 division shall designate a written statement, signed, and verified by  
32 the applicant, setting forth the following:

33 (1) The full name, residence, place and date of birth, and social  
34 security number of the applicant;

35 (2) The present and previous occupations of the applicant,  
36 including the places where the applicant was employed and the  
37 names of the applicant's employers; and

38 (3) Any further facts and evidence as may be required by the  
39 authority to ascertain the character, integrity, and identity of the  
40 applicant.

41 c. A person shall not be included in the longshoremen's register  
42 as a checker:

43 (1) Unless the division shall be satisfied that the applicant  
44 possesses good character and integrity;

45 (2) If the applicant has, without subsequent pardon, been  
46 convicted by a court of the United States or any State or territory  
47 thereof, of the authority of, or the attempt or conspiracy to commit  
48 treason, murder, manslaughter, or any of the following offenses:

1 illegally using, carrying or possessing a pistol or other dangerous  
2 weapon; making or possessing burglar's instruments; buying or  
3 receiving stolen property; unlawful entry of a building; aiding an  
4 escape from prison; unlawfully possessing, possessing with intent to  
5 distribute, sale or distribution of a controlled dangerous substance  
6 or a controlled dangerous substance analog; petty larceny, where  
7 the evidence shows the property was stolen from a vessel, pier or  
8 other waterfront terminal; or a violation of P.L. , c. (C. )  
9 (pending before the Legislature as this bill). An applicant ineligible  
10 for inclusion in the longshoremen's register as a checker by reason  
11 of a conviction may submit satisfactory evidence to the division that  
12 the applicant has for a period of not less than five years, measured  
13 as hereinafter provided, and up to the time of application, so acted  
14 as to warrant inclusion in the longshoremen's register as a checker,  
15 in which event the division may, in its discretion, issue an order  
16 removing the applicant's ineligibility. The five-year period shall be  
17 measured either from the date of payment of any fine imposed upon  
18 that person or the suspension of sentence or from the date of the  
19 person's unrevoked release from custody by parole, commutation,  
20 or termination of sentence; or

21 (3) If the applicant knowingly or willfully advocates the  
22 desirability of overthrowing or destroying the government of the  
23 United States by force or violence or shall be a member of a group  
24 which advocates that desirability, knowing the purposes of the  
25 group advocating that desirability.

26 d. When the application shall have been examined and further  
27 inquiry and investigation made as the division shall deem proper  
28 and when the division shall be satisfied therefrom that the applicant  
29 possesses the qualifications and requirements prescribed by this  
30 section, the division shall include the applicant in the  
31 longshoremen's register as a checker. The division may permit  
32 temporary registration as a checker to any applicant under this  
33 section pending final action on an application made for temporary  
34 registration, under the terms and conditions as the division may  
35 prescribe, which shall be valid for a period to be fixed by the  
36 division, not in excess of six months.

37 e. The division shall have power to reprimand any checker  
38 registered under this section or to remove the person from the  
39 longshoremen's register as a checker for a period of time as the  
40 division deems in the public interest for any of the following  
41 offenses:

42 (1) Conviction of a crime or other cause which would permit  
43 disqualification of the person from inclusion in the longshoremen's  
44 register as a checker upon original application;

45 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
46 the longshoremen's register as a checker or in the conduct of the  
47 registered activity;

- 1 (3) Violation of any of the provisions of P.L. , c. (C. )  
2 (pending before the Legislature as this bill);
- 3 (4) Unlawfully possessing, possessing with intent to distribute,  
4 sale, or distribution of a controlled dangerous substance or a  
5 controlled dangerous substance analog;
- 6 (5) Inducing or otherwise aiding or abetting any person to  
7 violate the terms of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill);
- 9 (6) Paying, giving, causing to be paid or given, or offering to  
10 pay or give to any person any valuable consideration to induce the  
11 other person to violate any provision of P.L. , c. (C. )  
12 (pending before the Legislature as this bill) or to induce any public  
13 officer, agent, or employee to fail to perform the person's duty  
14 under P.L. , c. (C. ) (pending before the Legislature as this  
15 bill);
- 16 (7) Consorting with known criminals for an unlawful purpose;
- 17 (8) Transfer or surrender of possession to any person either  
18 temporarily or permanently of any card or other means of  
19 identification issued by the division as evidence of inclusion in the  
20 longshoremen's register without satisfactory explanation; or
- 21 (9) False impersonation of another longshoreman or of another  
22 person licensed under P.L. , c. (C. ) (pending before the  
23 Legislature as this bill).
- 24 f. The division shall have the right to recover possession of  
25 any card or other means of identification issued as evidence of  
26 inclusion in the longshoremen's register as a checker in the event  
27 that the holder thereof has been removed from the longshoremen's  
28 register as a checker.
- 29 g. Nothing contained in this section shall be construed to limit  
30 in any way any rights of labor reserved by section 23 of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill).  
32
- 33 12. The division shall accept applications for inclusion in the  
34 longshoremen's register upon:
- 35 a. the joint recommendation in writing of stevedores and other  
36 employers of longshoremen in the port of New York district in this  
37 State, acting through their representative for the purposes of  
38 collective bargaining with a labor organization representing the  
39 longshoremen in the district, and that labor organization; or
- 40 b. the petition in writing of a stevedore or other employer of  
41 longshoremen in the port of New York district in this State which  
42 does not have a representative for the purposes of collective  
43 bargaining with a labor organization representing those  
44 longshoremen.  
45
- 46 13. a. A person shall not act as a port watchman within the port  
47 of New York district in this State without first having obtained a

1 license from the division, and a person shall not employ a port  
2 watchman who is not so licensed.

3 b. A license to act as a port watchman shall be issued only  
4 upon written application, duly verified, which shall state the  
5 following:

6 (1) The full name, residence, business address, if any, place, and  
7 date of birth, and social security number of the applicant;

8 (2) The present and previous occupations of the applicant,  
9 including the places where the applicant was employed and the  
10 names of the applicant's employers;

11 (3) The citizenship of the applicant and, if the person is a  
12 naturalized citizen of the United States, the court and date of  
13 naturalization; and

14 (4) Any further facts and evidence as may be required by the  
15 division to ascertain the character, integrity, and identity of the  
16 applicant.

17 c. A port watchman license shall not be granted:

18 (1) Unless the division shall be satisfied that the applicant  
19 possesses good character and integrity;

20 (2) If the applicant has, without subsequent pardon, been  
21 convicted by a court of the United States or of any State or territory  
22 thereof of the authority of, or the attempt or conspiracy to commit,  
23 treason, murder, manslaughter or any of the offenses described in  
24 subsection g. of section 6 of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill);

26 (3) Unless the applicant shall meet reasonable standards of  
27 physical and mental fitness for the discharge of a port watchman's  
28 duties as may from time to time be established by the division;

29 (4) If the applicant shall be a member of any labor organization  
30 which represents longshoremen or pier superintendents or hiring  
31 agents; but nothing in P.L. , c. (C. ) (pending before the  
32 Legislature as this bill) shall be deemed to prohibit port watchmen  
33 from being represented by a labor organization or organizations  
34 which do not also represent longshoremen or pier superintendents  
35 or hiring agents. The American Federation of Labor, the Congress  
36 of Industrial Organizations (AFL-CIO) and any other similar  
37 federation, congress, or other organization of national or  
38 international occupational or industrial labor organizations shall not  
39 be considered a labor organization which represents longshoremen  
40 or pier superintendents or hiring agents within the meaning of this  
41 section although one of the federated or constituent labor  
42 organizations thereof may represent longshoremen or pier  
43 superintendents or hiring agents;

44 (5) If the applicant knowingly or willfully advocates the  
45 desirability of overthrowing or destroying the government of the  
46 United States by force or violence or shall be a member of a group  
47 which advocates that desirability, knowing the purposes of the  
48 group's advocacy.



1       d. When the application shall have been examined and further  
2 inquiry and investigation made as the division shall deem proper  
3 and when the authority shall be satisfied therefrom that the  
4 applicant possesses the qualifications and requirements prescribed  
5 in this section and regulations issued pursuant thereto, the division  
6 shall issue and deliver a license to the applicant. The division may  
7 issue a temporary permit to any applicant for a license under the  
8 provisions of this section pending final action on an application  
9 made for that license. Any temporary permit shall be valid for a  
10 period not in excess of 30 days.

11       e. A license granted pursuant to this section shall continue for a  
12 term of three years. A license may be renewed by the division for  
13 successive three-year periods upon fulfilling the same requirements  
14 established in this section for an original application.

15       f. Notwithstanding any provision of this section, a license to  
16 act as a port watchman shall continue indefinitely and need not be  
17 renewed, provided that the licensee shall, as required by the  
18 division:

19       (1) Submit to a medical examination and meet the physical and  
20 mental fitness standards may be established by the division;

21       (2) Complete a refresher course of training; and

22       (3) Submit supplementary personal history information.

23       g. Any license issued pursuant to this section may be revoked  
24 or suspended for a period as the division deems in the public  
25 interest or the licensee thereunder may be reprimanded for any of  
26 the following offenses:

27       (1) Conviction of a crime or other cause which would permit or  
28 require the holder's disqualification from receiving a license upon  
29 original application;

30       (2) Fraud, deceit, or misrepresentation in securing the license;  
31 and

32       (3) Any other offense described in subsection g. of section 6 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill).

34       h. The division shall, at regular intervals, cancel the license or  
35 temporary permit of a port watchman who has failed during the  
36 preceding 12 months to work as a port watchman in the port of New  
37 York district in this State a minimum number of hours as  
38 established by the division, except that the division shall  
39 immediately restore the license or temporary permit upon a proper  
40 showing that the failure to so work was caused by the fact that the  
41 licensee or permit holder was engaged in the military service of the  
42 United States or was incapacitated by ill health, physical injury, or  
43 other good cause.

44       i. Any port watchman ineligible for a license by reason  
45 pursuant to this section may petition for and the division may issue  
46 an order removing the ineligibility. A petition for an order to  
47 remove an ineligibility may be made to the division before or after

1 the hearing required by section 14 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3  
4 14. a. The division shall not deny any application for a license  
5 or registration without giving the applicant or prospective licensee  
6 reasonable prior notice and an opportunity to be heard at a hearing  
7 conducted by the division.

8 b. Any application for a license or for inclusion in the  
9 longshoremen's register, and any license issued or registration  
10 made, may be denied, revoked, cancelled, or suspended as the case  
11 may be, only in the manner prescribed in this section.

12 c. The division may on its own initiative or on complaint of  
13 any person, including any public official or agency, institute  
14 proceedings to revoke, cancel, or suspend any license or registration  
15 after a hearing at which the licensee or registrant and any person  
16 making a complaint shall be given an opportunity to be heard,  
17 provided that any order of the division revoking, cancelling, or  
18 suspending any license or registration shall not become effective  
19 until 15 days subsequent to the serving of notice thereof upon the  
20 licensee or registrant unless in the opinion of the division the  
21 continuance of the license or registration for that period would be  
22 inimical to the public peace or safety. The hearing shall be held in  
23 a manner and upon notice as may be prescribed by the rules of the  
24 division, but the notice shall be of not less than 10 days and shall  
25 state the nature of the complaint.

26 d. Pending the determination of a hearing pursuant to this  
27 section, the division may temporarily suspend a license or  
28 registration if, in the opinion of the division, the continuance of the  
29 license or registration for that 15-day period, pursuant to subsection  
30 c. of this section, is inimical to the public peace or safety.

31 e. The division, or a member, officer, employee, or agent of the  
32 division as may be designated by the division for such purpose,  
33 shall have the power to issue subpoenas to compel the attendance of  
34 witnesses and the giving of testimony or production of other  
35 evidence and to administer oaths in connection with a hearing. It  
36 shall be the duty of the division or of any member, officer,  
37 employee, or agent of the division designated by the division for  
38 that purpose to issue subpoenas at the request of and upon behalf of  
39 the licensee, registrant, or applicant. The person conducting the  
40 hearing on behalf of the division shall not be bound by common law  
41 or statutory rules of evidence or by technical or formal rules of  
42 procedure in conducting the hearing.

43 f. Upon the conclusion of the hearing, the division shall take  
44 action upon the findings and determination as the division deems  
45 proper and shall execute an order carrying its findings into effect.  
46 The action in the case of an application for a license or registration  
47 shall be the granting or denial thereof. The action in the case of a  
48 licensee shall be revocation of the license or suspension thereof for

1 a fixed period or reprimand or a dismissal of the charges. The  
2 action in the case of a registered longshoreman shall be dismissal of  
3 the charges, reprimand, or removal from the longshoremen's  
4 register for a fixed period or permanently.

5 g. The action of the division, in denying any application for a  
6 license or in refusing to include any person in the longshoremen's  
7 register established pursuant to section 8 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), or in suspending or  
9 revoking a license or removing any person from the longshoremen's  
10 register or in reprimanding a licensee, or registrant, shall be subject  
11 to judicial review by a proceeding instituted in this State at the  
12 instance of the applicant, licensee, or registrant in the manner  
13 provided by State law for review of the final decision or action of  
14 an administrative agency of the State; provided, however, that  
15 notwithstanding any other provision of law, the court shall have  
16 power to stay for not more than 30 days an order of the division  
17 suspending or revoking a license or removing a longshoreman from  
18 the longshoremen's register.

19  
20 15. a. At hearings conducted by the division pursuant to section  
21 14 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), applicants, prospective licensees, licensees, and registrants  
23 shall have the right to be accompanied and represented by counsel.

24 b. After the conclusion of a hearing but prior to the making of  
25 an order by the division, a hearing may, upon petition and in the  
26 discretion of the hearing officer, be reopened for the presentation of  
27 additional evidence. A petition to reopen the hearing shall state in  
28 detail the nature of the additional evidence, together with the  
29 reasons for the failure to submit such evidence prior to the  
30 conclusion of the hearing. The division may upon its own motion  
31 and upon reasonable notice reopen a hearing for the presentation of  
32 additional evidence. Upon petition, after the making of an order of  
33 the division, rehearing may be granted in the discretion of the  
34 division. A petition for rehearing shall state in detail the grounds  
35 upon which the petition is based and shall separately set forth each  
36 error of law and fact alleged to have been made by the division in  
37 its determination, together with the facts and arguments in support  
38 thereof. The petition shall be filed with the division not later than  
39 30 days after service of the division's order, unless the division for  
40 good cause shown shall otherwise direct. The division may upon its  
41 own motion grant a rehearing after the making of an order.

42  
43 16. a. The division is hereby designated on its own behalf or as  
44 agent of the State of New Jersey, as provided by the act of Congress  
45 of the United States, effective June 6, 1933, entitled "An act to  
46 provide for the establishment of a national employment system and  
47 for co-operation with the states in the promotion of such system and  
48 for other purposes," as amended, for the purpose of obtaining the

1 benefits of that act of Congress as are necessary or appropriate to  
2 the establishment and operation of employment information centers  
3 authorized by this section.

4 b. The division shall have all powers necessary to take steps to  
5 formulate plans and to execute projects related to the establishment  
6 and operation of employment information centers, as may be  
7 necessary to obtain any benefits for the operation of employment  
8 information centers in accomplishing the purposes of P.L. ,

9 c. (C. ) (pending before the Legislature as this bill).

10 c. Any officer or agency designated by this State, pursuant to  
11 the act of June 6, 1933, as amended, is authorized and empowered,  
12 upon the request of the division and subject to its direction, to  
13 exercise the powers and duties conferred upon the division by the  
14 provisions of this section.

15 d. The division shall establish and maintain one or more  
16 employment information centers within the port of New York  
17 district in this State at locations as the division may determine. A  
18 person shall not, directly or indirectly, hire any person for work as a  
19 longshoreman or port watchman within the port of New York  
20 district in this State, except through an employment information  
21 center as may be prescribed by the division. A person shall not  
22 accept any employment as a longshoreman or port watchman within  
23 the port of New York district in this State, except through an  
24 employment information center. At each employment information  
25 center, the division shall keep and exhibit the longshoremen's  
26 register and any other records the division shall determine to the  
27 end that longshoremen and port watchmen shall have the maximum  
28 information as to available employment at any time within the port  
29 of New York district in this State and that employers shall have an  
30 adequate opportunity to fill their requirements of registered  
31 longshoremen and port watchmen at all times.

32 e. Every employer of longshoremen or port watchmen within  
33 the port of New York district in this State shall furnish information  
34 as may be required by the rules and regulations prescribed by the  
35 division with regard to the name of each person hired as a  
36 longshoreman or port watchman, the time and place of hiring, the  
37 time, place, and hours of work, and the compensation therefor.

38  
39 17. a. The division may designate one of the employment  
40 information centers it is authorized to establish and maintain under  
41 section 16 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill) for the implementation of a telecommunications hiring  
43 system through which longshoremen and checkers may be hired and  
44 accept employment without any personal appearance at the center.  
45 The telecommunications hiring system shall incorporate hiring and  
46 seniority agreements between the employers of longshoremen and  
47 checkers and the labor organizations representing longshoremen  
48 and checkers in the port of New York district in this State, provided

- 1 the agreements are not in conflict with the provisions of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).
- 3 b. The division shall permit employees of the management  
4 organizations representing employers of longshoremen and  
5 checkers in the port of New York district in this State, and of the  
6 labor organizations representing longshoremen and checkers in the  
7 port of New York district in this State, or of a joint board of these  
8 management and labor organizations, to participate in the operation  
9 of the telecommunications hiring system, if these employees are  
10 registered by the division as "telecommunications system  
11 controllers," with respect to the registration of checkers. A person  
12 shall not act as a "telecommunications system controller" unless  
13 that person is registered. An application for registration and a  
14 registration made or issued may be denied, revoked, cancelled, or  
15 suspended, as the case may be, only in the manner prescribed in  
16 section 11 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill). Participation in the operation of the  
18 telecommunications hiring system shall be monitored by the  
19 division.
- 20 c. The records, documents, tapes, discs, and other data  
21 compiled, collected or maintained by a management organization, a  
22 labor organization, and a joint board of these management and labor  
23 organizations pertaining to the telecommunications hiring system  
24 shall be available for inspection, investigation, and duplication by  
25 the division.
- 26
- 27 18. In addition to the grounds elsewhere established in P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill), the  
29 division may deny an application for a license or registration for  
30 any of the following:
- 31 a. Conviction by a court of the United States or any State or  
32 territory thereof of coercion;
- 33 b. Conviction by a court described in subsection a. of this  
34 section, after having been previously convicted by that court of any  
35 crime or of the offenses hereinafter set forth, or any of the  
36 following offenses: assault, malicious injury to property, malicious  
37 mischief, unlawful taking of a motor vehicle, corruption of  
38 employees or possession of illegal betting number slips;
- 39 c. Fraud, deceit or misrepresentation in connection with any  
40 application or petition submitted to, or any interview, hearing or  
41 proceeding conducted by the division or commission;
- 42 d. Violation of any provision of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) or commission of any offense  
44 thereunder;
- 45 e. Refusal on the part of any applicant, or prospective licensee,  
46 or of any member, officer or stockholder required by section 7 of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
48 sign or be identified in an application for a stevedore license, to

1 answer any material question or produce any material evidence in  
2 connection with the person's application or any application made on  
3 the person's behalf for a license or registration pursuant to section 7  
4 of P.L. , c. (C. ) (pending before the Legislature as this  
5 bill);

6 f. Association with a person who has been identified by a  
7 federal, State, or local law enforcement agency as a member or  
8 associate of an organized crime group, a terrorist group, or a career  
9 offender cartel, or who is a career offender, under circumstances  
10 where that association creates a reasonable belief that the  
11 participation of the applicant in any activity required to be licensed  
12 or registered under P.L. , c. (C. ) (pending before the  
13 Legislature as this bill) would be inimical to the purposes of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill); or

15 g. Conviction of a racketeering activity or knowing association  
16 with a person who has been convicted of a racketeering activity by  
17 a court of the United States, or any State or territory thereof under  
18 circumstances where that association creates a reasonable belief that  
19 the participation of the applicant in any activity required to be  
20 licensed or registered under P.L. , c. (C. ) (pending before  
21 the Legislature as this bill) would be inimical to the purposes of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill).

23  
24 19. In addition to the grounds elsewhere set forth in P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill), any  
26 license or registration issued or made pursuant thereto may be  
27 revoked or suspended for a period as the division deems in the  
28 public interest or the licensee or registrant may be reprimanded, for:

29 a. Conviction of any crime or offense in relation to illegal  
30 gambling, bookmaking, or similar crimes or offenses if the crime or  
31 offense was committed at or on a pier or other waterfront terminal  
32 or within 500 feet thereof;

33 b. Willful authority of, or willful attempt to commit at or on a  
34 waterfront terminal or adjacent highway, any act of physical injury  
35 to any other person or of willful damage to or misappropriation of  
36 any other person's property, unless justified or excused by law;

37 c. Receipt or solicitation of anything of value from any person  
38 other than a licensee's or registrant's employer as consideration for  
39 the selection or retention for employment of a licensee or registrant;

40 d. Coercion of a licensee or registrant by threat of  
41 discrimination or violence or economic reprisal, to make purchases  
42 from or to utilize the services of any person;

43 e. Refusal to answer any material question or produce any  
44 evidence lawfully required to be answered or produced at any  
45 investigation, interview, hearing, or other proceeding conducted by  
46 the division pursuant to section 14 of P.L. , c. (C. )  
47 (pending before the Legislature as this bill), or, if the refusal is  
48 accompanied by a valid plea of privilege against self-incrimination,

1 refusal to obey an order to answer the question or produce any  
2 evidence made by the division pursuant to section 14 of P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill); or  
4 f. Association with a person who has been identified by a  
5 federal, State, or local law enforcement agency as a member or  
6 associate of an organized crime group, a terrorist group, or a career  
7 offender cartel, or who is a career offender, under circumstances  
8 where that association creates a reasonable belief that the  
9 participation of the licensee or registrant in any activity required to  
10 be licensed or registered under P.L. , c. (C. ) (pending  
11 before the Legislature as this bill) would be inimical to the purposes  
12 of P.L. , c. (C. ) (pending before the Legislature as this  
13 bill); or  
14 g. Conviction of a racketeering activity or knowing association  
15 with a person who has been convicted of a racketeering activity by  
16 a court of the United States, or any State, or territory thereof under  
17 circumstances where that association creates a reasonable belief that  
18 the participation of the licensee or registrant in any activity required  
19 to be licensed or registered under P.L. , c. (C. ) (pending  
20 before the Legislature as this bill) would be inimical to the purposes  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill).  
23  
24 20. a. In any investigation, interview, or other proceeding  
25 conducted under oath by the division or any duly authorized officer,  
26 employee, or agent thereof, if a person refuses to answer a question  
27 or produce evidence of any other kind on the ground that the person  
28 may be incriminated thereby, and notwithstanding the refusal, an  
29 order is made upon 24 hours' prior written notice to the Attorney  
30 General of the State of New Jersey, and to the appropriate district  
31 attorney or prosecutor having an official interest therein, by the  
32 Superintendent of the division or the superintendent's designee, that  
33 the person answer the question or produce the evidence, the person  
34 shall comply with the order. If the person complies with the order,  
35 and if, but for this section, would have been privileged to withhold  
36 the answer given or the evidence produced by the person, then  
37 immunity shall be conferred upon the person, as provided for  
38 herein. Immunity shall not be conferred upon any person except in  
39 accordance with the provisions of this section. If, after compliance  
40 with the provisions of this section, a person is ordered to answer a  
41 question or produce evidence of any other kind and complies with  
42 the order, and it is thereafter determined that the Attorney General  
43 or appropriate district attorney or prosecutor having an official  
44 interest therein was not notified, that failure or neglect shall not  
45 deprive that person of any immunity otherwise properly conferred  
46 upon the person. But the person may nevertheless be prosecuted or  
47 subjected to penalty or forfeiture for any perjury or contempt  
48 committed in answering, or failing to answer, or in producing or

1 failing to produce evidence, in accordance with the order, and any  
2 answer given or evidence produced shall be admissible against the  
3 person upon any criminal proceeding concerning such perjury or  
4 contempt.

5 b. If a person, in obedience to a subpoena directing the person  
6 to attend and testify, is in this State or comes into this State from  
7 the State of New York, the person shall not, while in this State  
8 pursuant to such subpoena, be subject to arrest or the service of  
9 process, civil or criminal, in connection with matters which arose  
10 before the person's entrance into this State under the subpoena.

11  
12 21. a. The division may temporarily suspend a temporary permit  
13 or a permanent license or a temporary or permanent registration  
14 issued pursuant to the provisions of P.L. , c. (C. ) (pending  
15 before the Legislature as this bill) until further order of the division  
16 or final disposition of the underlying case, only where the  
17 permittee, licensee, or registrant has been indicted for, or otherwise  
18 charged with, a crime which is equivalent to a crime of the third,  
19 second, or first degree in this State or only where the permittee or  
20 licensee is a port watchman who is charged by the division pursuant  
21 to section 13 of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) with misappropriating any other person's  
23 property at or on a pier or other waterfront terminal.

24 b. In the case of a permittee, licensee, or registrant who has  
25 been indicted for, or otherwise charged with, a crime, the temporary  
26 suspension shall terminate immediately upon acquittal or upon  
27 dismissal of the criminal charge. A person whose permit, license,  
28 or registration has been temporarily suspended may, at any time,  
29 demand that the division conduct a hearing as provided for in  
30 section 14 of P.L. , c. (C. ) (pending before the Legislature  
31 as this bill). Within 60 days of the demand, the division shall  
32 commence the hearing and, within 30 days of receipt of the  
33 administrative law judge's report and recommendation, the division  
34 shall render a final determination thereon; provided, however, that  
35 these time requirements, shall not apply for any period of delay  
36 caused or requested by the permittee, licensee, or registrant. Upon  
37 failure of the division to commence a hearing or render a  
38 determination within the time limits prescribed herein, the  
39 temporary suspension of the permittee, licensee, or registrant shall  
40 immediately terminate. Notwithstanding any other provision of this  
41 subsection, if a federal, State, or local law enforcement agency or  
42 prosecutor's office shall request the suspension or deferment of any  
43 hearing on the ground that the hearing would obstruct or prejudice  
44 an investigation or prosecution, the division may in its discretion,  
45 postpone or defer the hearing for a time certain or indefinitely. Any  
46 action by the division to postpone a hearing shall be subject to  
47 immediate judicial review as provided in subsection b. of this  
48 section.



1       c. The division may, within its discretion, bar any permittee,  
2 licensee, or registrant who has been suspended pursuant to the  
3 provisions of subsection a. of this section, from any employment by  
4 a licensed stevedore or a carrier of freight by water, if that  
5 individual has been indicted or otherwise charged in any federal,  
6 State, or territorial proceeding with any crime involving the  
7 possession with intent to distribute, sale, or distribution of a  
8 controlled dangerous substance or controlled dangerous substance  
9 analog, racketeering, or theft from a pier or waterfront terminal.

10  
11       22. The division is authorized to co-operate with the  
12 commission, a similar authority, or other public entity of the State  
13 of New York, to exchange information on any matter pertinent to  
14 the purposes of P.L.       , c.       (C.       ) (pending before the  
15 Legislature as this bill), and to enter into reciprocal agreements for  
16 the accomplishment of those purposes, including, but not limited to,  
17 the following objectives:

18       a. To provide for the reciprocal recognition of any license  
19 issued or registration made by the commission;

20       b. To give reciprocal effect to any revocation, suspension, or  
21 reprimand with respect to any licensee, and any reprimand or  
22 removal from a longshoremen's register;

23       c. To provide that any act or omission by a licensee or  
24 registrant in either State which would be a basis for disciplinary  
25 action against the licensee or registrant if it occurred in the state in  
26 which the license was issued or the person registered shall be the  
27 basis for disciplinary action in either state; and

28       d. To provide that longshoremen registered in either state, who  
29 perform work or who apply for work at an employment information  
30 center within the other State shall be deemed to have performed  
31 work or to have applied for work in the State in which they are  
32 registered.

33  
34       23. a. The provisions of P.L.       , c.       (C.       ) (pending before  
35 the Legislature as this bill) are not designed and shall not be  
36 construed to limit in any way any rights granted or derived from  
37 any other statute or any rule of law for employees to organize in  
38 labor organizations, to bargain collectively and to act in any other  
39 way individually, collectively, and through labor organizations or  
40 other representatives of their own choosing. Without limiting the  
41 generality of the foregoing, nothing contained in P.L.       , c.       (C.       )  
42 (pending before the Legislature as this bill) shall be construed to  
43 limit in any way the right of employees to strike.

44       b. The provisions of P.L.       , c.       (C.       ) (pending before the  
45 Legislature as this bill) are not designed and shall not be construed  
46 to limit in any way any rights of longshoremen, hiring agents, pier  
47 superintendents, or port watchmen or their employers to bargain  
48 collectively and agree upon any method for the selection of those

1 employees by way of seniority, experience, regular gangs, or  
2 otherwise; provided, that those employees shall be licensed or  
3 registered hereunder and longshoremen and port watchmen shall be  
4 hired only through the employment information centers established  
5 hereunder and that all other provisions of P.L. , c. (C. )  
6 (pending before the Legislature as this bill) be observed.

7  
8 24. a. Any officer or employee in the State, county, or municipal  
9 civil service in either State who shall transfer to service with the  
10 division may be given one or more leaves of absence without pay  
11 and may, before the expiration of the leave or leaves of absence,  
12 and without further examination or qualification, return to the  
13 person's former position or be certified by the appropriate civil  
14 service agency for retransfer to a comparable position in the State,  
15 county, or municipal civil service if a comparable position is then  
16 available.

17 b. The division may, by agreement with any federal agency  
18 from which any officer or employee may transfer to service with the  
19 division to undertake any of the duties or responsibilities  
20 established pursuant to P.L. , c. (C. ) (pending before the  
21 Legislature as this bill), make similar provision for the retransfer of  
22 the officer or employee to that federal agency.

23 c. Notwithstanding the provisions of any other law, rule, or  
24 regulation, any officer or employee in the State, county, or  
25 municipal service in either State who shall transfer to service with  
26 the division and who is a member of any existing State, county, or  
27 municipal pension or retirement system in New Jersey or New  
28 York, shall continue to have all rights, privileges, obligations, and  
29 status with respect to that fund, system, or systems as if the person  
30 had continued in State, county, or municipal office or employment,  
31 but during the period of service as a member, officer, or employee  
32 of the division, all contributions to any pension or retirement fund  
33 or system to be paid by the employer on account of the member,  
34 officer, or employee, shall be paid by the State Treasurer. The  
35 division may, by agreement with the appropriate federal agency,  
36 make similar provisions relating to continuance of retirement  
37 system membership for any federal officer or employee so  
38 transferred.

39  
40 25. (New section) a. The division shall annually adopt a budget  
41 of its expenses for each year for the purposes of its duties and  
42 responsibilities under P.L. , c. (C. ) (pending before the  
43 Legislature as this bill). Each budget shall be submitted to the  
44 Governor and the budget shall be adjusted accordingly.

45 b. After taking into account funds as may be available to the  
46 division from reserves, federal grants or otherwise, the balance of  
47 the division's budgeted expenses for the performance of its  
48 functions and duties under P.L. , c. (C. ) (pending before

1 the Legislature as this bill) shall be assessed upon employers of  
2 persons registered or licensed pursuant to P.L. , c. (C. )  
3 (pending before the Legislature as this bill). Each employer shall  
4 pay to the State Treasurer, for placement within the General Fund,  
5 an assessment computed upon the gross payroll payments made by  
6 that employer to longshoremen, pier superintendents, hiring agents,  
7 and port watchmen for work or labor performed within the port of  
8 New York district in this State, at a rate, not in excess of two  
9 percent, computed by the division in the following manner: the  
10 division shall annually estimate the gross payroll payments to be  
11 made by employers subject to assessment and shall compute a rate  
12 thereon which will yield revenues sufficient to finance the division's  
13 budget for the performance of those functions and duties under  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 for each year. That budget may include a reasonable amount for a  
16 reserve, but the amount shall not exceed 10 percent of the total of  
17 all other items of expenditure contained therein. The reserve shall  
18 be used for the stabilization of annual assessments, the payment of  
19 operating deficits, and for the repayment of advances made by the  
20 State, if any.

21 c. The amount required to balance the division's budgeted  
22 expenses for the performance of its functions and duties under  
23 P.L. , c. (C. ) (pending before the Legislature as this bill),  
24 in excess of the estimated yield of the maximum assessment, shall  
25 be certified by the division, with the approval of the Governor, in  
26 proportion to the gross annual wage payments made to  
27 longshoremen for work within the port of New York district in this  
28 State.

29 d. The division may provide by regulation for the collection  
30 and auditing of assessments. In addition to any other sanction  
31 provided by law, the division may revoke or suspend any license  
32 held by any person under P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), or the person's privilege of employing  
34 persons registered or licensed hereunder, for non-payment of any  
35 assessment when due.

36 e. The assessment hereunder shall be in lieu of any other  
37 charge for the issuance of licenses to stevedores, pier  
38 superintendents, hiring agents, and port watchmen or for the  
39 registration of longshoremen or use of an employment information  
40 center. The division shall establish reasonable procedures for the  
41 consideration of protests by affected employees concerning the  
42 estimates and computation of the rate of assessment.

43  
44 26. a. (1) Every person subject to the payment of any assessment  
45 under the provisions of section 25 of P.L. , c. (C. ) (pending  
46 before the Legislature as this bill) shall file on or before the 15th  
47 day of the first month of each calendar quarter-year a separate  
48 return, together with the payment of the assessment due, for the

1 preceding calendar quarter-year during which any payroll payments  
2 were made to longshoremen, pier superintendents, hiring agents, or  
3 port watchmen for work performed by those employees within the  
4 port of New York district in this State. Returns covering the  
5 amount of assessment payable shall be filed with the division on  
6 forms to be furnished for that purpose and shall contain data,  
7 information, or matter as the division may require to be included  
8 therein. The division may grant a reasonable extension of time for  
9 filing returns, or for the payment of assessment, whenever good  
10 cause exists. Every return shall have annexed thereto a certification  
11 to the effect that the statements contained therein are true.

12 (2) Every person subject to the payment of assessment  
13 hereunder shall keep an accurate record of that person's  
14 employment of longshoremen, pier superintendents, hiring agents,  
15 or port watchmen, which shall show the amount of compensation  
16 paid and other information as the division may require. Those  
17 records shall be preserved for a period of three years and be open  
18 for inspection at reasonable times. The division may consent to the  
19 destruction of the records at any time after that period or may  
20 require that they be kept longer, but not in excess of six years.

21 (3) (a) The division shall audit and determine the amount of  
22 assessment due from the return filed and such other information as  
23 is available to it. Whenever a deficiency in payment of the  
24 assessment is determined, the division shall give notice of the  
25 determination to the person liable therefor. The determination shall  
26 finally and conclusively fix the amount due, unless the person  
27 against whom the assessment is assessed shall, within 30 days after  
28 the giving of notice of the determination, apply in writing to the  
29 division for a hearing, or unless the division on its own motion shall  
30 reduce the assessment. After the hearing, the division shall give  
31 notice of its decision to the person liable therefor. A determination  
32 of the division under this section shall be subject to judicial review,  
33 if application for that review is made within 30 days after the giving  
34 of notice of the decision. Any determination under this section  
35 shall be made within five years from the time the return was filed  
36 and if no return was filed, the determination may be made at any  
37 time.

38 (b) Any notice authorized or required under this section may be  
39 given by mailing the notice to the person for whom it is intended at  
40 the last address that the person shall have given to the division, or  
41 in the last return filed with the division under this section, or, if a  
42 return has not been filed, then to an address as may be obtainable.  
43 The mailing of the notice shall be presumptive evidence of the  
44 receipt of it by the person to whom the notice is addressed. Any  
45 period of time, which is determined for the giving of notice shall  
46 commence to run from the date of mailing of the notice.

47 (4) Whenever any person shall fail to pay, within the time  
48 limited herein, any assessment which the person is required to pay

1 to the division under the provisions of this section, the division may  
2 enforce payment of the assessment by civil action for the amount of  
3 the assessment with interest and penalties.

4 (5) The employment by a nonresident of a longshoreman, or a  
5 licensed pier superintendent, hiring agent, or port watchman in this  
6 State or the designation by a nonresident of a longshoreman, pier  
7 superintendent, hiring agent, or port watchman to perform work in  
8 this State shall be deemed equivalent to an appointment by the  
9 nonresident of the Secretary of State to be the nonresident's true  
10 and lawful attorney upon whom may be served the process in any  
11 action or proceeding against the nonresident growing out of any  
12 liability for assessments, penalties, or interest, and a consent that  
13 any process against the nonresident which is served shall be of the  
14 same legal force and validity as if served personally within the State  
15 and within the territorial jurisdiction of the court from which the  
16 process issues. Service of process within the State shall be made by  
17 either:

18 (a) personally delivering to and leaving with the Secretary of  
19 State duplicate copies thereof at the office of the Department of  
20 State, in which event the Secretary of State shall forthwith send by  
21 registered mail one of the copies to the person at the last address  
22 designated by the person to the division for any purpose under this  
23 section or in the last return filed by the person under this section  
24 with the division or as shown on the records of the division, or if no  
25 return has been filed, at the person's last known office address  
26 within or outside of the State; or

27 (b) personally delivering to and leaving with the Secretary of  
28 State a copy thereof at the office of the Department of State and by  
29 delivering a copy thereof to the person, personally outside of the  
30 State. Proof of personal service outside of the State shall be filed  
31 with the clerk of the court in which the process is pending within 30  
32 days after that service and the service shall be deemed complete 10  
33 days after proof thereof is filed.

34 (6) Whenever the division shall determine that any monies  
35 received as assessments were paid in error, it may cause the same to  
36 be refunded, provided an application therefor is filed with the  
37 division within two years from the time the erroneous payment was  
38 made.

39 (7) In addition to any other powers authorized hereunder, the  
40 division shall have power to make reasonable rules and regulations,  
41 pursuant to the provisions of the "Administrative Procedure Act,"  
42 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of  
43 this section.

44 (8) Any person who shall willfully fail to pay any assessment  
45 due hereunder shall be assessed interest at a rate of one percent per  
46 month on the amount due and unpaid and penalties of five percent  
47 of the amount due for each 30 days or part thereof that the

1 assessment remains unpaid. The division may, for good cause  
2 shown, abate all or part of that penalty.

3 (9) Any person who shall willfully furnish false or fraudulent  
4 information or shall willfully fail to furnish pertinent information,  
5 as required, with respect to the amount of assessment due, shall be  
6 guilty of a disorderly persons offense.

7 (10) All funds of the division received as payment of any  
8 assessment or penalty under this section shall be deposited with the  
9 State Treasurer. The State Treasurer may require that all deposits  
10 be secured by obligations of the United States or of the State of  
11 New Jersey of a market value equal at all times to the amount of the  
12 deposits, and all banks and trust companies are authorized to give  
13 security for the deposits.

14 (11) The accounts, books, and records of the division related to  
15 the purposes established pursuant to P.L. , c. (C. ) (pending  
16 before the Legislature as this bill), including its receipts,  
17 disbursements, contracts, leases, investments, and any other matters  
18 relating to its financial standing shall be examined and audited  
19 annually by independent auditors to be retained for such purpose by  
20 the division.

21 b. The division shall reimburse the State Treasurer for any  
22 funds advanced to the division exclusive of sums appropriated  
23 pursuant to section 25 of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill).

25

26 27. It shall be unlawful for any person to load or unload  
27 waterborne freight onto or from vehicles other than railroad cars at  
28 piers or at other waterfront terminals within the port of New York  
29 district, for a fee or other compensation, other than the following  
30 persons and their employees:

31 a. Carriers of freight by water, but only at piers at which their  
32 vessels are berthed;

33 b. Other carriers of freight, including but not limited to,  
34 railroads and truckers, but only in connection with freight  
35 transported or to be transported by those other carriers;

36 c. Operators of piers or other waterfront terminals, including  
37 railroads, truck terminal operators, warehousemen and other  
38 persons, but only at piers or other waterfront terminals operated by  
39 them;

40 d. Shippers or consignees of freight, but only in connection  
41 with freight shipped by the shipper or consigned to the consignee;  
42 and

43 e. Stevedores licensed under section 7 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill), whether or not  
45 waterborne freight has been or is to be transported by a carrier of  
46 freight by water with which the stevedore shall have a contract of  
47 the type prescribed by paragraph (4) of subsection e. of this section.

1        Nothing herein contained shall be deemed to permit any loading  
2        or unloading of any waterborne freight at any place by any person  
3        by means of any independent contractor, or any other agent other  
4        than an employee, unless the independent contractor is a person  
5        permitted by section 7 of P.L.     , c.     (C.     ) (pending before the  
6        Legislature as this bill) to load or unload freight at a place in the  
7        person's own right.

8  
9        28. a. A person shall not solicit, collect, or receive any dues,  
10       assessments, levies, fines, or contributions, or other charges within  
11       the State of New Jersey for or on behalf of any labor organization,  
12       which represents employees registered or licensed pursuant to the  
13       provisions of P.L.     , c.     (C.     ) (pending before the Legislature  
14       as this bill) in their capacities as registered or licensed employees or  
15       which derives its charter from a labor organization representing 100  
16       or more of its registered or licensed employees, if any officer,  
17       agent, or employee of the labor organization for which dues,  
18       assessments, levies, fines, or contributions, or other charges are  
19       solicited, collected, or received, or of a welfare fund or trust  
20       administered partially or entirely by the labor organization or by  
21       trustees or other persons designated by the labor organization, has  
22       been convicted by a court of the United States, or any State or  
23       territory thereof, of treason, murder, manslaughter, or any felony,  
24       crime involving moral turpitude, or any crime or offense  
25       enumerated subsection g. of section 6 of P.L.     , c.     (C.     )  
26       (pending before the Legislature as this bill), unless that person has  
27       been subsequently pardoned therefor by the Governor or other  
28       appropriate authority of the State in which the conviction was had  
29       or has received a certificate of good conduct or other relief from  
30       disabilities arising from the fact of conviction from a parole board  
31       or similar authority.

32       b. Any person who shall violate this section shall be guilty of a  
33       petty disorderly persons offense.

34       c. Any person who shall violate, aid and abet the violation, or  
35       conspire or attempt to violate this subsection shall be guilty of a  
36       petty disorderly persons offense.

37       d. If upon application to the division by an employee who has  
38       been convicted of a crime or offense specified in subsection b. of  
39       this section, the authority, in its discretion, determines in an order  
40       that it would not be contrary to the purposes and objectives of  
41       P.L.     , c.     (C.     ) (pending before the Legislature as this bill)  
42       for that employee to work in a particular employment for a labor  
43       organization, welfare fund, or trust, the provisions of subsection b.  
44       of this section shall not apply to the particular employment of the  
45       employee with respect to that conviction or convictions as are  
46       specified in the division's order. This subsection is applicable only  
47       to those employees, who for wages or salary, perform manual,  
48       mechanical, or physical work of a routine or clerical nature at the

1 premises of the labor organization, welfare fund, or trust by which  
2 they are employed.

3 e. A person who has been convicted of a crime or offense  
4 specified in subsection b. of this section shall not directly or  
5 indirectly serve as an officer, agent, or employee of a labor  
6 organization, welfare fund, or trust, unless the person has been  
7 subsequently pardoned for that crime or offense by the Governor or  
8 other appropriate authority of the State in which the conviction was  
9 had or has received a certificate of good conduct or other relief  
10 from disabilities arising from the fact of conviction from a parole  
11 board or similar authority or has received an order of exception  
12 from the division. A person, including a labor organization, welfare  
13 fund, or trust, shall not knowingly permit any other person to  
14 assume or hold any office, agency, or employment in violation of  
15 this section.

16 f. The division may maintain a civil action against any person,  
17 labor organization, welfare fund, or trust, or officers thereof to  
18 compel compliance with this section, or to prevent any violations,  
19 the aiding and abetting thereof, or any attempt or conspiracy to  
20 violate this section, either by mandamus, injunction, or action or  
21 proceeding in lieu of prerogative writ and upon a proper showing a  
22 temporary restraining order or other appropriate temporary order  
23 shall be granted ex parte and without bond pending final hearing  
24 and determination. Nothing in this subsection shall be construed to  
25 modify, limit, or restrict in any way the provisions of subsection a.  
26 of this section.

27  
28 29. a. Any person who, having been duly sworn or affirmed as a  
29 witness in any investigation, interview, hearing or other proceeding  
30 conducted by the division pursuant to section 15 of P.L. , c. (C. )  
31 (pending before the Legislature as this bill), shall willfully give  
32 false testimony shall be guilty of a disorderly persons offense.

33 b. The division may maintain a civil action on behalf of the  
34 State against any person who violates or attempts or conspires to  
35 violate P.L. , c. (C. ) (pending before the Legislature as this  
36 bill) or who fails, omits, or neglects to obey, observe, or comply  
37 with any order or direction of the division, to recover a judgment  
38 for a money penalty not exceeding \$500 for each and every offense.  
39 Every violation of any provision of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill), or any division order or  
41 direction, shall be a separate and distinct offense, and, in case of a  
42 continuing violation, every day's continuance shall be and be  
43 deemed to be a separate and distinct offense. Any civil action may  
44 be compromised or discontinued on application of the division upon  
45 the terms as the court may approve and a judgment may be rendered  
46 for an amount less than the amount demanded in the complaint as  
47 justice may require.



1 c. The division may maintain a civil action against any person  
2 to compel compliance with any of the provisions of P.L. , c. (C. )  
3 (pending before the Legislature as this bill), or to prevent  
4 violations, attempts, or conspiracies to violate any provisions of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 or interference, attempts, or conspiracies to interfere with or impede  
7 the enforcement of any provisions of P.L. , c. (C. ) (pending  
8 before the Legislature as this bill) or the exercise or performance of  
9 any power or duty thereunder, either by mandamus, injunction, or  
10 action or proceeding in lieu of prerogative writ.

11 d. Any person who shall violate any of the provisions of  
12 P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 for which no other penalty is prescribed, shall be guilty of a petty  
14 disorderly persons offense.

15 e. Any person who shall, without a satisfactory explanation,  
16 loiter upon any vessel, dock, wharf, pier, bulkhead, terminal,  
17 warehouse, or other waterfront facility or within 500 feet thereof in  
18 that portion of the port of New York district in this State, shall be  
19 guilty of a petty disorderly persons offense.

20 f. Any person who, without justification or excuse in law,  
21 directly or indirectly, intimidates or inflicts any injury, damage,  
22 harm, loss, or economic reprisal upon any person licensed or  
23 registered by the division, or any other person, or attempts,  
24 conspires, or threatens so to do, in order to interfere with, impede,  
25 or influence the licensed or registered person in the performance or  
26 discharge of the licensed or registered person's duties or obligations  
27 shall be punishable as provided in this section.

28

29 30. a. The failure of any witness, when duly subpoenaed to  
30 attend, give testimony, or produce other evidence in connection  
31 with any matter arising under the provisions of P.L. , c. (C. )  
32 (pending before the Legislature as this bill), whether or not at a  
33 hearing, shall be punishable by the Superior Court in New Jersey in  
34 the same manner as that failure is punishable by the court in a case  
35 therein pending.

36 b. Any person who, having been sworn or affirmed as a witness  
37 in any hearing pursuant to subsection a. of this section, shall  
38 willfully give false testimony or who shall willfully make or file  
39 any false or fraudulent report or statement required by P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill) to be  
41 made or filed under oath, shall be guilty of a disorderly persons  
42 offense.

43 c. Any person who violates or attempts or conspires to violate  
44 any other provision of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill) shall be punishable as may be provided by  
46 section 28 of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill).

1       d. Any person who interferes with or impedes the orderly  
2 registration of longshoremen pursuant to P.L.     , c.     (C.     )  
3 (pending before the Legislature as this bill) or who conspires to or  
4 attempts to interfere with or impede such registration shall be  
5 punishable as may be provided by section 28 of P.L.     , c.     (C.     )  
6 (pending before the Legislature as this bill).

7       e. Any person who, directly or indirectly, inflicts or threatens  
8 to inflict any injury, damage, harm, or loss or in any other manner  
9 practices intimidation upon or against any person in order to induce  
10 or compel such person or any other person to refrain from  
11 registering pursuant to section 8 of P.L.     , c.     (C.     ) (pending  
12 before the Legislature as this bill) shall be punishable as may be  
13 provided by section 28 of P.L.     , c.     (C.     ) (pending before the  
14 Legislature as this bill).

15       f. In any prosecution under this section, it shall be sufficient to  
16 prove only a single act, or a single holding out or attempt,  
17 prohibited by law, without having to prove a general course of  
18 conduct, in order to prove a violation.

19

20       31. As of the transfer date, the waterfront commission compact,  
21 entered into by the State of New Jersey pursuant to its agreement  
22 thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State  
23 of New York pursuant to its agreement thereto under P.L.1953,  
24 c.882 (NY Unconsol. Ch. 307, s.1), as amended and supplemented,  
25 the airport commission compact, entered into by the State of New  
26 Jersey pursuant to its agreement thereto under P.L.1970, c.58  
27 (C.32:23-150 et seq.) and by the State of New York pursuant to its  
28 agreement thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307,  
29 s.10), and the commission, are dissolved.

30

31       32. The following are repealed:

32       P.L.1953, c.202 (C.32:23-1 et seq.);

33       P.L.1991, c.248 (C.32:23-23.1);

34       P.L.1985, c.32 (C.32:23-43.1 and 32:23-44.1);

35       Section 2 of P.L.1956, c.20 (C.32:23-75.1);

36       P.L.1954, c.3 (C.32:23-77.1 et seq.);

37       Sections 4 and 5 of P.L.1962, c.5 (C.32:23-80.1 and 32:23-80.2);

38       P.L.1954, c.14 (C.32:23-85 et seq.);

39       P.L.1956, c.19 (C.32:23-99 et seq.);

40       Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
41 32:23-108);

42       P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);

43       Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
44 through 32:23-113);

45       Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
46 32:23-117);

47       P.L.1976, c.102 (C.32:23-118 through 32:23-121); and

1 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
2 150 through 32:23-225).

3  
4 33. This act shall take effect immediately, but sections 3 through  
5 32 shall be inoperative until the transfer date has occurred pursuant  
6 to section 31 of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill).

8  
9  
10 STATEMENT

11  
12 This bill directs the Governor, on behalf of the State of New  
13 Jersey, to notify the Congress of the United States, the Governor of  
14 the State of New York, and the Waterfront Commission of New  
15 York Harbor (commission), of the State of New Jersey's intention  
16 to withdraw from the compact creating the commission (compact),  
17 and repealing the compact establishing the commission and related  
18 statutes. The compact does not contain an express withdrawal  
19 provision, nor does it contain a mandatory effective term. While  
20 Congress retains the power to repeal its approval of the compact,  
21 this does not vitiate the contractual rights of the compacting states.  
22 Unilateral termination of the compact by a contracting state is  
23 supported by principles of contract law. Since the compact contains  
24 no language that New Jersey and New York are perpetually bound  
25 by the compact, contract law allows a party to terminate the  
26 contract at will upon reasonable notice if the party is not perpetually  
27 bound by it.

28 The bill provides for the assumption of the commission's  
29 functions and duties within the State of New Jersey by the New  
30 Jersey State Police in order to ensure fair hiring and employment  
31 practices and investigate, deter, and combat criminal activity and  
32 influence in the New Jersey portion of the port of New York (port).  
33 These duties include: processing applications filed by individuals  
34 and firms required to be registered or licensed to undertake port-  
35 related employment; supervising the hiring of longshorepersons,  
36 checkers, and pier guards in the port; and makes employment  
37 information available to these dock workers. The State Police is  
38 responsible for screening, registering, and licensing individuals who  
39 are interested in working at the dock. In doing so, the State Police  
40 is authorized to deny or revoke the registration or licenses of those  
41 who involve themselves in criminal activity.

42 Under legislation enacted by New Jersey and New York in 1953  
43 and consented to by Congress that same year, the two states entered  
44 into a compact establishing the commission. The commission is  
45 empowered under the compact to regulate the employment of  
46 individuals, and the engagement of businesses, in the provision of  
47 various cargo handling services within the port of New York  
48 district. Notably, the compact provides for the licensure of those

1 acting within the district as pier superintendents, hiring agents,  
2 stevedores, and port watchmen, and for the registration of  
3 longshoremen. The commission is authorized to establish and  
4 maintain within the district "employment information centers"  
5 through which longshoremen and port watchmen are hired in order  
6 to work in the port district. The compact provides that conviction  
7 of any of various offenses shall be grounds upon which a person  
8 may be disqualified from receiving or retaining status as a licensee  
9 or registrant under the compact. The compact authorizes the  
10 commission to enforce its regulations through investigations,  
11 hearings and civil penalties, and to fund its operations through an  
12 assessment upon the employers of those subject to its regulation;  
13 the assessment may not exceed two percent of the estimated gross  
14 payroll of those employers. All of these duties and responsibilities  
15 under the compact are to be transferred to the State Police and the  
16 revenues from the assessment are to be deposited in the State's  
17 General Fund instead of the commission.

18 Further, in 1970, both New Jersey and New York enacted  
19 legislation to supplement the 1953 compact. Under that legislation,  
20 the commission's authority to regulate cargo handling was extended  
21 to the licensure of those serving at airports within the two states as  
22 airfreightmen or airfreightman supervisors, air freight terminal  
23 operators, or air freight truck carriers. Like the earlier legislation,  
24 the 1970 legislation confers on the commission the power to enforce  
25 its regulation of airport cargo handling, and to fund regulatory and  
26 improvement activity through a payroll-based assessment on  
27 employers. This supplementary compact has not received  
28 Congressional consent, and has not been implemented. The bill  
29 repeals the 1970 legislation.