

SENATE, No. 413

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1953

By Mr. VAN ALSTYNE

(Without Reference)

AN ACT to enter into a compact with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne freight within the port of New York district and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers, and, in the absence of such compact, to accomplish such objectives within the New Jersey portion of the Port of New York district, and making an appropriation therefor.

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

PART I

1 Section 1. Compact. The State of New Jersey hereby agrees with the
2 State of New York, upon the enactment by the State of New York of legis-
3 lation having the same effect as this section, to the following compact:

ARTICLE I

FINDINGS AND DECLARATIONS

1 1. The States of New Jersey and New York hereby find and declare that
2 the conditions under which waterfront labor is employed within the Port of
3 New York district are depressing and degrading to such labor, resulting
4 from the lack of any systematic method of hiring, the lack of adequate in-
5 formation as to the availability of employment, corrupt hiring practices
6 and the fact that persons conducting such hiring are frequently criminals

7 and persons notoriously lacking in moral character and integrity and neither
8 responsive or responsible to the employers nor to the uncoerced will of the
9 majority of the members of the labor organizations of the employees; that
10 as a result waterfront laborers suffer from irregularity of employment, fear
11 and insecurity, inadequate earnings, an unduly high accident rate, subjec-
12 tion to borrowing at usurious rates of interest, exploitation and extortion
13 as the price of securing employment and a loss of respect for the law; that
14 not only does there result a destruction of the dignity of an important seg-
15 ment of American labor, but a direct encouragement of crime which imposes
16 a levy of greatly increased costs on food, fuel and other necessities handled
17 in and through the Port of New York district.

1 2. The States of New Jersey and New York hereby find and declare
2 that many of the evils above described result not only from the causes
3 above described but from the practices of public loaders at piers and other
4 waterfront terminals; that such public loaders serve no valid economic pur-
5 pose and operate as parasites exacting a high and unwarranted toll on the
6 flow of commerce in and through the Port of New York district, and have
7 used force and engaged in discriminatory and coercive practices including
8 extortion against persons not desiring to employ them; and that the func-
9 tion of loading and unloading trucks and other land vehicles at piers and
10 other waterfront terminals can and should be performed, as in every other
11 major American port, without the evils and abuses of the public loader sys-
12 tem, and by the carriers of freight by water, stevedores and operators of
13 such piers and other waterfront terminals or the operators of such trucks or
14 other land vehicles.

1 3. The States of New Jersey and New York hereby find and declare that
2 many of the evils above described result not only from the causes above
3 described but from the lack of regulation of the occupation of stevedores;
4 that such stevedores have engaged in corrupt practices to induce their hire
5 by carriers of freight by water and to induce officers and representatives
6 of labor organizations to betray their trust to the members of such labor
7 organizations.

1 4. The States of New Jersey and New York hereby find and declares that
2 the occupations of longshoremen, stevedores, pier superintendents, hiring
3 agents and port watchmen are affected with a public interest requiring their
4 regulation and that such regulation shall be deemed an exercise of the police
5 power of the two States for the protection of the public safety, welfare,
6 prosperity, health, peace and living conditions of the people of the two States.

ARTICLE II

DEFINITIONS

1 As used in this compact:

2 "The Port of New York district" shall mean the district created by
3 Article II of the compact dated April thirtieth, one thousand nine hundred
4 and twenty-one, between the States of New York and New Jersey, authorized
5 by chapter one hundred fifty-four of the laws of New York of one thousand
6 nine hundred and twenty-one and chapter one hundred fifty-one of the laws of
7 New Jersey of one thousand nine hundred and twenty-one.

8 "Commission" shall mean the waterfront commission of New York
9 harbor established by Article III hereof.

10 "Pier" shall include any wharf, pier, dock or quay.

11 "Other waterfront terminal" shall include any warehouse, depot or other
12 terminal (other than a pier) which is located within one thousand yards of any
13 pier in the Port of New York district and which is used for waterborne
14 freight in whole or substantial part.

15 "Person" shall mean not only a natural person but also any partner-
16 ship, joint venture, association, corporation or any other legal entity but shall
17 not include the United States, any State or territory thereof or any depart-
18 ment, division, board, commission or authority of one or more of the fore-
19 going.

20 "Carrier of freight by water" shall mean any person who may be
21 engaged or who may hold himself out as willing to be engaged, whether as a
22 common carrier, as a contract carrier or otherwise (except for carriage of
23 liquid cargoes in bulk in tank vessels designed for use exclusively in such

4
24 service or carriage by barge of bulk cargoes consisting of only a single com-
25 modity loaded or carried without wrappers or containers and delivered by
26 the carrier without transportation mark or count) in the carriage of freight
27 by water between any point in the Port of New York district and a point
28 outside said district.

29 "Waterborne freight" shall mean freight carried by or consigned for
30 carriage by carriers of freight by water.

31 "Longshoreman" shall mean a natural person, other than a hiring agent,
32 who is employed for work at a pier or other waterfront terminal, either by
33 a carrier of freight by water or by a stevedore

34 (a) physically to move waterborne freight on vessels berthed at piers, on
35 piers or at other waterfront terminals, or

36 (b) to engage in direct and immediate checking of any such freight or
37 of the custodial accounting therefor or in the recording or tabulation of the
38 hours worked at piers or other waterfront terminals by natural persons em-
39 ployed by carriers of freight by water or stevedores, or

40 (c) to supervise directly and immediately others who are employed as
41 in subdivision (a) of this definition.

42 "Pier superintendent" shall mean any natural person other than a
43 longshoreman who is employed for work at a pier or other waterfront
44 terminal by a carrier of freight by water or a stevedore and whose work at
45 such pier or other waterfront terminal includes the supervision, directly or
46 indirectly, of the work of longshoremen.

47 "Port watchman" shall include any watchman, gateman, roundsman,
48 detective, guard, guardian or protector of property employed by the operator
49 of any pier or other waterfront terminal or by a carrier of freight by water
50 to perform services in such capacity on any pier or other waterfront terminal.

51 "Longshoremen's register" shall mean the register of eligible long-
52 shoremen compiled and maintained by the commission pursuant to Article
53 VIII.

54 "Stevedore" shall mean a contractor (not including an employee)
55 engaged for compensation pursuant to a contract or arrangement with a
56 carrier of freight by water, in moving waterborne freight carried or con-
57 signed for carriage by such carrier on vessels of such carrier berthed at
58 piers, on piers at which such vessels are berthed or at other waterfront
59 terminals.

60 "Hiring agent" shall mean any natural person, who on behalf of a
61 carrier of freight by water or a stevedore shall select any longshoreman for
62 employment.

63 "Compact" shall mean this compact and rules or regulations lawfully
64 promulgated thereunder.

ARTICLE III

WATERFRONT COMMISSION OF NEW YORK HARBOR

1 1. There is hereby created the waterfront commission of New York
2 harbor, which shall be a body corporate and politic, an instrumentality of the
3 States of New York and New Jersey.

1 2. The commission shall consist of two members, one to be chosen by the
2 State of New Jersey and one to be chosen by the State of New York. The
3 member representing each State shall be appointed by the Governor of such
4 State with the advice and consent of the Senate thereof, without regard to
5 the State of residence of such member, and shall receive compensation to
6 be fixed by the Governor of such State. The term of office of each member
7 shall be for three years; *provided, however*, that the members first appointed
8 shall be appointed for a term to expire June thirtieth, nineteen hundred
9 fifty-six. Each member shall hold office until his successor has been ap-
10 pointed and qualified. Vacancies in office shall be filled for the balance of
11 the unexpired term in the same manner as original appointments.

1 3. The commission shall act only by unanimous vote of both members
2 thereof. Any member may, by written instrument filed in the office of the
3 commission, designate any officer or employee of the commission to act in
4 his place as a member whenever he shall be unable to attend a meeting

5 of the commission. A vacancy in the office of a member shall not impair
6 such designation until the vacancy shall have been filled.

ARTICLE IV

GENERAL POWERS OF COMMISSION

1 In addition to the powers and duties elsewhere prescribed in this com-
2 pact, the commission shall have the power:

- 1 1. To sue and be sued;
- 1 2. To have a seal and alter the same at pleasure;
- 1 3. To acquire, hold and dispose of real and personal property by gift,
2 purchase, lease, license or other similar manner, for its corporate purposes;
- 1 4. To determine the location, size and suitability of accommodations
2 necessary and desirable for the establishment and maintenance of the employ-
3 ment information centers provided in Article XII hereof and for administra-
4 tive offices for the commission;
- 1 5. To appoint such officers, agents and employees as it may deem neces-
2 sary, prescribe their powers, duties and qualifications and fix their compensa-
3 tion and retain and employ counsel and private consultants on a contract
4 basis or otherwise;
- 1 6. To administer and enforce the provisions of this compact;
- 1 7. To make and enforce such rules and regulations as the commission
2 may deem necessary to effectuate the purposes of this compact or to prevent
3 the circumvention or evasion thereof, to be effective upon publication in the
4 manner which the commission shall prescribe and upon filing in the office of
5 the Secretary of State of each State. A certified copy of any such rules and
6 regulations, attested as true and correct by the commission, shall be pre-
7 sumptive evidence of the regular making, adoption, approval and publication
8 thereof;
- 1 8. By its members and its properly designated officers, agents and em-
2 ployees, to administer oaths and issue subpoenas throughout both States to
3 compel the attendance of witnesses and the giving of testimony and the pro-
4 duction of other evidence;

1 9. To have for its members and its properly designated officers, agents
2 and employees, full and free access, ingress and egress to and from all ves-
3 sels, piers and other waterfront terminals or other places in the port of New
4 York district, for the purposes of making inspection or enforcing the provi-
5 sions of this compact; and no person shall obstruct or in any way interfere
6 with any such member, officer, employee or agent in the making of such in-
7 spection, or in the enforcement of the provisions of this compact or in the
8 performance of any other power or duty under this compact;

1 10. To recover possession of any suspended or revoked license issued
2 under this compact;

1 11. To make investigations, collect and compile information concerning
2 waterfront practices generally within the port of New York district and upon
3 all matters relating to the accomplishment of the objectives of this compact;

1 12. To advise and consult with representatives of labor and industry
2 and with public officials and agencies concerned with the effectuation of the
3 purposes of this compact, upon all matters which the commission may desire,
4 including but not limited to the form and substance of rules and regula-
5 tions, the administration of the compact, maintenance of the longshoremen's
6 register, and issuance and revocation of licenses;

1 13. To make annual and other reports to the Governors and Legiala-
2 tures of both States containing recommendations for the improvement of
3 the conditions of waterfront labor within the port of New York district, for
4 the alleviation of the evils described in Article I and for the effectuation of
5 the purposes of this compact. Such annual reports shall state the commis-
6 sion's finding and determination as to whether the public necessity still exists
7 for (a) the continued registration of longshoremen, (b) the continued licens-
8 ing of any occupation or employment required to be licensed hereunder and
9 (c) the continued public operation of the employment information centers
10 provided for in Article XII;

1 14. To co-operate with and receive from any department, division, bur-
2 cau, board, commission, or agency of either or both States, or of any county
3 or municipality thereof, such assistance and data as will enable it properly to
4 carry out its powers and duties hereunder; and to request any such depart-
5 ment, division, bureau, board, commission, or agency, with the consent
6 thereof, to execute such of its functions and powers, as the public interest
7 may require.

8 The powers and duties of the commission may be exercised by officers,
9 employees and agents designated by them, except the power to make rules
10 and regulations. The commission shall have such additional powers and
11 duties as may hereafter be delegated to or imposed upon it from time to
12 time by the action of the Legislature of either State concurred in by the Leg-
13 islature of the other.

ARTICLE V

PIER SUPERINTENDENTS AND HIRING AGENTS

1 1. On or after the first day of December, nineteen hundred and fifty-three,
2 no person shall act as a pier superintendent or as a hiring agent within the
3 port of New York district without first having obtained from the commission
4 a license to act as such pier superintendent or hiring agent, as the case may
5 be, and no person shall employ or engage another person to act as a pier su-
6 perintendent or hiring agent who is not so licensed.

1 2. A license to act as a pier superintendent or hiring agent shall be issued
2 only upon the written application, under oath, of the person proposing to
3 employ or engage another person to act as such pier superintendent or hiring
4 agent, verified by the prospective licensee as to the matters concerning him,
5 and shall state the following:

- 6 (a) The full name and business address of the applicant;
7 (b) The full name, residence, business address (if any), place and date
8 of birth and social security number of the prospective licensee;
9 (c) The present and previous occupations of the prospective licensee, in-
10 cluding the places where he was employed and the names of his employers;

11 (d) Such further facts and evidence as may be required by the commis-
12 sion to ascertain the character, integrity and identity of the prospective li-
13 censee; and

14 (e) That if a license is issued to the prospective licensee, the applicant
15 will employ such licensee as pier superintendent or hiring agent, as the case
16 may be.

1 3. No such license shall be granted

2 (a) Unless the commission shall be satisfied that the prospective licensee
3 possesses good character and integrity;

4 (b) If the prospective licensee has, without subsequent pardon, been con-
5 victed by a court of the United States, or any State or territory thereof, of
6 the commission of, or the attempt or conspiracy to commit, treason,
6a murder, manslaughter or any felony or high misdemeanor or any
7 of the following misdemeanors or offenses: illegally using, carrying
8 or possessing a pistol or other dangerous weapon; making or
9 possessing burglar's instruments; buying or receiving stolen property;
10 unlawful entry of a building; aiding an escape from prison; unlawfully pos-
11 sessed or distributing habit-forming narcotic drugs; and violation of this
12 compact. Any such prospective licensee ineligible for a license by reason
13 of any such conviction may submit satisfactory evidence to the commission
14 that he has for a period of not less than five years, measured as hereinafter
15 provided, and up to the time of application, so conducted himself as to war-
16 rant the grant of such license, in which event the commission may, in its dis-
17 cretion, issue an order removing such ineligibility. The aforesaid period
18 of five years shall be measured either from the date of payment of any fine
19 imposed upon such person or the suspension of sentence or from the date
20 of his unrevoked release from custody by parole, commutation or termina-
21 tion of his sentence;

22 (c) If the prospective licensee knowingly or wilfully advocates the de-
23 sirability of overthrowing or destroying the government of the United States
24 by force or violence or shall be a member of a group which advocates such
25 desirability, knowing the purposes of such group include such advocacy.

1 4. When the application shall have been examined and such further in-
2 quiry and investigation made as the commission shall deem proper and
3 when the commission shall be satisfied therefrom that the prospective
4 licensee possesses the qualifications and requirements prescribed in this
5 article, the commission shall issue and deliver to the prospective licensee
6 a license to act as pier superintendent or hiring agent for the applicant, as
7 the case may be, and shall inform the applicant of his action. The com-
8 mission may issue a temporary permit to any prospective licensee for a
9 license under the provisions of this article pending final action on an appli-
10 cation made for such a license. Any such permit shall be valid for a period
11 not in excess of thirty days.

1 5. No person shall be licensed to act as a pier superintendent or hiring
2 agent for more than one employer, except at a single pier or other water-
3 front terminal, but nothing in this article shall be construed to limit in any
4 way the number of pier superintendents or hiring agents any employer may
5 employ.

1 6. A license granted pursuant to this article shall continue through the
2 duration of the licensee's employment by the employer who shall have ap-
3 plied for his license.

1 7. Any license issued pursuant to this article may be revoked or sus-
2 pended for such period as the commission deems in the public interest or the
3 licensee thereunder may be reprimanded for any of the following offenses:

- 4 (a) Conviction of a crime or act by the licensee or other cause which
5 would require or permit his disqualification from receiving a license upon
6 original application;
- 7 (b) Fraud, deceit or misrepresentation in securing the license, or in the
8 conduct of the licensed activity;
- 9 (c) Violation of any of the provisions of this compact;
- 10 (d) Addition to the use of or trafficking in morphine, opium, cocaine or
11 other narcotic drug;

12 (e) Employing, hiring or procuring any person in violation of this com-
13 pact or inducing or otherwise aiding or abetting any person to violate the
14 terms of this compact;

15 (f) Paying, giving, causing to be paid or given or offering to pay or give
16 to any person any valuable consideration to induce such other person to
17 violate any provision of this compact or to induce any public officer, agent
18 or employee to fail to perform his duty hereunder;

19 (g) Consorting with known criminals for an unlawful purpose;

20 (h) Transfer or surrender of possession of the license to any person
21 either temporarily or permanently without satisfactory explanation;

22 (i) False impersonation of another licensee under this compact;

23 (j) Receipt or solicitation of anything of value from any person other
24 than the licensee's employer as consideration for the selection or retention
25 for employment of any longshoreman;

26 (k) Coercion of a longshoreman by threat of discrimination or violence
27 or economic reprisal, to make purchases from or to utilize the services of
28 any person;

29 (l) Lending any money to or borrowing any money from a longshoreman
30 for which there is a charge of interest or other consideration; and

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

ARTICLE VI

STEVEDORES

1 1. On or after the first day of December, nineteen hundred and fifty-
2 three, no person shall act as a stevedore within the Port of New York dis-
3 trict without having first obtained a license from the commission, and no per-
4 son shall employ a stevedore to perform services as such within the Port of
5 New York district unless the stevedore is so licensed.

1 2. Any person intending to act as a stevedore within the Port of New
2 York district shall file in the office of the commission a written application
3 for a license to engage in such occupation, duly signed and verified as fol-
4 lows:

5 (a) If the applicant is a natural person, the application shall be signed
6 and verified by such person and if the applicant is a partnership, the applica-
7 tion shall be signed and verified by each natural person composing or intend-
8 ing to compose such partnership. The application shall state the full name,
9 age, residence, business address (if any), present and previous occupations
10 of each natural person so signing the same, and any other facts and evidence
11 as may be required by the commission to ascertain the character, integrity
12 and identity of each natural person so signing such application.

13 (b) If the applicant is a corporation, the application shall be signed and
14 verified by the president, secretary and treasurer thereof, and shall specify
15 the name of the corporation, the date and place of its incorporation, the loca-
16 tion of its principal place of business, the names and addresses of, and the
17 amount of the stock held by stockholders owning five percent or more of any of
18 the stock thereof, and of all officers (including all members of the board of
19 directors). The requirements of subdivision (a) of this section as to a natural
20 person who is a member of a partnership, and such requirements as may be
21 specified in rules and regulations promulgated by the commission, shall apply
22 to each such officer or stockholder and their successors in office or interest as
23 the case may be.

24 In the event of the death, resignation or removal of any officer, and in the
25 event of any change in the list of stockholders who shall own five percent or
26 more of the stock of the corporation, the secretary of such corporation shall
27 forthwith give notice of that fact in writing to the commission, certified by
28 said secretary.

1 3. No such license shall be granted

2 (a) If any person whose signature or name appears in the application
3 is not the real party in interest required by section 2 of this article to sign
4 or to be identified in the application or if the person so signing or named in
5 the application is an undisclosed agent or trustee for any such real party in
6 interest;

7 (b) Unless the commission shall be satisfied that the applicant and all
8 members, officers and stockholders required by section 2 of this article to sign
9 or be identified in the application for license possess good character and in-
10 tegrity;

11 (c) Unless the applicant is either a natural person, partnership or cor-
12 poration;

13 (d) Unless the applicant shall be a party to a contract then in force or
14 which will take effect upon the issuance of a license, with a carrier of freight
15 by water for the loading and unloading by the applicant of one or more ves-
16 sels of such carrier at a pier within the port of New York district;

17 (e) If the applicant or any member, officer or stockholder required by
18 section 2 of this article to sign or be identified in the application for license
19 has, without subsequent pardon, been convicted by a court of the United
20 States or any State or territory thereof of the commission of, or the attempt
21 or conspiracy to commit, treason, murder, manslaughter or any felony or high
22 misdemeanor or any of the misdemeanors or offenses described in subdivision
23 (b) of section 3 of Article V. Any applicant ineligible for a license by reason
24 of any such conviction may submit satisfactory evidence to the commission
25 that the person whose conviction was the basis of ineligibility has for a period
26 of not less than five years, measured as hereinafter provided and up to the

27 time of application, so conducted himself as to warrant the grant of such
28 license, in which event the commission may, in its discretion issue an order
29 removing such ineligibility. The aforesaid period of five years shall be meas-
30 ured either from the date of payment of any fine imposed upon such person
31 or the suspension of sentence or from the date of his unrevoked release from
32 custody by parole, commutation or termination of his sentence;

33 (f) If, on or after July first, nineteen hundred fifty-three, the applicant
34 has paid, given, caused to have been paid or given or offered to pay or give
35 to any officer or employee of any carrier of freight by water any valuable
36 consideration for an improper or unlawful purpose or to induce such person
37 to procure the employment of the applicant by such carrier for the perform-
38 ance of stevedoring services;

39 (g) If, on or after July first, nineteen hundred fifty-three, the applicant
40 has paid, given, caused to be paid or given or offered to pay or give to any
41 officer or representative of a labor organization any valuable consideration
42 for an improper or unlawful purpose or to induce such officer or representa-
43 tive to subordinate the interests of such labor organization or its members
44 in the management of the affairs of such labor organization to the interests
45 of the applicant.

1 4. When the application shall have been examined and such further in-
2 quiry and investigation made as the commission shall deem proper and
3 when the commission shall be satisfied therefrom that the applicant
4 possesses the qualifications and requirements prescribed in this article, the
5 commission shall shall issue and deliver a license to such applicant. The
6 commission may issue a temporary permit to any applicant for a license
7 under the provisions of this article pending final action on an application
8 made for such a license. Any such permit shall be valid for a period not in
9 excess of thirty days.

1 5. A license granted pursuant to this article shall be for a term of two
2 years or fraction of such two-year period, and shall expire on the first day
3 of December of each odd numbered year. In the event of the death of the

4 licensee, if a natural person, or its termination or dissolution by reason of
5 the death of a partner, if a partnership, or if the licensee shall cease to be
6 a party to any contract of the type required by subdivision (d) of section 3
7 of this article, the license shall terminate ninety days after such event or
8 upon its expiration date, whichever shall be sooner. A license may be re-
9 newed by the commission for successive two-year periods upon fulfilling the
10 same requirements as are set forth in this article for an original application.

1 6. Any license issued pursuant to this article may be revoked or sus-
2 pended for such period as the commission deems in the public interest or
3 the licensee thereunder may be reprimanded for any of the following offenses
4 on the part of the licensee or of any person required by section 2 of this
5 article to sign or be identified in an original application for a license:

6 (a) Conviction of a crime or other cause which would permit or require
7 disqualification of the licensee from receiving a license upon original ap-
8 plication;

9 (b) Fraud, deceit or misrepresentation in securing the license or in the
10 conduct of the licensed activity;

11 (c) Failure by the licensee to maintain a complete set of books and
12 records containing a true and accurate account of the licensee's receipts and
13 disbursements arising out of his activities within the Port of New York dis-
14 trict;

15 (d) Failure to keep said books and records available during business
16 hours for inspection by the commission and its duly designated representa-
17 tives until the expiration of the fifth calendar year following the calendar
18 year during which occurred the transactions recorded therein;

19 (e) Any other offense described in subdivisions (c) to (i) inclusive, of
20 section 7 of Article V.

ARTICLE VII

PROHIBITION OF PUBLIC LOADING

1 1. The States of New Jersey and New York hereby find and declare that
2 the transfer of cargo to and from trucks at piers and other waterfront ter-
3 minals in the port of New York district has resulted in vicious and notorious
4 abuses by persons commonly known as "public loaders." There is compelling
5 evidence that such persons have exacted the payment of exorbitant charges
6 for their services, real and alleged, and otherwise extorted large sums through
7 force, threats of violence, unauthorized labor disturbances and other coercive
8 activities, and that they have been responsible for and abetted criminal activ-
9 ities on the waterfront. These practices which have developed in the port of
10 New York district impose unjustified costs on the handling of goods in and
11 through the port of New York district, and increase the prices paid by con-
12 sumers for food, fuel and other necessities, and impair the economic stability
13 of the port of New York district. It is the sense of the Legislatures of the
14 States of New York and New Jersey that these practices and conditions
15 must be eliminated to prevent grave injury to the welfare of the people.

1 2. It is hereby declared to be against the public policy of the States of
2 New Jersey and New York and to be unlawful for any person to load or un-
3 load waterborne freight onto or from vehicles other than railroad cars at
4 piers or at other waterfront terminals within the port of New York district,
5 for a fee or other compensation, other than the following persons and their
6 employees:

7 (a) Carriers of freight by water, but only at piers at which their vessels
8 are berthed;

9 (b) Other carriers of freight (including but not limited to railroads and
10 truckers), but only in connection with freight transported or to be transported
11 by such carriers;

12 (c) Operators of piers or other waterfront terminals (including rail-
13 roads, truck terminal operators, warehousemen and other persons), but only
14 at piers or other waterfront terminals operated by them;

15 (d) Shippers or consignees of freight, but only in connection with freight
16 shipped by such shipper or consigned to such consignee;
17 (e) Stevedores licensed under article VI, whether or not such water-
18 borne freight has been or is to be transported by a carrier of freight by water
19 with which such stevedore shall have a contract of the type prescribed by
20 subdivision (d) of section 3 of article VI.
21 Nothing herein contained shall be deemed to permit any such loading or
22 unloading of any waterborne freight at any place by any such person by
23 means of any independent contractor, or any other agent other than an em-
24 ployee, unless such independent contractor is a person permitted by this
25 article to load or unload such freight at such place in his own right.

ARTICLE VIII

LONGSHOREMEN

1 1. The commission shall establish a longshoremen's register in which
2 shall be included all qualified longshoremen eligible, as hereinafter pro-
3 vided, for employment as such in the Port of New York district. On or
4 after the first day of December, nineteen hundred fifty-three, no person shall
5 act as a longshoreman within the Port of New York district unless at the
6 time he is included in the longshoremen's register, and no person shall em-
7 ploy another to work as a longshoreman within the Port of New York dis-
8 trict unless at the time such other person is included in the longshoremen's
9 register.

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

1 3. The commission may in its discretion deny application for inclusion
2 in the longshoremen's register by a person

3 (a) Who has been convicted by a court of the United States or any
4 State or territory thereof, without subsequent pardon, of treason, murder,
5 manslaughter or of any felony or high misdemeanor or of any of the mis-
6 demeanors or offenses described in subdivision (b) of section 3 of Article V
7 or of attempt or conspiracy to commit any of such crimes;

8 (b) Who knowingly or willingly advocates the desirability of over-
9 throwing or destroying the government of the United States by force or
10 violence or who shall be a member of a group which advocates such desir-
11 ability knowing the purposes of such group include such advocacy;

12 (c) Whose presence at the piers or other waterfront terminals in the
13 Port of New York district is found by the commission on the basis of the
14 facts and evidence before it, to constitute a danger to the public peace or
15 safety.

1 4. Unless the commission shall determine to exclude the applicant from
2 the longshoremen's register on a ground set forth in section 3 of this article
3 it shall include such person in the longshoremen's register. The commis-
4 sion may permit temporary registration of any applicant under the provi-
5 sions of this article pending final action on an application made for such
6 registration. Any such temporary registration shall be valid for a period
7 not in excess of thirty days.

1 5. The commission shall have power to reprimand any longshoreman
2 registered under this article or to remove him from the longshoremen's
3 register for such period of time as it deems in the public interest for any of
4 the following offenses:

5 (a) Conviction of a crime or other cause which would permit disquali-
6 fication of such person from inclusion in the longshoremen's register upon
7 original application;

8 (b) Fraud, deceit or misrepresentation in securing inclusion in the long-
9 shoremen's register;

10 (c) Transfer or surrender of possession to any person either tem-
11 porarily or permanently of any card or other means of identification issued

12 by the commission as evidence of inclusion in the longshoremen's register,
13 without satisfactory explanation;

14 (d) False impersonation of another longshoreman registered under this
15 article or of another person licensed under this compact;

16 (e) Wilful commission of or wilful attempt to commit at or on a water-
17 front terminal or adjacent highway any act of physical injury to any other
18 person or of wilful damage to or misappropriation of any other person's
19 property, unless justified or excused by law; and

20 (f) Any other offense described in subdivisions (c) to (f) inclusive of
21 section 7 of Article V.

1 6. The commission shall have the right to recover possession of any
2 card or other means of identification issued as evidence of inclusion in the
3 longshoremen's register in the event that the holder thereof has been re-
4 moved from the longshoremen's register.

1 7. Nothing contained in this article shall be construed to limit in any
2 way any rights of labor reserved by Article XV.

ARTICLE IX

REGULARIZATION OF LONGSHOREMEN'S EMPLOYMENT

1 1. On or after the first day of December, one thousand nine hundred and
2 fifty-four, the commission shall, at regular intervals, remove from the long-
3 shoremen's register any person who shall have been registered for at least
4 nine months and who shall have failed during the preceding six calendar
5 months either to have worked as a longshoreman in the Port of New York
6 district or to have applied for employment as a longshoreman at an employ-
7 ment information center established under article XII for such minimum
8 number of days as shall have been established by the commission pursuant
9 to section two of this article.

1 2. On or before the first day of June, one thousand nine hundred and
2 fifty-four, and on or before each succeeding first day of June or December,
3 the commission shall, for the purposes of section one of this article, estab-
4 lish for the six-month period beginning on each such date a minimum num-

ber of days and the distribution of such days during such period.

1 3. In establishing any such minimum number of days or period, the
2 commission shall observe the following standards to accomplish the follow-
3 ing objectives:

4 (a) To encourage as far as practicable the regularization of the employ-
5 ment of longshoremen;

6 (b) To bring the number of eligible longshoremen more closely into bal-
7 ance with the demand for longshoremen's services within the Port of New
8 York district without reducing the number of eligible longshoremen below
9 that necessary to meet the requirements of longshoremen in the Port of New
10 York district;

11 (c) To eliminate oppressive and evil hiring practices affecting long-
12 shoremen and waterborne commerce in the Port of New York district;

13 (d) To eliminate unlawful practices injurious to waterfront labor; and

14 (e) To establish hiring practices and conditions which will permit the
15 termination of governmental regulation and intervention at the earliest op-
16 portunity.

1 4. A longshoreman who has been removed from the longshoremen's reg-
2 ister pursuant to this article may seek reinstatement upon fulfilling the
3 same requirements as for initial inclusion in the longshoremen's register,
4 but not before the expiration of one year from the date of removal, except
5 that immediate reinstatement shall be made upon proper showing that the
6 registrant's failure to work or apply for work the minimum number of days
7 above described was caused by the fact that the registrant was engaged in
8 the military service of the United States or was incapacitated by ill health,
9 physical injury, or other good cause.

1 5. Notwithstanding any other provision of this article, the commission
2 shall at any time have the power to register longshoremen on a temporary
3 basis to meet special or emergency needs.

ARTICLE X

PORT WATCHMAN

1 1. On or after the first day of December, nineteen hundred fifty-three,
2 no person shall act as a port watchman within the Port of New York dis-
3 trict without first having obtained a license from the commission, and no
4 person shall employ a port watchman who is not so licensed.

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

3 (a) The full name, residence, business address (if any), place and date
4 of birth and social security number of the applicant;

5 (b) The present and previous occupations of the applicant, including the
6 places where he was employed and the names of his employers;

7 (c) The citizenship of the applicant and, if he is a naturalized citizen
8 of the United States, the court and date of his naturalization; and

9 (d) Such further facts and evidence as may be required by the com-
10 mission to ascertain the character, integrity and identity of the applicant.

1 3. No such license shall be granted

2 (a) Unless the commission shall be satisfied that the applicant possesses
3 good character and integrity;

4 (b) If the applicant has, without subsequent pardon, been convicted by
5 a court of the United States or of any state or territory thereof of the
6 commission of, or the attempt or conspiracy to commit, treason, murder,
7 manslaughter or any felony or high misdemeanor or any of the misde-
8 meanors or offenses described in subdivision (b) of section 3 of Article V;

9 (c) Unless the applicant shall meet such reasonable standards of physi-
10 cal and mental fitness for the discharge of his duties as may from time to
11 time be established by the commission;

12 (d) If the applicant shall be a member of any labor organization which
13 represents longshoremen or pier superintendents or hiring agents; but noth-
14 ing in this Article shall be deemed to prohibit port watchmen from being
15 represented by a labor organization or organizations which do not also rep-
16 resent longshoremen or pier superintendents or hiring agents. The Ameri-
17 can Federation of Labor, the Congress of Industrial Organizations and any
18 other similar federation, congress or other organization of national or in-
19 ternational occupational or industrial labor organizations shall not be con-
20 sidered an organization which represents longshoremen or pier superin-
21 tendents or hiring agents within the meaning of this section although one
22 of the federated or constituent labor organizations thereof may represent
23 longshoremen or pier superintendents or hiring agents;

24 (e) If the applicant knowingly or wilfully advocates the desirability of
25 overthrowing or destroying the government of the United States by force
26 or violence or shall be a member of a group which advocates such desir-
27 ability, knowing the purposes of such group include such advocacy.

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

1 5. A license granted pursuant to this article shall continue for a term of
2 three years. A license may be renewed by the commission for successive
3 three-year periods upon fulfilling the same requirements as are set forth in
4 this article for an original application.

1 6. Any license issued pursuant to this article may be revoked or sus-
2 pended for such period as the commission deems in the public interest or the
3 licensee thereunder may be reprimanded for any of the following offenses:

4 (a) Conviction of a crime or other cause which would permit or require
5 his disqualification from receiving a license upon original application;

6 (b) Fraud, deceit or misrepresentation in securing the license; and

7 (c) Any other offense described in subdivisions (a) to (i), inclusive, of
8 section 7 of article V.

ARTICLE XI

HEARINGS, DETERMINATIONS AND REVIEW

1 1. The commission shall not deny any application for a license or regis-
2 tration without giving the applicant or prospective licensee reasonable prior
3 notice and an opportunity to be heard.

1 2. Any application for a license or for inclusion in the longshoremen's
2 register, and any license issued or registration made, may be denied, re-
3 voked, cancelled, suspended as the case may be, only in the manner prescribed
4 in this article.

1 3. The commission may on its own initiative or on complaint of any per-
2 son, including any public official or agency, institute proceedings to revoke,
3 cancel or suspend any license or registration after a hearing at which the li-
4 censee or registrant and any person making such complaint shall be given an
5 opportunity to be heard, provided that any order of the commission revok-
6 ing, cancelling or suspending any license or registration shall not become
7 effective until fifteen days subsequent to the serving of notice thereof upon
8 the licensee or registrant unless in the opinion of the commission the con-
9 tinuance of the license or registration for such period would be inimicable to
10 the public peace or safety. Such hearing shall be held in such manner and
11 upon such notice as may be prescribed by the rules of the commission, but
12 such notice shall be of not less than ten days and shall state the nature of the
13 complaint.

1 4. Pending the determination of such hearing pursuant to section 3 the
2 commission may temporarily suspend a license or registration if in the opin-
3 ion of the commission the continuance of the license or registration for such
4 period is inimicable to the public peace or safety.

1 5. The commission, or such member, officer, employee or agent of the
2 commission as may be designated by the commission for such purpose, shall
3 have the power to issue subpoenas throughout both States to compel the
4 attendance of witnesses and the giving of testimony or production of other
5 evidence and to administer oaths in connection with any such hearing. It
6 shall be the duty of the commission or of any such member, officer, employee
7 or agent of the commission designated by the commission for such purpose
8 to issue subpoenas at the request of and upon behalf of the licensee, registrant
9 or applicant. The commission or such person conducting the hearing shall
10 not be bound by common law or statutory rules of evidence or by technical
11 or formal rules of procedure in the conduct of such hearing.

1 6. Upon the conclusion of the hearing, the commission shall take such
2 action upon such findings and determination as it deems proper and shall
3 execute an order carrying such findings into effect. The action in the case
4 of an application for a license or registration shall be the granting or denial
5 thereof. The action in the case of a licensee shall be revocation of the
6 license or suspension thereof for a fixed period or reprimand or a dismissal
7 of the charges. The action in the case of a registered longshoreman shall be
8 dismissal of the charges, reprimand or removal from the longshoremen's
9 register for a fixed period or permanently.

1 7. The action of the commission in denying any application for a license
2 or in refusing to include any person in the longshoremen's register under
3 this compact or in suspending or revoking such license or removing any
4 person from the longshoremen's register or in reprimanding a licensee or
5 registrant shall be subject to judicial review by a proceeding instituted in
6 either State at the instance of the applicant, licensee or registrant in the
7 manner provided by the law of such State for review of the final decision or

8 action of administrative agencies of such State; *provided, however, that*
9 notwithstanding any other provision of law the court shall have power to
10 stay for not more than thirty days an order of the commission suspending
11 or revoking a license or removing a longshoreman from the longshoremen's
12 register.

ARTICLE XII

EMPLOYMENT INFORMATION CENTERS

1 1. The States of New Jersey and New York hereby find and declare that
2 the method of employment of longshoremen and port watchmen in the Port of
3 New York district, commonly known as the "shape-up," has resulted in
4 vicious and notorious abuses, of which such employees have been the princi-
5 pal victims. There is compelling evidence that the "shape-up" has per-
6 mitted and encouraged extortion from employees as the price of securing or
7 retaining employment and has subjected such employees to threats of violence,
8 unwilling joinder in unauthorized labor disturbances and criminal activities
9 on the waterfront. The "shape-up" has thus resulted in a loss of funda-
10 mental rights and liberties of labor, has impaired the economic stability of
11 the Port of New York district and weakened law enforcement therein. It is
12 the sense of the Legislatures of the States of New Jersey and New York that
13 these practices and conditions must be eliminated to prevent grave injury
14 to the welfare of waterfront laborers and to the people at large and that
15 the elimination of the "shape-up" and the establishment of a system of
16 employment information centers are necessary to a solution of these public
17 problems.

1 2. The commission shall establish and maintain one or more employment
2 information centers in each State within the Port of New York district at
3 such locations as it may determine. No person shall, directly or indirectly,
4 hire any person for work as a longshoreman or port watchman within the
5 Port of New York district, except through such particular employment in-
6 formation center or centers as may be prescribed by the commission. No
7 person shall accept any employment as a longshoreman or port watchman

8 within the Port of New York district, except through such an employment
9 information center. At each such employment information center the com-
10 mission shall keep and exhibit the longshoremen's register and any other
11 records it shall determine to the end that longshoremen and port watchmen
12 shall have the maximum information as to available employment as such at
13 any time within the Port of New York district and to the end that employers
14 shall have an adequate opportunity to fill their requirements of registered
15 longshoremen and port watchmen at all times.

1 3. Every employer of longshoremen or port watchmen within the port of
2 New York district shall furnish such information as may be required by the
3 rules and regulations prescribed by the commission with regard to the name
4 of each person hired as a longshoreman or port watchman, the time and
5 place of hiring, the time, place and hours of work, and the compensation
6 therefor.

1 4. All wage payments to longshoremen or port watchmen for work as
2 such shall be made by check or cash evidenced by a written voucher re-
3 ceipted by the person to whom such cash is paid. The commission may ar-
4 range for the provision of facilities for cashing such checks.

ARTICLE XIII

EXPENSES OF ADMINISTRATION

1 1. By concurrent legislation enacted by their respective Legislatures, the
2 two States may provide from time to time for meeting the commission's ex-
3 penses. Until other provision shall be made, such expense shall be met as
4 authorized in this article.

1 2. The commission shall annually adopt a budget of its expenses for each
2 year. Each budget shall be submitted to the Governors of the two States
3 and shall take effect as submitted; *provided*, that either Governor may within
4 thirty days disapprove or reduce any item or items, and the budget shall be
5 adjusted accordingly.

1 3. After taking into account such funds as may be available to it from
2 reserves, Federal grants or otherwise, the balance of the commission's bud-
3 geted expenses shall be assessed upon employers of persons registered or li-
4 censed under this compact. Each such employer shall pay to the commission
5 an assessment computed upon the gross payroll payments made by such em-
6 ployer to longshoremen, pier superintendents, hiring agents and port watch-
7 men for work or labor performed within the port of New York district, at a
8 rate, not in excess of two per cent, computed by the commission in the fol-
9 lowing manner: the commission shall annually estimate the gross payroll
10 payments to be made by employers subject to assessment and shall compute
11 a rate thereon which will yield revenues sufficient to finance the commission's
12 budget for each year. Such budget may include a reasonable amount for a
13 reserve but such amount shall not exceed ten per cent of the total of all other
14 items of expenditure contained therein. Such reserve shall be used for the
15 stabilization of annual assessments, the payment of operating deficits and for
16 the repayment of advances made by the two States.

1 4. The amount required to balance the commission's budget, in excess of
2 the estimated yield of the maximum assessment, shall be certified by the com-
3 mission, with the approval of the respective Governors, to the Legislatures
4 of the two States, in proportion to the gross annual wage payments made to
5 longshoremen for work in each state within the port of New York district.
6 The Legislatures shall annually appropriate to the commission the amount
7 so certified.

1 5. The commission may provide by regulation for the collection and au-
2 diting of assessments. Such assessments hereunder shall be payable pursuant
3 to such provisions for administration, collection and enforcement as the States
4 may provide by concurrent legislation. In addition to any other sanction pro-
5 vided by law, the commission may revoke or suspend any license held by any
6 person under this compact, or his privilege of employing persons registered
7 or licensed hereunder, for non-payment of any assessment when due.

1 6. The assessment hereunder shall be in lieu of any other charge for the
 2 issuance of licenses to stevedores, pier superintendents, hiring agents and
 3 port watchmen or for the registration of longshoremen or use of an employ-
 4 ment information center. The commission shall establish reasonable proce-
 5 dures for the consideration of protests by affected employees concerning the
 6 estimates and computation of the rate of assessment.

ARTICLE XIV

GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

1 1. The failure of any witness, when duly subpoenaed to attend, give testi-
 2 mony or produce other evidence, whether or not at a hearing, shall be punish-
 3 able by the Superior Court in New Jersey and the Supreme Court in New
 4 York in the same manner as said failure is punishable by such court in a
 5 case therein pending.

1 2. Any person who, having been sworn or affirmed as a witness in any
 2 such hearing, shall wilfully give false testimony or who shall wilfully make or
 3 file any false or fraudulent report or statement required by this compact to
 4 be made or filed under oath, shall be guilty of a misdemeanor, punishable by
 5 a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for
 6 not more than one year or both.

1 3. Any person who violates or attempts or conspires to violate any other
 2 provision of this compact shall be punishable as may be provided by the two
 3 States by action of the Legislature of either State concurred in by the Legis-
 4 lature of the other.

1 4. Any person who interferes with or impedes the orderly registration
 2 of longshoremen pursuant to this compact or who conspires to or attempts
 3 to interfere with or impede such registration shall be punishable as may be
 4 provided by the two States by action of the Legislature of either State con-
 5 curred in by the Legislature of the other.

1 5. Any person who directly or indirectly inflicts or threatens to inflict any
 2 injury, damage, harm or loss or in any other manner practices intimidation

3 upon or against any person in order to induce or compel such person or any
4 other person to refrain from registering pursuant to this compact shall be
5 punishable as may be provided by the two States by action of the Legislature
6 of either State concurred in by the Legislature of the other.

1 6. In any prosecution under this compact, it shall be sufficient to prove
2 only a single act (or a single holding out or attempt) prohibited by law, with-
3 out having to prove a general course of conduct, in order to prove a viola-
4 tion.

ARTICLE XV

COLLECTIVE BARGAINING SAFEGUARDED

1 1. This compact is not designed and shall not be construed to limit in
2 any way any rights granted or derived from any other statute or any rule
3 of law for employees to organize in labor organizations, to bargain collec-
4 tively and to act in any other way individually, collectively, and through
5 labor organizations or other representatives of their own choosing. With-
6 out limiting the generality of the foregoing, nothing contained in this com-
7 pact shall be construed to limit in any way the right of employees to strike.

1 2. This compact is not designed and shall not be construed to limit in
2 any way any rights of longshoremen, hiring agents, pier superintendents or
3 port watchmen or their employers to bargain collectively and agree upon
4 any method for the selection of such employes by way of seniority, experi-
5 ence, regular gangs or otherwise; *provided*, that such employees shall be
6 licensed or registered hereunder and such longshoremen and port watchmen
7 shall be hired only through the employment information centers established
8 hereunder and that all other provisions of this compact be observed.

ARTICLE XVI

AMENDMENTS; CONSTRUCTION; SHORT TITLE

1 1. Amendments and supplements to this compact to implement the pur-
2 poses thereof may be adopted by the action of the Legislature of either
3 State concurred in by the Legislature of the other.

3 tendents, hiring agents or port watchmen, which shall show the amount of
4 compensation paid and such other information as the commission may re-
5 quire. Such records shall be preserved for a period of three years and be
6 open for inspection at reasonable times. The commission may consent to
7 the destruction of any such records at any time after said period or may
8 require that they be kept longer, but not in excess of six years.

1 3. (a) The commission shall audit and determine the amount of assess-
2 ment due from the return filed and such other information as is available
3 to it. Whenever a deficiency in payment of the assessment is determined
4 the commission shall give notice of any such determination to the person
5 liable therefor. Such determination shall finally and conclusively fix the
6 amount due, unless the person against whom it is assessed shall, within thirty
7 days after the giving of notice of such determination, apply in writing to
8 the commission for a hearing, or unless the commission on its own motion
9 shall reduce the same. After such hearing, the commission shall give notice
10 of its decision to the person liable therefor. A determination of the commis-
11 sion under this section shall be subject to judicial review, if application for
12 such review is made within thirty days after the giving of notice of such de-
13 cision. Any determination under this section shall be made within five years
14 from the time the return was filed and if no return was filed such determina-
15 tion may be made at any time.

16 (b) Any notice authorized or required under this section may be given
17 by mailing the same to the person for whom it is intended at the last address
18 given by him to the commission, or in the last return filed by him with the
19 commission under this section, or, if no return has been filed then to such
20 address as may be obtainable. The mailing of such notice shall be presump-
21 tive evidence of the receipt of same by the person to whom addressed. Any
22 period of time, which is determined according to the provision of this section,
23 for the giving of notice shall commence to run from the date of mailing of
24 such notice.

1 4. Whenever any person shall fail to pay, within the time limited herein,
2 any assessment which he is required to pay to the commission under the
3 provisions of this section the commission may enforce payment of such fee
4 by civil action for the amount of such assessment with interest and penalties.

1 5. The employment by a nonresident of a longshoreman, or a licensed
2 pier superintendent, hiring agent or port watchman in either State or the
3 designation by a nonresident of a longshoreman, pier superintendent, hir-
4 ing agent or port watchman to perform work in such State shall be deemed
5 equivalent to an appointment by such nonresident of the Secretary of State
6 of such State to be his true and lawful attorney upon whom may be served
7 the process in any action or proceeding against him growing out of any lia-
8 bility for assessments, penalties or interest, and a consent that any such pro-
9 cess against him which is so served shall be of the same legal force and val-
10 idity as if served on him personally within such State and within the ter-
11 ritorial jurisdiction of the court from which the process issues. Service of
12 process within either State shall be made by either (1) personally delivering
13 to and leaving with the Secretary of State or a deputy Secretary of State of
14 such State duplicate copies thereof at the office of the Department of State
15 in the capitol city of such State, in which event such Secretary of State shall
16 forthwith send by registered mail one of such copies to the person at the last
17 address designated by him to the commission for any purpose under this sec-
18 tion or in the last return filed by him under this section with the commission
19 or as shown on the records of the commission, or if no return has been filed,
20 at his last known office address within or without such State, or (2) person-
21 ally delivering to and leaving with the Secretary of State or a deputy Secre-
22 tary of State of such State a copy thereof at the office of the Department of
23 State in the capitol city of such State and by delivering a copy thereof to the
24 person, personally without such State. Proof of such personal service with-
25 out such State shall be filed with the clerk of the court in which the process
26 is pending within thirty days after such service and such service shall be
27 complete ten days after proof thereof is filed.

6. Whenever the commission shall determine that any moneys received as assessments were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

7. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations to effectuate the purposes of this section.

8. When any person shall wilfully fail to pay any assessment due hereunder he shall be assessed interest at a rate of one per centum (1%) per month on the amount due and unpaid and penalties of five per centum (5%) of the amount due for each thirty days or part thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

9. Any person who shall wilfully furnish false or fraudulent information or shall wilfully fail to furnish pertinent information, as required, with respect to the amount of assessment due, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than one year, or both.

10. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the States of New Jersey or New York of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits. The moneys so deposited shall be withdrawn only by check signed by both members of the commission or by such other officers or employees of the commission as it may from time to time designate.

11. The accounts, books and records of the commission, including its receipts, disbursements, contracts, leases, investments and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission.

1 B. The commission shall reimburse each State for any funds advanced
2 to the commission exclusive of sums appropriated pursuant to section four
3 of Article XIII of the compact.

4 § 3. Officers and employees. Any employee in the State, county or mu-
5 nicipal civil service in either State who, on or before December 1, 1954, shall
6 transfer to service with the commission may be given one or more leaves of
7 absence without pay for a total period of not to exceed three years and may,
8 before the expiration of such three year period and without further exam-
9 ination or qualification return to his former position or be certified by the
10 appropriate civil service agency for retransfer to a comparable position in
11 such State, county or municipal civil service if such a position is then avail-
12 able.

13 The commission may, by agreement with any Federal agency from which
14 any officer or employee, on or before December 1, 1954, may transfer to serv-
15 ice with the commission, make similar provision for the retransfer of such
16 officer or employee to such Federal agency.

17 Notwithstanding the provisions of any other law in either State, any offi-
18 cer or employee in the State, county or municipal civil service in either State
19 who shall transfer, on or before December 1, 1954, to service with the com-
20 mission and who is a member of any existing State, county or municipal
21 pension or retirement system in New Jersey or New York, shall continue to
22 have all rights, privileges, obligations and status with respect to such fund,
23 system or systems as if he had continued in his State, county or municipal
24 office or employment, but during the period of his employment by the com-
25 mission, all contributions to any pension or retirement fund or system to be
26 paid by the employer on account of such officer or employee, shall be paid by
the commission. The commission may, by agreement with the appropriate
Federal agency, make similar provisions relating to continuance of retire-
ment system membership for any Federal officer or employee so transferred.

1 § 4. Penalties. Any person who shall violate any of the provisions of
2 the compact or of section two hereof, for which no other penalty is pre-
3 scribed, shall be guilty of a misdemeanor, punishable by a fine of not more
4 than five hundred dollars (\$500.00) or by imprisonment for not more than one
5 year, or both.

1 § 5. Federal funds. The officer heretofore designated by each State as
2 the agent of such State as required by an act of the Congress of the United
3 States, effective June sixth, nineteen hundred thirty-three, entitled "An act
4 to provide for the establishment of a national employment system and for
5 co-operation with the States in the promotion of such system and for other
6 purposes," otherwise referred to as "Wagner-Peyser Act" or any act
7 amendatory or supplemental thereto or in substitution thereof, may be
8 designated as the agency of such State and of the other State which is a
9 party to this compact, as such act of Congress requires; and as such agent
10 is hereby authorized, empowered and directed to co-operate with the United
11 States employment service under and pursuant to the terms, conditions, pro-
12 visions and requirements of such act in so far as the same may relate to any
13 of the purposes of this compact, and he shall have and exercise all powers
14 necessary therefor. Such officer is hereby further authorized and empowered,
15 subject to the direction of the commission and the provisions of this act,
16 to take such steps and to formulate such plans and to execute such projects
17 as may be necessary or appropriate to obtain for and on behalf of each
18 State the full benefits, advantages and privileges derivable under and pur-
19 suant to such acts of Congress in so far as they are derivable for the effectua-
20 tion of the purposes of this compact.

PART III

1 § 6. Commission established for New Jersey. A. Unless and until the
2 provisions of the compact contained in section one of this act shall have been
3 concurred in by the State of New York, the consent of Congress given
4 thereto, and the commission, provided for therein, established:

5 1. The provisions of such compact and sections two, three, four and five
6 of this act shall apply to and be in full force and effect within the State of
7 New Jersey, except as limited by this section, and any violation of such com-
8 pact or section shall be a violation of the laws of the State of New Jersey;
9 provided, however, that (with respect to the definitions contained in such
9a compact):

10 (a) "The Port of New York district" shall mean only that portion of
11 the district within the State of New Jersey;

12 (b) The "commission," hereinafter referred to in this section as the
13 "New Jersey commission," shall mean and consist of the member appointed
14 by the Governor of this State by and with the advice and consent of the
15 Senate, and he shall possess and exercise all the powers and duties of the
16 commission set forth in section one of this act and any other powers and
17 duties conferred herein;

18 (c) The powers and duties of any other officer or agency of this State
19 prescribed by section one or otherwise by this act shall be effective as if the
20 provisions of the compact were effective as a statute of this State; and

21 (d) The New Jersey commission shall not be deemed to be a body cor-
22 porate and politic and shall be in the Department of Labor and Industry of
23 this State.

1 2. The New Jersey commission is authorized to co-operate with a sim-
2 ilar commission of the State of New York, to exchange information on any
3 matter pertinent to the purposes of this act, and to enter into reciprocal
4 agreements for the accomplishment of such purposes, including but not lim-
5 ited to the following objectives:

6 (a) To provide for the reciprocal recognition of any license issued or
7 registration made by either commission;

8 (b) To give reciprocal effect to any revocation, suspension or retri-
9 mand with respect to any licensee, and any reprimand or removal from a
10 longshoremen's register;

11 (c) To provide that any act or omission by a licensee or registrant in
12 either State which would be a basis for disciplinary action against such
13 licensee or registrant if it occurred in the State in which the license was
14 issued or the person registered shall be the basis for disciplinary action
15 in both States;

16 (d) To provide that longshoremen registered in either State, who per-
17 form work or who apply for work at an employment information center
18 within the other State shall be deemed to have performed work or to have
19 applied for work in the State in which they are registered.

1 3. Notwithstanding any other provision of law, the officers, employees
2 and agents of the commission established by this section may be appointed
3 or employed without regard to their State of residence. Such commission
4 may appoint or employ the same person to a similar office or employment
5 in this State as he holds in a similar commission or agency of the State of
6 New York.

7 B. Notwithstanding any other provision of this act, for the purpose of
8 providing for the commission's expenses of administration during the re-
9 mainder of the calendar year following the effective date of this act, and
10 until June 30, 1954, the assessment for such expense shall be at the rate of
11 one and one-half per centum (1½%). Such assessment shall be made, col-
12 lected and enforced in accordance with Article XIII of the compact and sec-
13 tion 2 of this act.

1 § 7. Prohibition against loitering. Any person who shall, without a satis-
2 factory explanation, loiter upon any dock, wharf, pier, bulkhead, terminal,
3 warehouse, or other waterfront facility in that portion of the Port of New
4 York district within the State of New Jersey, shall be a disorderly person.

1 § 8. Collection of funds for unions having officers or agents who are
2 felons. No person shall solicit, collect or receive any dues, assessments, levies,
3 fines or contributions, or other charges within the State of New Jersey from
4 employees registered or licensed pursuant to the provisions of this act for or
5 on behalf of any labor organization representing any such employees if any

6 officer or agent of such organization has been convicted by a court of the
7 United States, or any State or territory thereof, of treason,
8 murder, manslaughter or any felony, high misdemeanor or misde-
9 meanor involving moral turpitude, unless he has been subse-
10 quently pardoned therefor by the Governor or other appropriate authority
11 of the State or jurisdiction in which such conviction was had or has received
12 a certificate of good conduct or other relief from disabilities arising from the
13 fact of conviction from a board of parole or similar authority.

13 As used in this section, the term "labor organization" shall mean and
14 include any organization which exists and is constituted for the purpose in
15 whole or in part of collective bargaining, or of dealing with employers con-
16 cerning grievances, terms and conditions of employment, or of other mutual
17 aid or protection; but it shall not include a federation or congress of labor
18 organizations organized on a national or international basis even though one
19 of its constituent labor organizations may represent persons so registered or
20 licensed.

21 Any person who shall violate this section shall be guilty of a misde-
22 meanor punishable by a fine of five hundred dollars (\$500.00) or imprison-
23 ment for one year, or both.

1 §9. Appropriation. The sum of two hundred thousand dollars
2 (\$200,000.00) or such part thereof as may be necessary is hereby appropri-
3 ated to the commission, out of any available funds in the State treasury, for
4 the purposes of the compact set forth in section 1 of this act, payable on the
5 audit and warrant of the comptroller on voucher certified by the commission.
6 The amount so appropriated shall, together with such amounts as may be
7 similarly appropriated by the State of New York, be held by the commission
8 as an advance of operating funds, repayable to the respective States in in-
9 stallments from time to time, in proportion to their initial contributions.

1 §10. Short title. This act shall be known and may be cited as the "Wa-
2 terfront Commission Act."

1 § 11. Separability of act. If any part or provision of this act or the ap-
2 plication thereof to any person or circumstances be adjudged invalid by any
3 court of competent jurisdiction, such judgment shall be confined in its oper-
4 ation to the part, provision or application directly involved in the controversy
5 in which such judgment shall have been rendered and shall not affect or im-
6 pair the validity of the remainder of this compact or the application thereof
7 to other persons or circumstances and the two States hereby declare that they
8 would have entered into this compact or the remainder thereof had the in-
9 validity of such provision or application thereof been apparent.

1 § 12. Effective date. Sections one to five, inclusive, of this act shall take
2 effect upon the enactment into law by the State of New York of legislation
3 having an identical effect with said sections; but if the State of New York
4 shall have already enacted such legislation, then sections one to five, inclusive,
5 of this act shall take effect immediately. Sections seven and eight of this act
6 shall take effect September first, nineteen hundred fifty-three. Sections six,
7 nine, ten, eleven and twelve shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 413

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1953

By Mr. VAN ALSTYNE

(Without Reference)

An Act to enter into a compact with the State of New York for the reduction of criminal and corrupt practices in the handling of waterborne freight within the port of New York district and the regularization of the employment of waterfront labor, to provide for assessment of the expenses thereof against certain employers, and, in the absence of such compact, to accomplish such objectives within the New Jersey portion of the Port of New York district, and making an appropriation therefor.

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

PART I

1 Section 1. Compact. The State of New Jersey hereby agrees with the
2 State of New York, upon the enactment by the State of New York of legis-
3 lation having the same effect as this section, to the following compact:

ARTICLE I

FINDINGS AND DECLARATIONS

1 1. The States of New Jersey and New York hereby find and declare that
2 the conditions under which waterfront labor is employed within the Port of
3 New York district are depressing and degrading to such labor, resulting
4 from the lack of any systematic method of hiring, the lack of adequate in-
5 formation as to the availability of employment, corrupt hiring practices
6 and the fact that persons conducting such hiring are frequently criminals

7 and persons notoriously lacking in moral character and integrity and neither
8 responsive or responsible to the employers nor to the uncoerced will of the
9 majority of the members of the labor organizations of the employees; that
10 as a result waterfront laborers suffer from irregularity of employment, fear
11 and insecurity, inadequate earnings, an unduly high accident rate, subjec-
12 tion to borrowing at usurious rates of interest, exploitation and extortion
13 as the price of securing employment and a loss of respect for the law; that
14 not only does there result a destruction of the dignity of an important seg-
15 ment of American labor, but a direct encouragement of crime which imposes
16 a levy of greatly increased costs on food, fuel and other necessities handled
17 in and through the Port of New York district.

1 2. The States of New Jersey and New York hereby find and declare
2 that many of the evils above described result not only from the causes
3 above described but from the practices of public loaders at piers and other
4 waterfront terminals; that such public loaders serve no valid economic pur-
5 pose and operate as parasites exacting a high and unwarranted toll on the
6 flow of commerce in and through the Port of New York district, and have
7 used force and engaged in discriminatory and coercive practices including
8 extortion against persons not desiring to employ them; and that the func-
9 tion of loading and unloading trucks and other land vehicles at piers and
10 other waterfront terminals can and should be performed, as in every other
11 major American port, without the evils and abuses of the public loader sys-
12 tem, and by the carriers of freight by water, stevedores and operators of
13 such piers and other waterfront terminals or the operators of such trucks or
14 other land vehicles.

1 3. The States of New Jersey and New York hereby find and declare that
2 many of the evils above described result not only from the causes above
3 described but from the lack of regulation of the occupation of stevedores;
4 that such stevedores have engaged in corrupt practices to induce their hire
5 by carriers of freight by water and to induce officers and representatives
6 of labor organizations to betray their trust to the members of such labor
7 organizations.

The States of New Jersey and New York hereby find and declare that the occupations of longshoremen, stevedores, pier superintendents, hiring agents and port watchmen are affected with a public interest requiring their regulation and that such regulation shall be deemed an exercise of the police power of the two States for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the two States.

ARTICLE II

DEFINITIONS

1 As used in this compact:

2 "The Port of New York district" shall mean the district created by
3 Article II of the compact dated April thirtieth, one thousand nine hundred
4 and twenty-one, between the States of New York and New Jersey, authorized
5 by chapter one hundred fifty-four of the laws of New York of one thousand
6 nine hundred and twenty-one and chapter one hundred fifty-one of the laws of
7 New Jersey of one thousand nine hundred and twenty-one.

8 "Commission" shall mean the waterfront commission of New York
9 harbor established by Article III hereof.

10 "Pier" shall include any wharf, pier, dock or quay.

11 "Other waterfront terminal" shall include any warehouse, depot or other
12 terminal (other than a pier) which is located within one thousand yards of any
13 pier in the Port of New York district and which is used for waterborne
14 freight in whole or substantial part.

15 "Person" shall mean not only a natural person but also any partner-
16 ship, joint venture, association, corporation or any other legal entity but shall
17 not include the United States, any State or territory thereof or any depart-
18 ment, division, board, commission or authority of one or more of the fore-
19 going.

20 "Carrier of freight by water" shall mean any person who may be
21 engaged or who may hold himself out as willing to be engaged, whether as a
22 common carrier, as a contract carrier or otherwise (except for carriage of
23 liquid cargoes in bulk in tank vessels designed for use exclusively in such

24 service or carriage by barge of bulk cargoes consisting of only a single com-
25modity loaded or carried without wrappers or containers and delivered by
26 the carrier without transportation mark or count) in the carriage of freight
27 by water between any point in the Port of New York district and a point
28 outside said district.

29 "Waterborne freight" shall mean freight carried by or consigned for
30 carriage by carriers of freight by water.

31 "Longshoreman" shall mean a natural person, other than a hiring agent,
32 who is employed for work at a pier or other waterfront terminal, either by
33 a carrier of freight by water or by a stevedore

34 (a) physically to move waterborne freight on vessels berthed at piers, on
35 piers or at other waterfront terminals, or

36 (b) to engage in direct and immediate checking of any such freight or
37 of the custodial accounting therefor or in the recording or tabulation of the
38 hours worked at piers or other waterfront terminals by natural persons em-
39 ployed by carriers of freight by water or stevedores, or

40 (c) to supervise directly and immediately others who are employed as
41 in subdivision (a) of this definition.

42 "Pier superintendent" shall mean any natural person other than a
43 longshoreman who is employed for work at a pier or other waterfront
44 terminal by a carrier of freight by water or a stevedore and whose work at
45 such pier or other waterfront terminal includes the supervision, directly or
46 indirectly, of the work of longshoremen.

47 "Port watchman" shall include any watchman, gateman, roundsman,
48 detective, guard, guardian or protector of property employed by the operator
49 of any pier or other waterfront terminal or by a carrier of freight by water
50 to perform services in such capacity on any pier or other waterfront terminal.

51 "Longshoremen's register" shall mean the register of eligible long-
52 shoremen compiled and maintained by the commission pursuant to Article
53 VIII.

54 "Stewards" shall mean a contractor (not including an employee)
55 engaged for compensation pursuant to a contract or arrangement with a
56 carrier of freight by water, in moving waterborne freight carried or con-
57 signed for carriage by such carrier on vessels of such carrier berthed at
58 piers, on piers at which such vessels are berthed or at other waterfront
59 terminals.

60 "Hiring agent" shall mean any natural person, who on behalf of a
61 carrier of freight by water or a stevedore shall select any longshoreman for
62 employment.

63 "Compact" shall mean this compact and rules or regulations lawfully
64 promulgated thereunder.

ARTICLE III

WATERFRONT COMMISSION OF NEW YORK HARBOR

1 1. There is hereby created the waterfront commission of New York
2 harbor, which shall be a body corporate and politic, an instrumentality of the
3 States of New York and New Jersey.

1 2. The commission shall consist of two members, one to be chosen by the
2 State of New Jersey and one to be chosen by the State of New York. The
3 member representing each State shall be appointed by the Governor of such
4 State with the advice and consent of the Senate thereof, without regard to
5 the State of residence of such member, and shall receive compensation to
6 be fixed by the Governor of such State. The term of office of each member
7 shall be for three years; *provided, however*, that the members first appointed
8 shall be appointed for a term to expire June thirtieth, nineteen hundred
9 fifty-six. Each member shall hold office until his successor has been ap-
10 pointed and qualified. Vacancies in office shall be filled for the balance of
11 the unexpired term in the same manner as original appointments.

1 3. The commission shall act only by unanimous vote of both members
2 thereof. Any member may, by written instrument filed in the office of the
3 commission, designate any officer or employee of the commission to act in
4 his place as a member whenever he shall be unable to attend a meeting

5 of the commission. A vacancy in the office of a member shall not impair
6 such designation until the vacancy shall have been filled.

ARTICLE IV

GENERAL POWERS OF COMMISSION

1 In addition to the powers and duties elsewhere prescribed in this com-
2 pact, the commission shall have the power:

- 1 1. To sue and be sued;
- 1 2. To have a seal and alter the same at pleasure;
- 1 3. To acquire, hold and dispose of real and personal property by gift,
2 purchase, lease, license or other similar manner, for its corporate purposes;
- 1 4. To determine the location, size and suitability of accommodations
2 necessary and desirable for the establishment and maintenance of the employ-
3 ment information centers provided in Article XII hereof and for administra-
4 tive offices for the commission;
- 1 5. To appoint such officers, agents and employees as it may deem neces-
2 sary, prescribe their powers, duties and qualifications and fix their compensa-
3 tion and retain and employ counsel and private consultants on a contract
4 basis or otherwise;
- 1 6. To administer and enforce the provisions of this compact;
- 1 7. To make and enforce such rules and regulations as the commission
2 may deem necessary to effectuate the purposes of this compact or to prevent
3 the circumvention or evasion thereof, to be effective upon publication in the
4 manner which the commission shall prescribe and upon filing in the office of
5 the Secretary of State of each State. A certified copy of any such rules and
6 regulations, attested as true and correct by the commission, shall be pre-
7 sumptive evidence of the regular making, adoption, approval and publication
8 thereof;
- 1 8. By its members and its properly designated officers, agents and em-
2 ployees, to administer oaths and issue subpoenas throughout both States to
3 compel the attendance of witnesses and the giving of testimony and the pro-
4 duction of other evidence;

1 14. To co-operate with and receive from any department, division, bur-
2 eau, board, commission, or agency of either or both States, or of any county
3 or municipality thereof, such assistance and data as will enable it properly to
4 carry out its powers and duties hereunder; and to request any such depart-
5 ment, division, bureau, board, commission, or agency, with the consent
6 thereof, to execute such of its functions and powers, as the public interest
7 may require.

8 The powers and duties of the commission may be exercised by officers,
9 employees and agents designated by them, except the power to make rules
10 and regulations. The commission shall have such additional powers and
11 duties as may hereafter be delegated to or imposed upon it from time to
12 time by the action of the Legislature of either State concurred in by the Leg-
13 islature of the other.

ARTICLE V

PIER SUPERINTENDENTS AND HIRING AGENTS

1 1. On or after the first day of December, nineteen hundred and fifty-three,
2 no person shall act as a pier superintendent or as a hiring agent within the
3 port of New York district without first having obtained from the commission
4 a license to act as such pier superintendent or hiring agent, as the case may
5 be, and no person shall employ or engage another person to act as a pier su-
6 perintendent or hiring agent who is not so licensed.

1 2. A license to act as a pier superintendent or hiring agent shall be issued
2 only upon the written application, under oath, of the person proposing to
3 employ or engage another person to act as such pier superintendent or hiring
4 agent, verified by the prospective licensee as to the matters concerning him,
5 and shall state the following:

- 6 (a) The full name and business address of the applicant;
7 (b) The full name, residence, business address (if any), place and date
8 of birth and social security number of the prospective licensee;
9 (c) The present and previous occupations of the prospective licensee, in-
10 cluding the places where he was employed and the names of his employers;

(d) Shippers or consignees of freight, but only in connection with freight shipped by such shipper or consigned to such consignee;

(e) Stevedores licensed under article VI, whether or not such waterborne freight has been or is to be transported by a carrier of freight by water with which such stevedore shall have a contract of the type prescribed by subdivision (d) of section 3 of article VI.

Nothing herein contained shall be deemed to permit any such loading or unloading of any waterborne freight at any place by any such person by means of any independent contractor, or any other agent other than an employee, unless such independent contractor is a person permitted by this article to load or unload such freight at such place in his own right.

ARTICLE VIII

LONGSHOREMEN

1. The commission shall establish a longshoremen's register in which shall be included all qualified longshoremen eligible, as hereinafter provided, for employment as such in the Port of New York district. On or after the first day of December, nineteen hundred fifty-three, no person shall act as a longshoreman within the Port of New York district unless at the time he is included in the longshoremen's register, and no person shall employ another to work as a longshoreman within the Port of New York district unless at the time such other person is included in the longshoremen's register.

2. Any person applying for inclusion in the longshoremen's register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth his full name, residence address, social security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and his criminal record, if any.

3. The commission may in its discretion deny application for inclusion in the longshoremen's register by a person

1 4. Whenever any person shall fail to pay, within the time limited herein,
2 any assessment which he is required to pay to the commission under the
3 provisions of this section the commission may enforce payment of such fee
4 by civil action for the amount of such assessment with interest and penalties.

1 5. The employment by a nonresident of a longshoreman, or a licensed
2 pier superintendent, hiring agent or port watchman in either State or the
3 designation by a nonresident of a longshoreman, pier superintendent, hir-
4 ing agent or port watchman to perform work in such State shall be deemed
5 equivalent to an appointment by such nonresident of the Secretary of State
6 of such State to be his true and lawful attorney upon whom may be served
7 the process in any action or proceeding against him growing out of any lia-
8 bility for assessments, penalties or interest, and a consent that any such pro-
9 cess against him which is so served shall be of the same legal force and val-
10 idity as if served on him personally within such State and within the ter-
11 ritorial jurisdiction of the court from which the process issues. Service of
12 process within either State shall be made by either (1) personally delivering
13 to and leaving with the Secretary of State or a deputy Secretary of State of
14 such State duplicate copies thereof at the office of the Department of State
15 in the capitol city of such State, in which event such Secretary of State shall
16 forthwith send by registered mail one of such copies to the person at the last
17 address designated by him to the commission for any purpose under this sec-
18 tion or in the last return filed by him under this section with the commission
19 or as shown on the records of the commission, or if no return has been filed,
20 at his last known office address within or without such State, or (2) person-
21 ally delivering to and leaving with the Secretary of State or a deputy Secre-
22 tary of State of such State a copy thereof at the office of the Department of
23 State in the capitol city of such State and by delivering a copy thereof to the
24 person, personally without such State. Proof of such personal service with-
25 out such State shall be filed with the clerk of the court in which the process
26 is pending within thirty days after such service and such service shall be
27 complete ten days after proof thereof is filed.

6. Whenever the commission shall determine that any moneys received
and assessments were paid in error, it may cause the same to be refunded,
provided an application therefor is filed with the commission within two years
from the time the erroneous payment was made.

7. In addition to any other powers authorized hereunder, the commis-
sion shall have power to make reasonable rules and regulations to effectuate
the purposes of this section.

8. When any person shall wilfully fail to pay any assessment due here-
under he shall be assessed interest at a rate of one per centum (1%) per
month on the amount due and unpaid and penalties of five per centum (5%)
of the amount due for each thirty days or part thereof that the assessment re-
mains unpaid. The commission may, for good cause shown, abate all or
part of such penalty.

9. Any person who shall wilfully furnish false or fraudulent information
or shall wilfully fail to furnish pertinent information, as required, with
respect to the amount of assessment due, shall be guilty of a misdemeanor,
punishable by a fine of not more than one thousand dollars (\$1,000.00), or
imprisonment for not more than one year, or both.

10. All funds of the commission shall be deposited with such responsible
banks or trust companies as may be designated by the commission. The
commission may require that all such deposits be secured by obligations of
the United States or of the States of New Jersey or New York of a market
value equal at all times to the amount of the deposits, and all banks and trust
companies are authorized to give such security for such deposits. The mon-
ey so deposited shall be withdrawn only by check signed by both members
of the commission or by such other officers or employees of the commission
as it may from time to time designate.

11. The accounts, books and records of the commission, including its re-
ceipts, disbursements, contracts, leases, investments and any other matters
relating to its financial standing shall be examined and audited annually by
independent auditors to be retained for such purpose by the commission.

1 B. The commission shall reimburse each State for any funds advanced
2 to the commission exclusive of sums appropriated pursuant to section four
3 of Article XIII of the compact.

1 § 3. Officers and employees. Any employee in the State, county or mu-
2 nicipal civil service in either State who, on or before December 1, 1954, shall
3 transfer to service with the commission may be given one or more leaves of
4 absence without pay for a total period of not to exceed three years and may,
5 before the expiration of such three year period and without further exam-
6 ination or qualification return to his former position or be certified by the
7 appropriate civil service agency for retransfer to a comparable position in
8 such State, county or municipal civil service if such a position is then avail-
9 able.

10 The commission may, by agreement with any Federal agency from which
11 any officer or employee, on or before December 1, 1954, may transfer to serv-
12 ice with the commission, make similar provision for the retransfer of such
13 officer or employee to such Federal agency.

14 Notwithstanding the provisions of any other law in either State, any offi-
15 cer or employee in the State, county or municipal civil service in either State
16 who shall transfer, on or before December 1, 1954, to service with the com-
17 mission and who is a member of any existing State, county or municipal
18 pension or retirement system in New Jersey or New York, shall continue to
19 have all rights, privileges, obligations and status with respect to such fund,
20 system or systems as if he had continued in his State, county or municipal
21 office or employment, but during the period of his employment by the com-
22 mission, all contributions to any pension or retirement fund or system to be
23 paid by the employer on account of such officer or employee, shall be paid by
24 the commission. The commission may, by agreement with the appropriate
25 Federal agency, make similar provisions relating to continuance of retire-
26 ment system membership for any Federal officer or employee so transferred.

12 § 4. Penalties. Any person who shall violate any of the provisions of
13 the compact or of section two hereof, for which no other penalty is pre-
14 scribed, shall be guilty of a misdemeanor, punishable by a fine of not more
15 than five hundred dollars (\$500.00) or by imprisonment for not more than one
16 year, or both.

1 § 5. Federal funds. The officer heretofore designated by each State as
2 the agent of such State as required by an act of the Congress of the United
3 States, effective June sixth, nineteen hundred thirty-three, entitled "An act
4 to provide for the establishment of a national employment system and for
5 co-operation with the States in the promotion of such system and for other
6 purposes," otherwise referred to as "Wagner-Poyser Act" or any act
7 amendatory or supplemental thereto or in substitution thereof, may be
8 designated as the agency of such State and of the other State which is a
9 party to this compact, as such act of Congress requires; and as such agent
10 is hereby authorized, empowered and directed to co-operate with the United
11 States employment service under and pursuant to the terms, conditions, pro-
12 visions and requirements of such act in so far as the same may relate to any
13 of the purposes of this compact, and he shall have and exercise all powers
14 necessary therefor. Such officer is hereby further authorized and empowered,
15 subject to the direction of the commission and the provisions of this act,
16 to take such steps and to formulate such plans and to execute such projects
17 as may be necessary or appropriate to obtain for and on behalf of each
18 State the full benefits, advantages and privileges derivable under and pur-
19 suant to such acts of Congress in so far as they are derivable for the effectua-
20 tion of the purposes of this compact.

PART III

1 § 6. Commission established for New Jersey. A. Unless and until the
2 provisions of the compact contained in section one of this act shall have been
3 concurred in by the State of New York, the consent of Congress given
4 thereto, and the commission, provided for therein, established:

1. The provisions of such compact and sections two, three, four and five of this act shall apply to and be in full force and effect within the State of New Jersey, except as limited by this section, and any violation of such compact or section shall be a violation of the laws of the State of New Jersey; provided, however, that (with respect to the definitions contained in such compact):

(a) "The Port of New York district" shall mean only that portion of the district within the State of New Jersey;

(b) The "commission," hereinafter referred to in this section as the "New Jersey commission," shall mean and consist of the member appointed by the Governor of this State by and with the advice and consent of the Senate, and he shall possess and exercise all the powers and duties of the commission set forth in section one of this act and any other powers and duties conferred herein;

(c) The powers and duties of any other officer or agency of this State prescribed by section one or otherwise by this act shall be effective as if the provisions of the compact were effective as a statute of this State; and

(d) The New Jersey commission shall not be deemed to be a body corporate and politic and shall be in the Department of Labor and Industry of this State.

2. The New Jersey commission is authorized to co-operate with a similar commission of the State of New York, to exchange information on any matter pertinent to the purposes of this act, and to enter into reciprocal agreements for the accomplishment of such purposes, including but not limited to the following objectives:

(a) To provide for the reciprocal recognition of any license issued or registration made by either commission;

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

11 (c) To provide that any act or omission by a licensee or registrant in
12 either State which would be a basis for disciplinary action against such
13 licensee or registrant if it occurred in the State in which the license was
14 issued of the person registered shall be the basis for disciplinary action
15 in both States;

16 (d) To provide that longshoremen registered in either State, who per-
17 form work or who apply for work at an employment information center
18 within the other State shall be deemed to have performed work or to have
19 applied for work in the State in which they are registered.

1 3. Notwithstanding any other provision of law, the officers, employees
2 and agents of the commission established by this section may be appointed
3 or employed without regard to their State of residence. Such commission
4 may appoint or employ the same person to a similar office or employment
5 in this State as he holds in a similar commission or agency of the State of
6 New York.

7 B. Notwithstanding any other provision of this act, for the purpose of
8 providing for the commission's expenses of administration during the re-
9 mainder of the calendar year following the effective date of this act, and
10 until June 30, 1954, the assessment for such expense shall be at the rate of
11 one and one-half per centum (1½%). Such assessment shall be made, col-
12 lected and enforced in accordance with Article XIII of the compact and sec-
13 tion 2 of this act.

1 § 7. Prohibition against loitering. Any person who shall, without a satis-
2 factory explanation, loiter upon any dock, wharf, pier, bulkhead, terminal,
3 warehouse, or other waterfront facility in that portion of the Port of New
4 York district within the State of New Jersey, shall be a disorderly person.

1 § 8. Collection of funds for unions having officers or agents who are
2 felons. No person shall solicit, collect or receive any dues, assessments, levies,
3 fines or contributions, or other charges within the State of New Jersey from
4 employees registered or licensed pursuant to the provisions of this act for or
5 on behalf of any labor organization representing any such employees if any

6 officer or agent of such organization has been convicted by a court of the
 7 United States, or any State or territory thereof, of treason,
 8 murder, manslaughter or any felony, high misdemeanor or misde-
 9 meanor involving moral turpitude, unless he has been subse-
 10 quently pardoned therefor by the Governor or other appropriate authority
 11 of the State or jurisdiction in which such conviction was had or has received
 12 a certificate of good conduct or other relief from disabilities arising from the
 13 fact of conviction from a board of parole or similar authority.

13 As used in this section, the term "labor organization" shall mean and
 14 include any organization which exists and is constituted for the purpose in
 15 whole or in part of collective bargaining, or of dealing with employers con-
 16 cerning grievances, terms and conditions of employment, or of other mutual
 17 aid or protection; but it shall not include a federation or congress of labor
 18 organizations organized on a national or international basis even though one
 19 of its constituent labor organizations may represent persons so registered or
 20 licensed.

21 Any person who shall violate this section shall be guilty of a misde-
 22 meanor punishable by a fine of five hundred dollars (\$500.00) or imprison-
 23 ment for one year, or both.

1 §9. Appropriation. The sum of two hundred thousand dollars
 2 (\$200,000.00) or such part thereof as may be necessary is hereby appropri-
 3 ated to the commission, out of any available funds in the State treasury, for
 4 the purposes of the compact set forth in section 1 of this act, payable on the
 5 audit and warrant of the comptroller on voucher certified by the commission.
 6 The amount so appropriated shall, together with such amounts as may be
 7 similarly appropriated by the State of New York, be held by the commission
 8 as an advance of operating funds, repayable to the respective States in in-
 9 stallments from time to time, in proportion to their initial contributions.

1 §10. Short title. This act shall be known and may be cited as the "Wa-
 2 terfront Commission Act."

§ 11. Separability of act. If any part or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the two States hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§ 12. Effective date. Sections one to five, inclusive, of this act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with said sections; but if the State of New York shall have already enacted such legislation, then sections one to five, inclusive, of this act shall take effect immediately. Sections seven and eight of this act shall take effect September first, nineteen hundred fifty-three. Sections six, nine, ten, eleven and twelve shall take effect immediately.