

**32:23-229 to 32:23-230**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2017      **CHAPTER:** 324

**NJSA:** 32:23-229 to 32:23-230 (Directs Governor to withdraw from compact establishing Waterfront Commission of New York Harbor; dissolves compact and commission; transfers commission's NJ operations to State Police)

**BILL NO:** S3502      (Substituted for A2179)

**SPONSOR(S)** Sweeney and others

**DATE INTRODUCED:** November 9, 2017

**COMMITTEE:**      **ASSEMBLY:** Appropriations  
    **SENATE:** Budget and Appropriations

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** January 8, 2018  
    **SENATE:** December 7, 2017

**DATE OF APPROVAL:** January 16, 2018

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced version of bill enacted)      Yes

**S3502/S2042**

**SPONSOR'S STATEMENT (S3502):** (Begins on page 46 of introduced bill)      Yes

**SPONSOR'S STATEMENT (S2042):** (Begins on page 46 of introduced bill)      Yes

**COMMITTEE STATEMENT: ASSEMBLY:**      Yes

**SENATE:**      Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      Yes

**A2179**

**SPONSOR'S STATEMENT:** (Begins on page 46 of introduced bill)      Yes

**TECHNICAL REVIEW OF INTRODUCED BILL:**  
    (Sponsorship Updated as of 1/6/2018):      Yes

**COMMITTEE STATEMENT: ASSEMBLY:**      Yes      Law and Public Safety  
         Appropriations

**SENATE:**      No

(continued)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"N.J. officials step back in controversial move to kill port watchdog," Star-Ledger, 1-24-18

"Mafia watchdog fights hit by Christie - Last-minute move aims to pull N.J. out of bistate agency policing waterfront," The Star-Ledger, 1-23-18

"Suit seeks to stop Christie order ending ports watchdog," Associated Press State Wire: New Jersey, 1-17-18

"New Jersey tries again to kill waterfront commission," politico.com, 12-4-17

"Feud Reaches New Low at Harbor," The Wall Street Journal, 7-8-16

"Assembly Panel Approves Plan to Dissolve NY/NJ Waterfront Commission," observer.com, 12-2017

"Legislators Seek Waterfront Commission Exit," The Wall Street Journal, 1-4-18

"Christie, reversing himself, signs bill to abolish Waterfront Commission," politico.com, 1-15-18

LAW/RWH

§§1,2 -  
C.32:23-229 to  
32:23-230  
§§3-31 -  
C.53:2-8 to  
53:2-36  
§33 - Repealer  
§34 - Note

P.L. 2017, CHAPTER 324, *approved January 16, 2018*  
Senate, No. 3502

1 **AN ACT** directing the Governor, on behalf of the State of New  
2 Jersey, to notify the Congress of the United States, the Governor  
3 of the State of New York, and the Waterfront Commission of  
4 New York Harbor, of the State of New Jersey's intention to  
5 withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6 1 et seq.), supplementing Titles 32 and 53 of the Revised  
7 Statutes, amending R.S.52:14-7, and repealing parts of the  
8 statutory law.

9

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

12

13 1. (New section) The Legislature finds and declares that:

14 a. The Port of New York and New Jersey (port) has been one  
15 of the backbones of the region's economy for decades. When  
16 ranked by tonnage, the port is the largest port complex on the East  
17 coast of North America and the third largest in the United States.  
18 When ranked by the value of shipments passing through it, the port  
19 is the second busiest freight gateway in the United States. The  
20 port's strategic location, within one day's drive of a significant  
21 percentage of the national market and developed transportation  
22 infrastructure, are key assets that have made the region a gateway  
23 for international trade. Since the birth of containerization in 1956,  
24 the marine terminals on the New Jersey side of the port have grown  
25 significantly in comparison to the New York terminals. Today more  
26 than 82 percent of the cargo and 82 percent of the work hours are  
27 on the New Jersey side of the port. The port and freight industry in  
28 New Jersey alone supports more than 143,000 direct jobs and  
29 250,000 total jobs, nearly \$14.5 billion in personal income, over  
30 \$20 billion in business income, and nearly \$4.9 billion in federal,  
31 State, and local taxes, of which State and local taxes account for  
32 \$1.6 billion.

33 b. The Waterfront Commission of New York Harbor  
34 (commission) was created through a compact between the states of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 New Jersey and New York and approved by Congress in 1953. The  
2 commission's mission is to ensure fair hiring and employment  
3 practices and investigate, deter, and combat criminal activity and  
4 influence in the port. The commission has itself been tainted by  
5 corruption in recent years and, moreover, has exercised powers that  
6 do not exist within the authorizing compact, by dictating the terms  
7 of collective bargaining agreements of organized labor, and by  
8 requiring stevedoring companies to hire and retain independent  
9 inspectors to examine company operations in order for those  
10 companies to continue to operate in the port. Further, the  
11 commission, despite changes in the industry to drive out organized  
12 crime's influence, has over-regulated the businesses at the port in an  
13 effort to justify its existence as the only waterfront commission in  
14 any port in the United States. As a result, the commission has  
15 become an impediment to future job growth and prosperity at the  
16 port.

17 c. While there is a continued need to regulate port-located  
18 business to ensure fairness and safety, there are numerous federal,  
19 State, and local taxpayer funded agencies that have jurisdiction that  
20 the commission lacks to regulate port operations, including, but not  
21 limited to: the United States Department of Homeland Security;  
22 United States Customs and Border Protection; the United States  
23 Coast Guard; the Transportation Security Administration; the  
24 Federal Bureau of Investigation; the United States Department of  
25 Labor's Division of Longshore and Harbor Workers Compensation;  
26 the National Labor Relations Board; the Food and Drug  
27 Administration; the United States Environmental Protection  
28 Agency; the United States Department of Transportation; the  
29 Federal Maritime Commission; the Occupational Safety and Health  
30 Administration; the Port Authority of New York and New Jersey  
31 Police Department; depending on the particular location of the  
32 facility in New Jersey, the City of Newark Police Department, City  
33 of Elizabeth Police Department, City of Bayonne Police  
34 Department, City of Jersey City Police Department, and the New  
35 Jersey State Police; and, in matters of fair hiring and employment  
36 discrimination, the United States Equal Employment Opportunity  
37 Commission and the New Jersey Division on Civil Rights.

38 d. Abolishing the commission and transferring the New Jersey  
39 portion of the commission's law enforcement responsibilities to the  
40 New Jersey State Police would be practical and efficient, as the  
41 State Police is suited to undertake an investigation of any criminal  
42 activity in the ports of northern New Jersey without impeding  
43 economic prosperity.

44  
45 2. (New section) a. Within 30 days of the effective date of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill),  
47 the Governor, on behalf of the State of New Jersey, shall notify the  
48 Congress of the United States, the Governor of the State of New

1 York, and the waterfront commission of New York harbor, of the  
2 State of New Jersey's intention to withdraw from:

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

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

13 b. As soon as practicable after the date of notification pursuant  
14 to subsection a. of this section, the Governor shall notify the  
15 presiding officers of each house of the Legislature that the  
16 notification has occurred, the date of the notification, and any other  
17 information concerning the notification the Governor deems  
18 appropriate.

19

20 3. (New section) As used in P.L. , c. (C. ) (pending  
21 before the Legislature as this bill):

22 "Career offender" means a person whose behavior is pursued in  
23 an occupational manner or context for the purpose of economic  
24 gain, utilizing methods that are deemed criminal violations against  
25 the laws of this State.

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

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

31 "Carrier of freight by water" means any person who may be  
32 engaged or who may hold himself or herself out as willing to be  
33 engaged, whether as a common carrier, a contract carrier, or  
34 otherwise, except for carriage of liquid cargoes in bulk in tank  
35 vessels designed for use exclusively in that service or carriage by  
36 barge of bulk cargoes consisting of only a single commodity loaded  
37 or carried without wrappers or containers and delivered by the  
38 carrier without transportation mark or count, in the carriage of  
39 freight by water between any point in the port of New York district,  
40 as applicable only within the State of New Jersey, and a point  
41 outside that district.

42 "Checker" means a longshoreman who is employed to engage in  
43 direct and immediate checking of waterborne freight or of the  
44 custodial accounting therefor or in the recording or tabulation of the  
45 hours worked at piers or other waterfront terminals by natural  
46 persons employed by carriers of freight by water or stevedores.

47 "Commission" means the waterfront commission of New York  
48 harbor established by the State of New Jersey pursuant to P.L.1953,

1 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to  
2 its agreement thereto under P.L.1953, c.882 (NY Unconsol.  
3 Ch.307, s.1).

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

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

11 "Consignee" means the person designated on a bill of lading as  
12 the recipient of waterborne freight consigned for carriage by water.

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

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

18 "Division" means the Division of State Police in the Department  
19 of Law and Public Safety.

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

22 "Hiring agent" means any natural person who, on behalf of a  
23 carrier of freight by water or a stevedore, shall select any  
24 longshoreman for employment, and "hiring agent" includes any  
25 natural person, who on behalf of any other person shall select any  
26 longshoreman for employment.

27 "Immunity" means that a person shall not be prosecuted or  
28 subjected to any penalty or forfeiture for or on account of any  
29 transaction, matter, or thing concerning which, pursuant to an order  
30 of the division, the person gave answer or produced evidence, and  
31 that no answer given or evidence produced shall be received against  
32 the person upon any criminal proceeding.

33 "Labor organization" means and includes any organization which  
34 exists and is constituted for the purpose in whole or in part of  
35 collective bargaining, or of dealing with employers concerning  
36 grievances, terms and conditions of employment, or other mutual  
37 aid or protection, but "labor organization" shall not include a  
38 federation or congress of labor organizations organized on a  
39 national or international basis even though one of its constituent  
40 labor organizations may represent persons so registered or licensed.

41 "Longshoreman" means a natural person, other than a hiring  
42 agent, who is employed for work at a pier or other waterfront  
43 terminal, either by a carrier of freight by water or by a stevedore, to:  
44 a. physically move waterborne freight on vessels berthed at piers,  
45 on piers or at other waterfront terminals; b. engage in direct and  
46 immediate checking of any such freight or of the custodial  
47 accounting therefor or in the recording or tabulation of the hours  
48 worked at piers or other waterfront terminals by natural persons

1 employed by carriers of freight by water or stevedores; c. supervise  
2 directly and immediately others who are employed as a  
3 longshoreman; d. physically to perform labor or services incidental  
4 to the movement of waterborne freight on vessels berthed at piers,  
5 on piers or at other waterfront terminals; e. physically move  
6 waterborne freight to or from a barge, lighter, or railroad car for  
7 transfer to or from a vessel of a carrier of freight by water which is,  
8 shall be, or shall have been berthed at the same pier or other  
9 waterfront terminal; or f. perform labor or services involving, or  
10 incidental to, the movement of freight at a pier or other waterfront  
11 terminal.

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

16 "Marine terminal" means an area which includes piers, which is  
17 used primarily for the moving, warehousing, distributing, or  
18 packing of waterborne freight or freight to or from piers and which  
19 is under common ownership or control with the pier.

20 "Other waterfront terminal" means any warehouse, depot, or  
21 other terminal, other than a pier, which is located within a marine  
22 terminal in the port of New York district and which is used for  
23 waterborne freight in whole or substantial part, and includes any  
24 warehouse, depot, or other terminal, other than a pier, whether  
25 enclosed or open, which is located in a marine terminal in the port  
26 of New York district, any part of which is used by any person to  
27 perform labor or services involving, or incidental to, the movement  
28 of waterborne freight or freight.

29 "Person" means not only a natural person but also any  
30 partnership, joint venture, association, corporation, or any other  
31 legal entity but shall not include the United States, any state or  
32 territory thereof, or any department, division, board, authority, or  
33 authority of one or more of the foregoing.

34 "Pier" means any wharf, pier, dock, or quay in regular use for the  
35 movement of waterborne freight between vessel and shore.

36 "Pier superintendent" means any natural person other than a  
37 longshoreman who is employed for work at a pier or other  
38 waterfront terminal by a carrier of freight by water or a stevedore  
39 and whose work at the pier or other waterfront terminal includes the  
40 supervision, directly or indirectly, of the work of longshoremen.

41 "Port of New York district" or "district" means the district  
42 created by Article II of the compact dated April 30, 1921, between  
43 the states of New York and New Jersey, authorized by chapter 154  
44 of the laws of New York of 1921 and chapter 151 of the laws of  
45 New Jersey of 1921.

46 "Port watchman" means any watchman, gateman, roundsman,  
47 detective, guard, guardian, or protector of property employed by the  
48 operator of any pier or other waterfront terminal or by a carrier of

1 freight by water to perform services in that capacity on any pier or  
2 other waterfront terminal.

3 "Select any longshoreman for employment" means select a  
4 person for the commencement or continuation of employment as a  
5 longshoreman, or the denial or termination of employment as a  
6 longshoreman.

7 "Stevedore" means a contractor, not including an employee,  
8 engaged for compensation pursuant to a contract or arrangement  
9 with a carrier of freight by water, in moving waterborne freight  
10 carried or consigned for carriage by the carrier on vessels of the  
11 carrier berthed at piers, on piers at which the vessels are berthed or  
12 at other waterfront terminals. "Stevedore" shall also include: a.  
13 a contractor engaged for compensation pursuant to a contract or  
14 arrangement with the United States, any state or territory thereof, or  
15 any department, division, board, commission, or authority of one or  
16 more of the foregoing, in moving freight carried or consigned for  
17 carriage between any point in the port of New York district and a  
18 point outside that district on vessels of the public agency berthed at  
19 piers, on piers at which their vessels are berthed or at other  
20 waterfront terminals; b. a contractor, engaged for compensation  
21 pursuant to a contract or arrangement with any person to perform  
22 labor or services incidental to the movement of waterborne freight  
23 on vessels berthed at piers, on piers or at other waterfront terminals;  
24 or c. a contractor engaged for compensation pursuant to a contract  
25 or arrangement with any other person to perform labor or services  
26 involving, or incidental to, the movement of freight into or out of  
27 containers, which have been or which will be carried by a carrier of  
28 freight by water, on vessels berthed at piers, on piers or at other  
29 waterfront terminals.

30 "State Treasurer" means the Treasurer of the State of New  
31 Jersey.

32 "Terrorist group" means a group associated, affiliated, or funded  
33 in whole or in part by a terrorist organization designated by the  
34 United States Secretary of State in accordance with section 219 of  
35 the federal Immigration and Nationality Act, as amended from time  
36 to time, or any other organization which assists, funds, or engages  
37 in crimes or acts of terrorism as defined in the laws of the United  
38 States, or of this State.

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

42 "Waterborne freight" means freight carried by or consigned for  
43 carriage by carriers of freight by water, and shall also include  
44 freight described in the definition of "stevedore" and in the  
45 definition of "other waterfront terminal." Provided, however, that  
46 at the point at which the freight is released from a pier or marine  
47 terminal to the possession of the consignee or the person designated



1 by the consignee, the freight shall no longer be considered  
2 waterborne freight if:

3 a. the freight is not further transported by water; and

4 b. services involving or incidental to the unloading, storage,  
5 inspection, grading, repackaging, or processing of freight occur at a  
6 location outside a pier or marine terminal.

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

11

12 4. (New section) a. Until the transfer date established  
13 pursuant to section 31 of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill) shall have become operative, the division  
15 shall not exercise any powers, rights, or duties conferred by  
16 P.L. , c. (C. ) (pending before the Legislature as this bill)  
17 or by any other law in any way which will interfere with the  
18 powers, rights, and duties of the commission. The division and the  
19 commission are directed to cooperate with each other after the date  
20 of notification pursuant to section 2 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill) until the transfer date,  
22 and the commission shall make available to the division all  
23 information concerning its property and assets, contracts,  
24 operations, and finances within New Jersey as the division may  
25 require to provide for the efficient exercise by the division of all  
26 powers, rights, and duties conferred upon the division by P.L. , c.  
27 (C. ) (pending before the Legislature as this bill).

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

30 (1) The division shall assume all of the powers, rights, assets,  
31 and duties of the commission within this State, and those powers,  
32 rights, assets, and duties shall then and thereafter be vested in and  
33 exercised by the division;

34 (2) The officers having custody of the funds of the commission  
35 applicable to this State shall deliver those funds into the custody of  
36 the State Treasurer, the property and assets of the commission  
37 within this State shall, without further act or deed, become the  
38 property and assets of the division; and

39 (3) Any officers and employees of the commission seeking to be  
40 transferred to the division may apply to become employees of the  
41 division until determined otherwise by the division. Nothing in  
42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
43 shall be construed to deprive any officers or employees of the  
44 commission of their rights, privileges, obligations, or status with  
45 respect to any pension or retirement system. The commission  
46 employees shall retain all of their rights and benefits under existing  
47 collective negotiation agreements or contracts until such time as  
48 new or revised agreements or contracts are agreed to. All existing

1 employee representatives shall be retained to act on behalf of those  
2 employees until such time as the employees shall, pursuant to law,  
3 elect to change those representatives. If an existing officer or  
4 employee becomes a member of an administered retirement system  
5 of the State of New Jersey, the officer or employee shall receive the  
6 same amount of service credit in the retirement system as the  
7 officer or employee previously had in the pension or retirement  
8 system as an employee of the commission, provided that there is a  
9 transfer of funds, or purchase, of the full cost of that credit from the  
10 pension or retirement system of the commission to an administered  
11 retirement system of the State of New Jersey. Nothing in P.L. , c.  
12 (C. ) (pending before the Legislature as this bill) shall affect the  
13 civil service status, if any, of those officers or employees;

14 (4) All debts, liabilities, obligations, and contracts of the  
15 commission applicable only to this State, as determined by the  
16 officers having custody of the funds of the commission, except to  
17 the extent specifically provided for or established to the contrary in  
18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
19 are imposed upon the division, and all creditors of the commission  
20 and persons having claims against or contracts with the commission  
21 of any kind or character may enforce those debts, claims, and  
22 contracts against the division as successor to the commission in the  
23 same manner as they might have done against the commission, and  
24 the rights and remedies of those holders, creditors, and persons  
25 having claims against or contracts with the commission shall not be  
26 limited or restricted in any manner by P.L. , c. (C. )  
27 (pending before the Legislature as this bill);

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

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

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

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

46 (9) The powers vested in the division by P.L. , c. (C. )  
47 (pending before the Legislature as this bill) shall be construed as  
48 being in addition to, and not in diminution of, the powers heretofore

1 vested by law in the commission to the extent not otherwise altered  
2 or provided for in P.L. , c. (C. ) (pending before the  
3 Legislature as this bill).

4 c. A license, registration, or permit issued by the commission  
5 prior to the date of notification pursuant to section 2 of P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill) shall,  
7 subject to the terms of its issuance, continue to be valid on and after  
8 the transfer date as a license, registration, or permit issued by the  
9 division. An application for a license, registration, or permit filed  
10 with the commission prior to and pending on that notification date  
11 shall, as of and from the notification date, be deemed to be filed  
12 with and pending before the division.

13

14 5. (New section) In addition to the powers and duties elsewhere  
15 prescribed in law, the division shall have the power:

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

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

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

29 d. By its members and its properly designated officers, agents,  
30 and employees, with respect to the implementation and enforcement  
31 of P.L. , c. (C. ) (pending before the Legislature as this  
32 bill), to administer oaths and issue subpoenas to compel the  
33 attendance of witnesses and the giving of testimony and the  
34 production of other evidence;

35 e. To have for its properly designated officers, agents and  
36 employees, full and free access, ingress, and egress to and from all  
37 vessels, piers, and other waterfront terminals or other places in the  
38 port of New York district within this State, for the purposes of  
39 making inspection or enforcing the provisions of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill);  
41 and no person shall obstruct or in any way interfere with any  
42 officer, employee, or agent of the division in the making of an  
43 inspection, or in the enforcement of the provisions of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill) or in the  
45 performance of any other power or duty under P.L. , c. (C. )  
46 (pending before the Legislature as this bill);

47 f. To recover possession of any suspended or revoked license  
48 issued pursuant to sections 6, 7, and 13 of P.L. , c. (C. )

- 1 (pending before the Legislature as this bill) within the port of New  
2 York district in this State;
- 3 g. To make investigations and collect and compile information  
4 concerning waterfront practices generally within the port of New  
5 York district in this State and upon all matters relating to the  
6 accomplishment of the objectives of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill);
- 8 h. To advise and consult with representatives of labor and  
9 industry and with public officials and agencies concerned with the  
10 effectuation of the purposes of P.L. , c. (C. ) (pending  
11 before the Legislature as this bill), upon all matters which the  
12 division may desire, including but not limited to, the form and  
13 substance of rules and regulations, the administration of the  
14 provisions of P.L. , c. (C. ) (pending before the Legislature  
15 as this bill), maintenance of the longshoremen's register, and  
16 issuance and revocation of licenses;
- 17 i. To make annual and other reports to the Governor and,  
18 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
19 Legislature containing recommendations for the improvement of the  
20 conditions of waterfront labor within the port of New York district  
21 in this State and for the effectuation of the purposes of P.L. ,  
22 c. (C. ) (pending before the Legislature as this bill). The  
23 annual reports shall state the division's findings and determinations  
24 as to whether the public necessity still exists for: (1) the continued  
25 registration of longshoremen; (2) the continued licensing of any  
26 occupation or employment required to be licensed hereunder; and  
27 (3) the continued public operation of the employment information  
28 centers provided for in section 16 of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill);
- 30 j. To co-operate with and receive from any department,  
31 division, bureau, board, commission, authority, or agency of this  
32 State, or of any county or municipality thereof, any assistance and  
33 data as will enable the division to properly to carry out its powers  
34 and duties hereunder; and to request a department, division, bureau,  
35 board, commission, authority, or agency, with the consent thereof,  
36 to execute the division's functions and powers, as the public interest  
37 may require; and
- 38 k. To exercise the powers and duties of the division as  
39 provided in P.L. , c. (C. ) (pending before the Legislature as  
40 this bill) to its officers, employees, and agents designated by the  
41 division;
- 42 l. To issue temporary permits and permit temporary  
43 registrations under such terms and conditions as the division may  
44 prescribe which shall be valid for a period to be fixed by the  
45 division not in excess of six months;
- 46 m. To require any applicant for a license or registration or any  
47 prospective licensee to furnish facts and evidence as the division

- 1 may deem appropriate to enable it to ascertain whether the license  
2 or registration should be granted;
- 3 n. In any case in which the division has the power to revoke,  
4 cancel or suspend any license, the division shall also have the  
5 power to impose as an alternative to that revocation, cancellation, or  
6 suspension, a penalty, which the licensee may elect to pay the  
7 division in lieu of the revocation, cancellation, or suspension. The  
8 maximum penalty shall be \$5,000 for each separate offense. The  
9 division may, for good cause shown, abate all or part of the penalty;
- 10 o. To designate any officer, agent, or employee of the division  
11 to be an investigator who shall be vested with all the powers of a  
12 peace or police officer of the State of New Jersey;
- 13 p. To confer immunity, in the following manner prescribed by  
14 section 20 of P.L. , c. (C. ) (pending before the Legislature  
15 as this bill);
- 16 q. To require any applicant or renewal applicant for registration  
17 as a longshoreman, any applicant or renewal applicant for  
18 registration as a checker, or any applicant or renewal applicant for  
19 registration as a telecommunications system controller and any  
20 person who is sponsored for a license as a pier superintendent or  
21 hiring agent, any person who is an individual owner of an applicant  
22 or renewal applicant stevedore, or any persons who are individual  
23 partners of an applicant or renewal applicant stevedore, or any  
24 officers, directors, or stockholders owning five percent or more of  
25 any of the stock of an applicant or renewal applicant corporate  
26 stevedore or any applicant or renewal applicant for a license as a  
27 port watchman or any other category of applicant or renewal  
28 applicant for registration or licensing within the division's  
29 jurisdiction to be fingerprinted by the division at the cost and  
30 expense of the applicant or renewal applicant;
- 31 r. To exchange fingerprint data with and receive criminal  
32 history record information from the Federal Bureau of Investigation  
33 and the State Bureau of Identification for use in making the  
34 determinations required by this section; and
- 35 s. Notwithstanding any other provision of law, rule, or  
36 regulation to the contrary, to require any applicant for employment  
37 or employee of the division engaged in the implementation or  
38 enforcement of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) to be fingerprinted at the cost and expense  
40 of the applicant or employee and to exchange fingerprint data with  
41 and receive criminal history record information from the Federal  
42 Bureau of Investigation and the State Bureau of Identification for  
43 use in the hiring or retention of those persons.
- 44
- 45 6. (New section) a. A person shall not act as a pier  
46 superintendent or as a hiring agent within the port of New York  
47 district in this State without first having obtained from the division  
48 a license to act as a pier superintendent or hiring agent, as the case

1 may be, and a person shall not employ or engage another person to  
2 act as a pier superintendent or hiring agent who is not so licensed.

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

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

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

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

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

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

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

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

24 (2) If the prospective licensee has, without subsequent pardon,  
25 been convicted by a court of the United States, or any State or  
26 territory thereof, of the commission of, or the attempt or conspiracy  
27 to commit, treason, murder, manslaughter, or any of the following  
28 offenses: illegally using, carrying, or possessing a pistol or other  
29 dangerous weapon; making or possessing burglar's instruments;  
30 buying or receiving stolen property; unlawful entry of a building;  
31 aiding an escape from prison; unlawfully possessing, possessing  
32 with intent to distribute, sale, or distribution of a controlled  
33 dangerous substance or a controlled dangerous substance analog; or  
34 a violation prescribed in subsection g. of this section. Any  
35 prospective licensee ineligible for a license by reason of any  
36 conviction under this paragraph may submit satisfactory evidence to  
37 the division that the prospective licensee has for a period of not less  
38 than five years, measured as hereinafter provided, and up to the  
39 time of application, so acted as to warrant the grant of a license, in  
40 which event the division may, in its discretion, issue an order  
41 removing that ineligibility. The five-year period shall be measured  
42 either from the date of payment of any fine imposed upon that  
43 person or the suspension of sentence or from the date of the  
44 person's unrevoked release from custody by parole, commutation,  
45 or termination of sentence; and

46 (3) If the prospective licensee knowingly or willfully advocates  
47 the desirability of overthrowing or destroying the government of the  
48 United States by force or violence or shall be a member of a group

1 which advocates that desirability, knowing the purposes of a group  
2 having that advocacy.

3 d. When the application shall have been examined and further  
4 inquiry and investigation made as the division shall deem proper  
5 and when the division shall be satisfied therefrom that the  
6 prospective licensee possesses the qualifications and requirements  
7 prescribed in this section, the division shall issue and deliver to the  
8 prospective licensee a license to act as pier superintendent or hiring  
9 agent for the applicant, as the case may be, and shall inform the  
10 applicant of this action. The division may issue a temporary permit  
11 to any prospective licensee for a license issued under this section  
12 pending final action on an application made for that license. Any  
13 temporary permit shall be valid for a period not in excess of 30  
14 days.

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

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

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

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

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

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

35 (4) Unlawfully possessing, possessing with intent to distribute,  
36 sale, or distribution of a controlled dangerous substance or a  
37 controlled dangerous substance analog;

38 (5) Employing, hiring, or procuring any person in violation of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
40 inducing or otherwise aiding or abetting any person to violate the  
41 terms of P.L. , c. (C. ) (pending before the Legislature as  
42 this bill);

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

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

- 1 (8) Transfer or surrender of possession of the license to any  
2 person either temporarily or permanently without satisfactory  
3 explanation;
- 4 (9) False impersonation of another licensee under P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill);
- 6 (10) Receipt or solicitation of anything of value from any person  
7 other than the licensee's employer as consideration for the selection  
8 or retention for employment of any longshoreman;
- 9 (11) Coercion of a longshoreman by threat of discrimination or  
10 violence or economic reprisal, to make purchases from or to utilize  
11 the services of any person;
- 12 (12) Lending any money to or borrowing any money from a  
13 longshoreman for which there is a charge of interest or other  
14 consideration; or
- 15 (13) Membership in a labor organization which represents  
16 longshoremen or port watchmen; but nothing in this section shall be  
17 deemed to prohibit pier superintendents or hiring agents from being  
18 represented by a labor organization or organizations which do not  
19 also represent longshoremen or port watchmen. The American  
20 Federation of Labor, the Congress of Industrial Organizations and  
21 any other similar federation, congress, or other organization of  
22 national or international occupational or industrial labor  
23 organizations shall not be considered an organization which  
24 represents longshoremen or port watchmen within the meaning of  
25 this section although one of the federated or constituent labor  
26 organizations thereof may represent longshoremen or port  
27 watchmen.
- 28
- 29 7. (New section) a. A person shall not act as a stevedore  
30 within the port of New York district in this State without having  
31 first obtained a license from the division, and a person shall not  
32 employ a stevedore to perform services as such within the port of  
33 New York district unless the stevedore is so licensed.
- 34 b. Any person intending to act as a stevedore within the port of  
35 New York district shall file in the office of the division a written  
36 application for a license to engage in that occupation, duly signed,  
37 and verified as follows:
- 38 c. If the applicant is a natural person, the application shall be  
39 signed and verified by that person and if the applicant is a  
40 partnership, the application shall be signed and verified by each  
41 natural person composing or intending to compose that partnership.  
42 The application shall state the full name, age, residence, business  
43 address, if any, present and previous occupations of each natural  
44 person so signing the application, and any other facts and evidence  
45 as may be required by the division to ascertain the character,  
46 integrity, and identity of each natural person signing the  
47 application.



1 d. If the applicant is a corporation, the application shall be  
2 signed and verified by the president, secretary, and treasurer  
3 thereof, and shall specify the name of the corporation, the date and  
4 place of its incorporation, the location of its principal place of  
5 business, the names and addresses of, and the amount of the stock  
6 held by stockholders owning five percent or more of any of the  
7 stock thereof, and of all officers, including all members of the board  
8 of directors. The requirements of subsection a. of this section as to  
9 a natural person who is a member of a partnership, and the  
10 requirements as may be specified in rules and regulations  
11 promulgated by the division pursuant to the "Administrative  
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
13 each above-named officer or stockholder and their successors in  
14 office or interest, as the case may be.

15 In the event of the death, resignation, or removal of any officer,  
16 and in the event of any change in the list of stockholders who shall  
17 own five percent or more of the stock of the corporation, the  
18 secretary of the corporation shall forthwith give notice of that fact  
19 in writing to the division, certified by the secretary.

20 e. A license shall not be granted:

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

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

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

32 (4) Unless the applicant shall be a party to a contract then in  
33 force or which will take effect upon the issuance of a license, with a  
34 carrier of freight by water for the loading and unloading by the  
35 applicant of one or more vessels of such carrier at a pier within the  
36 port of New York district;

37 (5) If the applicant or any member, officer, or stockholder  
38 required by subsection d. of this section to sign or be identified in  
39 the application for license has, without subsequent pardon, been  
40 convicted by a court of the United States or any State or territory  
41 thereof of the commission of, or the attempt or conspiracy to  
42 commit, treason, murder, manslaughter, or any of the offenses  
43 described in subsection h. of this section. Any applicant ineligible  
44 for a license by reason of any of those convictions may submit  
45 satisfactory evidence to the division that the person whose  
46 conviction was the basis of ineligibility has for a period of not less  
47 than five years, measured as hereinafter provided and up to the time  
48 of application, so acted as to warrant the grant of that license, in

1 which event the division may, in its discretion issue an order  
2 removing that ineligibility. The aforesaid period of five years shall  
3 be measured either from the date of payment of any fine imposed  
4 upon that person or the suspension of sentence or from the date of  
5 the person's unrevoked release from custody by parole,  
6 commutation, or termination of sentence;

7 (6) If the applicant has paid, given, caused to have been paid or  
8 given, or offered to pay or give to any officer or employee of any  
9 carrier of freight by water any valuable consideration for an  
10 improper or unlawful purpose or to induce that person to procure  
11 the employment of the applicant by the carrier for the performance  
12 of stevedoring services; or

13 (7) If the applicant has paid, given, caused to be paid or given,  
14 or offered to pay or give to any officer or representative of a labor  
15 organization any valuable consideration for an improper or unlawful  
16 purpose or to induce the officer or representative to subordinate the  
17 interests of the labor organization or its members in the  
18 management of the affairs of the labor organization to the interests  
19 of the applicant.

20 f. When the application shall have been examined and further  
21 inquiry and investigation made as the division shall deem proper  
22 and when the division shall be satisfied therefrom that the applicant  
23 possesses the qualifications and requirements prescribed in this  
24 section, the division shall issue and deliver a license to that  
25 applicant. The division may issue a temporary permit to any  
26 applicant for a license under the provisions of this section pending  
27 final action on an application made for a license. A temporary  
28 permit shall be valid for a period not in excess of 30 days.

29 g. A stevedore's license shall be for a term of five years or  
30 fraction of that five-year period, and shall expire on the first day of  
31 December. In the event of the death of the licensee, if a natural  
32 person, or its termination or dissolution by reason of the death of a  
33 partner, if a partnership, or if the licensee shall cease to be a party  
34 to any contract of the type prescribed by paragraph (4) of  
35 subsection e. of section 7 of P.L. , c. (C. ) (pending before  
36 the Legislature as this bill), the license shall terminate 90 days after  
37 that event or upon its expiration date, whichever shall be sooner. A  
38 license may be renewed by the division for successive five-year  
39 periods upon fulfilling the same requirements as are established in  
40 this section for an original application for a stevedore's license.

41 h. Any license issued pursuant to this section may be revoked  
42 or suspended for a period as the division deems in the public  
43 interest or the licensee thereunder may be reprimanded for any of  
44 the following offenses on the part of the licensee or of any person  
45 required by this section to sign or be identified in an original  
46 application for a license:

- 1 (1) Conviction of a crime or other cause which would permit or  
2 require disqualification of the licensee from receiving a license  
3 upon original application;
- 4 (2) Fraud, deceit, or misrepresentation in securing the license or  
5 in the conduct of the licensed activity;
- 6 (3) Failure by the licensee to maintain a complete set of books  
7 and records containing a true and accurate account of the licensee's  
8 receipts and disbursements arising out of the licensee's activities  
9 within the port of New York district in this State;
- 10 (4) Failure to keep its books and records available during  
11 business hours for inspection by the division and its duly designated  
12 representatives until the expiration of the fifth calendar year  
13 following the calendar year during which occurred the transactions  
14 recorded therein; or
- 15 (5) Any other offense described in this section.
- 16 i. In addition to the grounds elsewhere established in P.L. , c.  
17 (C. ) (pending before the Legislature as this bill), the division  
18 shall not grant an application for a license as stevedore if the  
19 applicant has paid, given, caused to have been paid or given, or  
20 offered to pay or give to any agent of any carrier of freight by water  
21 any valuable consideration for an improper or unlawful purpose or,  
22 without the knowledge and consent of the carrier, to induce the  
23 agent to procure the employment of the applicant by the carrier or  
24 its agent for the performance of stevedoring services.  
25
- 26 8. (New section) a. The division shall establish a  
27 longshoremen's register in which shall be included all qualified  
28 longshoremen eligible, as hereinafter provided, for employment as  
29 longshoremen in the port of New York district in this State. A  
30 person shall not act as a longshoreman within the port of New York  
31 district in this State unless at the time the person is included in the  
32 longshoremen's register, and a person shall not employ another to  
33 work as a longshoreman within the port of New York district in this  
34 State unless at the time the other person is included in the  
35 longshoremen's register.
- 36 b. Any person applying for inclusion in the longshoremen's  
37 register shall file at a place and in a manner as the division shall  
38 designate a written statement, signed, and verified by the applicant,  
39 setting forth the applicant's full name, residence address, social  
40 security number, and any further facts and evidence as the division  
41 may prescribe to establish the identity of that person and the  
42 person's criminal record, if any.
- 43 c. The division may in its discretion deny application for  
44 inclusion in the longshoremen's register by a person:
- 45 (1) Who has been convicted by a court of the United States or  
46 any State or territory thereof, without subsequent pardon, of  
47 treason, murder, manslaughter, or of any of the offenses described  
48 in subsection g. of section 6 of P.L. , c. (C. ) (pending

1 before the Legislature as this bill) or of attempt or conspiracy to  
2 commit any of those crimes;

3 (2) Who knowingly or willingly advocates the desirability of  
4 overthrowing or destroying the government of the United States by  
5 force or violence or who shall be a member of a group which  
6 advocates that desirability knowing the purposes of the group  
7 advocating that desirability; or

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

12 d. Unless the division shall determine to exclude the applicant  
13 from the longshoremen's register for violation of the offenses  
14 described in subsection g. of section 6 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), it shall include that  
16 person in the longshoremen's register. The division may permit  
17 temporary registration of any applicant under the provisions of this  
18 section pending final action on an application made for temporary  
19 registration. Any temporary registration shall be valid for a period  
20 not in excess of 30 days.

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

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

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

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

34 (4) False impersonation of another longshoreman registered  
35 under this section or of another person licensed pursuant to  
36 P.L. , c. (C. ) (pending before the Legislature as this bill);

37 (5) Willful commission of or willful attempt to commit at or on  
38 a waterfront terminal or adjacent highway any act of physical injury  
39 to any other person or of willful damage to or misappropriation of  
40 any other person's property, unless justified or excused by law; and

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

43 f. Whenever, as a result of amendments to P.L. , c.  
44 (C. ) (pending before the Legislature as this bill) or of a ruling  
45 by the division, registration as a longshoreman is required for any  
46 person to continue in employment, that person shall be registered as  
47 a longshoreman; provided, however, that the person satisfies all the

1 other requirements of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) for registration as a longshoreman.

3 g. The division shall have the right to recover possession of  
4 any card or other means of identification issued as evidence of  
5 inclusion in the longshoremen's register in the event that the holder  
6 thereof has been removed from the longshoremen's register.

7 h. Nothing contained in P.L. , c. (C. ) (pending before  
8 the Legislature as this bill) shall be construed to limit in any way  
9 any labor rights reserved by P.L. , c. (C. ) (pending before  
10 the Legislature as this bill).

11

12 9. (New section) a. The division shall, at regular intervals,  
13 remove from the longshoremen's register any person who shall have  
14 been registered for at least nine months and who shall have failed  
15 during the preceding six calendar months either to have worked as a  
16 longshoreman in the port of New York district in this State or to  
17 have applied for employment as a longshoreman at an employment  
18 information center established under section 16 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill)  
20 for the minimum number of days as shall have been established by  
21 the division pursuant to subsection b. of this section.

22 b. On or before the first day of June following the date on  
23 which P.L. , c. (C. ) (pending before the Legislature as this  
24 bill) becomes operative, and on or before each succeeding first day  
25 of June or December, the division shall, for the purposes of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 establish for the six-month period beginning on each date a  
28 minimum number of days and the distribution of the days during  
29 that period.

30 c. In establishing any minimum number of days or period, the  
31 division shall consult with the collective bargaining representatives  
32 of stevedores and other employers of longshoremen in the port of  
33 New York district and with labor organizations representing  
34 longshoremen in the district.

35 d. A longshoreman who has been removed from the  
36 longshoremen's register pursuant to subsection e. of section 8 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill)  
38 may seek reinstatement upon fulfilling the same requirements as for  
39 initial inclusion in the longshoremen's register, but not before the  
40 expiration of one year from the date of removal, except that  
41 immediate reinstatement shall be made upon proper showing that  
42 the registrant's failure to work or apply for work for the minimum  
43 number of days, described in subsection c. of this section, was  
44 caused by the fact that the registrant was engaged in the military  
45 service of the United States or was incapacitated by ill health,  
46 physical injury, or other good cause.

47 e. Notwithstanding any other provision of P.L. , c. (C. )  
48 (pending before the Legislature as this bill), the division shall at any

1 time have the power to register longshoremen on a temporary basis  
2 to meet special or emergency needs.

3  
4 10. (New section) Notwithstanding any other provisions of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 the division shall have the power to remove from the  
7 longshoremen's register any person, including a person registered as  
8 longshoremen for less than nine months, who shall have failed to  
9 have worked as a longshoreman in the port of New York district in  
10 this State for a minimum number of days during a period of time as  
11 shall have been established by the division. In administering this  
12 section, the division, in its discretion, may count applications for  
13 employment as a longshoreman at an employment information  
14 center established pursuant to section 16 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) as constituting actual  
16 work as a longshoreman, provided, however, that the division shall  
17 count as actual work the compensation received by any  
18 longshoreman pursuant to the guaranteed wage provisions of any  
19 collective bargaining agreement relating to longshoremen. Prior to  
20 the commencement of any period of time established by the division  
21 pursuant to this section, the division shall establish for that period  
22 the minimum number of days of work required and the distribution  
23 of days during that period and shall also determine whether or not  
24 application for employment as a longshoreman shall be counted as  
25 constituting actual work as a longshoreman. The division may  
26 classify longshoremen according to length of service as a  
27 longshoreman and develop other criteria as may be reasonable and  
28 necessary to carry out the provisions of P.L. , c. (C. )  
29 (pending before the Legislature as this bill). The division shall  
30 have the power to vary the requirements of this section with respect  
31 to their application to the various classifications of longshoremen.  
32 In administering this section, the division shall observe the  
33 standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as  
34 that section shall have been amended through the enactment of  
35 P.L.1999, c.206. Nothing in this section shall be construed to  
36 modify, limit, or restrict in any way any of the rights protected by  
37 section 23 of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill).

39  
40 11. (New section) a. The division shall establish within the  
41 longshoremen's register a list of all qualified longshoremen eligible,  
42 as hereinafter provided, for employment as checkers in the port of  
43 New York district in this State. A person shall not act as a checker  
44 within the port of New York district in this State unless at the time  
45 the person is included in the longshoremen's register as a checker,  
46 and a person shall not employ another to work as a checker within  
47 the port of New York district in this State unless at the time such  
48 other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

17       (2) If the applicant has, without subsequent pardon, been  
18 convicted by a court of the United States or any State or territory  
19 thereof, of the authority of, or the attempt or conspiracy to commit  
20 treason, murder, manslaughter, or any of the following offenses:  
21 illegally using, carrying or possessing a pistol or other dangerous  
22 weapon; making or possessing burglar's instruments; buying or  
23 receiving stolen property; unlawful entry of a building; aiding an  
24 escape from prison; unlawfully possessing, possessing with intent to  
25 distribute, sale or distribution of a controlled dangerous substance  
26 or a controlled dangerous substance analog; petty larceny, where  
27 the evidence shows the property was stolen from a vessel, pier or  
28 other waterfront terminal; or a violation of P.L.     , c.     (C.     )  
29 (pending before the Legislature as this bill). An applicant ineligible  
30 for inclusion in the longshoremen's register as a checker by reason  
31 of a conviction may submit satisfactory evidence to the division that  
32 the applicant has for a period of not less than five years, measured  
33 as hereinafter provided, and up to the time of application, so acted  
34 as to warrant inclusion in the longshoremen's register as a checker,  
35 in which event the division may, in its discretion, issue an order  
36 removing the applicant's ineligibility. The five-year period shall be  
37 measured either from the date of payment of any fine imposed upon  
38 that person or the suspension of sentence or from the date of the  
39 person's unrevoked release from custody by parole, commutation,  
40 or termination of sentence; or

41       (3) If the applicant knowingly or willfully advocates the  
42 desirability of overthrowing or destroying the government of the  
43 United States by force or violence or shall be a member of a group  
44 which advocates that desirability, knowing the purposes of the  
45 group advocating that desirability.

46       d. When the application shall have been examined and further  
47 inquiry and investigation made as the division shall deem proper  
48 and when the division shall be satisfied therefrom that the applicant

1 possesses the qualifications and requirements prescribed by this  
2 section, the division shall include the applicant in the  
3 longshoremen's register as a checker. The division may permit  
4 temporary registration as a checker to any applicant under this  
5 section pending final action on an application made for temporary  
6 registration, under the terms and conditions as the division may  
7 prescribe, which shall be valid for a period to be fixed by the  
8 division, not in excess of six months.

9 e. The division shall have power to reprimand any checker  
10 registered under this section or to remove the person from the  
11 longshoremen's register as a checker for a period of time as the  
12 division deems in the public interest for any of the following  
13 offenses:

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

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

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

22 (4) Unlawfully possessing, possessing with intent to distribute,  
23 sale, or distribution of a controlled dangerous substance or a  
24 controlled dangerous substance analog;

25 (5) Inducing or otherwise aiding or abetting any person to  
26 violate the terms of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill);

28 (6) Paying, giving, causing to be paid or given, or offering to  
29 pay or give to any person any valuable consideration to induce the  
30 other person to violate any provision of P.L. , c. (C. )  
31 (pending before the Legislature as this bill) or to induce any public  
32 officer, agent, or employee to fail to perform the person's duty  
33 under P.L. , c. (C. ) (pending before the Legislature as this  
34 bill);

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

36 (8) Transfer or surrender of possession to any person either  
37 temporarily or permanently of any card or other means of  
38 identification issued by the division as evidence of inclusion in the  
39 longshoremen's register without satisfactory explanation; or

40 (9) False impersonation of another longshoreman or of another  
41 person licensed under P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43 f. The division shall have the right to recover possession of  
44 any card or other means of identification issued as evidence of  
45 inclusion in the longshoremen's register as a checker in the event  
46 that the holder thereof has been removed from the longshoremen's  
47 register as a checker.



1 g. Nothing contained in this section shall be construed to limit  
2 in any way any rights of labor reserved by section 23 of P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill).

4  
5 12. (New section) The division shall accept applications for  
6 inclusion in the longshoremen's register upon:

7 a. the joint recommendation in writing of stevedores and other  
8 employers of longshoremen in the port of New York district in this  
9 State, acting through their representative for the purposes of  
10 collective bargaining with a labor organization representing the  
11 longshoremen in the district, and that labor organization; or

12 b. the petition in writing of a stevedore or other employer of  
13 longshoremen in the port of New York district in this State which  
14 does not have a representative for the purposes of collective  
15 bargaining with a labor organization representing those  
16 longshoremen.

17  
18 13. (New section) a. A person shall not act as a port watchman  
19 within the port of New York district in this State without first  
20 having obtained a license from the division, and a person shall not  
21 employ a port watchman who is not so licensed.

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

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

27 (2) The present and previous occupations of the applicant,  
28 including the places where the applicant was employed and the  
29 names of the applicant's employers;

30 (3) The citizenship of the applicant and, if the person is a  
31 naturalized citizen of the United States, the court and date of  
32 naturalization; and

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

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

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

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

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

1 (4) If the applicant shall be a member of any labor organization  
2 which represents longshoremen or pier superintendents or hiring  
3 agents; but nothing in P.L. , c. (C. ) (pending before the  
4 Legislature as this bill) shall be deemed to prohibit port watchmen  
5 from being represented by a labor organization or organizations  
6 which do not also represent longshoremen or pier superintendents  
7 or hiring agents. The American Federation of Labor, the Congress  
8 of Industrial Organizations (AFL-CIO) and any other similar  
9 federation, congress, or other organization of national or  
10 international occupational or industrial labor organizations shall not  
11 be considered a labor organization which represents longshoremen  
12 or pier superintendents or hiring agents within the meaning of this  
13 section although one of the federated or constituent labor  
14 organizations thereof may represent longshoremen or pier  
15 superintendents or hiring agents;

16 (5) If the applicant knowingly or willfully advocates the  
17 desirability of overthrowing or destroying the government of the  
18 United States by force or violence or shall be a member of a group  
19 which advocates that desirability, knowing the purposes of the  
20 group's advocacy.

21 d. When the application shall have been examined and further  
22 inquiry and investigation made as the division shall deem proper  
23 and when the authority shall be satisfied therefrom that the  
24 applicant possesses the qualifications and requirements prescribed  
25 in this section and regulations issued pursuant thereto, the division  
26 shall issue and deliver a license to the applicant. The division may  
27 issue a temporary permit to any applicant for a license under the  
28 provisions of this section pending final action on an application  
29 made for that license. Any temporary permit shall be valid for a  
30 period not in excess of 30 days.

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

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

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

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

42 (3) Submit supplementary personal history information.

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

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

4 (2) Fraud, deceit, or misrepresentation in securing the license;  
5 and

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

8 h. The division shall, at regular intervals, cancel the license or  
9 temporary permit of a port watchman who has failed during the  
10 preceding 12 months to work as a port watchman in the port of New  
11 York district in this State a minimum number of hours as  
12 established by the division, except that the division shall  
13 immediately restore the license or temporary permit upon a proper  
14 showing that the failure to so work was caused by the fact that the  
15 licensee or permit holder was engaged in the military service of the  
16 United States or was incapacitated by ill health, physical injury, or  
17 other good cause.

18 i. Any port watchman ineligible for a license by reason  
19 pursuant to this section may petition for and the division may issue  
20 an order removing the ineligibility. A petition for an order to  
21 remove an ineligibility may be made to the division before or after  
22 the hearing required by section 14 of P.L. , c. (C. ) (pending  
23 before the Legislature as this bill).

24

25 14. (New section) a. The division shall not deny any  
26 application for a license or registration without giving the applicant  
27 or prospective licensee reasonable prior notice and an opportunity  
28 to be heard at a hearing conducted by the division.

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

33 c. The division may on its own initiative or on complaint of  
34 any person, including any public official or agency, institute  
35 proceedings to revoke, cancel, or suspend any license or registration  
36 after a hearing at which the licensee or registrant and any person  
37 making a complaint shall be given an opportunity to be heard,  
38 provided that any order of the division revoking, cancelling, or  
39 suspending any license or registration shall not become effective  
40 until 15 days subsequent to the serving of notice thereof upon the  
41 licensee or registrant unless in the opinion of the division the  
42 continuance of the license or registration for that period would be  
43 inimical to the public peace or safety. The hearing shall be held in  
44 a manner and upon notice as may be prescribed by the rules of the  
45 division, but the notice shall be of not less than 10 days and shall  
46 state the nature of the complaint.

47 d. Pending the determination of a hearing pursuant to this  
48 section, the division may temporarily suspend a license or

1 registration if, in the opinion of the division, the continuance of the  
2 license or registration for that 15-day period, pursuant to subsection  
3 c. of this section, is inimical to the public peace or safety.

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

16 f. Upon the conclusion of the hearing, the division shall take  
17 action upon the findings and determination as the division deems  
18 proper and shall execute an order carrying its findings into effect.  
19 The action in the case of an application for a license or registration  
20 shall be the granting or denial thereof. The action in the case of a  
21 licensee shall be revocation of the license or suspension thereof for  
22 a fixed period or reprimand or a dismissal of the charges. The  
23 action in the case of a registered longshoreman shall be dismissal of  
24 the charges, reprimand, or removal from the longshoremen's  
25 register for a fixed period or permanently.

26 g. The action of the division, in denying any application for a  
27 license or in refusing to include any person in the longshoremen's  
28 register established pursuant to section 8 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill), or in suspending or  
30 revoking a license or removing any person from the longshoremen's  
31 register or in reprimanding a licensee, or registrant, shall be subject  
32 to judicial review by a proceeding instituted in this State at the  
33 instance of the applicant, licensee, or registrant in the manner  
34 provided by State law for review of the final decision or action of  
35 an administrative agency of the State; provided, however, that  
36 notwithstanding any other provision of law, the court shall have  
37 power to stay for not more than 30 days an order of the division  
38 suspending or revoking a license or removing a longshoreman from  
39 the longshoremen's register.

40  
41 15. (New section) a. At hearings conducted by the division,  
42 pursuant to section 14 of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill), applicants, prospective licensees, licensees,  
44 and registrants shall have the right to be accompanied and  
45 represented by counsel.

46 b. After the conclusion of a hearing but prior to the making of  
47 an order by the division, a hearing may, upon petition and in the  
48 discretion of the hearing officer, be reopened for the presentation of

1 additional evidence. A petition to reopen the hearing shall state in  
2 detail the nature of the additional evidence, together with the  
3 reasons for the failure to submit such evidence prior to the  
4 conclusion of the hearing. The division may upon its own motion  
5 and upon reasonable notice reopen a hearing for the presentation of  
6 additional evidence. Upon petition, after the making of an order of  
7 the division, rehearing may be granted in the discretion of the  
8 division. A petition for rehearing shall state in detail the grounds  
9 upon which the petition is based and shall separately set forth each  
10 error of law and fact alleged to have been made by the division in  
11 its determination, together with the facts and arguments in support  
12 thereof. The petition shall be filed with the division not later than  
13 30 days after service of the division's order, unless the division for  
14 good cause shown shall otherwise direct. The division may upon its  
15 own motion grant a rehearing after the making of an order.

16

17 16. (New section) a. The division is hereby designated on its  
18 own behalf or as agent of the State of New Jersey, as provided by  
19 the act of Congress of the United States, effective June 6, 1933,  
20 entitled "An act to provide for the establishment of a national  
21 employment system and for co-operation with the states in the  
22 promotion of such system and for other purposes," as amended, for  
23 the purpose of obtaining the benefits of that act of Congress as are  
24 necessary or appropriate to the establishment and operation of  
25 employment information centers authorized by this section.

26 b. The division shall have all powers necessary to take steps to  
27 formulate plans and to execute projects related to the establishment  
28 and operation of employment information centers, as may be  
29 necessary to obtain any benefits for the operation of employment  
30 information centers in accomplishing the purposes of P.L. ,

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

32 c. Any officer or agency designated by this State, pursuant to  
33 the act of June 6, 1933, as amended, is authorized and empowered,  
34 upon the request of the division and subject to its direction, to  
35 exercise the powers and duties conferred upon the division by the  
36 provisions of this section.

37 d. The division shall establish and maintain one or more  
38 employment information centers within the port of New York  
39 district in this State at locations as the division may determine. A  
40 person shall not, directly or indirectly, hire any person for work as a  
41 longshoreman or port watchman within the port of New York  
42 district in this State, except through an employment information  
43 center as may be prescribed by the division. A person shall not  
44 accept any employment as a longshoreman or port watchman within  
45 the port of New York district in this State, except through an  
46 employment information center. At each employment information  
47 center, the division shall keep and exhibit the longshoremen's  
48 register and any other records the division shall determine to the

1 end that longshoremen and port watchmen shall have the maximum  
2 information as to available employment at any time within the port  
3 of New York district in this State and that employers shall have an  
4 adequate opportunity to fill their requirements of registered  
5 longshoremen and port watchmen at all times.

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

12  
13 17. (New section) a. The division may designate one of the  
14 employment information centers it is authorized to establish and  
15 maintain under section 16 of P.L. , c. (C. ) (pending before  
16 the Legislature as this bill) for the implementation of a  
17 telecommunications hiring system through which longshoremen and  
18 checkers may be hired and accept employment without any personal  
19 appearance at the center. The telecommunications hiring system  
20 shall incorporate hiring and seniority agreements between the  
21 employers of longshoremen and checkers and the labor  
22 organizations representing longshoremen and checkers in the port of  
23 New York district in this State, provided the agreements are not in  
24 conflict with the provisions of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill).

26 b. The division shall permit employees of the management  
27 organizations representing employers of longshoremen and  
28 checkers in the port of New York district in this State, and of the  
29 labor organizations representing longshoremen and checkers in the  
30 port of New York district in this State, or of a joint board of these  
31 management and labor organizations, to participate in the operation  
32 of the telecommunications hiring system, if these employees are  
33 registered by the division as "telecommunications system  
34 controllers," with respect to the registration of checkers. A person  
35 shall not act as a "telecommunications system controller" unless  
36 that person is registered. An application for registration and a  
37 registration made or issued may be denied, revoked, cancelled, or  
38 suspended, as the case may be, only in the manner prescribed in  
39 section 11 of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill). Participation in the operation of the  
41 telecommunications hiring system shall be monitored by the  
42 division.

43 c. The records, documents, tapes, discs, and other data  
44 compiled, collected or maintained by a management organization, a  
45 labor organization, and a joint board of these management and labor  
46 organizations pertaining to the telecommunications hiring system  
47 shall be available for inspection, investigation, and duplication by  
48 the division.

1 18. (New section) In addition to the grounds elsewhere  
2 established in P.L. , c. (C. ) (pending before the Legislature  
3 as this bill), the division may deny an application for a license or  
4 registration for any of the following:

5 a. Conviction by a court of the United States or any State or  
6 territory thereof of coercion;

7 b. Conviction by a court described in subsection a. of this  
8 section, after having been previously convicted by that court of any  
9 crime or of the offenses hereinafter set forth, or any of the  
10 following offenses: assault, malicious injury to property, malicious  
11 mischief, unlawful taking of a motor vehicle, corruption of  
12 employees or possession of illegal betting number slips;

13 c. Fraud, deceit or misrepresentation in connection with any  
14 application or petition submitted to, or any interview, hearing or  
15 proceeding conducted by the division or commission;

16 d. Violation of any provision of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill) or commission of any offense  
18 thereunder;

19 e. Refusal on the part of any applicant, or prospective licensee,  
20 or of any member, officer or stockholder required by section 7 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill)  
22 to sign or be identified in an application for a stevedore license, to  
23 answer any material question or produce any material evidence in  
24 connection with the person's application or any application made on  
25 the person's behalf for a license or registration pursuant to section 7  
26 of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill);

28 f. Association with a person who has been identified by a  
29 federal, State, or local law enforcement agency as a member or  
30 associate of an organized crime group, a terrorist group, or a career  
31 offender cartel, or who is a career offender, under circumstances  
32 where that association creates a reasonable belief that the  
33 participation of the applicant in any activity required to be licensed  
34 or registered under P.L. , c. (C. ) (pending before the  
35 Legislature as this bill) would be inimical to the purposes of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill);  
37 or

38 g. Conviction of a racketeering activity or knowing association  
39 with a person who has been convicted of a racketeering activity by  
40 a court of the United States, or any State or territory thereof under  
41 circumstances where that association creates a reasonable belief that  
42 the participation of the applicant in any activity required to be  
43 licensed or registered under P.L. , c. (C. ) (pending before  
44 the Legislature as this bill) would be inimical to the purposes of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill).

46  
47 19. (New section) In addition to the grounds elsewhere set forth  
48 in P.L. , c. (C. ) (pending before the Legislature as this

1 bill), any license or registration issued or made pursuant thereto  
2 may be revoked or suspended for a period as the division deems in  
3 the public interest or the licensee or registrant may be reprimanded,  
4 for:

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

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

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

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

19 e. Refusal to answer any material question or produce any  
20 evidence lawfully required to be answered or produced at any  
21 investigation, interview, hearing, or other proceeding conducted by  
22 the division pursuant to section 14 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill), or, if the refusal is  
24 accompanied by a valid plea of privilege against self-incrimination,  
25 refusal to obey an order to answer the question or produce any  
26 evidence made by the division pursuant to section 14 of P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill); or

28 f. Association with a person who has been identified by a  
29 federal, State, or local law enforcement agency as a member or  
30 associate of an organized crime group, a terrorist group, or a career  
31 offender cartel, or who is a career offender, under circumstances  
32 where that association creates a reasonable belief that the  
33 participation of the licensee or registrant in any activity required to  
34 be licensed or registered under P.L. , c. (C. ) (pending  
35 before the Legislature as this bill) would be inimical to the purposes  
36 of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill); or

38 g. Conviction of a racketeering activity or knowing association  
39 with a person who has been convicted of a racketeering activity by  
40 a court of the United States, or any State, or territory thereof under  
41 circumstances where that association creates a reasonable belief that  
42 the participation of the licensee or registrant in any activity required  
43 to be licensed or registered under P.L. , c. (C. ) (pending  
44 before the Legislature as this bill) would be inimical to the purposes  
45 of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill).



1       20. (New section) a. In any investigation, interview, or other  
2 proceeding conducted under oath by the division or any duly  
3 authorized officer, employee, or agent thereof, if a person refuses to  
4 answer a question or produce evidence of any other kind on the  
5 ground that the person may be incriminated thereby, and  
6 notwithstanding the refusal, an order is made upon 24 hours' prior  
7 written notice to the Attorney General of the State of New Jersey,  
8 and to the appropriate district attorney or prosecutor having an  
9 official interest therein, by the Superintendent of the division or the  
10 superintendent's designee, that the person answer the question or  
11 produce the evidence, the person shall comply with the order. If the  
12 person complies with the order, and if, but for this section, would  
13 have been privileged to withhold the answer given or the evidence  
14 produced by the person, then immunity shall be conferred upon the  
15 person, as provided for herein. Immunity shall not be conferred  
16 upon any person except in accordance with the provisions of this  
17 section. If, after compliance with the provisions of this section, a  
18 person is ordered to answer a question or produce evidence of any  
19 other kind and complies with the order, and it is thereafter  
20 determined that the Attorney General or appropriate district  
21 attorney or prosecutor having an official interest therein was not  
22 notified, that failure or neglect shall not deprive that person of any  
23 immunity otherwise properly conferred upon the person. But the  
24 person may nevertheless be prosecuted or subjected to penalty or  
25 forfeiture for any perjury or contempt committed in answering, or  
26 failing to answer, or in producing or failing to produce evidence, in  
27 accordance with the order, and any answer given or evidence  
28 produced shall be admissible against the person upon any criminal  
29 proceeding concerning such perjury or contempt.

30       b. If a person, in obedience to a subpoena directing the person  
31 to attend and testify, is in this State or comes into this State from  
32 the State of New York, the person shall not, while in this State  
33 pursuant to such subpoena, be subject to arrest or the service of  
34 process, civil or criminal, in connection with matters which arose  
35 before the person's entrance into this State under the subpoena.

36  
37       21. (New section) a. The division may temporarily suspend a  
38 temporary permit or a permanent license or a temporary or  
39 permanent registration issued pursuant to the provisions of P.L.     ,  
40 c. (C.     ) (pending before the Legislature as this bill) until  
41 further order of the division or final disposition of the underlying  
42 case, only where the permittee, licensee, or registrant has been  
43 indicted for, or otherwise charged with, a crime which is equivalent  
44 to a crime of the third, second, or first degree in this State or only  
45 where the permittee or licensee is a port watchman who is charged  
46 by the division pursuant to section 13 of P.L.     , c. (C.     )  
47 (pending before the Legislature as this bill) with misappropriating

1 any other person's property at or on a pier or other waterfront  
2 terminal.

3 b. In the case of a permittee, licensee, or registrant who has  
4 been indicted for, or otherwise charged with, a crime, the temporary  
5 suspension shall terminate immediately upon acquittal or upon  
6 dismissal of the criminal charge. A person whose permit, license,  
7 or registration has been temporarily suspended may, at any time,  
8 demand that the division conduct a hearing as provided for in  
9 section 14 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill). Within 60 days of the demand, the division shall  
11 commence the hearing and, within 30 days of receipt of the  
12 administrative law judge's report and recommendation, the division  
13 shall render a final determination thereon; provided, however, that  
14 these time requirements, shall not apply for any period of delay  
15 caused or requested by the permittee, licensee, or registrant. Upon  
16 failure of the division to commence a hearing or render a  
17 determination within the time limits prescribed herein, the  
18 temporary suspension of the permittee, licensee, or registrant shall  
19 immediately terminate. Notwithstanding any other provision of this  
20 subsection, if a federal, State, or local law enforcement agency or  
21 prosecutor's office shall request the suspension or deferment of any  
22 hearing on the ground that the hearing would obstruct or prejudice  
23 an investigation or prosecution, the division may in its discretion,  
24 postpone or defer the hearing for a time certain or indefinitely. Any  
25 action by the division to postpone a hearing shall be subject to  
26 immediate judicial review as provided in subsection b. of this  
27 section.

28 c. The division may, within its discretion, bar any permittee,  
29 licensee, or registrant who has been suspended pursuant to the  
30 provisions of subsection a. of this section, from any employment by  
31 a licensed stevedore or a carrier of freight by water, if that  
32 individual has been indicted or otherwise charged in any federal,  
33 State, or territorial proceeding with any crime involving the  
34 possession with intent to distribute, sale, or distribution of a  
35 controlled dangerous substance or controlled dangerous substance  
36 analog, racketeering, or theft from a pier or waterfront terminal.

37  
38 22. (New section) The division is authorized to co-operate with  
39 the commission, a similar authority, or other public entity of the  
40 State of New York, to exchange information on any matter pertinent  
41 to the purposes of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), and to enter into reciprocal agreements for  
43 the accomplishment of those purposes, including, but not limited to,  
44 the following objectives:

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

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

4       c. To provide that any act or omission by a licensee or  
5 registrant in either State which would be a basis for disciplinary  
6 action against the licensee or registrant if it occurred in the state in  
7 which the license was issued or the person registered shall be the  
8 basis for disciplinary action in either state; and

9       d. To provide that longshoremen registered in either state, who  
10 perform work or who apply for work at an employment information  
11 center within the other State shall be deemed to have performed  
12 work or to have applied for work in the State in which they are  
13 registered.

14  
15       23. (New section) a. The provisions of P.L. , c. (C. )  
16 (pending before the Legislature as this bill) are not designed and  
17 shall not be construed to limit in any way any rights granted or  
18 derived from any other statute or any rule of law for employees to  
19 organize in labor organizations, to bargain collectively and to act in  
20 any other way individually, collectively, and through labor  
21 organizations or other representatives of their own choosing.  
22 Without limiting the generality of the foregoing, nothing contained  
23 in P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 shall be construed to limit in any way the right of employees to  
25 strike.

26       b. The provisions of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill) are not designed and shall not be construed  
28 to limit in any way any rights of longshoremen, hiring agents, pier  
29 superintendents, or port watchmen or their employers to bargain  
30 collectively and agree upon any method for the selection of those  
31 employees by way of seniority, experience, regular gangs, or  
32 otherwise; provided, that those employees shall be licensed or  
33 registered hereunder and longshoremen and port watchmen shall be  
34 hired only through the employment information centers established  
35 hereunder and that all other provisions of P.L. , c. (C. )  
36 (pending before the Legislature as this bill) be observed.

37  
38       24. (New section) a. Any officer or employee in the State,  
39 county, or municipal civil service in either State who shall transfer  
40 to service with the division may be given one or more leaves of  
41 absence without pay and may, before the expiration of the leave or  
42 leaves of absence, and without further examination or qualification,  
43 return to the person's former position or be certified by the  
44 appropriate civil service agency for retransfer to a comparable  
45 position in the State, county, or municipal civil service if a  
46 comparable position is then available.

47       b. The division may, by agreement with any federal agency  
48 from which any officer or employee may transfer to service with the

1 division to undertake any of the duties or responsibilities  
2 established pursuant to P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), make similar provision for the retransfer of  
4 the officer or employee to that federal agency.

5 c. Notwithstanding the provisions of any other law, rule, or  
6 regulation, any officer or employee in the State, county, or  
7 municipal service in either State who shall transfer to service with  
8 the division and who is a member of any existing State, county, or  
9 municipal pension or retirement system in New Jersey or New  
10 York, shall continue to have all rights, privileges, obligations, and  
11 status with respect to that fund, system, or systems as if the person  
12 had continued in State, county, or municipal office or employment,  
13 but during the period of service as a member, officer, or employee  
14 of the division, all contributions to any pension or retirement fund  
15 or system to be paid by the employer on account of the member,  
16 officer, or employee, shall be paid by the State Treasurer. The  
17 division may, by agreement with the appropriate federal agency,  
18 make similar provisions relating to continuance of retirement  
19 system membership for any federal officer or employee so  
20 transferred.

21  
22 25. (New section) a. The division shall annually adopt a budget  
23 of its expenses for each year for the purposes of its duties and  
24 responsibilities under P.L. , c. (C. ) (pending before the  
25 Legislature as this bill). Each budget shall be submitted to the  
26 Governor and the budget shall be adjusted accordingly.

27 b. After taking into account funds as may be available to the  
28 division from reserves, federal grants or otherwise, the balance of  
29 the division's budgeted expenses for the performance of its  
30 functions and duties under P.L. , c. (C. ) (pending before  
31 the Legislature as this bill) shall be assessed upon employers of  
32 persons registered or licensed pursuant to P.L. , c. (C. )  
33 (pending before the Legislature as this bill). Each employer shall  
34 pay to the State Treasurer, for placement within the General Fund,  
35 an assessment computed upon the gross payroll payments made by  
36 that employer to longshoremen, pier superintendents, hiring agents,  
37 and port watchmen for work or labor performed within the port of  
38 New York district in this State, at a rate, not in excess of two  
39 percent, computed by the division in the following manner: the  
40 division shall annually estimate the gross payroll payments to be  
41 made by employers subject to assessment and shall compute a rate  
42 thereon which will yield revenues sufficient to finance the division's  
43 budget for the performance of those functions and duties under  
44 P.L. , c. (C. ) (pending before the Legislature as this bill)  
45 for each year. That budget may include a reasonable amount for a  
46 reserve, but the amount shall not exceed 10 percent of the total of  
47 all other items of expenditure contained therein. The reserve shall  
48 be used for the stabilization of annual assessments, the payment of

1 operating deficits, and for the repayment of advances made by the  
2 State, if any.

3 c. The amount required to balance the division's budgeted  
4 expenses for the performance of its functions and duties under  
5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
6 in excess of the estimated yield of the maximum assessment, shall  
7 be certified by the division, with the approval of the Governor, in  
8 proportion to the gross annual wage payments made to  
9 longshoremen for work within the port of New York district in this  
10 State. The Legislature shall annually appropriate to the division the  
11 amount so certified.

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

19 e. The assessment hereunder shall be in lieu of any other  
20 charge for the issuance of licenses to stevedores, pier  
21 superintendents, hiring agents, and port watchmen or for the  
22 registration of longshoremen or use of an employment information  
23 center. The division shall establish reasonable procedures for the  
24 consideration of protests by affected employees concerning the  
25 estimates and computation of the rate of assessment.

26

27 26. (New section) a. (1) Every person subject to the payment of  
28 any assessment under the provisions of section 25 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill) shall file  
30 on or before the 15th day of the first month of each calendar  
31 quarter-year a separate return, together with the payment of the  
32 assessment due, for the preceding calendar quarter-year during  
33 which any payroll payments were made to longshoremen, pier  
34 superintendents, hiring agents, or port watchmen for work  
35 performed by those employees within the port of New York district  
36 in this State. Returns covering the amount of assessment payable  
37 shall be filed with the division on forms to be furnished for that  
38 purpose and shall contain data, information, or matter as the  
39 division may require to be included therein. The division may grant  
40 a reasonable extension of time for filing returns, or for the payment  
41 of assessment, whenever good cause exists. Every return shall have  
42 annexed thereto a certification to the effect that the statements  
43 contained therein are true.

44 (2) Every person subject to the payment of assessment  
45 hereunder shall keep an accurate record of that person's  
46 employment of longshoremen, pier superintendents, hiring agents,  
47 or port watchmen, which shall show the amount of compensation  
48 paid and other information as the division may require. Those

1 records shall be preserved for a period of three years and be open  
2 for inspection at reasonable times. The division may consent to the  
3 destruction of the records at any time after that period or may  
4 require that they be kept longer, but not in excess of six years.

5 (3) (a) The division shall audit and determine the amount of  
6 assessment due from the return filed and such other information as  
7 is available to it. Whenever a deficiency in payment of the  
8 assessment is determined, the division shall give notice of the  
9 determination to the person liable therefor. The determination shall  
10 finally and conclusively fix the amount due, unless the person  
11 against whom the assessment is assessed shall, within 30 days after  
12 the giving of notice of the determination, apply in writing to the  
13 division for a hearing, or unless the division on its own motion shall  
14 reduce the assessment. After the hearing, the division shall give  
15 notice of its decision to the person liable therefor. A determination  
16 of the division under this section shall be subject to judicial review,  
17 if application for that review is made within 30 days after the giving  
18 of notice of the decision. Any determination under this section  
19 shall be made within five years from the time the return was filed  
20 and if no return was filed, the determination may be made at any  
21 time.

22 (b) Any notice authorized or required under this section may be  
23 given by mailing the notice to the person for whom it is intended at  
24 the last address that the person shall have given to the division, or  
25 in the last return filed with the division under this section, or, if a  
26 return has not been filed, then to an address as may be obtainable.  
27 The mailing of the notice shall be presumptive evidence of the  
28 receipt of it by the person to whom the notice is addressed. Any  
29 period of time, which is determined for the giving of notice shall  
30 commence to run from the date of mailing of the notice.

31 (4) Whenever any person shall fail to pay, within the time  
32 limited herein, any assessment which the person is required to pay  
33 to the division under the provisions of this section, the division may  
34 enforce payment of the assessment by civil action for the amount of  
35 the assessment with interest and penalties.

36 (5) The employment by a nonresident of a longshoreman, or a  
37 licensed pier superintendent, hiring agent, or port watchman in this  
38 State or the designation by a nonresident of a longshoreman, pier  
39 superintendent, hiring agent, or port watchman to perform work in  
40 this State shall be deemed equivalent to an appointment by the  
41 nonresident of the Secretary of State to be the nonresident's true  
42 and lawful attorney upon whom may be served the process in any  
43 action or proceeding against the nonresident growing out of any  
44 liability for assessments, penalties, or interest, and a consent that  
45 any process against the nonresident which is served shall be of the  
46 same legal force and validity as if served personally within the State  
47 and within the territorial jurisdiction of the court from which the

1 process issues. Service of process within the State shall be made by  
2 either:

3 (a) personally delivering to and leaving with the Secretary of  
4 State duplicate copies thereof at the office of the Department of  
5 State, in which event the Secretary of State shall forthwith send by  
6 registered mail one of the copies to the person at the last address  
7 designated by the person to the division for any purpose under this  
8 section or in the last return filed by the person under this section  
9 with the division or as shown on the records of the division, or if no  
10 return has been filed, at the person's last known office address  
11 within or outside of the State; or

12 (b) personally delivering to and leaving with the Secretary of  
13 State a copy thereof at the office of the Department of State and by  
14 delivering a copy thereof to the person, personally outside of the  
15 State. Proof of personal service outside of the State shall be filed  
16 with the clerk of the court in which the process is pending within 30  
17 days after that service and the service shall be deemed complete 10  
18 days after proof thereof is filed.

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

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

29 (8) Any person who shall willfully fail to pay any assessment  
30 due hereunder shall be assessed interest at a rate of one percent per  
31 month on the amount due and unpaid and penalties of five percent  
32 of the amount due for each 30 days or part thereof that the  
33 assessment remains unpaid. The division may, for good cause  
34 shown, abate all or part of that penalty.

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

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

46 (11) The accounts, books, and records of the division related to  
47 the purposes established pursuant to P.L. , c. (C. ) (pending  
48 before the Legislature as this bill), including its receipts,

1 disbursements, contracts, leases, investments, and any other matters  
2 relating to its financial standing shall be examined and audited  
3 annually by independent auditors to be retained for such purpose by  
4 the division.

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

9  
10 27. (New section) It shall be unlawful for any person to load or  
11 unload waterborne freight onto or from vehicles other than railroad  
12 cars at piers or at other waterfront terminals within the port of New  
13 York district, for a fee or other compensation, other than the  
14 following persons and their employees:

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

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

20 c. Operators of piers or other waterfront terminals, including  
21 railroads, truck terminal operators, warehousemen and other  
22 persons, but only at piers or other waterfront terminals operated by  
23 them;

24 d. Shippers or consignees of freight, but only in connection  
25 with freight shipped by the shipper or consigned to the consignee;  
26 and

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

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

39  
40 28. (New section) a. A person shall not solicit, collect, or  
41 receive any dues, assessments, levies, fines, or contributions, or  
42 other charges within the State of New Jersey for or on behalf of any  
43 labor organization, which represents employees registered or  
44 licensed pursuant to the provisions of P.L. , c. (C. )  
45 (pending before the Legislature as this bill) in their capacities as  
46 registered or licensed employees or which derives its charter from a  
47 labor organization representing 100 or more of its registered or  
48 licensed employees, if any officer, agent, or employee of the labor



1 organization for which dues, assessments, levies, fines, or  
2 contributions, or other charges are solicited, collected, or received,  
3 or of a welfare fund or trust administered partially or entirely by the  
4 labor organization or by trustees or other persons designated by the  
5 labor organization, has been convicted by a court of the United  
6 States, or any State or territory thereof, of treason, murder,  
7 manslaughter, or any felony, crime involving moral turpitude, or  
8 any crime or offense enumerated subsection g. of section 6 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill),  
10 unless that person has been subsequently pardoned therefor by the  
11 Governor or other appropriate authority of the State in which the  
12 conviction was had or has received a certificate of good conduct or  
13 other relief from disabilities arising from the fact of conviction  
14 from a parole board or similar authority.

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

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

20 d. If upon application to the division by an employee who has  
21 been convicted of a crime or offense specified in subsection b. of  
22 this section, the authority, in its discretion, determines in an order  
23 that it would not be contrary to the purposes and objectives of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill)  
25 for that employee to work in a particular employment for a labor  
26 organization, welfare fund, or trust, the provisions of subsection b.  
27 of this section shall not apply to the particular employment of the  
28 employee with respect to that conviction or convictions as are  
29 specified in the division's order. This subsection is applicable only  
30 to those employees, who for wages or salary, perform manual,  
31 mechanical, or physical work of a routine or clerical nature at the  
32 premises of the labor organization, welfare fund, or trust by which  
33 they are employed.

34 e. A person who has been convicted of a crime or offense  
35 specified in subsection b. of this section shall not directly or  
36 indirectly serve as an officer, agent, or employee of a labor  
37 organization, welfare fund, or trust, unless the person has been  
38 subsequently pardoned for that crime or offense by the Governor or  
39 other appropriate authority of the State in which the conviction was  
40 had or has received a certificate of good conduct or other relief  
41 from disabilities arising from the fact of conviction from a parole  
42 board or similar authority or has received an order of exception  
43 from the division. A person, including a labor organization, welfare  
44 fund, or trust, shall not knowingly permit any other person to  
45 assume or hold any office, agency, or employment in violation of  
46 this section.

47 f. The division may maintain a civil action against any person,  
48 labor organization, welfare fund, or trust, or officers thereof to

1 compel compliance with this section, or to prevent any violations,  
2 the aiding and abetting thereof, or any attempt or conspiracy to  
3 violate this section, either by mandamus, injunction, or action or  
4 proceeding in lieu of prerogative writ and upon a proper showing a  
5 temporary restraining order or other appropriate temporary order  
6 shall be granted ex parte and without bond pending final hearing  
7 and determination. Nothing in this subsection shall be construed to  
8 modify, limit, or restrict in any way the provisions of subsection a.  
9 of this section.

10  
11 29. (New section) a. Any person who, having been duly sworn  
12 or affirmed as a witness in any investigation, interview, hearing or  
13 other proceeding conducted by the division pursuant to section 15  
14 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill), shall willfully give false testimony shall be guilty of a  
16 disorderly persons offense.

17 b. The division may maintain a civil action on behalf of the  
18 State against any person who violates or attempts or conspires to  
19 violate P.L. , c. (C. ) (pending before the Legislature as this  
20 bill) or who fails, omits, or neglects to obey, observe, or comply  
21 with any order or direction of the division, to recover a judgment  
22 for a money penalty not exceeding \$500 for each and every offense.  
23 Every violation of any provision of P.L. , c. (C. ) (pending  
24 before the Legislature as this bill), or any division order or  
25 direction, shall be a separate and distinct offense, and, in case of a  
26 continuing violation, every day's continuance shall be and be  
27 deemed to be a separate and distinct offense. Any civil action may  
28 be compromised or discontinued on application of the division upon  
29 the terms as the court may approve and a judgment may be rendered  
30 for an amount less than the amount demanded in the complaint as  
31 justice may require.

32 c. The division may maintain a civil action against any person  
33 to compel compliance with any of the provisions of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill), or to prevent  
35 violations, attempts, or conspiracies to violate any provisions of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 or interference, attempts, or conspiracies to interfere with or impede  
38 the enforcement of any provisions of P.L. , c. (C. ) (pending  
39 before the Legislature as this bill) or the exercise or performance of  
40 any power or duty thereunder, either by mandamus, injunction, or  
41 action or proceeding in lieu of prerogative writ.

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

46 e. Any person who shall, without a satisfactory explanation,  
47 loiter upon any vessel, dock, wharf, pier, bulkhead, terminal,  
48 warehouse, or other waterfront facility or within 500 feet thereof in

1 that portion of the port of New York district in this State, shall be  
2 guilty of a petty disorderly persons offense.

3 f. Any person who, without justification or excuse in law,  
4 directly or indirectly, intimidates or inflicts any injury, damage,  
5 harm, loss, or economic reprisal upon any person licensed or  
6 registered by the division, or any other person, or attempts,  
7 conspires, or threatens so to do, in order to interfere with, impede,  
8 or influence the licensed or registered person in the performance or  
9 discharge of the licensed or registered person's duties or obligations  
10 shall be punishable as provided in this section.

11

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

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

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

30 d. Any person who interferes with or impedes the orderly  
31 registration of longshoremen pursuant to P.L. , c. (C. )  
32 (pending before the Legislature as this bill) or who conspires to or  
33 attempts to interfere with or impede such registration shall be  
34 punishable as may be provided by section 28 of P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill).

36 e. Any person who, directly or indirectly, inflicts or threatens  
37 to inflict any injury, damage, harm, or loss or in any other manner  
38 practices intimidation upon or against any person in order to induce  
39 or compel such person or any other person to refrain from  
40 registering pursuant to section 8 of P.L. , c. (C. ) (pending  
41 before the Legislature as this bill) shall be punishable as may be  
42 provided by section 28 of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill).

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

1       31. (New section) As of the transfer date, the waterfront  
2 commission compact, entered into by the State of New Jersey  
3 pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1  
4 et seq.) and by the State of New York pursuant to its agreement  
5 thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as  
6 amended and supplemented, the airport commission compact,  
7 entered into by the State of New Jersey pursuant to its agreement  
8 thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State  
9 of New York pursuant to its agreement thereto under P.L.1970,  
10 c.951 (NY Unconsol. Ch.307, s.10), and the commission, are  
11 dissolved.

12

13       32. R.S.52:14-7 is amended to read as follows:

14       52:14-7. a. Every person holding an office, employment, or  
15 position

16       (1) in the Executive, Legislative, or Judicial Branch of this  
17 State, or

18       (2) with an authority, board, body, agency, commission, or  
19 instrumentality of the State including any State college, university,  
20 or other higher educational institution, and, to the extent consistent  
21 with law, any interstate agency to which New Jersey is a party, or

22       (3) with a county, municipality, or other political subdivision of  
23 the State or an authority, board, body, agency, district, commission,  
24 or instrumentality of the county, municipality, or subdivision, or

25       (4) with a school district or an authority, board, body, agency,  
26 commission, or instrumentality of the district,

27 shall have his or her principal residence in this State and shall  
28 execute such office, employment, or position.

29       This residency requirement shall not apply to any person: (a)  
30 who is employed on a temporary or per-semester basis as a visiting  
31 professor, teacher, lecturer, or researcher by any State college,  
32 university, or other higher educational institution, or county or  
33 community college, or in a full or part-time position as a member of  
34 the faculty, the research staff, or the administrative staff by any  
35 State college, university, or other higher educational institution, or  
36 county or community college, that the college, university, or  
37 institution has included in the report required to be filed pursuant to  
38 this subsection **[, or]**; (b) who is employed full-time by the State  
39 who serves in an office, employment, or position that requires the  
40 person to spend the majority of **[his or her]** the person's working  
41 hours in a location outside of this State; or (c) an officer of the  
42 waterfront commission of New York harbor, employed by the  
43 commission on the effective date of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), who seeks to be transferred to  
45 the Division of State Police in the Department of Law and Public  
46 Safety pursuant to section 4 of P.L. , c. (C. ) (pending  
47 before the Legislature as this bill).

1 For the purposes of this subsection, a person may have at most  
2 one principal residence, and the state of a person's principal  
3 residence means the state (1) where the person spends the majority  
4 of **【his or her】** the person's nonworking time, and (2) which is most  
5 clearly the center of **【his or her】** the person's domestic life, and (3)  
6 which is designated as **【his or her】** the person's legal address and  
7 legal residence for voting. The fact that a person is domiciled in  
8 this State shall not by itself satisfy the requirement of principal  
9 residency hereunder.

10 A person, regardless of the office, employment, or position, who  
11 holds an office, employment, or position in this State on the  
12 effective date of P.L.2011, c.70 but does not have **【his or her】**  
13 principal residence in this State on that effective date shall not be  
14 subject to the residency requirement of this subsection while the  
15 person continues to hold office, employment, or position without a  
16 break in public service of greater than seven days.

17 Any person may request an exemption from the provisions of  
18 this subsection on the basis of critical need or hardship from a five-  
19 member committee hereby established to consider applications for  
20 **【such】** exemptions. The committee shall be composed of three  
21 persons appointed by the Governor, a person appointed by the  
22 Speaker of the General Assembly, and a person appointed by the  
23 President of the Senate, each of whom shall serve at the pleasure of  
24 the person making the appointment and shall have a term not to  
25 exceed five years. A vacancy on the committee shall be filled in the  
26 same manner as the original appointment was made. The Governor  
27 shall make provision to provide such clerical, secretarial, and  
28 administrative support to the committee as may be necessary for it  
29 to conduct its responsibilities pursuant to this subsection.

30 The decision on whether to approve an application from any  
31 person shall be made by a majority vote of the members of the  
32 committee, and those voting in the affirmative shall so sign the  
33 approved application. If the committee fails to act on an application  
34 within 30 days after the receipt thereof, no exemption shall be  
35 granted and the residency requirement of this subsection shall be  
36 operative. The head of a principal department of the Executive  
37 Branch of the State government, a Justice of the Supreme Court,  
38 judge of the Superior Court, and judge of any inferior court  
39 established under the laws of this State shall not be eligible to  
40 request from the committee an exemption from the provisions of  
41 this subsection.

42 The exemption provided in this subsection for certain persons  
43 employed by a State college, university, or other higher educational  
44 institution, or a county or community college, other than those  
45 employed on a temporary or per-semester basis as a visiting  
46 professor, teacher, lecturer, or researcher, shall apply only to those  
47 persons holding positions that the college, university, or institution

1 has included in a report of those full or part-time positions as a  
2 member of the faculty, the research staff, or the administrative staff  
3 requiring special expertise or extraordinary qualifications in an  
4 academic, scientific, technical, professional, or medical field or in  
5 administration, that, if not exempt from the residency requirement,  
6 would seriously impede the ability of the college, university, or  
7 institution to compete successfully with similar colleges,  
8 universities, or institutions in other states. The report shall be  
9 compiled annually and shall also contain the reasons why the  
10 positions were selected for inclusion in the report. The report shall  
11 be compiled and filed within 60 days following the effective date of  
12 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
13 and filed by January 1 of each year thereafter. Each report shall be  
14 filed with the Governor and, pursuant to section 2 of P.L.1991,  
15 c.164 (C.52:14-19.1), with the Legislature, and a report may be  
16 revised at any time by filing an amendment to the report with the  
17 Governor and Legislature.

18 As used in this section, "school district" means any local or  
19 regional school district established pursuant to chapter 8 or chapter  
20 13 of Title 18A of the New Jersey Statutes and any jointure  
21 commission, county vocational school, county special services  
22 district, educational services commission, educational research and  
23 demonstration center, environmental education center, and  
24 educational information and resource center.

25 b. If any person holding any office, employment, or other  
26 position in this State shall attempt to let, farm out, or transfer  
27 **[such]** office, employment, or position or any part thereof to any  
28 person, **[he]** the person shall forfeit the sum of **[fifteen hundred**  
29 **dollars (\$1,500.00)]** \$1,500, to be recovered with costs by any  
30 person who shall sue for the same, one-half to the prosecutor and  
31 the other half to the **[treasurer]** State Treasurer for the use of the  
32 State.

33 c. No person shall be appointed to or hold any position in this  
34 State who has not the requisite qualifications for personally  
35 performing the duties of such position in cases where scientific  
36 engineering skill is necessary to the performance of the duties  
37 thereof.

38 d. Any person holding or attempting to hold an office,  
39 employment, or position in violation of this section shall be  
40 considered as illegally holding or attempting to hold the same;  
41 provided that a person holding an office, employment, or position in  
42 this State shall have one year from the time of taking the office,  
43 employment, or position to satisfy the requirement of principal  
44 residency, and if thereafter **[such]** the person fails to satisfy the  
45 requirement of principal residency as defined herein with respect to  
46 any 365-day period, that person shall be deemed unqualified for  
47 holding the office, employment, or position. The Superior Court

1 shall, in a civil action in lieu of prerogative writ, give judgment of  
2 ouster against **such** the person, upon the complaint of any officer  
3 or citizen of the State, provided that any **such** complaint shall be  
4 brought within one year of the alleged 365-day period of failure to  
5 have **his or her** the person's principal residence in this State.

6 (cf: P.L.2011, c.70, s.2)

7  
8 33. The following are repealed:

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

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

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

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

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

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

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

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

17 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
18 32:23-108);

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

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

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

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

25 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
26 150 through 32:23-225).

27  
28 34. This act shall take effect immediately, but sections 3 through  
29 32 shall be inoperative until the transfer date has occurred pursuant  
30 to section 31 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

#### 32 33 34 STATEMENT

35  
36 This bill directs the Governor, on behalf of the State of New  
37 Jersey, to notify the Congress of the United States, the Governor of  
38 the State of New York, and the Waterfront Commission of New  
39 York Harbor of the State of New Jersey's intention to withdraw  
40 from the compact creating the commission, and repeals the compact  
41 establishing the commission and related statutes.

42 The bill provides for the assumption of the commission's  
43 functions and duties within the State of New Jersey by the New  
44 Jersey State Police in order to investigate, deter, and combat  
45 criminal activity and influence in the New Jersey portion of the port  
46 of New York. These duties include: processing applications filed  
47 by individuals and firms required to be registered or licensed to  
48 undertake port-related employment; supervising the hiring of

1 longshoremen, checkers, and pier guards in the port; and making  
2 employment information available to these dock workers. The State  
3 Police are responsible for screening, registering, and licensing  
4 individuals who apply to work at the dock. In doing so, the State  
5 Police are authorized to deny or revoke the registration or licenses  
6 of those who involve themselves in criminal activity. Once the  
7 freight is removed from a marine terminal in the port, the bill  
8 provides that the State Police no longer have jurisdiction with  
9 regard to the screening, registering, and licensing of consignees of  
10 waterborne freight.

11 Under legislation enacted by New Jersey and New York in 1953  
12 and consented to by Congress that same year, the two states entered  
13 into a compact establishing the commission. The commission is  
14 empowered under the compact to regulate the employment of  
15 individuals, and the engagement of businesses, in the provision of  
16 various cargo handling services within the port. Notably, the  
17 compact provides for the licensure of those acting within the district  
18 as pier superintendents, hiring agents, stevedores, and port  
19 watchmen, and for the registration of longshoremen. The  
20 commission is authorized to establish and maintain within the port  
21 "employment information centers" through which longshoremen  
22 and port watchmen are hired in order to work in the port. The  
23 compact provides that a conviction for certain offenses is grounds  
24 for disqualification from receiving or retaining status as a licensee  
25 or registrant under the compact. The compact authorizes the  
26 commission to enforce its regulations through investigations,  
27 hearings, and civil penalties, and to fund its operations through an  
28 assessment upon the employers of those subject to its regulation;  
29 the assessment may not exceed two percent of the estimated gross  
30 payroll of those employers. All of these duties and responsibilities  
31 under the compact are to be transferred to the State Police and the  
32 revenues from the assessment are to be deposited in the State's  
33 General Fund instead of with the commission.

34 Further, in 1970, both New Jersey and New York enacted  
35 legislation to supplement the 1953 compact. Under that legislation,  
36 the commission's authority to regulate cargo handling was extended  
37 to the licensure of those serving at airports within the two states as  
38 airfreightmen, airfreightman supervisors, air freight terminal  
39 operators, or air freight truck carriers. Like the earlier legislation,  
40 the 1970 legislation confers on the commission the power to enforce  
41 its regulation of airport cargo handling, and to fund regulatory and  
42 improvement activity through a payroll-based assessment on  
43 employers. This supplementary compact has not received  
44 Congressional consent, and has not been implemented. This bill  
45 repeals the 1970 legislation.



**S3502**

47

1

2

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

# SENATE, No. 3502

## STATE OF NEW JERSEY

### 217th LEGISLATURE

INTRODUCED NOVEMBER 9, 2017

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Senator Lesniak, Assemblywoman Sumter, Assemblymen Johnson, Diegnan, Caputo, Singleton, Coughlin, A.M.Bucco, Rumana, S.Kean, Rooney, Assemblywomen Pinkin, B.DeCroce and Assemblyman Wisniewski**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT directing the Governor, on behalf of the State of New  
2 Jersey, to notify the Congress of the United States, the Governor  
3 of the State of New York, and the Waterfront Commission of  
4 New York Harbor, of the State of New Jersey's intention to  
5 withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6 1 et seq.), supplementing Titles 32 and 53 of the Revised  
7 Statutes, amending R.S.52:14-7, and repealing parts of the  
8 statutory law.

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

- 12  
13 1. (New section) The Legislature finds and declares that:
- 14 a. The Port of New York and New Jersey (port) has been one  
15 of the backbones of the region's economy for decades. When  
16 ranked by tonnage, the port is the largest port complex on the East  
17 coast of North America and the third largest in the United States.  
18 When ranked by the value of shipments passing through it, the port  
19 is the second busiest freight gateway in the United States. The  
20 port's strategic location, within one day's drive of a significant  
21 percentage of the national market and developed transportation  
22 infrastructure, are key assets that have made the region a gateway  
23 for international trade. Since the birth of containerization in 1956,  
24 the marine terminals on the New Jersey side of the port have grown  
25 significantly in comparison to the New York terminals. Today more  
26 than 82 percent of the cargo and 82 percent of the work hours are  
27 on the New Jersey side of the port. The port and freight industry in  
28 New Jersey alone supports more than 143,000 direct jobs and  
29 250,000 total jobs, nearly \$14.5 billion in personal income, over  
30 \$20 billion in business income, and nearly \$4.9 billion in federal,  
31 State, and local taxes, of which State and local taxes account for  
32 \$1.6 billion.
- 33 b. The Waterfront Commission of New York Harbor  
34 (commission) was created through a compact between the states of  
35 New Jersey and New York and approved by Congress in 1953. The  
36 commission's mission is to ensure fair hiring and employment  
37 practices and investigate, deter, and combat criminal activity and  
38 influence in the port. The commission has itself been tainted by  
39 corruption in recent years and, moreover, has exercised powers that  
40 do not exist within the authorizing compact, by dictating the terms  
41 of collective bargaining agreements of organized labor, and by  
42 requiring stevedoring companies to hire and retain independent  
43 inspectors to examine company operations in order for those  
44 companies to continue to operate in the port. Further, the  
45 commission, despite changes in the industry to drive out organized

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 crime's influence, has over-regulated the businesses at the port in an  
2 effort to justify its existence as the only waterfront commission in  
3 any port in the United States. As a result, the commission has  
4 become an impediment to future job growth and prosperity at the  
5 port.

6 c. While there is a continued need to regulate port-located  
7 business to ensure fairness and safety, there are numerous federal,  
8 State, and local taxpayer funded agencies that have jurisdiction that  
9 the commission lacks to regulate port operations, including, but not  
10 limited to: the United States Department of Homeland Security;  
11 United States Customs and Border Protection; the United States  
12 Coast Guard; the Transportation Security Administration; the  
13 Federal Bureau of Investigation; the United States Department of  
14 Labor's Division of Longshore and Harbor Workers Compensation;  
15 the National Labor Relations Board; the Food and Drug  
16 Administration; the United States Environmental Protection  
17 Agency; the United States Department of Transportation; the  
18 Federal Maritime Commission; the Occupational Safety and Health  
19 Administration; the Port Authority of New York and New Jersey  
20 Police Department; depending on the particular location of the  
21 facility in New Jersey, the City of Newark Police Department, City  
22 of Elizabeth Police Department, City of Bayonne Police  
23 Department, City of Jersey City Police Department, and the New  
24 Jersey State Police; and, in matters of fair hiring and employment  
25 discrimination, the United States Equal Employment Opportunity  
26 Commission and the New Jersey Division on Civil Rights.

27 d. Abolishing the commission and transferring the New Jersey  
28 portion of the commission's law enforcement responsibilities to the  
29 New Jersey State Police would be practical and efficient, as the  
30 State Police is suited to undertake an investigation of any criminal  
31 activity in the ports of northern New Jersey without impeding  
32 economic prosperity.

33

34 2. (New section) a. Within 30 days of the effective date of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 the Governor, on behalf of the State of New Jersey, shall notify the  
37 Congress of the United States, the Governor of the State of New  
38 York, and the waterfront commission of New York harbor, of the  
39 State of New Jersey's intention to withdraw from:

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

45 (2) the compact, entered into by the State of New Jersey  
46 pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150  
47 et seq.) and by the State of New York pursuant to its agreement

1 thereto under P.L.1970, c.951 (NY Unconsol. Ch.307, s.10), as  
2 amended and supplemented.

3 b. As soon as practicable after the date of notification pursuant  
4 to subsection a. of this section, the Governor shall notify the  
5 presiding officers of each house of the Legislature that the  
6 notification has occurred, the date of the notification, and any other  
7 information concerning the notification the Governor deems  
8 appropriate.

9  
10 3. (New section) As used in P.L. , c. (C. ) (pending  
11 before the Legislature as this bill):

12 "Career offender" means a person whose behavior is pursued in  
13 an occupational manner or context for the purpose of economic  
14 gain, utilizing methods that are deemed criminal violations against  
15 the laws of this State.

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

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

21 "Carrier of freight by water" means any person who may be  
22 engaged or who may hold himself or herself out as willing to be  
23 engaged, whether as a common carrier, a contract carrier, or  
24 otherwise, except for carriage of liquid cargoes in bulk in tank  
25 vessels designed for use exclusively in that service or carriage by  
26 barge of bulk cargoes consisting of only a single commodity loaded  
27 or carried without wrappers or containers and delivered by the  
28 carrier without transportation mark or count, in the carriage of  
29 freight by water between any point in the port of New York district,  
30 as applicable only within the State of New Jersey, and a point  
31 outside that district.

32 "Checker" means a longshoreman who is employed to engage in  
33 direct and immediate checking of waterborne freight or of the  
34 custodial accounting therefor or in the recording or tabulation of the  
35 hours worked at piers or other waterfront terminals by natural  
36 persons employed by carriers of freight by water or stevedores.

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

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

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

1 "Consignee" means the person designated on a bill of lading as  
2 the recipient of waterborne freight consigned for carriage by water.

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

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

8 "Division" means the Division of State Police in the Department  
9 of Law and Public Safety.

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

12 "Hiring agent" means any natural person who, on behalf of a  
13 carrier of freight by water or a stevedore, shall select any  
14 longshoreman for employment, and "hiring agent" includes any  
15 natural person, who on behalf of any other person shall select any  
16 longshoreman for employment.

17 "Immunity" means that a person shall not be prosecuted or  
18 subjected to any penalty or forfeiture for or on account of any  
19 transaction, matter, or thing concerning which, pursuant to an order  
20 of the division, the person gave answer or produced evidence, and  
21 that no answer given or evidence produced shall be received against  
22 the person upon any criminal proceeding.

23 "Labor organization" means and includes any organization which  
24 exists and is constituted for the purpose in whole or in part of  
25 collective bargaining, or of dealing with employers concerning  
26 grievances, terms and conditions of employment, or other mutual  
27 aid or protection, but "labor organization" shall not include a  
28 federation or congress of labor organizations organized on a  
29 national or international basis even though one of its constituent  
30 labor organizations may represent persons so registered or licensed.

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

1 incidental to, the movement of freight at a pier or other waterfront  
2 terminal.

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

7 "Marine terminal" means an area which includes piers, which is  
8 used primarily for the moving, warehousing, distributing, or  
9 packing of waterborne freight or freight to or from piers and which  
10 is under common ownership or control with the pier.

11 "Other waterfront terminal" means any warehouse, depot, or  
12 other terminal, other than a pier, which is located within a marine  
13 terminal in the port of New York district and which is used for  
14 waterborne freight in whole or substantial part, and includes any  
15 warehouse, depot, or other terminal, other than a pier, whether  
16 enclosed or open, which is located in a marine terminal in the port  
17 of New York district, any part of which is used by any person to  
18 perform labor or services involving, or incidental to, the movement  
19 of waterborne freight or freight.

20 "Person" means not only a natural person but also any  
21 partnership, joint venture, association, corporation, or any other  
22 legal entity but shall not include the United States, any state or  
23 territory thereof, or any department, division, board, authority, or  
24 authority of one or more of the foregoing.

25 "Pier" means any wharf, pier, dock, or quay in regular use for the  
26 movement of waterborne freight between vessel and shore.

27 "Pier superintendent" means any natural person other than a  
28 longshoreman who is employed for work at a pier or other  
29 waterfront terminal by a carrier of freight by water or a stevedore  
30 and whose work at the pier or other waterfront terminal includes the  
31 supervision, directly or indirectly, of the work of longshoremen.

32 "Port of New York district" or "district" means the district  
33 created by Article II of the compact dated April 30, 1921, between  
34 the states of New York and New Jersey, authorized by chapter 154  
35 of the laws of New York of 1921 and chapter 151 of the laws of  
36 New Jersey of 1921.

37 "Port watchman" means any watchman, gateman, roundsman,  
38 detective, guard, guardian, or protector of property employed by the  
39 operator of any pier or other waterfront terminal or by a carrier of  
40 freight by water to perform services in that capacity on any pier or  
41 other waterfront terminal.

42 "Select any longshoreman for employment" means select a  
43 person for the commencement or continuation of employment as a  
44 longshoreman, or the denial or termination of employment as a  
45 longshoreman.

46 "Stevedore" means a contractor, not including an employee,  
47 engaged for compensation pursuant to a contract or arrangement  
48 with a carrier of freight by water, in moving waterborne freight

1 carried or consigned for carriage by the carrier on vessels of the  
2 carrier berthed at piers, on piers at which the vessels are berthed or  
3 at other waterfront terminals. "Stevedore" shall also include: a.  
4 a contractor engaged for compensation pursuant to a contract or  
5 arrangement with the United States, any state or territory thereof, or  
6 any department, division, board, commission, or authority of one or  
7 more of the foregoing, in moving freight carried or consigned for  
8 carriage between any point in the port of New York district and a  
9 point outside that district on vessels of the public agency berthed at  
10 piers, on piers at which their vessels are berthed or at other  
11 waterfront terminals; b. a contractor, engaged for compensation  
12 pursuant to a contract or arrangement with any person to perform  
13 labor or services incidental to the movement of waterborne freight  
14 on vessels berthed at piers, on piers or at other waterfront terminals;  
15 or c. a contractor engaged for compensation pursuant to a contract  
16 or arrangement with any other person to perform labor or services  
17 involving, or incidental to, the movement of freight into or out of  
18 containers, which have been or which will be carried by a carrier of  
19 freight by water, on vessels berthed at piers, on piers or at other  
20 waterfront terminals.

21 "State Treasurer" means the Treasurer of the State of New  
22 Jersey.

23 "Terrorist group" means a group associated, affiliated, or funded  
24 in whole or in part by a terrorist organization designated by the  
25 United States Secretary of State in accordance with section 219 of  
26 the federal Immigration and Nationality Act, as amended from time  
27 to time, or any other organization which assists, funds, or engages  
28 in crimes or acts of terrorism as defined in the laws of the United  
29 States, or of this State.

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

33 "Waterborne freight" means freight carried by or consigned for  
34 carriage by carriers of freight by water, and shall also include  
35 freight described in the definition of "stevedore" and in the  
36 definition of "other waterfront terminal." Provided, however, that  
37 at the point at which the freight is released from a pier or marine  
38 terminal to the possession of the consignee or the person designated  
39 by the consignee, the freight shall no longer be considered  
40 waterborne freight if:

- 41 a. the freight is not further transported by water; and
- 42 b. services involving or incidental to the unloading, storage,  
43 inspection, grading, repackaging, or processing of freight occur at a  
44 location outside a pier or marine terminal.

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



1       4. (New section) a. Until the transfer date established  
2 pursuant to section 31 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) shall have become operative, the division  
4 shall not exercise any powers, rights, or duties conferred by  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 or by any other law in any way which will interfere with the  
7 powers, rights, and duties of the commission. The division and the  
8 commission are directed to cooperate with each other after the date  
9 of notification pursuant to section 2 of P.L. , c. (C. )  
10 (pending before the Legislature as this bill) until the transfer date,  
11 and the commission shall make available to the division all  
12 information concerning its property and assets, contracts,  
13 operations, and finances within New Jersey as the division may  
14 require to provide for the efficient exercise by the division of all  
15 powers, rights, and duties conferred upon the division by P.L. , c.  
16 (C. ) (pending before the Legislature as this bill).

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

19       (1) The division shall assume all of the powers, rights, assets,  
20 and duties of the commission within this State, and those powers,  
21 rights, assets, and duties shall then and thereafter be vested in and  
22 exercised by the division;

23       (2) The officers having custody of the funds of the commission  
24 applicable to this State shall deliver those funds into the custody of  
25 the State Treasurer, the property and assets of the commission  
26 within this State shall, without further act or deed, become the  
27 property and assets of the division; and

28       (3) Any officers and employees of the commission seeking to be  
29 transferred to the division may apply to become employees of the  
30 division until determined otherwise by the division. Nothing in  
31 P.L. , c. (C. ) (pending before the Legislature as this bill)  
32 shall be construed to deprive any officers or employees of the  
33 commission of their rights, privileges, obligations, or status with  
34 respect to any pension or retirement system. The commission  
35 employees shall retain all of their rights and benefits under existing  
36 collective negotiation agreements or contracts until such time as  
37 new or revised agreements or contracts are agreed to. All existing  
38 employee representatives shall be retained to act on behalf of those  
39 employees until such time as the employees shall, pursuant to law,  
40 elect to change those representatives. If an existing officer or  
41 employee becomes a member of an administered retirement system  
42 of the State of New Jersey, the officer or employee shall receive the  
43 same amount of service credit in the retirement system as the  
44 officer or employee previously had in the pension or retirement  
45 system as an employee of the commission, provided that there is a  
46 transfer of funds, or purchase, of the full cost of that credit from the  
47 pension or retirement system of the commission to an administered  
48 retirement system of the State of New Jersey. Nothing in P.L. , c.

1 (C. ) (pending before the Legislature as this bill) shall affect the  
2 civil service status, if any, of those officers or employees;

3 (4) All debts, liabilities, obligations, and contracts of the  
4 commission applicable only to this State, as determined by the  
5 officers having custody of the funds of the commission, except to  
6 the extent specifically provided for or established to the contrary in  
7 P.L. , c. (C. ) (pending before the Legislature as this bill),  
8 are imposed upon the division, and all creditors of the commission  
9 and persons having claims against or contracts with the commission  
10 of any kind or character may enforce those debts, claims, and  
11 contracts against the division as successor to the commission in the  
12 same manner as they might have done against the commission, and  
13 the rights and remedies of those holders, creditors, and persons  
14 having claims against or contracts with the commission shall not be  
15 limited or restricted in any manner by P.L. , c. (C. )  
16 (pending before the Legislature as this bill);

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

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

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

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

35 (9) The powers vested in the division by P.L. , c. (C. )  
36 (pending before the Legislature as this bill) shall be construed as  
37 being in addition to, and not in diminution of, the powers heretofore  
38 vested by law in the commission to the extent not otherwise altered  
39 or provided for in P.L. , c. (C. ) (pending before the  
40 Legislature as this bill).

41 c. A license, registration, or permit issued by the commission  
42 prior to the date of notification pursuant to section 2 of P.L. , c.  
43 (C. ) (pending before the Legislature as this bill) shall, subject  
44 to the terms of its issuance, continue to be valid on and after the  
45 transfer date as a license, registration, or permit issued by the  
46 division. An application for a license, registration, or permit filed  
47 with the commission prior to and pending on that notification date

1 shall, as of and from the notification date, be deemed to be filed  
2 with and pending before the division.

3

4 5. (New section) In addition to the powers and duties elsewhere  
5 prescribed in law, the division shall have the power:

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

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

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

19 d. By its members and its properly designated officers, agents,  
20 and employees, with respect to the implementation and enforcement  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), to administer oaths and issue subpoenas to compel the  
23 attendance of witnesses and the giving of testimony and the  
24 production of other evidence;

25 e. To have for its properly designated officers, agents and  
26 employees, full and free access, ingress, and egress to and from all  
27 vessels, piers, and other waterfront terminals or other places in the  
28 port of New York district within this State, for the purposes of  
29 making inspection or enforcing the provisions of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill);  
31 and no person shall obstruct or in any way interfere with any  
32 officer, employee, or agent of the division in the making of an  
33 inspection, or in the enforcement of the provisions of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill) or in the  
35 performance of any other power or duty under P.L. , c. (C. )  
36 (pending before the Legislature as this bill);

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

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

46 h. To advise and consult with representatives of labor and  
47 industry and with public officials and agencies concerned with the  
48 effectuation of the purposes of P.L. , c. (C. ) (pending

- 1 before the Legislature as this bill), upon all matters which the  
2 division may desire, including but not limited to, the form and  
3 substance of rules and regulations, the administration of the  
4 provisions of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill), maintenance of the longshoremen's register, and  
6 issuance and revocation of licenses;
- 7 i. To make annual and other reports to the Governor and,  
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
9 Legislature containing recommendations for the improvement of the  
10 conditions of waterfront labor within the port of New York district  
11 in this State and for the effectuation of the purposes of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill). The annual  
13 reports shall state the division's findings and determinations as to  
14 whether the public necessity still exists for: (1) the continued  
15 registration of longshoremen; (2) the continued licensing of any  
16 occupation or employment required to be licensed hereunder; and  
17 (3) the continued public operation of the employment information  
18 centers provided for in section 16 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill);
- 20 j. To co-operate with and receive from any department,  
21 division, bureau, board, commission, authority, or agency of this  
22 State, or of any county or municipality thereof, any assistance and  
23 data as will enable the division to properly to carry out its powers  
24 and duties hereunder; and to request a department, division, bureau,  
25 board, commission, authority, or agency, with the consent thereof,  
26 to execute the division's functions and powers, as the public interest  
27 may require; and
- 28 k. To exercise the powers and duties of the division as  
29 provided in P.L. , c. (C. ) (pending before the Legislature as  
30 this bill) to its officers, employees, and agents designated by the  
31 division;
- 32 l. To issue temporary permits and permit temporary  
33 registrations under such terms and conditions as the division may  
34 prescribe which shall be valid for a period to be fixed by the  
35 division not in excess of six months;
- 36 m. To require any applicant for a license or registration or any  
37 prospective licensee to furnish facts and evidence as the division  
38 may deem appropriate to enable it to ascertain whether the license  
39 or registration should be granted;
- 40 n. In any case in which the division has the power to revoke,  
41 cancel or suspend any license, the division shall also have the  
42 power to impose as an alternative to that revocation, cancellation, or  
43 suspension, a penalty, which the licensee may elect to pay the  
44 division in lieu of the revocation, cancellation, or suspension. The  
45 maximum penalty shall be \$5,000 for each separate offense. The  
46 division may, for good cause shown, abate all or part of the penalty;

1 o. To designate any officer, agent, or employee of the division  
2 to be an investigator who shall be vested with all the powers of a  
3 peace or police officer of the State of New Jersey;

4 p. To confer immunity, in the following manner prescribed by  
5 section 20 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill);

7 q. To require any applicant or renewal applicant for registration  
8 as a longshoreman, any applicant or renewal applicant for  
9 registration as a checker, or any applicant or renewal applicant for  
10 registration as a telecommunications system controller and any  
11 person who is sponsored for a license as a pier superintendent or  
12 hiring agent, any person who is an individual owner of an applicant  
13 or renewal applicant stevedore, or any persons who are individual  
14 partners of an applicant or renewal applicant stevedore, or any  
15 officers, directors, or stockholders owning five percent or more of  
16 any of the stock of an applicant or renewal applicant corporate  
17 stevedore or any applicant or renewal applicant for a license as a  
18 port watchman or any other category of applicant or renewal  
19 applicant for registration or licensing within the division's  
20 jurisdiction to be fingerprinted by the division at the cost and  
21 expense of the applicant or renewal applicant;

22 r. To exchange fingerprint data with and receive criminal  
23 history record information from the Federal Bureau of Investigation  
24 and the State Bureau of Identification for use in making the  
25 determinations required by this section; and

26 s. Notwithstanding any other provision of law, rule, or  
27 regulation to the contrary, to require any applicant for employment  
28 or employee of the division engaged in the implementation or  
29 enforcement of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) to be fingerprinted at the cost and expense  
31 of the applicant or employee and to exchange fingerprint data with  
32 and receive criminal history record information from the Federal  
33 Bureau of Investigation and the State Bureau of Identification for  
34 use in the hiring or retention of those persons.

35  
36 6. (New section) a. A person shall not act as a pier  
37 superintendent or as a hiring agent within the port of New York  
38 district in this State without first having obtained from the division  
39 a license to act as a pier superintendent or hiring agent, as the case  
40 may be, and a person shall not employ or engage another person to  
41 act as a pier superintendent or hiring agent who is not so licensed.

42 b. A license to act as a pier superintendent or hiring agent shall  
43 be issued only upon the written application, under oath, of the  
44 person proposing to employ or engage another person to act as a  
45 pier superintendent or hiring agent, verified by the prospective  
46 licensee as to the matters concerning the prospective licensee, and  
47 shall state the following:

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

- 1 (2) The full name, residence, business address, if any, place and  
2 date of birth, and social security number of the prospective licensee;
- 3 (3) The present and previous occupations of the prospective  
4 licensee, including the places where the person was employed and  
5 the names of the person's employers;
- 6 (4) Any further facts and evidence as may be required by the  
7 division to ascertain the character, integrity, and identity of the  
8 prospective licensee; and
- 9 (5) That if a license is issued to the prospective licensee, the  
10 applicant will employ the licensee as pier superintendent or hiring  
11 agent, as the case may be.
- 12 c. A license shall not be granted pursuant to this section:
- 13 (1) Unless the division shall be satisfied that the prospective  
14 licensee possesses good character and integrity;
- 15 (2) If the prospective licensee has, without subsequent pardon,  
16 been convicted by a court of the United States, or any State or  
17 territory thereof, of the commission of, or the attempt or conspiracy  
18 to commit, treason, murder, manslaughter, or any of the following  
19 offenses: illegally using, carrying, or possessing a pistol or other  
20 dangerous weapon; making or possessing burglar's instruments;  
21 buying or receiving stolen property; unlawful entry of a building;  
22 aiding an escape from prison; unlawfully possessing, possessing  
23 with intent to distribute, sale, or distribution of a controlled  
24 dangerous substance or a controlled dangerous substance analog; or  
25 a violation prescribed in subsection g. of this section. Any  
26 prospective licensee ineligible for a license by reason of any  
27 conviction under this paragraph may submit satisfactory evidence to  
28 the division that the prospective licensee has for a period of not less  
29 than five years, measured as hereinafter provided, and up to the  
30 time of application, so acted as to warrant the grant of a license, in  
31 which event the division may, in its discretion, issue an order  
32 removing that ineligibility. The five-year period shall be measured  
33 either from the date of payment of any fine imposed upon that  
34 person or the suspension of sentence or from the date of the  
35 person's unrevoked release from custody by parole, commutation,  
36 or termination of sentence; and
- 37 (3) If the prospective licensee knowingly or willfully advocates  
38 the desirability of overthrowing or destroying the government of the  
39 United States by force or violence or shall be a member of a group  
40 which advocates that desirability, knowing the purposes of a group  
41 having that advocacy.
- 42 d. When the application shall have been examined and further  
43 inquiry and investigation made as the division shall deem proper  
44 and when the division shall be satisfied therefrom that the  
45 prospective licensee possesses the qualifications and requirements  
46 prescribed in this section, the division shall issue and deliver to the  
47 prospective licensee a license to act as pier superintendent or hiring  
48 agent for the applicant, as the case may be, and shall inform the

1 applicant of this action. The division may issue a temporary permit  
2 to any prospective licensee for a license issued under this section  
3 pending final action on an application made for that license. Any  
4 temporary permit shall be valid for a period not in excess of 30  
5 days.

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

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

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

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

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

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

26 (4) Unlawfully possessing, possessing with intent to distribute,  
27 sale, or distribution of a controlled dangerous substance or a  
28 controlled dangerous substance analog;

29 (5) Employing, hiring, or procuring any person in violation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
31 inducing or otherwise aiding or abetting any person to violate the  
32 terms of P.L. , c. (C. ) (pending before the Legislature as  
33 this bill);

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

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

40 (8) Transfer or surrender of possession of the license to any  
41 person either temporarily or permanently without satisfactory  
42 explanation;

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

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

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

4 (12) Lending any money to or borrowing any money from a  
5 longshoreman for which there is a charge of interest or other  
6 consideration; or

7 (13) Membership in a labor organization which represents  
8 longshoremen or port watchmen; but nothing in this section shall be  
9 deemed to prohibit pier superintendents or hiring agents from being  
10 represented by a labor organization or organizations which do not  
11 also represent longshoremen or port watchmen. The American  
12 Federation of Labor, the Congress of Industrial Organizations and  
13 any other similar federation, congress, or other organization of  
14 national or international occupational or industrial labor  
15 organizations shall not be considered an organization which  
16 represents longshoremen or port watchmen within the meaning of  
17 this section although one of the federated or constituent labor  
18 organizations thereof may represent longshoremen or port  
19 watchmen.

20

21 7. (New section) a. A person shall not act as a stevedore  
22 within the port of New York district in this State without having  
23 first obtained a license from the division, and a person shall not  
24 employ a stevedore to perform services as such within the port of  
25 New York district unless the stevedore is so licensed.

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

30 c. If the applicant is a natural person, the application shall be  
31 signed and verified by that person and if the applicant is a  
32 partnership, the application shall be signed and verified by each  
33 natural person composing or intending to compose that partnership.  
34 The application shall state the full name, age, residence, business  
35 address, if any, present and previous occupations of each natural  
36 person so signing the application, and any other facts and evidence  
37 as may be required by the division to ascertain the character,  
38 integrity, and identity of each natural person signing the  
39 application.

40 d. If the applicant is a corporation, the application shall be  
41 signed and verified by the president, secretary, and treasurer  
42 thereof, and shall specify the name of the corporation, the date and  
43 place of its incorporation, the location of its principal place of  
44 business, the names and addresses of, and the amount of the stock  
45 held by stockholders owning five percent or more of any of the  
46 stock thereof, and of all officers, including all members of the board  
47 of directors. The requirements of subsection a. of this section as to  
48 a natural person who is a member of a partnership, and the



1 requirements as may be specified in rules and regulations  
2 promulgated by the division pursuant to the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
4 each above-named officer or stockholder and their successors in  
5 office or interest, as the case may be.

6 In the event of the death, resignation, or removal of any officer,  
7 and in the event of any change in the list of stockholders who shall  
8 own five percent or more of the stock of the corporation, the  
9 secretary of the corporation shall forthwith give notice of that fact  
10 in writing to the division, certified by the secretary.

11 e. A license shall not be granted:

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

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

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

23 (4) Unless the applicant shall be a party to a contract then in  
24 force or which will take effect upon the issuance of a license, with a  
25 carrier of freight by water for the loading and unloading by the  
26 applicant of one or more vessels of such carrier at a pier within the  
27 port of New York district;

28 (5) If the applicant or any member, officer, or stockholder  
29 required by subsection d. of this section to sign or be identified in  
30 the application for license has, without subsequent pardon, been  
31 convicted by a court of the United States or any State or territory  
32 thereof of the commission of, or the attempt or conspiracy to  
33 commit, treason, murder, manslaughter, or any of the offenses  
34 described in subsection h. of this section. Any applicant ineligible  
35 for a license by reason of any of those convictions may submit  
36 satisfactory evidence to the division that the person whose  
37 conviction was the basis of ineligibility has for a period of not less  
38 than five years, measured as hereinafter provided and up to the time  
39 of application, so acted as to warrant the grant of that license, in  
40 which event the division may, in its discretion issue an order  
41 removing that ineligibility. The aforesaid period of five years shall  
42 be measured either from the date of payment of any fine imposed  
43 upon that person or the suspension of sentence or from the date of  
44 the person's unrevoked release from custody by parole,  
45 commutation, or termination of sentence;

46 (6) If the applicant has paid, given, caused to have been paid or  
47 given, or offered to pay or give to any officer or employee of any  
48 carrier of freight by water any valuable consideration for an

1 improper or unlawful purpose or to induce that person to procure  
2 the employment of the applicant by the carrier for the performance  
3 of stevedoring services; or

4 (7) If the applicant has paid, given, caused to be paid or given,  
5 or offered to pay or give to any officer or representative of a labor  
6 organization any valuable consideration for an improper or unlawful  
7 purpose or to induce the officer or representative to subordinate the  
8 interests of the labor organization or its members in the  
9 management of the affairs of the labor organization to the interests  
10 of the applicant.

11 f. When the application shall have been examined and further  
12 inquiry and investigation made as the division shall deem proper  
13 and when the division shall be satisfied therefrom that the applicant  
14 possesses the qualifications and requirements prescribed in this  
15 section, the division shall issue and deliver a license to that  
16 applicant. The division may issue a temporary permit to any  
17 applicant for a license under the provisions of this section pending  
18 final action on an application made for a license. A temporary  
19 permit shall be valid for a period not in excess of 30 days.

20 g. A stevedore's license shall be for a term of five years or  
21 fraction of that five-year period, and shall expire on the first day of  
22 December. In the event of the death of the licensee, if a natural  
23 person, or its termination or dissolution by reason of the death of a  
24 partner, if a partnership, or if the licensee shall cease to be a party  
25 to any contract of the type prescribed by paragraph (4) of  
26 subsection e. of section 7 of P.L. , c. (C. ) (pending before  
27 the Legislature as this bill), the license shall terminate 90 days after  
28 that event or upon its expiration date, whichever shall be sooner. A  
29 license may be renewed by the division for successive five-year  
30 periods upon fulfilling the same requirements as are established in  
31 this section for an original application for a stevedore's license.

32 h. Any license issued pursuant to this section may be revoked  
33 or suspended for a period as the division deems in the public  
34 interest or the licensee thereunder may be reprimanded for any of  
35 the following offenses on the part of the licensee or of any person  
36 required by this section to sign or be identified in an original  
37 application for a license:

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

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

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

47 (4) Failure to keep its books and records available during  
48 business hours for inspection by the division and its duly designated

1 representatives until the expiration of the fifth calendar year  
2 following the calendar year during which occurred the transactions  
3 recorded therein; or

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

5 i. In addition to the grounds elsewhere established in P.L. , c.  
6 (C. ) (pending before the Legislature as this bill), the division  
7 shall not grant an application for a license as stevedore if the  
8 applicant has paid, given, caused to have been paid or given, or  
9 offered to pay or give to any agent of any carrier of freight by water  
10 any valuable consideration for an improper or unlawful purpose or,  
11 without the knowledge and consent of the carrier, to induce the  
12 agent to procure the employment of the applicant by the carrier or  
13 its agent for the performance of stevedoring services.

14

15 8. (New section) a. The division shall establish a  
16 longshoremen's register in which shall be included all qualified  
17 longshoremen eligible, as hereinafter provided, for employment as  
18 longshoremen in the port of New York district in this State. A  
19 person shall not act as a longshoreman within the port of New York  
20 district in this State unless at the time the person is included in the  
21 longshoremen's register, and a person shall not employ another to  
22 work as a longshoreman within the port of New York district in this  
23 State unless at the time the other person is included in the  
24 longshoremen's register.

25 b. Any person applying for inclusion in the longshoremen's  
26 register shall file at a place and in a manner as the division shall  
27 designate a written statement, signed, and verified by the applicant,  
28 setting forth the applicant's full name, residence address, social  
29 security number, and any further facts and evidence as the division  
30 may prescribe to establish the identity of that person and the  
31 person's criminal record, if any.

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

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

40 (2) Who knowingly or willingly advocates the desirability of  
41 overthrowing or destroying the government of the United States by  
42 force or violence or who shall be a member of a group which  
43 advocates that desirability knowing the purposes of the group  
44 advocating that desirability; or

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

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

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

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

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

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

23 (4) False impersonation of another longshoreman registered  
24 under this section or of another person licensed pursuant to  
25 P.L. , c. (C. ) (pending before the Legislature as this bill);

26 (5) Willful commission of or willful attempt to commit at or on  
27 a waterfront terminal or adjacent highway any act of physical injury  
28 to any other person or of willful damage to or misappropriation of  
29 any other person's property, unless justified or excused by law; and

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

32 f. Whenever, as a result of amendments to P.L. , c.  
33 (C. ) (pending before the Legislature as this bill) or of a ruling  
34 by the division, registration as a longshoreman is required for any  
35 person to continue in employment, that person shall be registered as  
36 a longshoreman; provided, however, that the person satisfies all the  
37 other requirements of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) for registration as a longshoreman.

39 g. The division shall have the right to recover possession of  
40 any card or other means of identification issued as evidence of  
41 inclusion in the longshoremen's register in the event that the holder  
42 thereof has been removed from the longshoremen's register.

43 h. Nothing contained in P.L. , c. (C. ) (pending before  
44 the Legislature as this bill) shall be construed to limit in any way  
45 any labor rights reserved by P.L. , c. (C. ) (pending before  
46 the Legislature as this bill).

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20

1 9. (New section) a. The division shall, at regular intervals,  
2 remove from the longshoremen's register any person who shall have  
3 been registered for at least nine months and who shall have failed  
4 during the preceding six calendar months either to have worked as a  
5 longshoreman in the port of New York district in this State or to  
6 have applied for employment as a longshoreman at an employment  
7 information center established under section 16 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill)  
9 for the minimum number of days as shall have been established by  
10 the division pursuant to subsection b. of this section.

11 b. On or before the first day of June following the date on  
12 which P.L. , c. (C. ) (pending before the Legislature as this  
13 bill) becomes operative, and on or before each succeeding first day  
14 of June or December, the division shall, for the purposes of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
16 establish for the six-month period beginning on each date a  
17 minimum number of days and the distribution of the days during  
18 that period.

19 c. In establishing any minimum number of days or period, the  
20 division shall consult with the collective bargaining representatives  
21 of stevedores and other employers of longshoremen in the port of  
22 New York district and with labor organizations representing  
23 longshoremen in the district.

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

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

40  
41 10. (New section) Notwithstanding any other provisions of  
42 P.L. , c. (C. ) (pending before the Legislature as this bill),  
43 the division shall have the power to remove from the  
44 longshoremen's register any person, including a person registered as  
45 longshoremen for less than nine months, who shall have failed to  
46 have worked as a longshoreman in the port of New York district in  
47 this State for a minimum number of days during a period of time as  
48 shall have been established by the division. In administering this

1 section, the division, in its discretion, may count applications for  
2 employment as a longshoreman at an employment information  
3 center established pursuant to section 16 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill) as constituting actual  
5 work as a longshoreman, provided, however, that the division shall  
6 count as actual work the compensation received by any  
7 longshoreman pursuant to the guaranteed wage provisions of any  
8 collective bargaining agreement relating to longshoremen. Prior to  
9 the commencement of any period of time established by the division  
10 pursuant to this section, the division shall establish for that period  
11 the minimum number of days of work required and the distribution  
12 of days during that period and shall also determine whether or not  
13 application for employment as a longshoreman shall be counted as  
14 constituting actual work as a longshoreman. The division may  
15 classify longshoremen according to length of service as a  
16 longshoreman and develop other criteria as may be reasonable and  
17 necessary to carry out the provisions of P.L. , c. (C. )  
18 (pending before the Legislature as this bill). The division shall  
19 have the power to vary the requirements of this section with respect  
20 to their application to the various classifications of longshoremen.  
21 In administering this section, the division shall observe the  
22 standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as  
23 that section shall have been amended through the enactment of  
24 P.L.1999, c.206. Nothing in this section shall be construed to  
25 modify, limit, or restrict in any way any of the rights protected by  
26 section 23 of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill).

28

29 11. (New section) a. The division shall establish within the  
30 longshoremen's register a list of all qualified longshoremen eligible,  
31 as hereinafter provided, for employment as checkers in the port of  
32 New York district in this State. A person shall not act as a checker  
33 within the port of New York district in this State unless at the time  
34 the person is included in the longshoremen's register as a checker,  
35 and a person shall not employ another to work as a checker within  
36 the port of New York district in this State unless at the time such  
37 other person is included in the longshoremen's register as a checker.

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

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

44 (2) The present and previous occupations of the applicant,  
45 including the places where the applicant was employed and the  
46 names of the applicant's employers; and

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

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

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

8 (2) If the applicant has, without subsequent pardon, been  
9 convicted by a court of the United States or any State or territory  
10 thereof, of the authority of, or the attempt or conspiracy to commit  
11 treason, murder, manslaughter, or any of the following offenses:  
12 illegally using, carrying or possessing a pistol or other dangerous  
13 weapon; making or possessing burglar's instruments; buying or  
14 receiving stolen property; unlawful entry of a building; aiding an  
15 escape from prison; unlawfully possessing, possessing with intent to  
16 distribute, sale or distribution of a controlled dangerous substance  
17 or a controlled dangerous substance analog; petty larceny, where  
18 the evidence shows the property was stolen from a vessel, pier or  
19 other waterfront terminal; or a violation of P.L. , c. (C. )  
20 (pending before the Legislature as this bill). An applicant ineligible  
21 for inclusion in the longshoremen's register as a checker by reason  
22 of a conviction may submit satisfactory evidence to the division that  
23 the applicant has for a period of not less than five years, measured  
24 as hereinafter provided, and up to the time of application, so acted  
25 as to warrant inclusion in the longshoremen's register as a checker,  
26 in which event the division may, in its discretion, issue an order  
27 removing the applicant's ineligibility. The five-year period shall be  
28 measured either from the date of payment of any fine imposed upon  
29 that person or the suspension of sentence or from the date of the  
30 person's unrevoked release from custody by parole, commutation,  
31 or termination of sentence; or

32 (3) If the applicant knowingly or willfully advocates the  
33 desirability of overthrowing or destroying the government of the  
34 United States by force or violence or shall be a member of a group  
35 which advocates that desirability, knowing the purposes of the  
36 group advocating that desirability.

37 d. When the application shall have been examined and further  
38 inquiry and investigation made as the division shall deem proper  
39 and when the division shall be satisfied therefrom that the applicant  
40 possesses the qualifications and requirements prescribed by this  
41 section, the division shall include the applicant in the  
42 longshoremen's register as a checker. The division may permit  
43 temporary registration as a checker to any applicant under this  
44 section pending final action on an application made for temporary  
45 registration, under the terms and conditions as the division may  
46 prescribe, which shall be valid for a period to be fixed by the  
47 division, not in excess of six months.

1 e. The division shall have power to reprimand any checker  
2 registered under this section or to remove the person from the  
3 longshoremen's register as a checker for a period of time as the  
4 division deems in the public interest for any of the following  
5 offenses:

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

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

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

14 (4) Unlawfully possessing, possessing with intent to distribute,  
15 sale, or distribution of a controlled dangerous substance or a  
16 controlled dangerous substance analog;

17 (5) Inducing or otherwise aiding or abetting any person to  
18 violate the terms of P.L. , c. (C. ) (pending before the  
19 Legislature as this bill);

20 (6) Paying, giving, causing to be paid or given, or offering to  
21 pay or give to any person any valuable consideration to induce the  
22 other person to violate any provision of P.L. , c. (C. )  
23 (pending before the Legislature as this bill) or to induce any public  
24 officer, agent, or employee to fail to perform the person's duty  
25 under P.L. , c. (C. ) (pending before the Legislature as this  
26 bill);

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

28 (8) Transfer or surrender of possession to any person either  
29 temporarily or permanently of any card or other means of  
30 identification issued by the division as evidence of inclusion in the  
31 longshoremen's register without satisfactory explanation; or

32 (9) False impersonation of another longshoreman or of another  
33 person licensed under P.L. , c. (C. ) (pending before the  
34 Legislature as this bill).

35 f. The division shall have the right to recover possession of  
36 any card or other means of identification issued as evidence of  
37 inclusion in the longshoremen's register as a checker in the event  
38 that the holder thereof has been removed from the longshoremen's  
39 register as a checker.

40 g. Nothing contained in this section shall be construed to limit  
41 in any way any rights of labor reserved by section 23 of P.L. , c.  
42 (C. ) (pending before the Legislature as this bill).

43  
44 12. (New section) The division shall accept applications for  
45 inclusion in the longshoremen's register upon:

46 a. the joint recommendation in writing of stevedores and other  
47 employers of longshoremen in the port of New York district in this  
48 State, acting through their representative for the purposes of



1 collective bargaining with a labor organization representing the  
2 longshoremen in the district, and that labor organization; or

3 b. the petition in writing of a stevedore or other employer of  
4 longshoremen in the port of New York district in this State which  
5 does not have a representative for the purposes of collective  
6 bargaining with a labor organization representing those  
7 longshoremen.

8

9 13. (New section) a. A person shall not act as a port watchman  
10 within the port of New York district in this State without first  
11 having obtained a license from the division, and a person shall not  
12 employ a port watchman who is not so licensed.

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

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

18 (2) The present and previous occupations of the applicant,  
19 including the places where the applicant was employed and the  
20 names of the applicant's employers;

21 (3) The citizenship of the applicant and, if the person is a  
22 naturalized citizen of the United States, the court and date of  
23 naturalization; and

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

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

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

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

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

39 (4) If the applicant shall be a member of any labor organization  
40 which represents longshoremen or pier superintendents or hiring  
41 agents; but nothing in P.L. , c. (C. ) (pending before the  
42 Legislature as this bill) shall be deemed to prohibit port watchmen  
43 from being represented by a labor organization or organizations  
44 which do not also represent longshoremen or pier superintendents  
45 or hiring agents. The American Federation of Labor, the Congress  
46 of Industrial Organizations (AFL-CIO) and any other similar  
47 federation, congress, or other organization of national or  
48 international occupational or industrial labor organizations shall not

1 be considered a labor organization which represents longshoremen  
2 or pier superintendents or hiring agents within the meaning of this  
3 section although one of the federated or constituent labor  
4 organizations thereof may represent longshoremen or pier  
5 superintendents or hiring agents;

6 (5) If the applicant knowingly or willfully advocates the  
7 desirability of overthrowing or destroying the government of the  
8 United States by force or violence or shall be a member of a group  
9 which advocates that desirability, knowing the purposes of the  
10 group's advocacy.

11 d. When the application shall have been examined and further  
12 inquiry and investigation made as the division shall deem proper  
13 and when the authority shall be satisfied therefrom that the  
14 applicant possesses the qualifications and requirements prescribed  
15 in this section and regulations issued pursuant thereto, the division  
16 shall issue and deliver a license to the applicant. The division may  
17 issue a temporary permit to any applicant for a license under the  
18 provisions of this section pending final action on an application  
19 made for that license. Any temporary permit shall be valid for a  
20 period not in excess of 30 days.

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

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

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

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

32 (3) Submit supplementary personal history information.

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

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

40 (2) Fraud, deceit, or misrepresentation in securing the license;  
41 and

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

44 h. The division shall, at regular intervals, cancel the license or  
45 temporary permit of a port watchman who has failed during the  
46 preceding 12 months to work as a port watchman in the port of New  
47 York district in this State a minimum number of hours as  
48 established by the division, except that the division shall

1 immediately restore the license or temporary permit upon a proper  
2 showing that the failure to so work was caused by the fact that the  
3 licensee or permit holder was engaged in the military service of the  
4 United States or was incapacitated by ill health, physical injury, or  
5 other good cause.

6 i. Any port watchman ineligible for a license by reason  
7 pursuant to this section may petition for and the division may issue  
8 an order removing the ineligibility. A petition for an order to  
9 remove an ineligibility may be made to the division before or after  
10 the hearing required by section 14 of P.L. , c. (C. ) (pending  
11 before the Legislature as this bill).

12

13 14. (New section) a. The division shall not deny any  
14 application for a license or registration without giving the applicant  
15 or prospective licensee reasonable prior notice and an opportunity  
16 to be heard at a hearing conducted by the division.

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

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

35 d. Pending the determination of a hearing pursuant to this  
36 section, the division may temporarily suspend a license or  
37 registration if, in the opinion of the division, the continuance of the  
38 license or registration for that 15-day period, pursuant to subsection  
39 c. of this section, is inimical to the public peace or safety.

40 e. The division, or a member, officer, employee, or agent of the  
41 division as may be designated by the division for such purpose,  
42 shall have the power to issue subpoenas to compel the attendance of  
43 witnesses and the giving of testimony or production of other  
44 evidence and to administer oaths in connection with a hearing. It  
45 shall be the duty of the division or of any member, officer,  
46 employee, or agent of the division designated by the division for  
47 that purpose to issue subpoenas at the request of and upon behalf of  
48 the licensee, registrant, or applicant. The person conducting the

1 hearing on behalf of the division shall not be bound by common law  
2 or statutory rules of evidence or by technical or formal rules of  
3 procedure in conducting the hearing.

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

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

28

29 15. (New section) a. At hearings conducted by the division,  
30 pursuant to section 14 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill), applicants, prospective licensees, licensees,  
32 and registrants shall have the right to be accompanied and  
33 represented by counsel.

34 b. After the conclusion of a hearing but prior to the making of  
35 an order by the division, a hearing may, upon petition and in the  
36 discretion of the hearing officer, be reopened for the presentation of  
37 additional evidence. A petition to reopen the hearing shall state in  
38 detail the nature of the additional evidence, together with the  
39 reasons for the failure to submit such evidence prior to the  
40 conclusion of the hearing. The division may upon its own motion  
41 and upon reasonable notice reopen a hearing for the presentation of  
42 additional evidence. Upon petition, after the making of an order of  
43 the division, rehearing may be granted in the discretion of the  
44 division. A petition for rehearing shall state in detail the grounds  
45 upon which the petition is based and shall separately set forth each  
46 error of law and fact alleged to have been made by the division in  
47 its determination, together with the facts and arguments in support  
48 thereof. The petition shall be filed with the division not later than

1 30 days after service of the division's order, unless the division for  
2 good cause shown shall otherwise direct. The division may upon its  
3 own motion grant a rehearing after the making of an order.  
4

5 16. (New section) a. The division is hereby designated on its  
6 own behalf or as agent of the State of New Jersey, as provided by  
7 the act of Congress of the United States, effective June 6, 1933,  
8 entitled "An act to provide for the establishment of a national  
9 employment system and for co-operation with the states in the  
10 promotion of such system and for other purposes," as amended, for  
11 the purpose of obtaining the benefits of that act of Congress as are  
12 necessary or appropriate to the establishment and operation of  
13 employment information centers authorized by this section.

14 b. The division shall have all powers necessary to take steps to  
15 formulate plans and to execute projects related to the establishment  
16 and operation of employment information centers, as may be  
17 necessary to obtain any benefits for the operation of employment  
18 information centers in accomplishing the purposes of P.L. , c.  
19 (C. ) (pending before the Legislature as this bill).

20 c. Any officer or agency designated by this State, pursuant to  
21 the act of June 6, 1933, as amended, is authorized and empowered,  
22 upon the request of the division and subject to its direction, to  
23 exercise the powers and duties conferred upon the division by the  
24 provisions of this section.

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

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

1       17. (New section) a. The division may designate one of the  
2 employment information centers it is authorized to establish and  
3 maintain under section 16 of P.L. , c. (C. ) (pending before  
4 the Legislature as this bill) for the implementation of a  
5 telecommunications hiring system through which longshoremen and  
6 checkers may be hired and accept employment without any personal  
7 appearance at the center. The telecommunications hiring system  
8 shall incorporate hiring and seniority agreements between the  
9 employers of longshoremen and checkers and the labor  
10 organizations representing longshoremen and checkers in the port of  
11 New York district in this State, provided the agreements are not in  
12 conflict with the provisions of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill).

14       b. The division shall permit employees of the management  
15 organizations representing employers of longshoremen and  
16 checkers in the port of New York district in this State, and of the  
17 labor organizations representing longshoremen and checkers in the  
18 port of New York district in this State, or of a joint board of these  
19 management and labor organizations, to participate in the operation  
20 of the telecommunications hiring system, if these employees are  
21 registered by the division as "telecommunications system  
22 controllers," with respect to the registration of checkers. A person  
23 shall not act as a "telecommunications system controller" unless  
24 that person is registered. An application for registration and a  
25 registration made or issued may be denied, revoked, cancelled, or  
26 suspended, as the case may be, only in the manner prescribed in  
27 section 11 of P.L. , c. (C. ) (pending before the Legislature  
28 as this bill). Participation in the operation of the  
29 telecommunications hiring system shall be monitored by the  
30 division.

31       c. The records, documents, tapes, discs, and other data  
32 compiled, collected or maintained by a management organization, a  
33 labor organization, and a joint board of these management and labor  
34 organizations pertaining to the telecommunications hiring system  
35 shall be available for inspection, investigation, and duplication by  
36 the division.

37

38       18. (New section) In addition to the grounds elsewhere  
39 established in P.L. , c. (C. ) (pending before the Legislature  
40 as this bill), the division may deny an application for a license or  
41 registration for any of the following:

42       a. Conviction by a court of the United States or any State or  
43 territory thereof of coercion;

44       b. Conviction by a court described in subsection a. of this  
45 section, after having been previously convicted by that court of any  
46 crime or of the offenses hereinafter set forth, or any of the  
47 following offenses: assault, malicious injury to property, malicious

1 mischief, unlawful taking of a motor vehicle, corruption of  
2 employees or possession of illegal betting number slips;

3 c. Fraud, deceit or misrepresentation in connection with any  
4 application or petition submitted to, or any interview, hearing or  
5 proceeding conducted by the division or commission;

6 d. Violation of any provision of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill) or commission of any offense  
8 thereunder;

9 e. Refusal on the part of any applicant, or prospective licensee,  
10 or of any member, officer or stockholder required by section 7 of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill)  
12 to sign or be identified in an application for a stevedore license, to  
13 answer any material question or produce any material evidence in  
14 connection with the person's application or any application made on  
15 the person's behalf for a license or registration pursuant to section 7  
16 of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill);

18 f. Association with a person who has been identified by a  
19 federal, State, or local law enforcement agency as a member or  
20 associate of an organized crime group, a terrorist group, or a career  
21 offender cartel, or who is a career offender, under circumstances  
22 where that association creates a reasonable belief that the  
23 participation of the applicant in any activity required to be licensed  
24 or registered under P.L. , c. (C. ) (pending before the  
25 Legislature as this bill) would be inimical to the purposes of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill);  
27 or

28 g. Conviction of a racketeering activity or knowing association  
29 with a person who has been convicted of a racketeering activity by  
30 a court of the United States, or any State or territory thereof under  
31 circumstances where that association creates a reasonable belief that  
32 the participation of the applicant in any activity required to be  
33 licensed or registered under P.L. , c. (C. ) (pending before  
34 the Legislature as this bill) would be inimical to the purposes of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill).

36

37 19. (New section) In addition to the grounds elsewhere set  
38 forth in P.L. , c. (C. ) (pending before the Legislature as  
39 this bill), any license or registration issued or made pursuant thereto  
40 may be revoked or suspended for a period as the division deems in  
41 the public interest or the licensee or registrant may be reprimanded,  
42 for:

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

47 b. Willful authority of, or willful attempt to commit at or on a  
48 waterfront terminal or adjacent highway, any act of physical injury

- 1 to any other person or of willful damage to or misappropriation of  
2 any other person's property, unless justified or excused by law;
- 3 c. Receipt or solicitation of anything of value from any person  
4 other than a licensee's or registrant's employer as consideration for  
5 the selection or retention for employment of a licensee or registrant;
- 6 d. Coercion of a licensee or registrant by threat of  
7 discrimination or violence or economic reprisal, to make purchases  
8 from or to utilize the services of any person;
- 9 e. Refusal to answer any material question or produce any  
10 evidence lawfully required to be answered or produced at any  
11 investigation, interview, hearing, or other proceeding conducted by  
12 the division pursuant to section 14 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), or, if the refusal is  
14 accompanied by a valid plea of privilege against self-incrimination,  
15 refusal to obey an order to answer the question or produce any  
16 evidence made by the division pursuant to section 14 of P.L. , c.  
17 (C. ) (pending before the Legislature as this bill); or
- 18 f. Association with a person who has been identified by a  
19 federal, State, or local law enforcement agency as a member or  
20 associate of an organized crime group, a terrorist group, or a career  
21 offender cartel, or who is a career offender, under circumstances  
22 where that association creates a reasonable belief that the  
23 participation of the licensee or registrant in any activity required to  
24 be licensed or registered under P.L. , c. (C. ) (pending  
25 before the Legislature as this bill) would be inimical to the purposes  
26 of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill); or
- 28 g. Conviction of a racketeering activity or knowing association  
29 with a person who has been convicted of a racketeering activity by  
30 a court of the United States, or any State, or territory thereof under  
31 circumstances where that association creates a reasonable belief that  
32 the participation of the licensee or registrant in any activity required  
33 to be licensed or registered under P.L. , c. (C. ) (pending  
34 before the Legislature as this bill) would be inimical to the purposes  
35 of P.L. , c. (C. ) (pending before the Legislature as this  
36 bill).
- 37
- 38 20. (New section) a. In any investigation, interview, or other  
39 proceeding conducted under oath by the division or any duly  
40 authorized officer, employee, or agent thereof, if a person refuses to  
41 answer a question or produce evidence of any other kind on the  
42 ground that the person may be incriminated thereby, and  
43 notwithstanding the refusal, an order is made upon 24 hours' prior  
44 written notice to the Attorney General of the State of New Jersey,  
45 and to the appropriate district attorney or prosecutor having an  
46 official interest therein, by the Superintendent of the division or the  
47 superintendent's designee, that the person answer the question or  
48 produce the evidence, the person shall comply with the order. If the



1 person complies with the order, and if, but for this section, would  
2 have been privileged to withhold the answer given or the evidence  
3 produced by the person, then immunity shall be conferred upon the  
4 person, as provided for herein. Immunity shall not be conferred  
5 upon any person except in accordance with the provisions of this  
6 section. If, after compliance with the provisions of this section, a  
7 person is ordered to answer a question or produce evidence of any  
8 other kind and complies with the order, and it is thereafter  
9 determined that the Attorney General or appropriate district  
10 attorney or prosecutor having an official interest therein was not  
11 notified, that failure or neglect shall not deprive that person of any  
12 immunity otherwise properly conferred upon the person. But the  
13 person may nevertheless be prosecuted or subjected to penalty or  
14 forfeiture for any perjury or contempt committed in answering, or  
15 failing to answer, or in producing or failing to produce evidence, in  
16 accordance with the order, and any answer given or evidence  
17 produced shall be admissible against the person upon any criminal  
18 proceeding concerning such perjury or contempt.

19 b. If a person, in obedience to a subpoena directing the person  
20 to attend and testify, is in this State or comes into this State from  
21 the State of New York, the person shall not, while in this State  
22 pursuant to such subpoena, be subject to arrest or the service of  
23 process, civil or criminal, in connection with matters which arose  
24 before the person's entrance into this State under the subpoena.

25  
26 21. (New section) a. The division may temporarily suspend a  
27 temporary permit or a permanent license or a temporary or  
28 permanent registration issued pursuant to the provisions of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill) until  
30 further order of the division or final disposition of the underlying  
31 case, only where the permittee, licensee, or registrant has been  
32 indicted for, or otherwise charged with, a crime which is equivalent  
33 to a crime of the third, second, or first degree in this State or only  
34 where the permittee or licensee is a port watchman who is charged  
35 by the division pursuant to section 13 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill) with misappropriating  
37 any other person's property at or on a pier or other waterfront  
38 terminal.

39 b. In the case of a permittee, licensee, or registrant who has  
40 been indicted for, or otherwise charged with, a crime, the temporary  
41 suspension shall terminate immediately upon acquittal or upon  
42 dismissal of the criminal charge. A person whose permit, license,  
43 or registration has been temporarily suspended may, at any time,  
44 demand that the division conduct a hearing as provided for in  
45 section 14 of P.L. , c. (C. ) (pending before the Legislature  
46 as this bill). Within 60 days of the demand, the division shall  
47 commence the hearing and, within 30 days of receipt of the  
48 administrative law judge's report and recommendation, the division

1 shall render a final determination thereon; provided, however, that  
2 these time requirements, shall not apply for any period of delay  
3 caused or requested by the permittee, licensee, or registrant. Upon  
4 failure of the division to commence a hearing or render a  
5 determination within the time limits prescribed herein, the  
6 temporary suspension of the permittee, licensee, or registrant shall  
7 immediately terminate. Notwithstanding any other provision of this  
8 subsection, if a federal, State, or local law enforcement agency or  
9 prosecutor's office shall request the suspension or deferment of any  
10 hearing on the ground that the hearing would obstruct or prejudice  
11 an investigation or prosecution, the division may in its discretion,  
12 postpone or defer the hearing for a time certain or indefinitely. Any  
13 action by the division to postpone a hearing shall be subject to  
14 immediate judicial review as provided in subsection b. of this  
15 section.

16 c. The division may, within its discretion, bar any permittee,  
17 licensee, or registrant who has been suspended pursuant to the  
18 provisions of subsection a. of this section, from any employment by  
19 a licensed stevedore or a carrier of freight by water, if that  
20 individual has been indicted or otherwise charged in any federal,  
21 State, or territorial proceeding with any crime involving the  
22 possession with intent to distribute, sale, or distribution of a  
23 controlled dangerous substance or controlled dangerous substance  
24 analog, racketeering, or theft from a pier or waterfront terminal.  
25

26 22. (New section) The division is authorized to co-operate with  
27 the commission, a similar authority, or other public entity of the  
28 State of New York, to exchange information on any matter pertinent  
29 to the purposes of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill), and to enter into reciprocal agreements for  
31 the accomplishment of those purposes, including, but not limited to,  
32 the following objectives:

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

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

38 c. To provide that any act or omission by a licensee or  
39 registrant in either State which would be a basis for disciplinary  
40 action against the licensee or registrant if it occurred in the state in  
41 which the license was issued or the person registered shall be the  
42 basis for disciplinary action in either state; and

43 d. To provide that longshoremen registered in either state, who  
44 perform work or who apply for work at an employment information  
45 center within the other State shall be deemed to have performed  
46 work or to have applied for work in the State in which they are  
47 registered.

1       23. (New section) a. The provisions of P.L. , c. (C. )  
2 (pending before the Legislature as this bill) are not designed and  
3 shall not be construed to limit in any way any rights granted or  
4 derived from any other statute or any rule of law for employees to  
5 organize in labor organizations, to bargain collectively and to act in  
6 any other way individually, collectively, and through labor  
7 organizations or other representatives of their own choosing.  
8 Without limiting the generality of the foregoing, nothing contained  
9 in P.L. , c. (C. ) (pending before the Legislature as this bill)  
10 shall be construed to limit in any way the right of employees to  
11 strike.

12       b. The provisions of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill) are not designed and shall not be construed  
14 to limit in any way any rights of longshoremen, hiring agents, pier  
15 superintendents, or port watchmen or their employers to bargain  
16 collectively and agree upon any method for the selection of those  
17 employees by way of seniority, experience, regular gangs, or  
18 otherwise; provided, that those employees shall be licensed or  
19 registered hereunder and longshoremen and port watchmen shall be  
20 hired only through the employment information centers established  
21 hereunder and that all other provisions of P.L. , c. (C. )  
22 (pending before the Legislature as this bill) be observed.

23  
24       24. (New section) a. Any officer or employee in the State,  
25 county, or municipal civil service in either State who shall transfer  
26 to service with the division may be given one or more leaves of  
27 absence without pay and may, before the expiration of the leave or  
28 leaves of absence, and without further examination or qualification,  
29 return to the person's former position or be certified by the  
30 appropriate civil service agency for retransfer to a comparable  
31 position in the State, county, or municipal civil service if a  
32 comparable position is then available.

33       b. The division may, by agreement with any federal agency  
34 from which any officer or employee may transfer to service with the  
35 division to undertake any of the duties or responsibilities  
36 established pursuant to P.L. , c. (C. ) (pending before the  
37 Legislature as this bill), make similar provision for the retransfer of  
38 the officer or employee to that federal agency.

39       c. Notwithstanding the provisions of any other law, rule, or  
40 regulation, any officer or employee in the State, county, or  
41 municipal service in either State who shall transfer to service with  
42 the division and who is a member of any existing State, county, or  
43 municipal pension or retirement system in New Jersey or New  
44 York, shall continue to have all rights, privileges, obligations, and  
45 status with respect to that fund, system, or systems as if the person  
46 had continued in State, county, or municipal office or employment,  
47 but during the period of service as a member, officer, or employee  
48 of the division, all contributions to any pension or retirement fund

1 or system to be paid by the employer on account of the member,  
2 officer, or employee, shall be paid by the State Treasurer. The  
3 division may, by agreement with the appropriate federal agency,  
4 make similar provisions relating to continuance of retirement  
5 system membership for any federal officer or employee so  
6 transferred.

7  
8 25. (New section) a. The division shall annually adopt a  
9 budget of its expenses for each year for the purposes of its duties  
10 and responsibilities under P.L. , c. (C. ) (pending before the  
11 Legislature as this bill). Each budget shall be submitted to the  
12 Governor and the budget shall be adjusted accordingly.

13 b. After taking into account funds as may be available to the  
14 division from reserves, federal grants or otherwise, the balance of  
15 the division's budgeted expenses for the performance of its  
16 functions and duties under P.L. , c. (C. ) (pending before  
17 the Legislature as this bill) shall be assessed upon employers of  
18 persons registered or licensed pursuant to P.L. , c. (C. )  
19 (pending before the Legislature as this bill). Each employer shall  
20 pay to the State Treasurer, for placement within the General Fund,  
21 an assessment computed upon the gross payroll payments made by  
22 that employer to longshoremen, pier superintendents, hiring agents,  
23 and port watchmen for work or labor performed within the port of  
24 New York district in this State, at a rate, not in excess of two  
25 percent, computed by the division in the following manner: the  
26 division shall annually estimate the gross payroll payments to be  
27 made by employers subject to assessment and shall compute a rate  
28 thereon which will yield revenues sufficient to finance the division's  
29 budget for the performance of those functions and duties under  
30 P.L. , c. (C. ) (pending before the Legislature as this bill)  
31 for each year. That budget may include a reasonable amount for a  
32 reserve, but the amount shall not exceed 10 percent of the total of  
33 all other items of expenditure contained therein. The reserve shall  
34 be used for the stabilization of annual assessments, the payment of  
35 operating deficits, and for the repayment of advances made by the  
36 State, if any.

37 c. The amount required to balance the division's budgeted  
38 expenses for the performance of its functions and duties under  
39 P.L. , c. (C. ) (pending before the Legislature as this bill),  
40 in excess of the estimated yield of the maximum assessment, shall  
41 be certified by the division, with the approval of the Governor, in  
42 proportion to the gross annual wage payments made to  
43 longshoremen for work within the port of New York district in this  
44 State. The Legislature shall annually appropriate to the division the  
45 amount so certified.

46 d. The division may provide by regulation for the collection  
47 and auditing of assessments. In addition to any other sanction  
48 provided by law, the division may revoke or suspend any license

1 held by any person under P.L. , c. (C. ) (pending before the  
2 Legislature as this bill), or the person's privilege of employing  
3 persons registered or licensed hereunder, for non-payment of any  
4 assessment when due.

5 e. The assessment hereunder shall be in lieu of any other  
6 charge for the issuance of licenses to stevedores, pier  
7 superintendents, hiring agents, and port watchmen or for the  
8 registration of longshoremen or use of an employment information  
9 center. The division shall establish reasonable procedures for the  
10 consideration of protests by affected employees concerning the  
11 estimates and computation of the rate of assessment.

12

13 26. (New section) a. (1) Every person subject to the payment  
14 of any assessment under the provisions of section 25 of P.L. , c.  
15 (C. ) (pending before the Legislature as this bill) shall file on or  
16 before the 15th day of the first month of each calendar quarter-year  
17 a separate return, together with the payment of the assessment due,  
18 for the preceding calendar quarter-year during which any payroll  
19 payments were made to longshoremen, pier superintendents, hiring  
20 agents, or port watchmen for work performed by those employees  
21 within the port of New York district in this State. Returns covering  
22 the amount of assessment payable shall be filed with the division on  
23 forms to be furnished for that purpose and shall contain data,  
24 information, or matter as the division may require to be included  
25 therein. The division may grant a reasonable extension of time for  
26 filing returns, or for the payment of assessment, whenever good  
27 cause exists. Every return shall have annexed thereto a certification  
28 to the effect that the statements contained therein are true.

29 (2) Every person subject to the payment of assessment  
30 hereunder shall keep an accurate record of that person's  
31 employment of longshoremen, pier superintendents, hiring agents,  
32 or port watchmen, which shall show the amount of compensation  
33 paid and other information as the division may require. Those  
34 records shall be preserved for a period of three years and be open  
35 for inspection at reasonable times. The division may consent to the  
36 destruction of the records at any time after that period or may  
37 require that they be kept longer, but not in excess of six years.

38 (3) (a) The division shall audit and determine the amount of  
39 assessment due from the return filed and such other information as  
40 is available to it. Whenever a deficiency in payment of the  
41 assessment is determined, the division shall give notice of the  
42 determination to the person liable therefor. The determination shall  
43 finally and conclusively fix the amount due, unless the person  
44 against whom the assessment is assessed shall, within 30 days after  
45 the giving of notice of the determination, apply in writing to the  
46 division for a hearing, or unless the division on its own motion shall  
47 reduce the assessment. After the hearing, the division shall give  
48 notice of its decision to the person liable therefor. A determination

1 of the division under this section shall be subject to judicial review,  
2 if application for that review is made within 30 days after the giving  
3 of notice of the decision. Any determination under this section  
4 shall be made within five years from the time the return was filed  
5 and if no return was filed, the determination may be made at any  
6 time.

7 (b) Any notice authorized or required under this section may be  
8 given by mailing the notice to the person for whom it is intended at  
9 the last address that the person shall have given to the division, or  
10 in the last return filed with the division under this section, or, if a  
11 return has not been filed, then to an address as may be obtainable.  
12 The mailing of the notice shall be presumptive evidence of the  
13 receipt of it by the person to whom the notice is addressed. Any  
14 period of time, which is determined for the giving of notice shall  
15 commence to run from the date of mailing of the notice.

16 (4) Whenever any person shall fail to pay, within the time  
17 limited herein, any assessment which the person is required to pay  
18 to the division under the provisions of this section, the division may  
19 enforce payment of the assessment by civil action for the amount of  
20 the assessment with interest and penalties.

21 (5) The employment by a nonresident of a longshoreman, or a  
22 licensed pier superintendent, hiring agent, or port watchman in this  
23 State or the designation by a nonresident of a longshoreman, pier  
24 superintendent, hiring agent, or port watchman to perform work in  
25 this State shall be deemed equivalent to an appointment by the  
26 nonresident of the Secretary of State to be the nonresident's true  
27 and lawful attorney upon whom may be served the process in any  
28 action or proceeding against the nonresident growing out of any  
29 liability for assessments, penalties, or interest, and a consent that  
30 any process against the nonresident which is served shall be of the  
31 same legal force and validity as if served personally within the State  
32 and within the territorial jurisdiction of the court from which the  
33 process issues. Service of process within the State shall be made by  
34 either:

35 (a) personally delivering to and leaving with the Secretary of  
36 State duplicate copies thereof at the office of the Department of  
37 State, in which event the Secretary of State shall forthwith send by  
38 registered mail one of the copies to the person at the last address  
39 designated by the person to the division for any purpose under this  
40 section or in the last return filed by the person under this section  
41 with the division or as shown on the records of the division, or if no  
42 return has been filed, at the person's last known office address  
43 within or outside of the State; or

44 (b) personally delivering to and leaving with the Secretary of  
45 State a copy thereof at the office of the Department of State and by  
46 delivering a copy thereof to the person, personally outside of the  
47 State. Proof of personal service outside of the State shall be filed  
48 with the clerk of the court in which the process is pending within 30

1 days after that service and the service shall be deemed complete 10  
2 days after proof thereof is filed.

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

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

13 (8) Any person who shall willfully fail to pay any assessment  
14 due hereunder shall be assessed interest at a rate of one percent per  
15 month on the amount due and unpaid and penalties of five percent  
16 of the amount due for each 30 days or part thereof that the  
17 assessment remains unpaid. The division may, for good cause  
18 shown, abate all or part of that penalty.

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

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

30 (11) The accounts, books, and records of the division related to  
31 the purposes established pursuant to P.L. , c. (C. ) (pending  
32 before the Legislature as this bill), including its receipts,  
33 disbursements, contracts, leases, investments, and any other matters  
34 relating to its financial standing shall be examined and audited  
35 annually by independent auditors to be retained for such purpose by  
36 the division.

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

41

42 27. (New section) It shall be unlawful for any person to load or  
43 unload waterborne freight onto or from vehicles other than railroad  
44 cars at piers or at other waterfront terminals within the port of New  
45 York district, for a fee or other compensation, other than the  
46 following persons and their employees:

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

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

4       c. Operators of piers or other waterfront terminals, including  
5 railroads, truck terminal operators, warehousemen and other  
6 persons, but only at piers or other waterfront terminals operated by  
7 them;

8       d. Shippers or consignees of freight, but only in connection  
9 with freight shipped by the shipper or consigned to the consignee;  
10 and

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

16       Nothing herein contained shall be deemed to permit any loading  
17 or unloading of any waterborne freight at any place by any person  
18 by means of any independent contractor, or any other agent other  
19 than an employee, unless the independent contractor is a person  
20 permitted by section 7 of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill) to load or unload freight at a place in the  
22 person's own right.  
23

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

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



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

4 d. If upon application to the division by an employee who has  
5 been convicted of a crime or offense specified in subsection b. of  
6 this section, the authority, in its discretion, determines in an order  
7 that it would not be contrary to the purposes and objectives of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill)  
9 for that employee to work in a particular employment for a labor  
10 organization, welfare fund, or trust, the provisions of subsection b.  
11 of this section shall not apply to the particular employment of the  
12 employee with respect to that conviction or convictions as are  
13 specified in the division's order. This subsection is applicable only  
14 to those employees, who for wages or salary, perform manual,  
15 mechanical, or physical work of a routine or clerical nature at the  
16 premises of the labor organization, welfare fund, or trust by which  
17 they are employed.

18 e. A person who has been convicted of a crime or offense  
19 specified in subsection b. of this section shall not directly or  
20 indirectly serve as an officer, agent, or employee of a labor  
21 organization, welfare fund, or trust, unless the person has been  
22 subsequently pardoned for that crime or offense by the Governor or  
23 other appropriate authority of the State in which the conviction was  
24 had or has received a certificate of good conduct or other relief  
25 from disabilities arising from the fact of conviction from a parole  
26 board or similar authority or has received an order of exception  
27 from the division. A person, including a labor organization, welfare  
28 fund, or trust, shall not knowingly permit any other person to  
29 assume or hold any office, agency, or employment in violation of  
30 this section.

31 f. The division may maintain a civil action against any person,  
32 labor organization, welfare fund, or trust, or officers thereof to  
33 compel compliance with this section, or to prevent any violations,  
34 the aiding and abetting thereof, or any attempt or conspiracy to  
35 violate this section, either by mandamus, injunction, or action or  
36 proceeding in lieu of prerogative writ and upon a proper showing a  
37 temporary restraining order or other appropriate temporary order  
38 shall be granted ex parte and without bond pending final hearing  
39 and determination. Nothing in this subsection shall be construed to  
40 modify, limit, or restrict in any way the provisions of subsection a.  
41 of this section.

42

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

1       b. The division may maintain a civil action on behalf of the  
2 State against any person who violates or attempts or conspires to  
3 violate P.L. , c. (C. ) (pending before the Legislature as this  
4 bill) or who fails, omits, or neglects to obey, observe, or comply  
5 with any order or direction of the division, to recover a judgment  
6 for a money penalty not exceeding \$500 for each and every offense.  
7 Every violation of any provision of P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), or any division order or  
9 direction, shall be a separate and distinct offense, and, in case of a  
10 continuing violation, every day's continuance shall be and be  
11 deemed to be a separate and distinct offense. Any civil action may  
12 be compromised or discontinued on application of the division upon  
13 the terms as the court may approve and a judgment may be rendered  
14 for an amount less than the amount demanded in the complaint as  
15 justice may require.

16       c. The division may maintain a civil action against any person  
17 to compel compliance with any of the provisions of P.L. , c.  
18 (C. ) (pending before the Legislature as this bill), or to prevent  
19 violations, attempts, or conspiracies to violate any provisions of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill),  
21 or interference, attempts, or conspiracies to interfere with or impede  
22 the enforcement of any provisions of P.L. , c. (C. ) (pending  
23 before the Legislature as this bill) or the exercise or performance of  
24 any power or duty thereunder, either by mandamus, injunction, or  
25 action or proceeding in lieu of prerogative writ.

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

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

35       f. Any person who, without justification or excuse in law,  
36 directly or indirectly, intimidates or inflicts any injury, damage,  
37 harm, loss, or economic reprisal upon any person licensed or  
38 registered by the division, or any other person, or attempts,  
39 conspires, or threatens so to do, in order to interfere with, impede,  
40 or influence the licensed or registered person in the performance or  
41 discharge of the licensed or registered person's duties or obligations  
42 shall be punishable as provided in this section.

43  
44       30. (New section) a. The failure of any witness, when duly  
45 subpoenaed to attend, give testimony, or produce other evidence in  
46 connection with any matter arising under the provisions of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill),  
48 whether or not at a hearing, shall be punishable by the Superior

1 Court in New Jersey in the same manner as that failure is  
2 punishable by the court in a case therein pending.

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

9 c. Any person who violates or attempts or conspires to violate  
10 any other provision of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill) shall be punishable as may be provided by  
12 section 28 of P.L. , c. (C. ) (pending before the Legislature  
13 as this bill).

14 d. Any person who interferes with or impedes the orderly  
15 registration of longshoremen pursuant to P.L. , c. (C. )  
16 (pending before the Legislature as this bill) or who conspires to or  
17 attempts to interfere with or impede such registration shall be  
18 punishable as may be provided by section 28 of P.L. , c.  
19 (C. ) (pending before the Legislature as this bill).

20 e. Any person who, directly or indirectly, inflicts or threatens  
21 to inflict any injury, damage, harm, or loss or in any other manner  
22 practices intimidation upon or against any person in order to induce  
23 or compel such person or any other person to refrain from  
24 registering pursuant to section 8 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill) shall be punishable as may be  
26 provided by section 28 of P.L. , c. (C. ) (pending before  
27 the Legislature as this bill).

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

32

33 31. (New section) As of the transfer date, the waterfront  
34 commission compact, entered into by the State of New Jersey  
35 pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1  
36 et seq.) and by the State of New York pursuant to its agreement  
37 thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as  
38 amended and supplemented, the airport commission compact,  
39 entered into by the State of New Jersey pursuant to its agreement  
40 thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State  
41 of New York pursuant to its agreement thereto under P.L.1970,  
42 c.951 (NY Unconsol. Ch.307, s.10), and the commission, are  
43 dissolved.

44

45 32. R.S.52:14-7 is amended to read as follows:

46 52:14-7. a. Every person holding an office, employment, or  
47 position

1 (1) in the Executive, Legislative, or Judicial Branch of this  
2 State, or

3 (2) with an authority, board, body, agency, commission, or  
4 instrumentality of the State including any State college, university,  
5 or other higher educational institution, and, to the extent consistent  
6 with law, any interstate agency to which New Jersey is a party, or

7 (3) with a county, municipality, or other political subdivision of  
8 the State or an authority, board, body, agency, district, commission,  
9 or instrumentality of the county, municipality, or subdivision, or

10 (4) with a school district or an authority, board, body, agency,  
11 commission, or instrumentality of the district,  
12 shall have his or her principal residence in this State and shall  
13 execute such office, employment, or position.

14 This residency requirement shall not apply to any person: (a)  
15 who is employed on a temporary or per-semester basis as a visiting  
16 professor, teacher, lecturer, or researcher by any State college,  
17 university, or other higher educational institution, or county or  
18 community college, or in a full or part-time position as a member of  
19 the faculty, the research staff, or the administrative staff by any  
20 State college, university, or other higher educational institution, or  
21 county or community college, that the college, university, or  
22 institution has included in the report required to be filed pursuant to  
23 this subsection **[, or]**; (b) who is employed full-time by the State  
24 who serves in an office, employment, or position that requires the  
25 person to spend the majority of **[his or her]** the person's working  
26 hours in a location outside of this State; or (c) an officer of the  
27 waterfront commission of New York harbor, employed by the  
28 commission on the effective date of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill), who seeks to be transferred to  
30 the Division of State Police in the Department of Law and Public  
31 Safety pursuant to section 4 of P.L. , c. (C. ) (pending  
32 before the Legislature as this bill).

33 For the purposes of this subsection, a person may have at most  
34 one principal residence, and the state of a person's principal  
35 residence means the state (1) where the person spends the majority  
36 of **[his or her]** the person's nonworking time, and (2) which is most  
37 clearly the center of **[his or her]** the person's domestic life, and (3)  
38 which is designated as **[his or her]** the person's legal address and  
39 legal residence for voting. The fact that a person is domiciled in  
40 this State shall not by itself satisfy the requirement of principal  
41 residency hereunder.

42 A person, regardless of the office, employment, or position, who  
43 holds an office, employment, or position in this State on the  
44 effective date of P.L.2011, c.70 but does not have **[his or her]**  
45 principal residence in this State on that effective date shall not be  
46 subject to the residency requirement of this subsection while the

1 person continues to hold office, employment, or position without a  
2 break in public service of greater than seven days.

3 Any person may request an exemption from the provisions of  
4 this subsection on the basis of critical need or hardship from a five-  
5 member committee hereby established to consider applications for  
6 **[such]** exemptions. The committee shall be composed of three  
7 persons appointed by the Governor, a person appointed by the  
8 Speaker of the General Assembly, and a person appointed by the  
9 President of the Senate, each of whom shall serve at the pleasure of  
10 the person making the appointment and shall have a term not to  
11 exceed five years. A vacancy on the committee shall be filled in the  
12 same manner as the original appointment was made. The Governor  
13 shall make provision to provide such clerical, secretarial, and  
14 administrative support to the committee as may be necessary for it  
15 to conduct its responsibilities pursuant to this subsection.

16 The decision on whether to approve an application from any  
17 person shall be made by a majority vote of the members of the  
18 committee, and those voting in the affirmative shall so sign the  
19 approved application. If the committee fails to act on an application  
20 within 30 days after the receipt thereof, no exemption shall be  
21 granted and the residency requirement of this subsection shall be  
22 operative. The head of a principal department of the Executive  
23 Branch of the State government, a Justice of the Supreme Court,  
24 judge of the Superior Court, and judge of any inferior court  
25 established under the laws of this State shall not be eligible to  
26 request from the committee an exemption from the provisions of  
27 this subsection.

28 The exemption provided in this subsection for certain persons  
29 employed by a State college, university, or other higher educational  
30 institution, or a county or community college, other than those  
31 employed on a temporary or per-semester basis as a visiting  
32 professor, teacher, lecturer, or researcher, shall apply only to those  
33 persons holding positions that the college, university, or institution  
34 has included in a report of those full or part-time positions as a  
35 member of the faculty, the research staff, or the administrative staff  
36 requiring special expertise or extraordinary qualifications in an  
37 academic, scientific, technical, professional, or medical field or in  
38 administration, that, if not exempt from the residency requirement,  
39 would seriously impede the ability of the college, university, or  
40 institution to compete successfully with similar colleges,  
41 universities, or institutions in other states. The report shall be  
42 compiled annually and shall also contain the reasons why the  
43 positions were selected for inclusion in the report. The report shall  
44 be compiled and filed within 60 days following the effective date of  
45 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
46 and filed by January 1 of each year thereafter. Each report shall be  
47 filed with the Governor and, pursuant to section 2 of P.L.1991,  
48 c.164 (C.52:14-19.1), with the Legislature, and a report may be

1 revised at any time by filing an amendment to the report with the  
2 Governor and Legislature.

3 As used in this section, "school district" means any local or  
4 regional school district established pursuant to chapter 8 or chapter  
5 13 of Title 18A of the New Jersey Statutes and any jointure  
6 commission, county vocational school, county special services  
7 district, educational services commission, educational research and  
8 demonstration center, environmental education center, and  
9 educational information and resource center.

10 b. If any person holding any office, employment, or other  
11 position in this State shall attempt to let, farm out, or transfer  
12 **【such】** office, employment, or position or any part thereof to any  
13 person, **【he】** the person shall forfeit the sum of **【fifteen hundred**  
14 **dollars (\$1,500.00)】** \$1,500, to be recovered with costs by any  
15 person who shall sue for the same, one-half to the prosecutor and  
16 the other half to the **【treasurer】** State Treasurer for the use of the  
17 State.

18 c. No person shall be appointed to or hold any position in this  
19 State who has not the requisite qualifications for personally  
20 performing the duties of such position in cases where scientific  
21 engineering skill is necessary to the performance of the duties  
22 thereof.

23 d. Any person holding or attempting to hold an office,  
24 employment, or position in violation of this section shall be  
25 considered as illegally holding or attempting to hold the same;  
26 provided that a person holding an office, employment, or position in  
27 this State shall have one year from the time of taking the office,  
28 employment, or position to satisfy the requirement of principal  
29 residency, and if thereafter **【such】** the person fails to satisfy the  
30 requirement of principal residency as defined herein with respect to  
31 any 365-day period, that person shall be deemed unqualified for  
32 holding the office, employment, or position. The Superior Court  
33 shall, in a civil action in lieu of prerogative writ, give judgment of  
34 ouster against **【such】** the person, upon the complaint of any officer  
35 or citizen of the State, provided that any **【such】** complaint shall be  
36 brought within one year of the alleged 365-day period of failure to  
37 have **【his or her】** the person's principal residence in this State.  
38 (cf: P.L.2011, c.70, s.2)

39

40 33. The following are repealed:

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

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

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

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

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

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

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

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46

1 P.L.1956, c.19 (C.32:23-99 et seq.);  
2 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
3 32:23-108);  
4 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);  
5 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
6 through 32:23-113);  
7 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
8 32:23-117);  
9 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and  
10 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
11 150 through 32:23-225).

12  
13 34. This act shall take effect immediately, but sections 3 through  
14 32 shall be inoperative until the transfer date has occurred pursuant  
15 to section 31 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17  
18  
19  
20

STATEMENT

21 This bill directs the Governor, on behalf of the State of New  
22 Jersey, to notify the Congress of the United States, the Governor of  
23 the State of New York, and the Waterfront Commission of New  
24 York Harbor of the State of New Jersey's intention to withdraw  
25 from the compact creating the commission, and repeals the compact  
26 establishing the commission and related statutes.

27 The bill provides for the assumption of the commission's  
28 functions and duties within the State of New Jersey by the New  
29 Jersey State Police in order to investigate, deter, and combat  
30 criminal activity and influence in the New Jersey portion of the port  
31 of New York. These duties include: processing applications filed  
32 by individuals and firms required to be registered or licensed to  
33 undertake port-related employment; supervising the hiring of  
34 longshoremen, checkers, and pier guards in the port; and making  
35 employment information available to these dock workers. The State  
36 Police are responsible for screening, registering, and licensing  
37 individuals who apply to work at the dock. In doing so, the State  
38 Police are authorized to deny or revoke the registration or licenses  
39 of those who involve themselves in criminal activity. Once the  
40 freight is removed from a marine terminal in the port, the bill  
41 provides that the State Police no longer have jurisdiction with  
42 regard to the screening, registering, and licensing of consignees of  
43 waterborne freight.

44 Under legislation enacted by New Jersey and New York in 1953  
45 and consented to by Congress that same year, the two states entered  
46 into a compact establishing the commission. The commission is  
47 empowered under the compact to regulate the employment of  
48 individuals, and the engagement of businesses, in the provision of

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

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



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3502

# STATE OF NEW JERSEY

DATED: NOVEMBER 20, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3502.

This bill directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor of the State of New Jersey's intention to withdraw from the compact creating the commission, and repeals the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York. These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The State Police are responsible for screening, registering, and licensing individuals who apply to work at the dock. In doing so, the State Police are authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. Once the freight is removed from a marine terminal in the port, the bill provides that the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired to work in the port. The compact provides that a conviction for certain offenses is grounds for disqualification from receiving or retaining status as a licensee or registrant under the compact. The compact authorizes the commission to enforce its regulations through

investigations, hearings, and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation; the assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police in accordance with the bill, and the revenues from the assessment are to be deposited in the State's General Fund instead of with the commission.

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

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will initially result in about \$12.6 million in State costs, and approximately \$10.4 million in State revenue which will increase annually with growth in traffic volume.

With respect to State costs, the OLS notes that the commission's annual report for 2012-2013 identified \$12.7 million in expenditures for FY 2013, with \$10.2 million being the "New Jersey" share, based on an assumed 80 percent of commission activity taking place in New Jersey, and representing the commission activity that would subsequently fall to the State Police. The State Police is expected to experience increased costs in integrating the operations and legacy commitments of the commission, resulting in an initial State cost of approximately \$12.6 million, which includes some non-recurring costs related to the transfer.

In terms of State revenues, the OLS notes that the commission is funded through an assessment on the wages of persons utilized in the handling of waterborne cargo at ports under commission jurisdiction. Assessments generated \$13.2 million in revenue in fiscal year 2013, with 80 percent of commission activity attributed to ports located in the State of New Jersey, primarily Port Newark, Port Elizabeth, and Port Jersey. The New Jersey State portion of revenues from the assessments represents an additional \$10.6 million in State revenue, which is likely to increase with economic growth at the port. The OLS has adjusted this amount to account for the contraction in jurisdiction over cargo handling.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3502**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: DECEMBER 12, 2017

**SUMMARY**

- Synopsis:** Directs Governor to withdraw from compact establishing Waterfront Commission of New York Harbor; dissolves compact and commission; transfers commission's NJ operations to State Police.
- Type of Impact:** Increased State Cost and Revenue.
- Agencies Affected:** Division of State Police, Waterfront Commission of New York Harbor (commission).

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$12.6 million	\$10.2 million	\$10.2 million
<b>State Revenue</b>	\$10.4 million	\$10.6 million	\$10.8 million

- The commission annual report for 2012-2013 identified \$12.7 million in expenditures for FY 2013, with \$10.2 million being the "New Jersey" share, based on an assumed 80 percent of commission activity taking place in New Jersey, and representing the commission activity that would subsequently fall to the State Police. The State Police is expected to experience increased costs in integrating the operations and legacy commitments of the commission, resulting in an initial State cost of approximately \$12.6 million, which includes some non-recurring costs related to the transfer.
- The commission is funded through an assessment on the wages of persons utilized in the handling of waterborne cargo at ports under commission jurisdiction. Assessments generated \$13.2 million in revenue in fiscal year 2013, with 80 percent of commission activity attributed to ports located in the State of New Jersey, primarily Port Newark, Port Elizabeth, and Port Jersey. The Office of Legislative Services (OLS) estimates that the New Jersey portion of revenues from the assessments represents an additional \$10.6 million in State revenue, which is likely to increase with economic growth at the port.

## **BILL DESCRIPTION**

Senate Bill No. 3502 of 2017 directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor (commission), of the State of New Jersey's intention to withdraw from the compact creating the commission (compact), and repealing the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police in order to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York (port). These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The State Police would become responsible for screening, registering, and licensing individuals who are interested in working at the dock. The State Police would also be authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. The bill provides that once the freight is removed from a marine terminal in the port, the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired in order to work in the port. The compact provides that conviction of any of various offenses shall be grounds upon which a person may be disqualified from receiving or retaining status as a licensee or registrant under the compact. The compact authorizes the commission to enforce its regulations through investigations, hearings and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation. The assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police and the revenues from the assessment are to be deposited in the State's General Fund instead of paid to the commission.

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

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received; however, the Executive provided an estimate for Senate Bill No. 2277 (2R) of 2014, which is identical to the provisions of this bill. The Executive estimate projected that the State Police will create a bureau level unit to administer the functions formerly performed by the commission. The newly formed bureau will have an operations, investigations, and administration unit. The Executive estimate assumed that the State Police would absorb the entire staff of the commission and retain and outfit the commission police department as State Troopers. The Executive estimate also anticipated additional costs for new vehicles and equipment and expenses relating to non-cancelable lease adjustments. The Executive estimated State costs of \$20.6 million for Year 1, \$17.3 million for Year 2, and \$15.9 million for Year 3. The Executive estimated State revenues of \$9.6 million for years 1, 2, and 3. The OLS disagreed with the Executive estimate of State costs for S-2277.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will initially result in about \$12.6 million in costs, and about \$10.4 million in revenue which will increase annually with growth in traffic volume. At present, twenty percent of commission revenues are attributed to New York with 80 percent attributable to New Jersey. If a similar ratio is used to attribute commission costs, the commission would have \$10.2 million in ongoing New Jersey-related costs, based on their most recent annual report for FY 2013. It is expected that most of these costs of which over 82 percent comprise personnel costs would directly carry over to the State Police.

The OLS estimate for the first year's impact adds \$2.4 million to those costs as transition expenses attributed to three main categories, based on a prior session fiscal estimate: \$1.1 million in expenses for State Police training and equipment to transition the existing commission over to the State Police; \$300,000 for the cost of retrofitting existing commission vehicles with State Police equipment, radios, and signage; and \$1.0 million for the cost of non-cancelable leases, based on the FY 2014 amount in the annual report. The projected FY 2018 amount in the annual report is \$210,839 for non-cancelable leases; however the report is a number of years old, and it is likely that leases have been renewed since that time, making the lease costs for the three years subsequent to the release of the report likely to be the more accurate amounts to be used for the estimate. This results in a net total cost of \$12.6 million. There may be other costs related to the transition that are not known at this time.

The commission generated \$13.2 million in fiscal year 2013 revenue, primarily from assessments on employers of persons utilized in the handling of waterborne cargo. New Jersey ports represented approximately 80 percent of the share of payroll that generated that revenue, for net revenue attributable to New Jersey of \$10.6 million. This revenue would accrue to the General Fund as new State revenue.

The bill reduces the geographic area subject to the employer assessment on cargo handlers. The magnitude of that impact is unclear at this time but will reduce the revenue available to the General Fund by an unknown amount proportionate to the reduction in oversight responsibilities. This reduction is estimated very roughly to be approximately \$200,000, based primarily on prior legislative committee testimony from the commission that they had not been regularly collecting from cargo handlers located outside of the marine terminal, and had only begun pursuing these collections in recent years, and using the (additional) assessments line in their annual report, as a very rough proxy for the amount that may have been collected from these cargo handlers.

The commission expenses for fiscal year 2013 were \$12.7 million. The cost structure for the commission budget consisted of 83 percent of expenses related to the compensation of commission employees, and much of the remaining budget was dedicated to leases and other expenses in support of those employees. As a labor intensive operation with 80 percent of its activity in New Jersey, it is likely that after separating the operations for each State, New Jersey will have a staffing need roughly proportionate to its share of revenue. Assuming that the cost structure for the State Police is similar to that of the commission, the increase in State cost could be similar to the State's 80 percent proportional share of commission costs, resulting in a cost of \$10.2 million, less any reduction due to contraction of the area subject to enhanced waterfront oversight. The OLS notes that it is not clear whether the State Police could simply hire the commission staff, or whether it would need to replace that staff with new employees; and whether the training costs would simply consist of acclimating existing commission employees to State Police policies and procedures, or of completely training new employees. Due to the change in jurisdiction and uncertainties about personnel decisions, the OLS cost estimate could understate or overstate the bill's cost impact by a significant amount.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Patrick Brennan  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3502

# STATE OF NEW JERSEY

DATED: DECEMBER 18, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 3502.

This bill directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor of the State of New Jersey's intention to withdraw from the compact creating the commission, and repeals the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York. These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The bill makes the State Police responsible for screening, registering, and licensing individuals who apply to work at the dock. In doing so, the State Police are authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. Once the freight is removed from a marine terminal in the port, the bill provides that the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired to work in the port. The compact provides that a conviction for certain offenses is grounds for disqualification from receiving or retaining status as a licensee or registrant under the compact. The compact

authorizes the commission to enforce its regulations through investigations, hearings, and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation; the assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police and the revenues from the assessment are to be deposited in the State's General Fund instead of with the commission.

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

As reported, this bill is identical to Assembly Bill No. 2179, as also reported by the committee.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will initially result in about \$12.6 million in State costs, and approximately \$10.4 million in State revenue which will increase annually with growth in traffic volume.

With respect to State costs, the OLS notes that the commission's annual report for 2012-2013 identified \$12.7 million in expenditures for FY 2013, with \$10.2 million being the "New Jersey" share, based on an assumed 80 percent of commission activity taking place in New Jersey, and representing the commission activity that would subsequently fall to the State Police. The State Police is expected to experience increased costs in integrating the operations and legacy commitments of the commission, resulting in an initial State cost of approximately \$12.6 million, which includes some non-recurring costs related to the transfer.

In terms of State revenues, the OLS notes that the commission is funded through an assessment on the wages of persons utilized in the handling of waterborne cargo at ports under commission jurisdiction. Assessments generated \$13.2 million in revenue in fiscal year 2013, with 80 percent of commission activity attributed to ports located in the State of New Jersey, primarily Port Newark, Port Elizabeth, and Port Jersey. The New Jersey State portion of revenues from the



assessments represents an additional \$10.6 million in State revenue, which is likely to increase with economic growth at the port. The OLS has adjusted this amount to account for the contraction in jurisdiction over cargo handling.

**SENATE, No. 2042**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED APRIL 18, 2016

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT directing the Governor, on behalf of the State of New  
2 Jersey, to notify the Congress of the United States, the Governor  
3 of the State of New York, and the Waterfront Commission of  
4 New York Harbor, of the State of New Jersey's intention to  
5 withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6 1 et seq.), supplementing Titles 32 and 53 of the Revised  
7 Statutes, amending R.S.52:14-7, and repealing parts of the  
8 statutory law.

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

12  
13 1. (New section) The Legislature finds and declares that:

14 a. The Port of New York and New Jersey (port) has been one  
15 of the backbones of the region's economy for decades. When  
16 ranked by tonnage, the port is the largest port complex on the East  
17 coast of North America and the third largest in the United States.  
18 When ranked by the value of shipments passing through it, the port  
19 is the second busiest freight gateway in the United States. The  
20 port's strategic location, within one day's drive of a significant  
21 percentage of the national market and developed transportation  
22 infrastructure, are key assets that have made the region a gateway  
23 for international trade. Since the birth of containerization in 1956,  
24 the marine terminals on the New Jersey side of the port have grown  
25 significantly in comparison to the New York terminals. Today more  
26 than 82 percent of the cargo and 82 percent of the work hours are  
27 on the New Jersey side of the port. The port and freight industry in  
28 New Jersey alone supports more than 143,000 direct jobs and  
29 250,000 total jobs, nearly \$14.5 billion in personal income, over  
30 \$20 billion in business income, and nearly \$4.9 billion in federal,  
31 State, and local taxes, of which State and local taxes account for  
32 \$1.6 billion.

33 b. The Waterfront Commission of New York Harbor  
34 (commission) was created through a compact between the states of  
35 New Jersey and New York and approved by Congress in 1953. The  
36 commission's mission is to ensure fair hiring and employment  
37 practices and investigate, deter, and combat criminal activity and  
38 influence in the port. The commission has itself been tainted by  
39 corruption in recent years and, moreover, has exercised powers that  
40 do not exist within the authorizing compact, by dictating the terms  
41 of collective bargaining agreements of organized labor, and by  
42 requiring stevedoring companies to hire and retain independent  
43 inspectors to examine company operations in order for those  
44 companies to continue to operate in the port. Further, the  
45 commission, despite changes in the industry to drive out organized

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 crime's influence, has over-regulated the businesses at the port in an  
2 effort to justify its existence as the only waterfront commission in  
3 any port in the United States. As a result, the commission has  
4 become an impediment to future job growth and prosperity at the  
5 port.

6 c. While there is a continued need to regulate port-located  
7 business to ensure fairness and safety, there are numerous federal,  
8 State, and local taxpayer funded agencies that have jurisdiction that  
9 the commission lacks to regulate port operations, including, but not  
10 limited to: the United States Department of Homeland Security;  
11 United States Customs and Border Protection; the United States  
12 Coast Guard; the Transportation Security Administration; the  
13 Federal Bureau of Investigation; the United States Department of  
14 Labor's Division of Longshore and Harbor Workers Compensation;  
15 the National Labor Relations Board; the Food and Drug  
16 Administration; the United States Environmental Protection  
17 Agency; the United States Department of Transportation; the  
18 Federal Maritime Commission; the Occupational Safety and Health  
19 Administration; the Port Authority of New York and New Jersey  
20 Police Department; depending on the particular location of the  
21 facility in New Jersey, the City of Newark Police Department, City  
22 of Elizabeth Police Department, City of Bayonne Police  
23 Department, City of Jersey City Police Department, and the New  
24 Jersey State Police; and, in matters of fair hiring and employment  
25 discrimination, the United States Equal Employment Opportunity  
26 Commission and the New Jersey Division on Civil Rights.

27 d. Abolishing the commission and transferring the New Jersey  
28 portion of the commission's law enforcement responsibilities to the  
29 New Jersey State Police would be practical and efficient, as the  
30 State Police is suited to undertake an investigation of any criminal  
31 activity in the ports of northern New Jersey without impeding  
32 economic prosperity.

33

34 2. (New section) a. Within 30 days of the effective date of  
35 P.L. , c. (C. ) (pending before the Legislature as this  
36 bill), the Governor, on behalf of the State of New Jersey, shall  
37 notify the Congress of the United States, the Governor of the State  
38 of New York, and the waterfront commission of New York harbor,  
39 of the State of New Jersey's intention to withdraw from:

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

45 (2) the compact, entered into by the State of New Jersey  
46 pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150  
47 et seq.) and by the State of New York pursuant to its agreement

1 thereto under P.L.1970, c.951 (NY Unconsol. Ch.307, s.10), as  
2 amended and supplemented.

3 b. As soon as practicable after the date of notification pursuant  
4 to subsection a. of this section, the Governor shall notify the  
5 presiding officers of each house of the Legislature that the  
6 notification has occurred, the date of the notification, and any other  
7 information concerning the notification the Governor deems  
8 appropriate.

9  
10 3. (New section) As used in P.L. , c. (C. ) (pending  
11 before the Legislature as this bill):

12 "Career offender" means a person whose behavior is pursued in  
13 an occupational manner or context for the purpose of economic  
14 gain, utilizing methods that are deemed criminal violations against  
15 the laws of this State.

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

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

21 "Carrier of freight by water" means any person who may be  
22 engaged or who may hold himself or herself out as willing to be  
23 engaged, whether as a common carrier, a contract carrier, or  
24 otherwise, except for carriage of liquid cargoes in bulk in tank  
25 vessels designed for use exclusively in that service or carriage by  
26 barge of bulk cargoes consisting of only a single commodity loaded  
27 or carried without wrappers or containers and delivered by the  
28 carrier without transportation mark or count, in the carriage of  
29 freight by water between any point in the port of New York district,  
30 as applicable only within the State of New Jersey, and a point  
31 outside that district.

32 "Checker" means a longshoreman who is employed to engage in  
33 direct and immediate checking of waterborne freight or of the  
34 custodial accounting therefor or in the recording or tabulation of the  
35 hours worked at piers or other waterfront terminals by natural  
36 persons employed by carriers of freight by water or stevedores.

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

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

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

1       “Consignee” means the person designated on a bill of lading as  
2 the recipient of waterborne freight consigned for carriage by water.

3       “Container” means any receptacle, box, carton, or crate which is  
4 specifically designed and constructed so that it may be repeatedly  
5 used for the carriage of freight by a carrier of freight by water.

6       “Contract carrier” means a contract carrier as that term is defined  
7 in 49 U.S.C. s.13102.

8       “Division” means the Division of State Police in the Department  
9 of Law and Public Safety.

10       “Freight” means freight which has been or will be, carried by, or  
11 consigned for carriage by a carrier of freight by water.

12       “Hiring agent” means any natural person who, on behalf of a  
13 carrier of freight by water or a stevedore, shall select any  
14 longshoreman for employment, and “hiring agent” includes any  
15 natural person, who on behalf of any other person shall select any  
16 longshoreman for employment.

17       “Immunity” means that a person shall not be prosecuted or  
18 subjected to any penalty or forfeiture for or on account of any  
19 transaction, matter, or thing concerning which, pursuant to an order  
20 of the division, the person gave answer or produced evidence, and  
21 that no answer given or evidence produced shall be received against  
22 the person upon any criminal proceeding.

23       “Labor organization” means and includes any organization which  
24 exists and is constituted for the purpose in whole or in part of  
25 collective bargaining, or of dealing with employers concerning  
26 grievances, terms and conditions of employment, or other mutual  
27 aid or protection, but “labor organization” shall not include a  
28 federation or congress of labor organizations organized on a  
29 national or international basis even though one of its constituent  
30 labor organizations may represent persons so registered or licensed.

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

1 incidental to, the movement of freight at a pier or other waterfront  
2 terminal.

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

7 "Marine terminal" means an area which includes piers, which is  
8 used primarily for the moving, warehousing, distributing, or  
9 packing of waterborne freight or freight to or from piers and which  
10 is under common ownership or control with the pier.

11 "Other waterfront terminal" means any warehouse, depot, or  
12 other terminal, other than a pier, which is located within a marine  
13 terminal in the port of New York district and which is used for  
14 waterborne freight in whole or substantial part, and includes any  
15 warehouse, depot, or other terminal, other than a pier, whether  
16 enclosed or open, which is located in a marine terminal in the port  
17 of New York district, any part of which is used by any person to  
18 perform labor or services involving, or incidental to, the movement  
19 of waterborne freight or freight.

20 "Person" means not only a natural person but also any  
21 partnership, joint venture, association, corporation, or any other  
22 legal entity but shall not include the United States, any state or  
23 territory thereof, or any department, division, board, authority, or  
24 authority of one or more of the foregoing.

25 "Pier" means any wharf, pier, dock, or quay in regular use for the  
26 movement of waterborne freight between vessel and shore.

27 "Pier superintendent" means any natural person other than a  
28 longshoreman who is employed for work at a pier or other  
29 waterfront terminal by a carrier of freight by water or a stevedore  
30 and whose work at the pier or other waterfront terminal includes the  
31 supervision, directly or indirectly, of the work of longshoremen.

32 "Port of New York district" or "district" means the district  
33 created by Article II of the compact dated April 30, 1921, between  
34 the states of New York and New Jersey, authorized by chapter 154  
35 of the laws of New York of 1921 and chapter 151 of the laws of  
36 New Jersey of 1921.

37 "Port watchman" means any watchman, gateman, roundsman,  
38 detective, guard, guardian, or protector of property employed by the  
39 operator of any pier or other waterfront terminal or by a carrier of  
40 freight by water to perform services in that capacity on any pier or  
41 other waterfront terminal.

42 "Select any longshoreman for employment" means select a  
43 person for the commencement or continuation of employment as a  
44 longshoreman, or the denial or termination of employment as a  
45 longshoreman.

46 "Stevedore" means a contractor, not including an employee,  
47 engaged for compensation pursuant to a contract or arrangement  
48 with a carrier of freight by water, in moving waterborne freight

1 carried or consigned for carriage by the carrier on vessels of the  
2 carrier berthed at piers, on piers at which the vessels are berthed or  
3 at other waterfront terminals. "Stevedore" shall also include: a.  
4 a contractor engaged for compensation pursuant to a contract or  
5 arrangement with the United States, any state or territory thereof, or  
6 any department, division, board, commission, or authority of one or  
7 more of the foregoing, in moving freight carried or consigned for  
8 carriage between any point in the port of New York district and a  
9 point outside that district on vessels of the public agency berthed at  
10 piers, on piers at which their vessels are berthed or at other  
11 waterfront terminals; b. a contractor, engaged for compensation  
12 pursuant to a contract or arrangement with any person to perform  
13 labor or services incidental to the movement of waterborne freight  
14 on vessels berthed at piers, on piers or at other waterfront terminals;  
15 or c. a contractor engaged for compensation pursuant to a contract  
16 or arrangement with any other person to perform labor or services  
17 involving, or incidental to, the movement of freight into or out of  
18 containers, which have been or which will be carried by a carrier of  
19 freight by water, on vessels berthed at piers, on piers or at other  
20 waterfront terminals.

21 "State Treasurer" means the Treasurer of the State of New  
22 Jersey.

23 "Terrorist group" means a group associated, affiliated, or funded  
24 in whole or in part by a terrorist organization designated by the  
25 United States Secretary of State in accordance with section 219 of  
26 the federal Immigration and Nationality Act, as amended from time  
27 to time, or any other organization which assists, funds, or engages  
28 in crimes or acts of terrorism as defined in the laws of the United  
29 States, or of this State.

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

33 "Waterborne freight" means freight carried by or consigned for  
34 carriage by carriers of freight by water, and shall also include  
35 freight described in the definition of "stevedore" and in the  
36 definition of "other waterfront terminal." Provided, however, that  
37 at the point at which the freight is released from a pier or marine  
38 terminal to the possession of the consignee or the person designated  
39 by the consignee, the freight shall no longer be considered  
40 waterborne freight if:

- 41 a. the freight is not further transported by water; and
- 42 b. services involving or incidental to the unloading, storage,  
43 inspection, grading, repackaging, or processing of freight occur at a  
44 location outside a pier or marine terminal.

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



1       4. (New section) a. Until the transfer date established  
2 pursuant to section 31 of P.L.     , c. (C.     ) (pending before the  
3 Legislature as this bill) shall have become operative, the division  
4 shall not exercise any powers, rights, or duties conferred by P.L.     ,  
5 c. (C.     ) (pending before the Legislature as this bill) or by  
6 any other law in any way which will interfere with the powers,  
7 rights, and duties of the commission. The division and the  
8 commission are directed to cooperate with each other after the date  
9 of notification pursuant to section 2 of P.L.     , c. (C.     )  
10 (pending before the Legislature as this bill) until the transfer date,  
11 and the commission shall make available to the division all  
12 information concerning its property and assets, contracts,  
13 operations, and finances within New Jersey as the division may  
14 require to provide for the efficient exercise by the division of all  
15 powers, rights, and duties conferred upon the division by P.L.     ,  
16 c. (C.     ) (pending before the Legislature as this bill).

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

19       (1) The division shall assume all of the powers, rights, assets,  
20 and duties of the commission within this State, and those powers,  
21 rights, assets, and duties shall then and thereafter be vested in and  
22 exercised by the division;

23       (2) The officers having custody of the funds of the commission  
24 applicable to this State shall deliver those funds into the custody of  
25 the State Treasurer, the property and assets of the commission  
26 within this State shall, without further act or deed, become the  
27 property and assets of the division; and

28       (3) Any officers and employees of the commission seeking to be  
29 transferred to the division may apply to become employees of the  
30 division until determined otherwise by the division. Nothing in  
31 P.L.     , c. (C.     ) (pending before the Legislature as this bill)  
32 shall be construed to deprive any officers or employees of the  
33 commission of their rights, privileges, obligations, or status with  
34 respect to any pension or retirement system. The commission  
35 employees shall retain all of their rights and benefits under existing  
36 collective negotiation agreements or contracts until such time as  
37 new or revised agreements or contracts are agreed to. All existing  
38 employee representatives shall be retained to act on behalf of those  
39 employees until such time as the employees shall, pursuant to law,  
40 elect to change those representatives. If an existing officer or  
41 employee becomes a member of an administered retirement system  
42 of the State of New Jersey, the officer or employee shall receive the  
43 same amount of service credit in the retirement system as the  
44 officer or employee previously had in the pension or retirement  
45 system as an employee of the commission, provided that there is a  
46 transfer of funds, or purchase, of the full cost of that credit from the  
47 pension or retirement system of the commission to an administered  
48 retirement system of the State of New Jersey. Nothing in P.L.     ,

1 c. (C. ) (pending before the Legislature as this bill) shall  
2 affect the civil service status, if any, of those officers or employees;  
3 (4) All debts, liabilities, obligations, and contracts of the  
4 commission applicable only to this State, as determined by the  
5 officers having custody of the funds of the commission, except to  
6 the extent specifically provided for or established to the contrary in  
7 P.L. , c. (C. ) (pending before the Legislature as this bill),  
8 are imposed upon the division, and all creditors of the commission  
9 and persons having claims against or contracts with the commission  
10 of any kind or character may enforce those debts, claims, and  
11 contracts against the division as successor to the commission in the  
12 same manner as they might have done against the commission, and  
13 the rights and remedies of those holders, creditors, and persons  
14 having claims against or contracts with the commission shall not be  
15 limited or restricted in any manner by P.L. , c. (C. )  
16 (pending before the Legislature as this bill);  
17 (5) In continuing the functions, contracts, obligations, and duties  
18 of the commission within this State, the division is authorized to act  
19 in its own name as may be convenient or advisable under the  
20 circumstances from time to time;  
21 (6) Any references to the commission in any other law or  
22 regulation shall then and thereafter be deemed to refer and apply to  
23 the division;  
24 (7) All rules and regulations of the commission shall continue in  
25 effect as the rules and regulations of the division until amended,  
26 supplemented, or rescinded by the division pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.). Regulations of the commission inconsistent with the  
29 provisions of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) or of regulations of the division shall be  
31 deemed void;  
32 (8) All operations of the commission within this State shall  
33 continue as operations of the division until altered by the division as  
34 provided or permitted pursuant to P.L. , c. (C. ) (pending  
35 before the Legislature as this bill); and  
36 (9) The powers vested in the division by P.L. , c. (C. )  
37 (pending before the Legislature as this bill) shall be construed as  
38 being in addition to, and not in diminution of, the powers heretofore  
39 vested by law in the commission to the extent not otherwise altered  
40 or provided for in P.L. , c. (C. ) (pending before the  
41 Legislature as this bill).  
42 c. A license, registration, or permit issued by the commission  
43 prior to the date of notification pursuant to section 2 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill) shall,  
45 subject to the terms of its issuance, continue to be valid on and after  
46 the transfer date as a license, registration, or permit issued by the  
47 division. An application for a license, registration, or permit filed  
48 with the commission prior to and pending on that notification date

1 shall, as of and from the notification date, be deemed to be filed  
2 with and pending before the division.

3

4 5. (New section) In addition to the powers and duties  
5 elsewhere prescribed in law, the division shall have the power:

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

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

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

19 d. By its members and its properly designated officers, agents,  
20 and employees, with respect to the implementation and enforcement  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), to administer oaths and issue subpoenas to compel the  
23 attendance of witnesses and the giving of testimony and the  
24 production of other evidence;

25 e. To have for its properly designated officers, agents and  
26 employees, full and free access, ingress, and egress to and from all  
27 vessels, piers, and other waterfront terminals or other places in the  
28 port of New York district within this State, for the purposes of  
29 making inspection or enforcing the provisions of P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill); and no  
31 person shall obstruct or in any way interfere with any officer,  
32 employee, or agent of the division in the making of an inspection,  
33 or in the enforcement of the provisions of P.L. , c. (C. )  
34 (pending before the Legislature as this bill) or in the performance of  
35 any other power or duty under P.L. , c. (C. ) (pending  
36 before the Legislature as this bill);

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

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

46 h. To advise and consult with representatives of labor and  
47 industry and with public officials and agencies concerned with the  
48 effectuation of the purposes of P.L. , c. (C. ) (pending

- 1 before the Legislature as this bill), upon all matters which the  
2 division may desire, including but not limited to, the form and  
3 substance of rules and regulations, the administration of the  
4 provisions of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill), maintenance of the longshoremen's register,  
6 and issuance and revocation of licenses;
- 7 i. To make annual and other reports to the Governor and,  
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
9 Legislature containing recommendations for the improvement of the  
10 conditions of waterfront labor within the port of New York district  
11 in this State and for the effectuation of the purposes of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill). The  
13 annual reports shall state the division's findings and determinations  
14 as to whether the public necessity still exists for: (1) the continued  
15 registration of longshoremen; (2) the continued licensing of any  
16 occupation or employment required to be licensed hereunder; and  
17 (3) the continued public operation of the employment information  
18 centers provided for in section 16 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill);
- 20 j. To co-operate with and receive from any department,  
21 division, bureau, board, commission, authority, or agency of this  
22 State, or of any county or municipality thereof, any assistance and  
23 data as will enable the division to properly to carry out its powers  
24 and duties hereunder; and to request a department, division, bureau,  
25 board, commission, authority, or agency, with the consent thereof,  
26 to execute the division's functions and powers, as the public interest  
27 may require; and
- 28 k. To exercise the powers and duties of the division as  
29 provided in P.L. , c. (C. ) (pending before the Legislature  
30 as this bill) to its officers, employees, and agents designated by the  
31 division;
- 32 l. To issue temporary permits and permit temporary  
33 registrations under such terms and conditions as the division may  
34 prescribe which shall be valid for a period to be fixed by the  
35 division not in excess of six months;
- 36 m. To require any applicant for a license or registration or any  
37 prospective licensee to furnish facts and evidence as the division  
38 may deem appropriate to enable it to ascertain whether the license  
39 or registration should be granted;
- 40 n. In any case in which the division has the power to revoke,  
41 cancel or suspend any license, the division shall also have the  
42 power to impose as an alternative to that revocation, cancellation, or  
43 suspension, a penalty, which the licensee may elect to pay the  
44 division in lieu of the revocation, cancellation, or suspension. The  
45 maximum penalty shall be \$5,000 for each separate offense. The  
46 division may, for good cause shown, abate all or part of the penalty;

1 o. To designate any officer, agent, or employee of the division  
2 to be an investigator who shall be vested with all the powers of a  
3 peace or police officer of the State of New Jersey;

4 p. To confer immunity, in the following manner prescribed by  
5 section 20 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill);

7 q. To require any applicant or renewal applicant for registration  
8 as a longshoreman, any applicant or renewal applicant for  
9 registration as a checker, or any applicant or renewal applicant for  
10 registration as a telecommunications system controller and any  
11 person who is sponsored for a license as a pier superintendent or  
12 hiring agent, any person who is an individual owner of an applicant  
13 or renewal applicant stevedore, or any persons who are individual  
14 partners of an applicant or renewal applicant stevedore, or any  
15 officers, directors, or stockholders owning five percent or more of  
16 any of the stock of an applicant or renewal applicant corporate  
17 stevedore or any applicant or renewal applicant for a license as a  
18 port watchman or any other category of applicant or renewal  
19 applicant for registration or licensing within the division's  
20 jurisdiction to be fingerprinted by the division at the cost and  
21 expense of the applicant or renewal applicant;

22 r. To exchange fingerprint data with and receive criminal  
23 history record information from the Federal Bureau of Investigation  
24 and the State Bureau of Identification for use in making the  
25 determinations required by this section; and

26 s. Notwithstanding any other provision of law, rule, or  
27 regulation to the contrary, to require any applicant for employment  
28 or employee of the division engaged in the implementation or  
29 enforcement of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) to be fingerprinted at the cost and expense  
31 of the applicant or employee and to exchange fingerprint data with  
32 and receive criminal history record information from the Federal  
33 Bureau of Investigation and the State Bureau of Identification for  
34 use in the hiring or retention of those persons.

35  
36 6. (New section) a. A person shall not act as a pier  
37 superintendent or as a hiring agent within the port of New York  
38 district in this State without first having obtained from the division  
39 a license to act as a pier superintendent or hiring agent, as the case  
40 may be, and a person shall not employ or engage another person to  
41 act as a pier superintendent or hiring agent who is not so licensed.

42 b. A license to act as a pier superintendent or hiring agent shall  
43 be issued only upon the written application, under oath, of the  
44 person proposing to employ or engage another person to act as a  
45 pier superintendent or hiring agent, verified by the prospective  
46 licensee as to the matters concerning the prospective licensee, and  
47 shall state the following:

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

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

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

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

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

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

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

15 (2) If the prospective licensee has, without subsequent pardon,  
16 been convicted by a court of the United States, or any State or  
17 territory thereof, of the commission of, or the attempt or conspiracy  
18 to commit, treason, murder, manslaughter, or any of the following  
19 offenses: illegally using, carrying, or possessing a pistol or other  
20 dangerous weapon; making or possessing burglar's instruments;  
21 buying or receiving stolen property; unlawful entry of a building;  
22 aiding an escape from prison; unlawfully possessing, possessing  
23 with intent to distribute, sale, or distribution of a controlled  
24 dangerous substance or a controlled dangerous substance analog; or  
25 a violation prescribed in subsection g. of this section. Any  
26 prospective licensee ineligible for a license by reason of any  
27 conviction under this paragraph may submit satisfactory evidence to  
28 the division that the prospective licensee has for a period of not less  
29 than five years, measured as hereinafter provided, and up to the  
30 time of application, so acted as to warrant the grant of a license, in  
31 which event the division may, in its discretion, issue an order  
32 removing that ineligibility. The five-year period shall be measured  
33 either from the date of payment of any fine imposed upon that  
34 person or the suspension of sentence or from the date of the  
35 person's unrevoked release from custody by parole, commutation,  
36 or termination of sentence; and

37 (3) If the prospective licensee knowingly or willfully advocates  
38 the desirability of overthrowing or destroying the government of the  
39 United States by force or violence or shall be a member of a group  
40 which advocates that desirability, knowing the purposes of a group  
41 having that advocacy.

42 d. When the application shall have been examined and further  
43 inquiry and investigation made as the division shall deem proper  
44 and when the division shall be satisfied therefrom that the  
45 prospective licensee possesses the qualifications and requirements  
46 prescribed in this section, the division shall issue and deliver to the  
47 prospective licensee a license to act as pier superintendent or hiring  
48 agent for the applicant, as the case may be, and shall inform the

1 applicant of this action. The division may issue a temporary permit  
2 to any prospective licensee for a license issued under this section  
3 pending final action on an application made for that license. Any  
4 temporary permit shall be valid for a period not in excess of 30  
5 days.

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

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

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

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

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

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

26 (4) Unlawfully possessing, possessing with intent to distribute,  
27 sale, or distribution of a controlled dangerous substance or a  
28 controlled dangerous substance analog;

29 (5) Employing, hiring, or procuring any person in violation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill)  
31 or inducing or otherwise aiding or abetting any person to violate the  
32 terms of P.L. , c. (C. ) (pending before the Legislature as  
33 this bill);

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

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

40 (8) Transfer or surrender of possession of the license to any  
41 person either temporarily or permanently without satisfactory  
42 explanation;

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

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

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

4 (12) Lending any money to or borrowing any money from a  
5 longshoreman for which there is a charge of interest or other  
6 consideration; or

7 (13) Membership in a labor organization which represents  
8 longshoremen or port watchmen; but nothing in this section shall be  
9 deemed to prohibit pier superintendents or hiring agents from being  
10 represented by a labor organization or organizations which do not  
11 also represent longshoremen or port watchmen. The American  
12 Federation of Labor, the Congress of Industrial Organizations and  
13 any other similar federation, congress, or other organization of  
14 national or international occupational or industrial labor  
15 organizations shall not be considered an organization which  
16 represents longshoremen or port watchmen within the meaning of  
17 this section although one of the federated or constituent labor  
18 organizations thereof may represent longshoremen or port  
19 watchmen.

20

21 7. (New section) a. A person shall not act as a stevedore  
22 within the port of New York district in this State without having  
23 first obtained a license from the division, and a person shall not  
24 employ a stevedore to perform services as such within the port of  
25 New York district unless the stevedore is so licensed.

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

30 c. If the applicant is a natural person, the application shall be  
31 signed and verified by that person and if the applicant is a  
32 partnership, the application shall be signed and verified by each  
33 natural person composing or intending to compose that partnership.  
34 The application shall state the full name, age, residence, business  
35 address, if any, present and previous occupations of each natural  
36 person so signing the application, and any other facts and evidence  
37 as may be required by the division to ascertain the character,  
38 integrity, and identity of each natural person signing the  
39 application.

40 d. If the applicant is a corporation, the application shall be  
41 signed and verified by the president, secretary, and treasurer  
42 thereof, and shall specify the name of the corporation, the date and  
43 place of its incorporation, the location of its principal place of  
44 business, the names and addresses of, and the amount of the stock  
45 held by stockholders owning five percent or more of any of the  
46 stock thereof, and of all officers, including all members of the board  
47 of directors. The requirements of subsection a. of this section as to  
48 a natural person who is a member of a partnership, and the



1 requirements as may be specified in rules and regulations  
2 promulgated by the division pursuant to the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
4 each above-named officer or stockholder and their successors in  
5 office or interest, as the case may be.

6 In the event of the death, resignation, or removal of any officer,  
7 and in the event of any change in the list of stockholders who shall  
8 own five percent or more of the stock of the corporation, the  
9 secretary of the corporation shall forthwith give notice of that fact  
10 in writing to the division, certified by the secretary.

11 e. A license shall not be granted:

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

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

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

23 (4) Unless the applicant shall be a party to a contract then in  
24 force or which will take effect upon the issuance of a license, with a  
25 carrier of freight by water for the loading and unloading by the  
26 applicant of one or more vessels of such carrier at a pier within the  
27 port of New York district;

28 (5) If the applicant or any member, officer, or stockholder  
29 required by subsection d. of this section to sign or be identified in  
30 the application for license has, without subsequent pardon, been  
31 convicted by a court of the United States or any State or territory  
32 thereof of the commission of, or the attempt or conspiracy to  
33 commit, treason, murder, manslaughter, or any of the offenses  
34 described in subsection h. of this section. Any applicant ineligible  
35 for a license by reason of any of those convictions may submit  
36 satisfactory evidence to the division that the person whose  
37 conviction was the basis of ineligibility has for a period of not less  
38 than five years, measured as hereinafter provided and up to the time  
39 of application, so acted as to warrant the grant of that license, in  
40 which event the division may, in its discretion issue an order  
41 removing that ineligibility. The aforesaid period of five years shall  
42 be measured either from the date of payment of any fine imposed  
43 upon that person or the suspension of sentence or from the date of  
44 the person's unrevoked release from custody by parole,  
45 commutation, or termination of sentence;

46 (6) If the applicant has paid, given, caused to have been paid or  
47 given, or offered to pay or give to any officer or employee of any  
48 carrier of freight by water any valuable consideration for an

1 improper or unlawful purpose or to induce that person to procure  
2 the employment of the applicant by the carrier for the performance  
3 of stevedoring services; or

4 (7) If the applicant has paid, given, caused to be paid or given,  
5 or offered to pay or give to any officer or representative of a labor  
6 organization any valuable consideration for an improper or unlawful  
7 purpose or to induce the officer or representative to subordinate the  
8 interests of the labor organization or its members in the  
9 management of the affairs of the labor organization to the interests  
10 of the applicant.

11 f. When the application shall have been examined and further  
12 inquiry and investigation made as the division shall deem proper  
13 and when the division shall be satisfied therefrom that the applicant  
14 possesses the qualifications and requirements prescribed in this  
15 section, the division shall issue and deliver a license to that  
16 applicant. The division may issue a temporary permit to any  
17 applicant for a license under the provisions of this section pending  
18 final action on an application made for a license. A temporary  
19 permit shall be valid for a period not in excess of 30 days.

20 g. A stevedore's license shall be for a term of five years or  
21 fraction of that five-year period, and shall expire on the first day of  
22 December. In the event of the death of the licensee, if a natural  
23 person, or its termination or dissolution by reason of the death of a  
24 partner, if a partnership, or if the licensee shall cease to be a party  
25 to any contract of the type prescribed by paragraph (4) of  
26 subsection e. of section 7 of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill), the license shall terminate 90  
28 days after that event or upon its expiration date, whichever shall be  
29 sooner. A license may be renewed by the division for successive  
30 five-year periods upon fulfilling the same requirements as are  
31 established in this section for an original application for a  
32 stevedore's license.

33 h. Any license issued pursuant to this section may be revoked  
34 or suspended for a period as the division deems in the public  
35 interest or the licensee thereunder may be reprimanded for any of  
36 the following offenses on the part of the licensee or of any person  
37 required by this section to sign or be identified in an original  
38 application for a license:

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

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

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

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

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

7 i. In addition to the grounds elsewhere established in P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill), the  
9 division shall not grant an application for a license as stevedore if  
10 the applicant has paid, given, caused to have been paid or given, or  
11 offered to pay or give to any agent of any carrier of freight by water  
12 any valuable consideration for an improper or unlawful purpose or,  
13 without the knowledge and consent of the carrier, to induce the  
14 agent to procure the employment of the applicant by the carrier or  
15 its agent for the performance of stevedoring services.

16  
17 8. (New section) a. The division shall establish a  
18 longshoremen's register in which shall be included all qualified  
19 longshoremen eligible, as hereinafter provided, for employment as  
20 longshoremen in the port of New York district in this State. A  
21 person shall not act as a longshoreman within the port of New York  
22 district in this State unless at the time the person is included in the  
23 longshoremen's register, and a person shall not employ another to  
24 work as a longshoreman within the port of New York district in this  
25 State unless at the time the other person is included in the  
26 longshoremen's register.

27 b. Any person applying for inclusion in the longshoremen's  
28 register shall file at a place and in a manner as the division shall  
29 designate a written statement, signed, and verified by the applicant,  
30 setting forth the applicant's full name, residence address, social  
31 security number, and any further facts and evidence as the division  
32 may prescribe to establish the identity of that person and the  
33 person's criminal record, if any.

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

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

42 (2) Who knowingly or willingly advocates the desirability of  
43 overthrowing or destroying the government of the United States by  
44 force or violence or who shall be a member of a group which  
45 advocates that desirability knowing the purposes of the group  
46 advocating that desirability; or

47 (3) Whose presence at the piers or other waterfront terminals in  
48 the port of New York district in this State is found by the division,

- 1 on the basis of the facts and evidence before it, to constitute a  
2 danger to the public peace or safety.
- 3 d. Unless the division shall determine to exclude the applicant  
4 from the longshoremen's register for violation of the offenses  
5 described in subsection g. of section 6 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), it shall include that  
7 person in the longshoremen's register. The division may permit  
8 temporary registration of any applicant under the provisions of this  
9 section pending final action on an application made for temporary  
10 registration. Any temporary registration shall be valid for a period  
11 not in excess of 30 days.
- 12 e. The division shall have power to reprimand any  
13 longshoreman registered under this section or to remove the person  
14 from the longshoremen's register for a period of time as it deems in  
15 the public interest for any of the following offenses:
- 16 (1) Conviction of a crime or other cause which would permit  
17 disqualification of a person from inclusion in the longshoremen's  
18 register upon original application;
- 19 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
20 the longshoremen's register;
- 21 (3) Transfer or surrender of possession to any person either  
22 temporarily or permanently of any card or other means of  
23 identification issued by the authority as evidence of inclusion in the  
24 longshoremen's register, without satisfactory explanation;
- 25 (4) False impersonation of another longshoreman registered  
26 under this section or of another person licensed pursuant to P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill);
- 28 (5) Willful commission of or willful attempt to commit at or on  
29 a waterfront terminal or adjacent highway any act of physical injury  
30 to any other person or of willful damage to or misappropriation of  
31 any other person's property, unless justified or excused by law; and
- 32 (6) Any other offense described in subsection g. of section 6 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 34 f. Whenever, as a result of amendments to P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill) or of a  
36 ruling by the division, registration as a longshoreman is required for  
37 any person to continue in employment, that person shall be  
38 registered as a longshoreman; provided, however, that the person  
39 satisfies all the other requirements of P.L. , c. (C. )  
40 (pending before the Legislature as this bill) for registration as a  
41 longshoreman.
- 42 g. The division shall have the right to recover possession of  
43 any card or other means of identification issued as evidence of  
44 inclusion in the longshoremen's register in the event that the holder  
45 thereof has been removed from the longshoremen's register.
- 46 h. Nothing contained in P.L. , c. (C. ) (pending before  
47 the Legislature as this bill) shall be construed to limit in any way

1 any labor rights reserved by P.L. , c. (C. ) (pending before  
2 the Legislature as this bill).

3  
4 9. (New section) a. The division shall, at regular intervals,  
5 remove from the longshoremen's register any person who shall have  
6 been registered for at least nine months and who shall have failed  
7 during the preceding six calendar months either to have worked as a  
8 longshoreman in the port of New York district in this State or to  
9 have applied for employment as a longshoreman at an employment  
10 information center established under section 16 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill) for the  
12 minimum number of days as shall have been established by the  
13 division pursuant to subsection b. of this section.

14 b. On or before the first day of June following the date on  
15 which P.L. , c. (C. ) (pending before the Legislature as  
16 this bill) becomes operative, and on or before each succeeding first  
17 day of June or December, the division shall, for the purposes of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
19 establish for the six-month period beginning on each date a  
20 minimum number of days and the distribution of the days during  
21 that period.

22 c. In establishing any minimum number of days or period, the  
23 division shall consult with the collective bargaining representatives  
24 of stevedores and other employers of longshoremen in the port of  
25 New York district and with labor organizations representing  
26 longshoremen in the district.

27 d. A longshoreman who has been removed from the  
28 longshoremen's register pursuant to subsection e. of section 8 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill)  
30 may seek reinstatement upon fulfilling the same requirements as for  
31 initial inclusion in the longshoremen's register, but not before the  
32 expiration of one year from the date of removal, except that  
33 immediate reinstatement shall be made upon proper showing that  
34 the registrant's failure to work or apply for work for the minimum  
35 number of days, described in subsection c. of this section, was  
36 caused by the fact that the registrant was engaged in the military  
37 service of the United States or was incapacitated by ill health,  
38 physical injury, or other good cause.

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

43  
44 10. (New section) Notwithstanding any other provisions of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill),  
46 the division shall have the power to remove from the  
47 longshoremen's register any person, including a person registered as  
48 longshoremen for less than nine months, who shall have failed to

1 have worked as a longshoreman in the port of New York district in  
2 this State for a minimum number of days during a period of time as  
3 shall have been established by the division. In administering this  
4 section, the division, in its discretion, may count applications for  
5 employment as a longshoreman at an employment information  
6 center established pursuant to section 16 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill) as constituting actual  
8 work as a longshoreman, provided, however, that the division shall  
9 count as actual work the compensation received by any  
10 longshoreman pursuant to the guaranteed wage provisions of any  
11 collective bargaining agreement relating to longshoremen. Prior to  
12 the commencement of any period of time established by the division  
13 pursuant to this section, the division shall establish for that period  
14 the minimum number of days of work required and the distribution  
15 of days during that period and shall also determine whether or not  
16 application for employment as a longshoreman shall be counted as  
17 constituting actual work as a longshoreman. The division may  
18 classify longshoremen according to length of service as a  
19 longshoreman and develop other criteria as may be reasonable and  
20 necessary to carry out the provisions of P.L. , c. (C. )  
21 (pending before the Legislature as this bill). The division shall  
22 have the power to vary the requirements of this section with respect  
23 to their application to the various classifications of longshoremen.  
24 In administering this section, the division shall observe the  
25 standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as  
26 that section shall have been amended through the enactment of  
27 P.L.1999, c.206. Nothing in this section shall be construed to  
28 modify, limit, or restrict in any way any of the rights protected by  
29 section 23 of P.L. , c. (C. ) (pending before the Legislature  
30 as this bill).

31

32 11. (New section) a. The division shall establish within the  
33 longshoremen's register a list of all qualified longshoremen eligible,  
34 as hereinafter provided, for employment as checkers in the port of  
35 New York district in this State. A person shall not act as a checker  
36 within the port of New York district in this State unless at the time  
37 the person is included in the longshoremen's register as a checker,  
38 and a person shall not employ another to work as a checker within  
39 the port of New York district in this State unless at the time such  
40 other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

11 (2) If the applicant has, without subsequent pardon, been  
12 convicted by a court of the United States or any State or territory  
13 thereof, of the authority of, or the attempt or conspiracy to commit  
14 treason, murder, manslaughter, or any of the following offenses:  
15 illegally using, carrying or possessing a pistol or other dangerous  
16 weapon; making or possessing burglar's instruments; buying or  
17 receiving stolen property; unlawful entry of a building; aiding an  
18 escape from prison; unlawfully possessing, possessing with intent to  
19 distribute, sale or distribution of a controlled dangerous substance  
20 or a controlled dangerous substance analog; petty larceny, where  
21 the evidence shows the property was stolen from a vessel, pier or  
22 other waterfront terminal; or a violation of P.L. , c. (C. )  
23 (pending before the Legislature as this bill). An applicant ineligible  
24 for inclusion in the longshoremen's register as a checker by reason  
25 of a conviction may submit satisfactory evidence to the division that  
26 the applicant has for a period of not less than five years, measured  
27 as hereinafter provided, and up to the time of application, so acted  
28 as to warrant inclusion in the longshoremen's register as a checker,  
29 in which event the division may, in its discretion, issue an order  
30 removing the applicant's ineligibility. The five-year period shall be  
31 measured either from the date of payment of any fine imposed upon  
32 that person or the suspension of sentence or from the date of the  
33 person's unrevoked release from custody by parole, commutation,  
34 or termination of sentence; or

35 (3) If the applicant knowingly or willfully advocates the  
36 desirability of overthrowing or destroying the government of the  
37 United States by force or violence or shall be a member of a group  
38 which advocates that desirability, knowing the purposes of the  
39 group advocating that desirability.

40 d. When the application shall have been examined and further  
41 inquiry and investigation made as the division shall deem proper  
42 and when the division shall be satisfied therefrom that the applicant  
43 possesses the qualifications and requirements prescribed by this  
44 section, the division shall include the applicant in the  
45 longshoremen's register as a checker. The division may permit  
46 temporary registration as a checker to any applicant under this  
47 section pending final action on an application made for temporary  
48 registration, under the terms and conditions as the division may

1 prescribe, which shall be valid for a period to be fixed by the  
2 division, not in excess of six months.

3 e. The division shall have power to reprimand any checker  
4 registered under this section or to remove the person from the  
5 longshoremen's register as a checker for a period of time as the  
6 division deems in the public interest for any of the following  
7 offenses:

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

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

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

16 (4) Unlawfully possessing, possessing with intent to distribute,  
17 sale, or distribution of a controlled dangerous substance or a  
18 controlled dangerous substance analog;

19 (5) Inducing or otherwise aiding or abetting any person to  
20 violate the terms of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill);

22 (6) Paying, giving, causing to be paid or given, or offering to  
23 pay or give to any person any valuable consideration to induce the  
24 other person to violate any provision of P.L. , c. (C. )  
25 (pending before the Legislature as this bill) or to induce any public  
26 officer, agent, or employee to fail to perform the person's duty  
27 under P.L. , c. (C. ) (pending before the Legislature as this  
28 bill);

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

30 (8) Transfer or surrender of possession to any person either  
31 temporarily or permanently of any card or other means of  
32 identification issued by the division as evidence of inclusion in the  
33 longshoremen's register without satisfactory explanation; or

34 (9) False impersonation of another longshoreman or of another  
35 person licensed under P.L. , c. (C. ) (pending before the  
36 Legislature as this bill).

37 f. The division shall have the right to recover possession of  
38 any card or other means of identification issued as evidence of  
39 inclusion in the longshoremen's register as a checker in the event  
40 that the holder thereof has been removed from the longshoremen's  
41 register as a checker.

42 g. Nothing contained in this section shall be construed to limit  
43 in any way any rights of labor reserved by section 23 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).

45  
46 12. (New section) The division shall accept applications for  
47 inclusion in the longshoremen's register upon:



1 a. the joint recommendation in writing of stevedores and other  
2 employers of longshoremen in the port of New York district in this  
3 State, acting through their representative for the purposes of  
4 collective bargaining with a labor organization representing the  
5 longshoremen in the district, and that labor organization; or

6 b. the petition in writing of a stevedore or other employer of  
7 longshoremen in the port of New York district in this State which  
8 does not have a representative for the purposes of collective  
9 bargaining with a labor organization representing those  
10 longshoremen.

11

12 13. (New section) a. A person shall not act as a port watchman  
13 within the port of New York district in this State without first  
14 having obtained a license from the division, and a person shall not  
15 employ a port watchman who is not so licensed.

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

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

21 (2) The present and previous occupations of the applicant,  
22 including the places where the applicant was employed and the  
23 names of the applicant's employers;

24 (3) The citizenship of the applicant and, if the person is a  
25 naturalized citizen of the United States, the court and date of  
26 naturalization; and

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

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

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

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

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

42 (4) If the applicant shall be a member of any labor organization  
43 which represents longshoremen or pier superintendents or hiring  
44 agents; but nothing in P.L. , c. (C. ) (pending before the  
45 Legislature as this bill) shall be deemed to prohibit port watchmen  
46 from being represented by a labor organization or organizations  
47 which do not also represent longshoremen or pier superintendents  
48 or hiring agents. The American Federation of Labor, the Congress

1 of Industrial Organizations (AFL-CIO) and any other similar  
2 federation, congress, or other organization of national or  
3 international occupational or industrial labor organizations shall not  
4 be considered a labor organization which represents longshoremen  
5 or pier superintendents or hiring agents within the meaning of this  
6 section although one of the federated or constituent labor  
7 organizations thereof may represent longshoremen or pier  
8 superintendents or hiring agents;

9 (5) If the applicant knowingly or willfully advocates the  
10 desirability of overthrowing or destroying the government of the  
11 United States by force or violence or shall be a member of a group  
12 which advocates that desirability, knowing the purposes of the  
13 group's advocacy.

14 d. When the application shall have been examined and further  
15 inquiry and investigation made as the division shall deem proper  
16 and when the authority shall be satisfied therefrom that the  
17 applicant possesses the qualifications and requirements prescribed  
18 in this section and regulations issued pursuant thereto, the division  
19 shall issue and deliver a license to the applicant. The division may  
20 issue a temporary permit to any applicant for a license under the  
21 provisions of this section pending final action on an application  
22 made for that license. Any temporary permit shall be valid for a  
23 period not in excess of 30 days.

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

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

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

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

35 (3) Submit supplementary personal history information.

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

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

43 (2) Fraud, deceit, or misrepresentation in securing the license;  
44 and

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

47 h. The division shall, at regular intervals, cancel the license or  
48 temporary permit of a port watchman who has failed during the

1 preceding 12 months to work as a port watchman in the port of New  
2 York district in this State a minimum number of hours as  
3 established by the division, except that the division shall  
4 immediately restore the license or temporary permit upon a proper  
5 showing that the failure to so work was caused by the fact that the  
6 licensee or permit holder was engaged in the military service of the  
7 United States or was incapacitated by ill health, physical injury, or  
8 other good cause.

9 i. Any port watchman ineligible for a license by reason  
10 pursuant to this section may petition for and the division may issue  
11 an order removing the ineligibility. A petition for an order to  
12 remove an ineligibility may be made to the division before or after  
13 the hearing required by section 14 of P.L. , c. (C. )  
14 (pending before the Legislature as this bill).

15  
16 14. (New section) a. The division shall not deny any  
17 application for a license or registration without giving the applicant  
18 or prospective licensee reasonable prior notice and an opportunity  
19 to be heard at a hearing conducted by the division.

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

24 c. The division may on its own initiative or on complaint of  
25 any person, including any public official or agency, institute  
26 proceedings to revoke, cancel, or suspend any license or registration  
27 after a hearing at which the licensee or registrant and any person  
28 making a complaint shall be given an opportunity to be heard,  
29 provided that any order of the division revoking, cancelling, or  
30 suspending any license or registration shall not become effective  
31 until 15 days subsequent to the serving of notice thereof upon the  
32 licensee or registrant unless in the opinion of the division the  
33 continuance of the license or registration for that period would be  
34 inimical to the public peace or safety. The hearing shall be held in  
35 a manner and upon notice as may be prescribed by the rules of the  
36 division, but the notice shall be of not less than 10 days and shall  
37 state the nature of the complaint.

38 d. Pending the determination of a hearing pursuant to this  
39 section, the division may temporarily suspend a license or  
40 registration if, in the opinion of the division, the continuance of the  
41 license or registration for that 15-day period, pursuant to subsection  
42 c. of this section, is inimical to the public peace or safety.

43 e. The division, or a member, officer, employee, or agent of the  
44 division as may be designated by the division for such purpose,  
45 shall have the power to issue subpoenas to compel the attendance of  
46 witnesses and the giving of testimony or production of other  
47 evidence and to administer oaths in connection with a hearing. It  
48 shall be the duty of the division or of any member, officer,

1 employee, or agent of the division designated by the division for  
2 that purpose to issue subpoenas at the request of and upon behalf of  
3 the licensee, registrant, or applicant. The person conducting the  
4 hearing on behalf of the division shall not be bound by common law  
5 or statutory rules of evidence or by technical or formal rules of  
6 procedure in conducting the hearing.

7 f. Upon the conclusion of the hearing, the division shall take  
8 action upon the findings and determination as the division deems  
9 proper and shall execute an order carrying its findings into effect.  
10 The action in the case of an application for a license or registration  
11 shall be the granting or denial thereof. The action in the case of a  
12 licensee shall be revocation of the license or suspension thereof for  
13 a fixed period or reprimand or a dismissal of the charges. The  
14 action in the case of a registered longshoreman shall be dismissal of  
15 the charges, reprimand, or removal from the longshoremen's  
16 register for a fixed period or permanently.

17 g. The action of the division, in denying any application for a  
18 license or in refusing to include any person in the longshoremen's  
19 register established pursuant to section 8 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill), or in suspending or  
21 revoking a license or removing any person from the longshoremen's  
22 register or in reprimanding a licensee, or registrant, shall be subject  
23 to judicial review by a proceeding instituted in this State at the  
24 instance of the applicant, licensee, or registrant in the manner  
25 provided by State law for review of the final decision or action of  
26 an administrative agency of the State; provided, however, that  
27 notwithstanding any other provision of law, the court shall have  
28 power to stay for not more than 30 days an order of the division  
29 suspending or revoking a license or removing a longshoreman from  
30 the longshoremen's register.

31

32 15. (New section) a. At hearings conducted by the division,  
33 pursuant to section 14 of P.L. , c. (C. ) (pending before  
34 the Legislature as this bill), applicants, prospective licensees,  
35 licensees, and registrants shall have the right to be accompanied and  
36 represented by counsel.

37 b. After the conclusion of a hearing but prior to the making of  
38 an order by the division, a hearing may, upon petition and in the  
39 discretion of the hearing officer, be reopened for the presentation of  
40 additional evidence. A petition to reopen the hearing shall state in  
41 detail the nature of the additional evidence, together with the  
42 reasons for the failure to submit such evidence prior to the  
43 conclusion of the hearing. The division may upon its own motion  
44 and upon reasonable notice reopen a hearing for the presentation of  
45 additional evidence. Upon petition, after the making of an order of  
46 the division, rehearing may be granted in the discretion of the  
47 division. A petition for rehearing shall state in detail the grounds  
48 upon which the petition is based and shall separately set forth each

1 error of law and fact alleged to have been made by the division in  
2 its determination, together with the facts and arguments in support  
3 thereof. The petition shall be filed with the division not later than  
4 30 days after service of the division's order, unless the division for  
5 good cause shown shall otherwise direct. The division may upon its  
6 own motion grant a rehearing after the making of an order.  
7

8 16. (New section) a. The division is hereby designated on its  
9 own behalf or as agent of the State of New Jersey, as provided by  
10 the act of Congress of the United States, effective June 6, 1933,  
11 entitled "An act to provide for the establishment of a national  
12 employment system and for co-operation with the states in the  
13 promotion of such system and for other purposes," as amended, for  
14 the purpose of obtaining the benefits of that act of Congress as are  
15 necessary or appropriate to the establishment and operation of  
16 employment information centers authorized by this section.

17 b. The division shall have all powers necessary to take steps to  
18 formulate plans and to execute projects related to the establishment  
19 and operation of employment information centers, as may be  
20 necessary to obtain any benefits for the operation of employment  
21 information centers in accomplishing the purposes of P.L. ,

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

23 c. Any officer or agency designated by this State, pursuant to  
24 the act of June 6, 1933, as amended, is authorized and empowered,  
25 upon the request of the division and subject to its direction, to  
26 exercise the powers and duties conferred upon the division by the  
27 provisions of this section.

28 d. The division shall establish and maintain one or more  
29 employment information centers within the port of New York  
30 district in this State at locations as the division may determine. A  
31 person shall not, directly or indirectly, hire any person for work as a  
32 longshoreman or port watchman within the port of New York  
33 district in this State, except through an employment information  
34 center as may be prescribed by the division. A person shall not  
35 accept any employment as a longshoreman or port watchman within  
36 the port of New York district in this State, except through an  
37 employment information center. At each employment information  
38 center, the division shall keep and exhibit the longshoremen's  
39 register and any other records the division shall determine to the  
40 end that longshoremen and port watchmen shall have the maximum  
41 information as to available employment at any time within the port  
42 of New York district in this State and that employers shall have an  
43 adequate opportunity to fill their requirements of registered  
44 longshoremen and port watchmen at all times.

45 e. Every employer of longshoremen or port watchmen within  
46 the port of New York district in this State shall furnish information  
47 as may be required by the rules and regulations prescribed by the  
48 division with regard to the name of each person hired as a

1 longshoreman or port watchman, the time and place of hiring, the  
2 time, place, and hours of work, and the compensation therefor.

3  
4 17. (New section) a. The division may designate one of the  
5 employment information centers it is authorized to establish and  
6 maintain under section 16 of P.L. , c. (C. ) (pending  
7 before the Legislature as this bill) for the implementation of a  
8 telecommunications hiring system through which longshoremen and  
9 checkers may be hired and accept employment without any personal  
10 appearance at the center. The telecommunications hiring system  
11 shall incorporate hiring and seniority agreements between the  
12 employers of longshoremen and checkers and the labor  
13 organizations representing longshoremen and checkers in the port of  
14 New York district in this State, provided the agreements are not in  
15 conflict with the provisions of P.L. , c. (C. ) (pending  
16 before the Legislature as this bill).

17 b. The division shall permit employees of the management  
18 organizations representing employers of longshoremen and  
19 checkers in the port of New York district in this State, and of the  
20 labor organizations representing longshoremen and checkers in the  
21 port of New York district in this State, or of a joint board of these  
22 management and labor organizations, to participate in the operation  
23 of the telecommunications hiring system, if these employees are  
24 registered by the division as "telecommunications system  
25 controllers," with respect to the registration of checkers. A person  
26 shall not act as a "telecommunications system controller" unless  
27 that person is registered. An application for registration and a  
28 registration made or issued may be denied, revoked, cancelled, or  
29 suspended, as the case may be, only in the manner prescribed in  
30 section 11 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill). Participation in the operation of the  
32 telecommunications hiring system shall be monitored by the  
33 division.

34 c. The records, documents, tapes, discs, and other data  
35 compiled, collected or maintained by a management organization, a  
36 labor organization, and a joint board of these management and labor  
37 organizations pertaining to the telecommunications hiring system  
38 shall be available for inspection, investigation, and duplication by  
39 the division.

40  
41 18. (New section) In addition to the grounds elsewhere  
42 established in P.L. , c. (C. ) (pending before the  
43 Legislature as this bill), the division may deny an application for a  
44 license or registration for any of the following:

45 a. Conviction by a court of the United States or any State or  
46 territory thereof of coercion;

47 b. Conviction by a court described in subsection a. of this  
48 section, after having been previously convicted by that court of any

1 crime or of the offenses hereinafter set forth, or any of the  
2 following offenses: assault, malicious injury to property, malicious  
3 mischief, unlawful taking of a motor vehicle, corruption of  
4 employees or possession of illegal betting number slips;

5 c. Fraud, deceit or misrepresentation in connection with any  
6 application or petition submitted to, or any interview, hearing or  
7 proceeding conducted by the division or commission;

8 d. Violation of any provision of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) or commission of any  
10 offense thereunder;

11 e. Refusal on the part of any applicant, or prospective licensee,  
12 or of any member, officer or stockholder required by section 7 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill)  
14 to sign or be identified in an application for a stevedore license, to  
15 answer any material question or produce any material evidence in  
16 connection with the person's application or any application made on  
17 the person's behalf for a license or registration pursuant to section 7  
18 of P.L. , c. (C. ) (pending before the Legislature as this  
19 bill);

20 f. Association with a person who has been identified by a  
21 federal, State, or local law enforcement agency as a member or  
22 associate of an organized crime group, a terrorist group, or a career  
23 offender cartel, or who is a career offender, under circumstances  
24 where that association creates a reasonable belief that the  
25 participation of the applicant in any activity required to be licensed  
26 or registered under P.L. , c. (C. ) (pending before the  
27 Legislature as this bill) would be inimical to the purposes of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill); or

29 g. Conviction of a racketeering activity or knowing association  
30 with a person who has been convicted of a racketeering activity by  
31 a court of the United States, or any State or territory thereof under  
32 circumstances where that association creates a reasonable belief that  
33 the participation of the applicant in any activity required to be  
34 licensed or registered under P.L. , c. (C. ) (pending before  
35 the Legislature as this bill) would be inimical to the purposes of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill).

37  
38 19. (New section) In addition to the grounds elsewhere set forth  
39 in P.L. , c. (C. ) (pending before the Legislature as this  
40 bill), any license or registration issued or made pursuant thereto  
41 may be revoked or suspended for a period as the division deems in  
42 the public interest or the licensee or registrant may be reprimanded,  
43 for:

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

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

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

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

11       e. Refusal to answer any material question or produce any  
12 evidence lawfully required to be answered or produced at any  
13 investigation, interview, hearing, or other proceeding conducted by  
14 the division pursuant to section 14 of P.L.     , c.     (C.     )  
15 (pending before the Legislature as this bill), or, if the refusal is  
16 accompanied by a valid plea of privilege against self-incrimination,  
17 refusal to obey an order to answer the question or produce any  
18 evidence made by the division pursuant to section 14 of P.L.     ,  
19 c.     (C.     ) (pending before the Legislature as this bill); or

20       f. Association with a person who has been identified by a  
21 federal, State, or local law enforcement agency as a member or  
22 associate of an organized crime group, a terrorist group, or a career  
23 offender cartel, or who is a career offender, under circumstances  
24 where that association creates a reasonable belief that the  
25 participation of the licensee or registrant in any activity required to  
26 be licensed or registered under P.L.     , c.     (C.     ) (pending  
27 before the Legislature as this bill) would be inimical to the purposes  
28 of P.L.     , c.     (C.     ) (pending before the Legislature as this  
29 bill); or

30       g. Conviction of a racketeering activity or knowing association  
31 with a person who has been convicted of a racketeering activity by  
32 a court of the United States, or any State, or territory thereof under  
33 circumstances where that association creates a reasonable belief that  
34 the participation of the licensee or registrant in any activity required  
35 to be licensed or registered under P.L.     , c.     (C.     ) (pending  
36 before the Legislature as this bill) would be inimical to the purposes  
37 of P.L.     , c.     (C.     ) (pending before the Legislature as this  
38 bill).

39

40       20. (New section) a. In any investigation, interview, or other  
41 proceeding conducted under oath by the division or any duly  
42 authorized officer, employee, or agent thereof, if a person refuses to  
43 answer a question or produce evidence of any other kind on the  
44 ground that the person may be incriminated thereby, and  
45 notwithstanding the refusal, an order is made upon 24 hours' prior  
46 written notice to the Attorney General of the State of New Jersey,  
47 and to the appropriate district attorney or prosecutor having an  
48 official interest therein, by the Superintendent of the division or the



1 superintendent's designee, that the person answer the question or  
2 produce the evidence, the person shall comply with the order. If the  
3 person complies with the order, and if, but for this section, would  
4 have been privileged to withhold the answer given or the evidence  
5 produced by the person, then immunity shall be conferred upon the  
6 person, as provided for herein. Immunity shall not be conferred  
7 upon any person except in accordance with the provisions of this  
8 section. If, after compliance with the provisions of this section, a  
9 person is ordered to answer a question or produce evidence of any  
10 other kind and complies with the order, and it is thereafter  
11 determined that the Attorney General or appropriate district  
12 attorney or prosecutor having an official interest therein was not  
13 notified, that failure or neglect shall not deprive that person of any  
14 immunity otherwise properly conferred upon the person. But the  
15 person may nevertheless be prosecuted or subjected to penalty or  
16 forfeiture for any perjury or contempt committed in answering, or  
17 failing to answer, or in producing or failing to produce evidence, in  
18 accordance with the order, and any answer given or evidence  
19 produced shall be admissible against the person upon any criminal  
20 proceeding concerning such perjury or contempt.

21 b. If a person, in obedience to a subpoena directing the person  
22 to attend and testify, is in this State or comes into this State from  
23 the State of New York, the person shall not, while in this State  
24 pursuant to such subpoena, be subject to arrest or the service of  
25 process, civil or criminal, in connection with matters which arose  
26 before the person's entrance into this State under the subpoena.

27  
28 21. (New section) a. The division may temporarily suspend a  
29 temporary permit or a permanent license or a temporary or  
30 permanent registration issued pursuant to the provisions of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill) until  
32 further order of the division or final disposition of the underlying  
33 case, only where the permittee, licensee, or registrant has been  
34 indicted for, or otherwise charged with, a crime which is equivalent  
35 to a crime of the third, second, or first degree in this State or only  
36 where the permittee or licensee is a port watchman who is charged  
37 by the division pursuant to section 13 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) with misappropriating  
39 any other person's property at or on a pier or other waterfront  
40 terminal.

41 b. In the case of a permittee, licensee, or registrant who has  
42 been indicted for, or otherwise charged with, a crime, the temporary  
43 suspension shall terminate immediately upon acquittal or upon  
44 dismissal of the criminal charge. A person whose permit, license,  
45 or registration has been temporarily suspended may, at any time,  
46 demand that the division conduct a hearing as provided for in  
47 section 14 of P.L. , c. (C. ) (pending before the Legislature  
48 as this bill). Within 60 days of the demand, the division shall

1 commence the hearing and, within 30 days of receipt of the  
2 administrative law judge's report and recommendation, the division  
3 shall render a final determination thereon; provided, however, that  
4 these time requirements, shall not apply for any period of delay  
5 caused or requested by the permittee, licensee, or registrant. Upon  
6 failure of the division to commence a hearing or render a  
7 determination within the time limits prescribed herein, the  
8 temporary suspension of the permittee, licensee, or registrant shall  
9 immediately terminate. Notwithstanding any other provision of this  
10 subsection, if a federal, State, or local law enforcement agency or  
11 prosecutor's office shall request the suspension or deferment of any  
12 hearing on the ground that the hearing would obstruct or prejudice  
13 an investigation or prosecution, the division may in its discretion,  
14 postpone or defer the hearing for a time certain or indefinitely. Any  
15 action by the division to postpone a hearing shall be subject to  
16 immediate judicial review as provided in subsection b. of this  
17 section.

18 c. The division may, within its discretion, bar any permittee,  
19 licensee, or registrant who has been suspended pursuant to the  
20 provisions of subsection a. of this section, from any employment by  
21 a licensed stevedore or a carrier of freight by water, if that  
22 individual has been indicted or otherwise charged in any federal,  
23 State, or territorial proceeding with any crime involving the  
24 possession with intent to distribute, sale, or distribution of a  
25 controlled dangerous substance or controlled dangerous substance  
26 analog, racketeering, or theft from a pier or waterfront terminal.  
27

28 22. (New section) The division is authorized to co-operate with  
29 the commission, a similar authority, or other public entity of the  
30 State of New York, to exchange information on any matter pertinent  
31 to the purposes of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill), and to enter into reciprocal agreements for  
33 the accomplishment of those purposes, including, but not limited to,  
34 the following objectives:

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

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

40 c. To provide that any act or omission by a licensee or  
41 registrant in either State which would be a basis for disciplinary  
42 action against the licensee or registrant if it occurred in the state in  
43 which the license was issued or the person registered shall be the  
44 basis for disciplinary action in either state; and

45 d. To provide that longshoremen registered in either state, who  
46 perform work or who apply for work at an employment information  
47 center within the other State shall be deemed to have performed

1 work or to have applied for work in the State in which they are  
2 registered.

3  
4 23. (New section) a. The provisions of P.L. , c. (C. )  
5 (pending before the Legislature as this bill) are not designed and  
6 shall not be construed to limit in any way any rights granted or  
7 derived from any other statute or any rule of law for employees to  
8 organize in labor organizations, to bargain collectively and to act in  
9 any other way individually, collectively, and through labor  
10 organizations or other representatives of their own choosing.  
11 Without limiting the generality of the foregoing, nothing contained  
12 in P.L. , c. (C. ) (pending before the Legislature as this  
13 bill) shall be construed to limit in any way the right of employees to  
14 strike.

15 b. The provisions of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill) are not designed and shall not be construed  
17 to limit in any way any rights of longshoremen, hiring agents, pier  
18 superintendents, or port watchmen or their employers to bargain  
19 collectively and agree upon any method for the selection of those  
20 employees by way of seniority, experience, regular gangs, or  
21 otherwise; provided, that those employees shall be licensed or  
22 registered hereunder and longshoremen and port watchmen shall be  
23 hired only through the employment information centers established  
24 hereunder and that all other provisions of P.L. , c. (C. )  
25 (pending before the Legislature as this bill) be observed.

26  
27 24. (New section) a. Any officer or employee in the State,  
28 county, or municipal civil service in either State who shall transfer  
29 to service with the division may be given one or more leaves of  
30 absence without pay and may, before the expiration of the leave or  
31 leaves of absence, and without further examination or qualification,  
32 return to the person's former position or be certified by the  
33 appropriate civil service agency for retransfer to a comparable  
34 position in the State, county, or municipal civil service if a  
35 comparable position is then available.

36 b. The division may, by agreement with any federal agency  
37 from which any officer or employee may transfer to service with the  
38 division to undertake any of the duties or responsibilities  
39 established pursuant to P.L. , c. (C. ) (pending before the  
40 Legislature as this bill), make similar provision for the retransfer of  
41 the officer or employee to that federal agency.

42 c. Notwithstanding the provisions of any other law, rule, or  
43 regulation, any officer or employee in the State, county, or  
44 municipal service in either State who shall transfer to service with  
45 the division and who is a member of any existing State, county, or  
46 municipal pension or retirement system in New Jersey or New  
47 York, shall continue to have all rights, privileges, obligations, and  
48 status with respect to that fund, system, or systems as if the person

1 had continued in State, county, or municipal office or employment,  
2 but during the period of service as a member, officer, or employee  
3 of the division, all contributions to any pension or retirement fund  
4 or system to be paid by the employer on account of the member,  
5 officer, or employee, shall be paid by the State Treasurer. The  
6 division may, by agreement with the appropriate federal agency,  
7 make similar provisions relating to continuance of retirement  
8 system membership for any federal officer or employee so  
9 transferred.

10

11 25. (New section) a. The division shall annually adopt a budget  
12 of its expenses for each year for the purposes of its duties and  
13 responsibilities under P.L. , c. (C. ) (pending before the  
14 Legislature as this bill). Each budget shall be submitted to the  
15 Governor and the budget shall be adjusted accordingly.

16 b. After taking into account funds as may be available to the  
17 division from reserves, federal grants or otherwise, the balance of  
18 the division's budgeted expenses for the performance of its  
19 functions and duties under P.L. , c. (C. ) (pending before  
20 the Legislature as this bill) shall be assessed upon employers of  
21 persons registered or licensed pursuant to P.L. , c. (C. )  
22 (pending before the Legislature as this bill). Each employer shall  
23 pay to the State Treasurer, for placement within the General Fund,  
24 an assessment computed upon the gross payroll payments made by  
25 that employer to longshoremen, pier superintendents, hiring agents,  
26 and port watchmen for work or labor performed within the port of  
27 New York district in this State, at a rate, not in excess of two  
28 percent, computed by the division in the following manner: the  
29 division shall annually estimate the gross payroll payments to be  
30 made by employers subject to assessment and shall compute a rate  
31 thereon which will yield revenues sufficient to finance the division's  
32 budget for the performance of those functions and duties under  
33 P.L. , c. (C. ) (pending before the Legislature as this bill)  
34 for each year. That budget may include a reasonable amount for a  
35 reserve, but the amount shall not exceed 10 percent of the total of  
36 all other items of expenditure contained therein. The reserve shall  
37 be used for the stabilization of annual assessments, the payment of  
38 operating deficits, and for the repayment of advances made by the  
39 State, if any.

40 c. The amount required to balance the division's budgeted  
41 expenses for the performance of its functions and duties under  
42 P.L. , c. (C. ) (pending before the Legislature as this bill),  
43 in excess of the estimated yield of the maximum assessment, shall  
44 be certified by the division, with the approval of the Governor, in  
45 proportion to the gross annual wage payments made to  
46 longshoremen for work within the port of New York district in this  
47 State. The Legislature shall annually appropriate to the division the  
48 amount so certified.

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

8 e. The assessment hereunder shall be in lieu of any other  
9 charge for the issuance of licenses to stevedores, pier  
10 superintendents, hiring agents, and port watchmen or for the  
11 registration of longshoremen or use of an employment information  
12 center. The division shall establish reasonable procedures for the  
13 consideration of protests by affected employees concerning the  
14 estimates and computation of the rate of assessment.

15  
16 26. (New section) a. (1) Every person subject to the payment of  
17 any assessment under the provisions of section 25 of P.L. ,  
18 c. (C. ) (pending before the Legislature as this bill) shall file  
19 on or before the 15th day of the first month of each calendar  
20 quarter-year a separate return, together with the payment of the  
21 assessment due, for the preceding calendar quarter-year during  
22 which any payroll payments were made to longshoremen, pier  
23 superintendents, hiring agents, or port watchmen for work  
24 performed by those employees within the port of New York district  
25 in this State. Returns covering the amount of assessment payable  
26 shall be filed with the division on forms to be furnished for that  
27 purpose and shall contain data, information, or matter as the  
28 division may require to be included therein. The division may grant  
29 a reasonable extension of time for filing returns, or for the payment  
30 of assessment, whenever good cause exists. Every return shall have  
31 annexed thereto a certification to the effect that the statements  
32 contained therein are true.

33 (2) Every person subject to the payment of assessment  
34 hereunder shall keep an accurate record of that person's  
35 employment of longshoremen, pier superintendents, hiring agents,  
36 or port watchmen, which shall show the amount of compensation  
37 paid and other information as the division may require. Those  
38 records shall be preserved for a period of three years and be open  
39 for inspection at reasonable times. The division may consent to the  
40 destruction of the records at any time after that period or may  
41 require that they be kept longer, but not in excess of six years.

42 (3) (a) The division shall audit and determine the amount of  
43 assessment due from the return filed and such other information as  
44 is available to it. Whenever a deficiency in payment of the  
45 assessment is determined, the division shall give notice of the  
46 determination to the person liable therefor. The determination shall  
47 finally and conclusively fix the amount due, unless the person  
48 against whom the assessment is assessed shall, within 30 days after

1 the giving of notice of the determination, apply in writing to the  
2 division for a hearing, or unless the division on its own motion shall  
3 reduce the assessment. After the hearing, the division shall give  
4 notice of its decision to the person liable therefor. A determination  
5 of the division under this section shall be subject to judicial review,  
6 if application for that review is made within 30 days after the giving  
7 of notice of the decision. Any determination under this section  
8 shall be made within five years from the time the return was filed  
9 and if no return was filed, the determination may be made at any  
10 time.

11 (b) Any notice authorized or required under this section may be  
12 given by mailing the notice to the person for whom it is intended at  
13 the last address that the person shall have given to the division, or  
14 in the last return filed with the division under this section, or, if a  
15 return has not been filed, then to an address as may be obtainable.  
16 The mailing of the notice shall be presumptive evidence of the  
17 receipt of it by the person to whom the notice is addressed. Any  
18 period of time, which is determined for the giving of notice shall  
19 commence to run from the date of mailing of the notice.

20 (4) Whenever any person shall fail to pay, within the time  
21 limited herein, any assessment which the person is required to pay  
22 to the division under the provisions of this section, the division may  
23 enforce payment of the assessment by civil action for the amount of  
24 the assessment with interest and penalties.

25 (5) The employment by a nonresident of a longshoreman, or a  
26 licensed pier superintendent, hiring agent, or port watchman in this  
27 State or the designation by a nonresident of a longshoreman, pier  
28 superintendent, hiring agent, or port watchman to perform work in  
29 this State shall be deemed equivalent to an appointment by the  
30 nonresident of the Secretary of State to be the nonresident's true  
31 and lawful attorney upon whom may be served the process in any  
32 action or proceeding against the nonresident growing out of any  
33 liability for assessments, penalties, or interest, and a consent that  
34 any process against the nonresident which is served shall be of the  
35 same legal force and validity as if served personally within the State  
36 and within the territorial jurisdiction of the court from which the  
37 process issues. Service of process within the State shall be made by  
38 either:

39 (a) personally delivering to and leaving with the Secretary of  
40 State duplicate copies thereof at the office of the Department of  
41 State, in which event the Secretary of State shall forthwith send by  
42 registered mail one of the copies to the person at the last address  
43 designated by the person to the division for any purpose under this  
44 section or in the last return filed by the person under this section  
45 with the division or as shown on the records of the division, or if no  
46 return has been filed, at the person's last known office address  
47 within or outside of the State; or

1 (b) personally delivering to and leaving with the Secretary of  
2 State a copy thereof at the office of the Department of State and by  
3 delivering a copy thereof to the person, personally outside of the  
4 State. Proof of personal service outside of the State shall be filed  
5 with the clerk of the court in which the process is pending within 30  
6 days after that service and the service shall be deemed complete 10  
7 days after proof thereof is filed.

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

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

18 (8) Any person who shall willfully fail to pay any assessment  
19 due hereunder shall be assessed interest at a rate of one percent per  
20 month on the amount due and unpaid and penalties of five percent  
21 of the amount due for each 30 days or part thereof that the  
22 assessment remains unpaid. The division may, for good cause  
23 shown, abate all or part of that penalty.

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

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

35 (11) The accounts, books, and records of the division related to  
36 the purposes established pursuant to P.L. , c. (C. )  
37 (pending before the Legislature as this bill), including its receipts,  
38 disbursements, contracts, leases, investments, and any other matters  
39 relating to its financial standing shall be examined and audited  
40 annually by independent auditors to be retained for such purpose by  
41 the division.

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

46  
47 27. (New section) It shall be unlawful for any person to load or  
48 unload waterborne freight onto or from vehicles other than railroad

1 cars at piers or at other waterfront terminals within the port of New  
2 York district, for a fee or other compensation, other than the  
3 following persons and their employees:

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

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

9 c. Operators of piers or other waterfront terminals, including  
10 railroads, truck terminal operators, warehousemen and other  
11 persons, but only at piers or other waterfront terminals operated by  
12 them;

13 d. Shippers or consignees of freight, but only in connection  
14 with freight shipped by the shipper or consigned to the consignee;  
15 and

16 e. Stevedores licensed under section 7 of P.L. \_\_\_\_\_,

17 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), whether  
18 or not waterborne freight has been or is to be transported by a  
19 carrier of freight by water with which the stevedore shall have a  
20 contract of the type prescribed by paragraph (4) of subsection e. of  
21 this section.

22 Nothing herein contained shall be deemed to permit any loading  
23 or unloading of any waterborne freight at any place by any person  
24 by means of any independent contractor, or any other agent other  
25 than an employee, unless the independent contractor is a person  
26 permitted by section 7 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before  
27 the Legislature as this bill) to load or unload freight at a place in the  
28 person's own right.

29

30 28. (New section) a. A person shall not solicit, collect, or  
31 receive any dues, assessments, levies, fines, or contributions, or  
32 other charges within the State of New Jersey for or on behalf of any  
33 labor organization, which represents employees registered or  
34 licensed pursuant to the provisions of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
35 (pending before the Legislature as this bill) in their capacities as  
36 registered or licensed employees or which derives its charter from a  
37 labor organization representing 100 or more of its registered or  
38 licensed employees, if any officer, agent, or employee of the labor  
39 organization for which dues, assessments, levies, fines, or  
40 contributions, or other charges are solicited, collected, or received,  
41 or of a welfare fund or trust administered partially or entirely by the  
42 labor organization or by trustees or other persons designated by the  
43 labor organization, has been convicted by a court of the United  
44 States, or any State or territory thereof, of treason, murder,  
45 manslaughter, or any felony, crime involving moral turpitude, or  
46 any crime or offense enumerated subsection g. of section 6 of  
47 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
48 unless that person has been subsequently pardoned therefor by the



- 1 Governor or other appropriate authority of the State in which the  
2 conviction was had or has received a certificate of good conduct or  
3 other relief from disabilities arising from the fact of conviction  
4 from a parole board or similar authority.
- 5 b. Any person who shall violate this section shall be guilty of a  
6 petty disorderly persons offense.
- 7 c. Any person who shall violate, aid and abet the violation, or  
8 conspire or attempt to violate this subsection shall be guilty of a  
9 petty disorderly persons offense.
- 10 d. If upon application to the division by an employee who has  
11 been convicted of a crime or offense specified in subsection b. of  
12 this section, the authority, in its discretion, determines in an order  
13 that it would not be contrary to the purposes and objectives of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 for that employee to work in a particular employment for a labor  
16 organization, welfare fund, or trust, the provisions of subsection b.  
17 of this section shall not apply to the particular employment of the  
18 employee with respect to that conviction or convictions as are  
19 specified in the division's order. This subsection is applicable only  
20 to those employees, who for wages or salary, perform manual,  
21 mechanical, or physical work of a routine or clerical nature at the  
22 premises of the labor organization, welfare fund, or trust by which  
23 they are employed.
- 24 e. A person who has been convicted of a crime or offense  
25 specified in subsection b. of this section shall not directly or  
26 indirectly serve as an officer, agent, or employee of a labor  
27 organization, welfare fund, or trust, unless the person has been  
28 subsequently pardoned for that crime or offense by the Governor or  
29 other appropriate authority of the State in which the conviction was  
30 had or has received a certificate of good conduct or other relief  
31 from disabilities arising from the fact of conviction from a parole  
32 board or similar authority or has received an order of exception  
33 from the division. A person, including a labor organization, welfare  
34 fund, or trust, shall not knowingly permit any other person to  
35 assume or hold any office, agency, or employment in violation of  
36 this section.
- 37 f. The division may maintain a civil action against any person,  
38 labor organization, welfare fund, or trust, or officers thereof to  
39 compel compliance with this section, or to prevent any violations,  
40 the aiding and abetting thereof, or any attempt or conspiracy to  
41 violate this section, either by mandamus, injunction, or action or  
42 proceeding in lieu of prerogative writ and upon a proper showing a  
43 temporary restraining order or other appropriate temporary order  
44 shall be granted ex parte and without bond pending final hearing  
45 and determination. Nothing in this subsection shall be construed to  
46 modify, limit, or restrict in any way the provisions of subsection a.  
47 of this section.

- 1       29. (New section) a. Any person who, having been duly sworn  
2 or affirmed as a witness in any investigation, interview, hearing or  
3 other proceeding conducted by the division pursuant to section 15  
4 of P.L. , c. (C. ) (pending before the Legislature as this  
5 bill), shall willfully give false testimony shall be guilty of a  
6 disorderly persons offense.
- 7       b. The division may maintain a civil action on behalf of the  
8 State against any person who violates or attempts or conspires to  
9 violate P.L. , c. (C. ) (pending before the Legislature as this  
10 bill) or who fails, omits, or neglects to obey, observe, or comply  
11 with any order or direction of the division, to recover a judgment  
12 for a money penalty not exceeding \$500 for each and every offense.  
13 Every violation of any provision of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill), or any division order or  
15 direction, shall be a separate and distinct offense, and, in case of a  
16 continuing violation, every day's continuance shall be and be  
17 deemed to be a separate and distinct offense. Any civil action may  
18 be compromised or discontinued on application of the division upon  
19 the terms as the court may approve and a judgment may be rendered  
20 for an amount less than the amount demanded in the complaint as  
21 justice may require.
- 22       c. The division may maintain a civil action against any person  
23 to compel compliance with any of the provisions of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill), or to  
25 prevent violations, attempts, or conspiracies to violate any  
26 provisions of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill), or interference, attempts, or conspiracies to interfere  
28 with or impede the enforcement of any provisions of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill) or the  
30 exercise or performance of any power or duty thereunder, either by  
31 mandamus, injunction, or action or proceeding in lieu of prerogative  
32 writ.
- 33       d. Any person who shall violate any of the provisions of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill),  
35 for which no other penalty is prescribed, shall be guilty of a petty  
36 disorderly persons offense.
- 37       e. Any person who shall, without a satisfactory explanation,  
38 loiter upon any vessel, dock, wharf, pier, bulkhead, terminal,  
39 warehouse, or other waterfront facility or within 500 feet thereof in  
40 that portion of the port of New York district in this State, shall be  
41 guilty of a petty disorderly persons offense.
- 42       f. Any person who, without justification or excuse in law,  
43 directly or indirectly, intimidates or inflicts any injury, damage,  
44 harm, loss, or economic reprisal upon any person licensed or  
45 registered by the division, or any other person, or attempts,  
46 conspires, or threatens so to do, in order to interfere with, impede,  
47 or influence the licensed or registered person in the performance or

1 discharge of the licensed or registered person's duties or obligations  
2 shall be punishable as provided in this section.

3

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

11 b. Any person who, having been sworn or affirmed as a witness  
12 in any hearing pursuant to subsection a. of this section, shall  
13 willfully give false testimony or who shall willfully make or file  
14 any false or fraudulent report or statement required by P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill) to be  
16 made or filed under oath, shall be guilty of a disorderly persons  
17 offense.

18 c. Any person who violates or attempts or conspires to violate  
19 any other provision of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) shall be punishable as may be provided by  
21 section 28 of P.L. , c. (C. ) (pending before the Legislature  
22 as this bill).

23 d. Any person who interferes with or impedes the orderly  
24 registration of longshoremen pursuant to P.L. , c. (C. )  
25 (pending before the Legislature as this bill) or who conspires to or  
26 attempts to interfere with or impede such registration shall be  
27 punishable as may be provided by section 28 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill).

29 e. Any person who, directly or indirectly, inflicts or threatens  
30 to inflict any injury, damage, harm, or loss or in any other manner  
31 practices intimidation upon or against any person in order to induce  
32 or compel such person or any other person to refrain from  
33 registering pursuant to section 8 of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill) shall be punishable as may be  
35 provided by section 28 of P.L. , c. (C. ) (pending before  
36 the Legislature as this bill).

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

41

42 31. (New section) As of the transfer date, the waterfront  
43 commission compact, entered into by the State of New Jersey  
44 pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1  
45 et seq.) and by the State of New York pursuant to its agreement  
46 thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as  
47 amended and supplemented, the airport commission compact,  
48 entered into by the State of New Jersey pursuant to its agreement

1 thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State  
2 of New York pursuant to its agreement thereto under P.L.1970,  
3 c.951 (NY Unconsol. Ch.307, s.10), and the commission, are  
4 dissolved.

5

6 32. R.S.52:14-7 is amended to read as follows:

7 52:14-7. a. Every person holding an office, employment, or  
8 position

9 (1) in the Executive, Legislative, or Judicial Branch of this  
10 State, or

11 (2) with an authority, board, body, agency, commission, or  
12 instrumentality of the State including any State college, university,  
13 or other higher educational institution, and, to the extent consistent  
14 with law, any interstate agency to which New Jersey is a party, or

15 (3) with a county, municipality, or other political subdivision of  
16 the State or an authority, board, body, agency, district, commission,  
17 or instrumentality of the county, municipality, or subdivision, or

18 (4) with a school district or an authority, board, body, agency,  
19 commission, or instrumentality of the district,

20 shall have his or her principal residence in this State and shall  
21 execute such office, employment, or position.

22 This residency requirement shall not apply to any person: (a)  
23 who is employed on a temporary or per-semester basis as a visiting  
24 professor, teacher, lecturer, or researcher by any State college,  
25 university, or other higher educational institution, or county or  
26 community college, or in a full or part-time position as a member of  
27 the faculty, the research staff, or the administrative staff by any  
28 State college, university, or other higher educational institution, or  
29 county or community college, that the college, university, or  
30 institution has included in the report required to be filed pursuant to  
31 this subsection **[, or]**; (b) who is employed full-time by the State  
32 who serves in an office, employment, or position that requires the  
33 person to spend the majority of **[his or her] the person's** working  
34 hours in a location outside of this State; or (c) an officer of the  
35 waterfront commission of New York harbor, employed by the  
36 commission on the effective date of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill), who seeks to be transferred to  
38 the Division of State Police in the Department of Law and Public  
39 Safety pursuant to section 4 of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill).

41 For the purposes of this subsection, a person may have at most  
42 one principal residence, and the state of a person's principal  
43 residence means the state (1) where the person spends the majority  
44 of **[his or her] the person's** nonworking time, and (2) which is most  
45 clearly the center of **[his or her] the person's** domestic life, and (3)  
46 which is designated as **[his or her] the person's** legal address and  
47 legal residence for voting. The fact that a person is domiciled in  
48 this State shall not by itself satisfy the requirement of principal

1 residency hereunder.

2 A person, regardless of the office, employment, or position, who  
3 holds an office, employment, or position in this State on the  
4 effective date of P.L.2011, c.70 but does not have **[his or her]**  
5 principal residence in this State on that effective date shall not be  
6 subject to the residency requirement of this subsection while the  
7 person continues to hold office, employment, or position without a  
8 break in public service of greater than seven days.

9 Any person may request an exemption from the provisions of  
10 this subsection on the basis of critical need or hardship from a five-  
11 member committee hereby established to consider applications for  
12 **[such]** exemptions. The committee shall be composed of three  
13 persons appointed by the Governor, a person appointed by the  
14 Speaker of the General Assembly, and a person appointed by the  
15 President of the Senate, each of whom shall serve at the pleasure of  
16 the person making the appointment and shall have a term not to  
17 exceed five years. A vacancy on the committee shall be filled in the  
18 same manner as the original appointment was made. The Governor  
19 shall make provision to provide such clerical, secretarial, and  
20 administrative support to the committee as may be necessary for it  
21 to conduct its responsibilities pursuant to this subsection.

22 The decision on whether to approve an application from any  
23 person shall be made by a majority vote of the members of the  
24 committee, and those voting in the affirmative shall so sign the  
25 approved application. If the committee fails to act on an application  
26 within 30 days after the receipt thereof, no exemption shall be  
27 granted and the residency requirement of this subsection shall be  
28 operative. The head of a principal department of the Executive  
29 Branch of the State government, a Justice of the Supreme Court,  
30 judge of the Superior Court, and judge of any inferior court  
31 established under the laws of this State shall not be eligible to  
32 request from the committee an exemption from the provisions of  
33 this subsection.

34 The exemption provided in this subsection for certain persons  
35 employed by a State college, university, or other higher educational  
36 institution, or a county or community college, other than those  
37 employed on a temporary or per-semester basis as a visiting  
38 professor, teacher, lecturer, or researcher, shall apply only to those  
39 persons holding positions that the college, university, or institution  
40 has included in a report of those full or part-time positions as a  
41 member of the faculty, the research staff, or the administrative staff  
42 requiring special expertise or extraordinary qualifications in an  
43 academic, scientific, technical, professional, or medical field or in  
44 administration, that, if not exempt from the residency requirement,  
45 would seriously impede the ability of the college, university, or  
46 institution to compete successfully with similar colleges,  
47 universities, or institutions in other states. The report shall be  
48 compiled annually and shall also contain the reasons why the

1 positions were selected for inclusion in the report. The report shall  
2 be compiled and filed within 60 days following the effective date of  
3 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
4 and filed by January 1 of each year thereafter. Each report shall be  
5 filed with the Governor and, pursuant to section 2 of P.L.1991,  
6 c.164 (C.52:14-19.1), with the Legislature, and a report may be  
7 revised at any time by filing an amendment to the report with the  
8 Governor and Legislature.

9 As used in this section, "school district" means any local or  
10 regional school district established pursuant to chapter 8 or chapter  
11 13 of Title 18A of the New Jersey Statutes and any jointure  
12 commission, county vocational school, county special services  
13 district, educational services commission, educational research and  
14 demonstration center, environmental education center, and  
15 educational information and resource center.

16 b. If any person holding any office, employment, or other  
17 position in this State shall attempt to let, farm out, or transfer  
18 **[such]** office, employment, or position or any part thereof to any  
19 person, **[he]** the person shall forfeit the sum of **[fifteen hundred**  
20 **dollars (\$1,500.00)]** \$1,500, to be recovered with costs by any  
21 person who shall sue for the same, one-half to the prosecutor and  
22 the other half to the **[treasurer]** State Treasurer for the use of the  
23 State.

24 c. No person shall be appointed to or hold any position in this  
25 State who has not the requisite qualifications for personally  
26 performing the duties of such position in cases where scientific  
27 engineering skill is necessary to the performance of the duties  
28 thereof.

29 d. Any person holding or attempting to hold an office,  
30 employment, or position in violation of this section shall be  
31 considered as illegally holding or attempting to hold the same;  
32 provided that a person holding an office, employment, or position in  
33 this State shall have one year from the time of taking the office,  
34 employment, or position to satisfy the requirement of principal  
35 residency, and if thereafter **[such]** the person fails to satisfy the  
36 requirement of principal residency as defined herein with respect to  
37 any 365-day period, that person shall be deemed unqualified for  
38 holding the office, employment, or position. The Superior Court  
39 shall, in a civil action in lieu of prerogative writ, give judgment of  
40 ouster against **[such]** the person, upon the complaint of any officer  
41 or citizen of the State, provided that any **[such]** complaint shall be  
42 brought within one year of the alleged 365-day period of failure to  
43 have **[his or her]** the person's principal residence in this State.

44 (cf: P.L.2011, c.70, s.2)

45  
46 33. The following are repealed:

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

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

1 P.L.1985, c.32 (C.32:23-43.1 and 32:23-44.1);  
2 Section 2 of P.L.1956, c.20 (C.32:23-75.1);  
3 P.L.1954, c.3 (C.32:23-77.1 et seq.);  
4 Sections 4 and 5 of P.L.1962, c.5 (C.32:23-80.1 and 32:23-80.2);  
5 P.L.1954, c.14 (C.32:23-85 et seq.);  
6 P.L.1956, c.19 (C.32:23-99 et seq.);  
7 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
8 32:23-108);  
9 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);  
10 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
11 through 32:23-113);  
12 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
13 32:23-117);  
14 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and  
15 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
16 150 through 32:23-225).

17  
18 34. This act shall take effect immediately, but sections 3 through  
19 32 shall be inoperative until the transfer date has occurred pursuant  
20 to section 31 of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill).

22

23

24

#### STATEMENT

25

26 This bill directs the Governor, on behalf of the State of New  
27 Jersey, to notify the Congress of the United States, the Governor of  
28 the State of New York, and the Waterfront Commission of New  
29 York Harbor of the State of New Jersey's intention to withdraw  
30 from the compact creating the commission, and repeals the compact  
31 establishing the commission and related statutes.

32 The bill provides for the assumption of the commission's  
33 functions and duties within the State of New Jersey by the New  
34 Jersey State Police in order to investigate, deter, and combat  
35 criminal activity and influence in the New Jersey portion of the port  
36 of New York. These duties include: processing applications filed  
37 by individuals and firms required to be registered or licensed to  
38 undertake port-related employment; supervising the hiring of  
39 longshoremen, checkers, and pier guards in the port; and making  
40 employment information available to these dock workers. The State  
41 Police are responsible for screening, registering, and licensing  
42 individuals who apply to work at the dock. In doing so, the State  
43 Police are authorized to deny or revoke the registration or licenses  
44 of those who involve themselves in criminal activity. Once the  
45 freight is removed from a marine terminal in the port, the bill  
46 provides that the State Police no longer have jurisdiction with  
47 regard to the screening, registering, and licensing of consignees of  
48 waterborne freight.

1 Under legislation enacted by New Jersey and New York in 1953  
2 and consented to by Congress that same year, the two states entered  
3 into a compact establishing the commission. The commission is  
4 empowered under the compact to regulate the employment of  
5 individuals, and the engagement of businesses, in the provision of  
6 various cargo handling services within the port. Notably, the  
7 compact provides for the licensure of those acting within the district  
8 as pier superintendents, hiring agents, stevedores, and port  
9 watchmen, and for the registration of longshoremen. The  
10 commission is authorized to establish and maintain within the port  
11 "employment information centers" through which longshoremen  
12 and port watchmen are hired in order to work in the port. The  
13 compact provides that a conviction for certain offenses is grounds  
14 for disqualification from receiving or retaining status as a licensee  
15 or registrant under the compact. The compact authorizes the  
16 commission to enforce its regulations through investigations,  
17 hearings, and civil penalties, and to fund its operations through an  
18 assessment upon the employers of those subject to its regulation;  
19 the assessment may not exceed two percent of the estimated gross  
20 payroll of those employers. All of these duties and responsibilities  
21 under the compact are to be transferred to the State Police and the  
22 revenues from the assessment are to be deposited in the State's  
23 General Fund instead of with the commission.

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



# ASSEMBLY, No. 2179

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblywoman Sumter, Assemblymen Johnson, Diegnan, Caputo, Singleton, Coughlin, A.M.Bucco, Rumana, S.Kean and Rooney**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 8/1/2017)

1 AN ACT directing the Governor, on behalf of the State of New  
2 Jersey, to notify the Congress of the United States, the Governor  
3 of the State of New York, and the Waterfront Commission of  
4 New York Harbor, of the State of New Jersey's intention to  
5 withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6 1 et seq.), supplementing Titles 32 and 53 of the Revised  
7 Statutes, amending R.S.52:14-7, and repealing parts of the  
8 statutory law.

9

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

12

13 1. (New section) The Legislature finds and declares that:

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

33 b. The Waterfront Commission of New York Harbor  
34 (commission) was created through a compact between the states of  
35 New Jersey and New York and approved by Congress in 1953. The  
36 commission's mission is to ensure fair hiring and employment  
37 practices and investigate, deter, and combat criminal activity and  
38 influence in the port. The commission has itself been tainted by  
39 corruption in recent years and, moreover, has exercised powers that  
40 do not exist within the authorizing compact, by dictating the terms  
41 of collective bargaining agreements of organized labor, and by  
42 requiring stevedoring companies to hire and retain independent  
43 inspectors to examine company operations in order for those  
44 companies to continue to operate in the port. Further, the  
45 commission, despite changes in the industry to drive out organized

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 crime's influence, has over-regulated the businesses at the port in an  
2 effort to justify its existence as the only waterfront commission in  
3 any port in the United States. As a result, the commission has  
4 become an impediment to future job growth and prosperity at the  
5 port.

6 c. While there is a continued need to regulate port-located  
7 business to ensure fairness and safety, there are numerous federal,  
8 State, and local taxpayer funded agencies that have jurisdiction that  
9 the commission lacks to regulate port operations, including, but not  
10 limited to: the United States Department of Homeland Security;  
11 United States Customs and Border Protection; the United States  
12 Coast Guard; the Transportation Security Administration; the  
13 Federal Bureau of Investigation; the United States Department of  
14 Labor's Division of Longshore and Harbor Workers Compensation;  
15 the National Labor Relations Board; the Food and Drug  
16 Administration; the United States Environmental Protection  
17 Agency; the United States Department of Transportation; the  
18 Federal Maritime Commission; the Occupational Safety and Health  
19 Administration; the Port Authority of New York and New Jersey  
20 Police Department; depending on the particular location of the  
21 facility in New Jersey, the City of Newark Police Department, City  
22 of Elizabeth Police Department, City of Bayonne Police  
23 Department, City of Jersey City Police Department, and the New  
24 Jersey State Police; and, in matters of fair hiring and employment  
25 discrimination, the United States Equal Employment Opportunity  
26 Commission and the New Jersey Division on Civil Rights.

27 d. Abolishing the commission and transferring the New Jersey  
28 portion of the commission's law enforcement responsibilities to the  
29 New Jersey State Police would be practical and efficient, as the  
30 State Police is suited to undertake an investigation of any criminal  
31 activity in the ports of northern New Jersey without impeding  
32 economic prosperity.

33  
34 2. a. Within 30 days of the effective date of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), the Governor, on behalf  
36 of the State of New Jersey, shall notify the Congress of the United  
37 States, the Governor of the State of New York, and the waterfront  
38 commission of New York harbor, of the State of New Jersey's  
39 intention to withdraw from:

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

45 (2) the compact, entered into by the State of New Jersey  
46 pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150  
47 et seq.) and by the State of New York pursuant to its agreement

1 thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307, s.10), as  
2 amended and supplemented.

3 b. As soon as practicable after the date of notification pursuant  
4 to subsection a. of this section, the Governor shall notify the  
5 presiding officers of each house of the Legislature that the  
6 notification has occurred, the date of the notification, and any other  
7 information concerning the notification the Governor deems  
8 appropriate.

9  
10 3. (New section) As used in P.L. , c. (C. ) (pending  
11 before the Legislature as this bill):

12 "Career offender" means a person whose behavior is pursued in  
13 an occupational manner or context for the purpose of economic  
14 gain, utilizing methods that are deemed criminal violations against  
15 the laws of this State.

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

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

21 "Carrier of freight by water" means any person who may be  
22 engaged or who may hold himself or herself out as willing to be  
23 engaged, whether as a common carrier, a contract carrier, or  
24 otherwise, except for carriage of liquid cargoes in bulk in tank  
25 vessels designed for use exclusively in that service or carriage by  
26 barge of bulk cargoes consisting of only a single commodity loaded  
27 or carried without wrappers or containers and delivered by the  
28 carrier without transportation mark or count, in the carriage of  
29 freight by water between any point in the port of New York district,  
30 as applicable only within the State of New Jersey, and a point  
31 outside that district.

32 "Checker" means a longshoreman who is employed to engage in  
33 direct and immediate checking of waterborne freight or of the  
34 custodial accounting therefor or in the recording or tabulation of the  
35 hours worked at piers or other waterfront terminals by natural  
36 persons employed by carriers of freight by water or stevedores.

37 "Commission" means the waterfront commission of New York  
38 harbor established by the State of New Jersey pursuant to P.L.1953,  
39 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to  
40 its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.  
41 307, s.1).

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

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

1       “Consignee” means the person designated on a bill of lading as  
2 the recipient of waterborne freight consigned for carriage by water.  
3       “Container” means any receptacle, box, carton, or crate which is  
4 specifically designed and constructed so that it may be repeatedly  
5 used for the carriage of freight by a carrier of freight by water.  
6       “Contract carrier” means a contract carrier as that term is defined  
7 in 49 U.S.C. s.13102.  
8       “Division” means the Division of State Police in the Department  
9 of Law and Public Safety.  
10       “Freight” means freight which has been or will be, carried by, or  
11 consigned for carriage by a carrier of freight by water.  
12       “Hiring agent” means any natural person who, on behalf of a  
13 carrier of freight by water or a stevedore, shall select any  
14 longshoreman for employment, and “hiring agent” includes any  
15 natural person, who on behalf of any other person shall select any  
16 longshoreman for employment.  
17       “Immunity” means that a person shall not be prosecuted or  
18 subjected to any penalty or forfeiture for or on account of any  
19 transaction, matter, or thing concerning which, pursuant to an order  
20 of the division, the person gave answer or produced evidence, and  
21 that no answer given or evidence produced shall be received against  
22 the person upon any criminal proceeding.  
23       “Labor organization” means and includes any organization which  
24 exists and is constituted for the purpose in whole or in part of  
25 collective bargaining, or of dealing with employers concerning  
26 grievances, terms and conditions of employment, or other mutual  
27 aid or protection, but “labor organization” shall not include a  
28 federation or congress of labor organizations organized on a  
29 national or international basis even though one of its constituent  
30 labor organizations may represent persons so registered or licensed.  
31       “Longshoreman” means a natural person, other than a hiring  
32 agent, who is employed for work at a pier or other waterfront  
33 terminal, either by a carrier of freight by water or by a stevedore, to:  
34 a. physically move waterborne freight on vessels berthed at piers,  
35 on piers or at other waterfront terminals; b. engage in direct and  
36 immediate checking of any such freight or of the custodial  
37 accounting therefor or in the recording or tabulation of the hours  
38 worked at piers or other waterfront terminals by natural persons  
39 employed by carriers of freight by water or stevedores; c. supervise  
40 directly and immediately others who are employed as a  
41 longshoreman; d. physically to perform labor or services incidental  
42 to the movement of waterborne freight on vessels berthed at piers,  
43 on piers or at other waterfront terminals; e. physically move  
44 waterborne freight to or from a barge, lighter, or railroad car for  
45 transfer to or from a vessel of a carrier of freight by water which is,  
46 shall be, or shall have been berthed at the same pier or other  
47 waterfront terminal; or f. perform labor or services involving, or

1 incidental to, the movement of freight at a pier or other waterfront  
2 terminal.

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

7 "Marine terminal" means an area which includes piers, which is  
8 used primarily for the moving, warehousing, distributing, or  
9 packing of waterborne freight or freight to or from piers and which  
10 is under common ownership or control with the pier.

11 "Other waterfront terminal" means any warehouse, depot, or  
12 other terminal, other than a pier, which is located within a marine  
13 terminal in the port of New York district and which is used for  
14 waterborne freight in whole or substantial part, and includes any  
15 warehouse, depot, or other terminal, other than a pier, whether  
16 enclosed or open, which is located in a marine terminal in the port  
17 of New York district, any part of which is used by any person to  
18 perform labor or services involving, or incidental to, the movement  
19 of waterborne freight or freight.

20 "Person" means not only a natural person but also any  
21 partnership, joint venture, association, corporation, or any other  
22 legal entity but shall not include the United States, any state or  
23 territory thereof, or any department, division, board, authority, or  
24 authority of one or more of the foregoing.

25 "Pier" means any wharf, pier, dock, or quay in regular use for the  
26 movement of waterborne freight between vessel and shore.

27 "Pier superintendent" means any natural person other than a  
28 longshoreman who is employed for work at a pier or other  
29 waterfront terminal by a carrier of freight by water or a stevedore  
30 and whose work at the pier or other waterfront terminal includes the  
31 supervision, directly or indirectly, of the work of longshoremen.

32 "Port of New York district" or "district" means the district  
33 created by Article II of the compact dated April 30, 1921, between  
34 the states of New York and New Jersey, authorized by chapter 154  
35 of the laws of New York of 1921 and chapter 151 of the laws of  
36 New Jersey of 1921.

37 "Port watchman" means any watchman, gateman, roundsman,  
38 detective, guard, guardian, or protector of property employed by the  
39 operator of any pier or other waterfront terminal or by a carrier of  
40 freight by water to perform services in that capacity on any pier or  
41 other waterfront terminal.

42 "Select any longshoreman for employment" means select a  
43 person for the commencement or continuation of employment as a  
44 longshoreman, or the denial or termination of employment as a  
45 longshoreman.

46 "Stevedore" means a contractor, not including an employee,  
47 engaged for compensation pursuant to a contract or arrangement  
48 with a carrier of freight by water, in moving waterborne freight

1 carried or consigned for carriage by the carrier on vessels of the  
2 carrier berthed at piers, on piers at which the vessels are berthed or  
3 at other waterfront terminals. "Stevedore" shall also include: a. a  
4 contractor engaged for compensation pursuant to a contract or  
5 arrangement with the United States, any state or territory thereof, or  
6 any department, division, board, commission, or authority of one or  
7 more of the foregoing, in moving freight carried or consigned for  
8 carriage between any point in the port of New York district and a  
9 point outside that district on vessels of the public agency berthed at  
10 piers, on piers at which their vessels are berthed or at other  
11 waterfront terminals; b. a contractor, engaged for compensation  
12 pursuant to a contract or arrangement with any person to perform  
13 labor or services incidental to the movement of waterborne freight  
14 on vessels berthed at piers, on piers or at other waterfront terminals;  
15 or c. a contractor engaged for compensation pursuant to a contract  
16 or arrangement with any other person to perform labor or services  
17 involving, or incidental to, the movement of freight into or out of  
18 containers, which have been or which will be carried by a carrier of  
19 freight by water, on vessels berthed at piers, on piers or at other  
20 waterfront terminals.

21 "State Treasurer" means the Treasurer of the State of New  
22 Jersey.

23 "Terrorist group" means a group associated, affiliated, or funded  
24 in whole or in part by a terrorist organization designated by the  
25 United States Secretary of State in accordance with section 219 of  
26 the federal Immigration and Nationality Act, as amended from time  
27 to time, or any other organization which assists, funds, or engages  
28 in crimes or acts of terrorism as defined in the laws of the United  
29 States, or of this State.

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

33 "Waterborne freight" means freight carried by or consigned for  
34 carriage by carriers of freight by water, and shall also include  
35 freight described in the definition of "stevedore" and in the  
36 definition of "other waterfront terminal." Provided, however, that  
37 at the point at which the freight is released from a pier or marine  
38 terminal to the possession of the consignee or the person designated  
39 by the consignee, the freight shall no longer be considered  
40 waterborne freight if:

- 41 a. the freight is not further transported by water; and
- 42 b. services involving or incidental to the unloading, storage,  
43 inspection, grading, repackaging, or processing of freight occur at a  
44 location outside a pier or marine terminal.

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

1       4. (New section) a. Until the transfer date established pursuant  
2 to section 31 of P.L.     , c.     (C.     ) (pending before the  
3 Legislature as this bill) shall have become operative, the division  
4 shall not exercise any powers, rights, or duties conferred by P.L.     ,  
5 c.     (C.     ) (pending before the Legislature as this bill) or by any  
6 other law in any way which will interfere with the powers, rights,  
7 and duties of the commission. The division and the commission are  
8 directed to cooperate with each other after the date of notification  
9 pursuant to section 2 of P.L.     , c.     (C.     ) (pending before the  
10 Legislature as this bill) until the transfer date, and the commission  
11 shall make available to the division all information concerning its  
12 property and assets, contracts, operations, and finances within New  
13 Jersey as the division may require to provide for the efficient  
14 exercise by the division of all powers, rights, and duties conferred  
15 upon the division by P.L.     , c.     (C.     ) (pending before the  
16 Legislature as this bill).

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

19       (1) The division shall assume all of the powers, rights, assets,  
20 and duties of the commission within this State, and those powers,  
21 rights, assets, and duties shall then and thereafter be vested in and  
22 exercised by the division;

23       (2) The officers having custody of the funds of the commission  
24 applicable to this State shall deliver those funds into the custody of  
25 the State Treasurer, the property and assets of the commission  
26 within this State shall, without further act or deed, become the  
27 property and assets of the division; and

28       (3) Any officers and employees of the commission seeking to be  
29 transferred to the division may apply to become employees of the  
30 division until determined otherwise by the division. Nothing in  
31 P.L.     , c.     (C.     ) (pending before the Legislature as this bill)  
32 shall be construed to deprive any officers or employees of the  
33 commission of their rights, privileges, obligations, or status with  
34 respect to any pension or retirement system. The commission  
35 employees shall retain all of their rights and benefits under existing  
36 collective negotiation agreements or contracts until such time as  
37 new or revised agreements or contracts are agreed to. All existing  
38 employee representatives shall be retained to act on behalf of those  
39 employees until such time as the employees shall, pursuant to law,  
40 elect to change those representatives. If an existing officer or  
41 employee becomes a member of an administered retirement system  
42 of the State of New Jersey, the officer or employee shall receive the  
43 same amount of service credit in the retirement system as the  
44 officer or employee previously had in the pension or retirement  
45 system as an employee of the commission, provided that there is a  
46 transfer of funds, or purchase, of the full cost of that credit from the  
47 pension or retirement system of the commission to an administered  
48 retirement system of the State of New Jersey. Nothing in P.L.     ,



1 c. (C. ) (pending before the Legislature as this bill) shall  
2 affect the civil service status, if any, of those officers or employees;

3 (4) All debts, liabilities, obligations, and contracts of the  
4 commission applicable only to this State, as determined by the  
5 officers having custody of the funds of the commission, except to  
6 the extent specifically provided for or established to the contrary in  
7 P.L. , c. (C. ) (pending before the Legislature as this bill),  
8 are imposed upon the division, and all creditors of the commission  
9 and persons having claims against or contracts with the commission  
10 of any kind or character may enforce those debts, claims, and  
11 contracts against the division as successor to the commission in the  
12 same manner as they might have done against the commission, and  
13 the rights and remedies of those holders, creditors, and persons  
14 having claims against or contracts with the commission shall not be  
15 limited or restricted in any manner by P.L. , c. (C. )  
16 (pending before the Legislature as this bill);

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

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

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

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

35 (9) The powers vested in the division by P.L. , c. (C. )  
36 (pending before the Legislature as this bill) shall be construed as  
37 being in addition to, and not in diminution of, the powers heretofore  
38 vested by law in the commission to the extent not otherwise altered  
39 or provided for in P.L. , c. (C. ) (pending before the  
40 Legislature as this bill).

41 c. A license, registration, or permit issued by the commission  
42 prior to the date of notification pursuant to section 2 of P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill) shall,  
44 subject to the terms of its issuance, continue to be valid on and after  
45 the transfer date as a license, registration, or permit issued by the  
46 division. An application for a license, registration, or permit filed  
47 with the commission prior to and pending on that notification date

1 shall, as of and from the notification date, be deemed to be filed  
2 with and pending before the division.

3

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

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

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

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

19 d. By its members and its properly designated officers, agents,  
20 and employees, with respect to the implementation and enforcement  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), to administer oaths and issue subpoenas to compel the  
23 attendance of witnesses and the giving of testimony and the  
24 production of other evidence;

25 e. To have for its properly designated officers, agents and  
26 employees, full and free access, ingress, and egress to and from all  
27 vessels, piers, and other waterfront terminals or other places in the  
28 port of New York district within this State, for the purposes of  
29 making inspection or enforcing the provisions of P.L. , c. (C. )  
30 (pending before the Legislature as this bill); and no person shall  
31 obstruct or in any way interfere with any officer, employee, or  
32 agent of the division in the making of an inspection, or in the  
33 enforcement of the provisions of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill) or in the performance of any  
35 other power or duty under P.L. , c. (C. ) (pending before the  
36 Legislature as this bill);

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

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

46 h. To advise and consult with representatives of labor and  
47 industry and with public officials and agencies concerned with the  
48 effectuation of the purposes of P.L. , c. (C. ) (pending

1 before the Legislature as this bill), upon all matters which the  
2 division may desire, including but not limited to, the form and  
3 substance of rules and regulations, the administration of the  
4 provisions of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill), maintenance of the longshoremen's register, and  
6 issuance and revocation of licenses;

7 i. To make annual and other reports to the Governor and,  
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
9 Legislature containing recommendations for the improvement of the  
10 conditions of waterfront labor within the port of New York district  
11 in this State and for the effectuation of the purposes of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill). The  
13 annual reports shall state the division's findings and determinations  
14 as to whether the public necessity still exists for: (1) the continued  
15 registration of longshoremen; (2) the continued licensing of any  
16 occupation or employment required to be licensed hereunder; and  
17 (3) the continued public operation of the employment information  
18 centers provided for in section 16 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill);

20 j. To co-operate with and receive from any department,  
21 division, bureau, board, commission, authority, or agency of this  
22 State, or of any county or municipality thereof, any assistance and  
23 data as will enable the division to properly to carry out its powers  
24 and duties hereunder; and to request a department, division, bureau,  
25 board, commission, authority, or agency, with the consent thereof,  
26 to execute the division's functions and powers, as the public interest  
27 may require; and

28 k. To exercise the powers and duties of the division as  
29 provided in P.L. , c. (C. ) (pending before the Legislature as  
30 this bill) to its officers, employees, and agents designated by the  
31 division;

32 l. To issue temporary permits and permit temporary  
33 registrations under such terms and conditions as the division may  
34 prescribe which shall be valid for a period to be fixed by the  
35 division not in excess of six months;

36 m. To require any applicant for a license or registration or any  
37 prospective licensee to furnish facts and evidence as the division  
38 may deem appropriate to enable it to ascertain whether the license  
39 or registration should be granted;

40 n. In any case in which the division has the power to revoke,  
41 cancel or suspend any license, the division shall also have the  
42 power to impose as an alternative to that revocation, cancellation, or  
43 suspension, a penalty, which the licensee may elect to pay the  
44 division in lieu of the revocation, cancellation, or suspension. The  
45 maximum penalty shall be \$5,000 for each separate offense. The  
46 division may, for good cause shown, abate all or part of the penalty;

- 1 o. To designate any officer, agent, or employee of the division  
2 to be an investigator who shall be vested with all the powers of a  
3 peace or police officer of the State of New Jersey;
- 4 p. To confer immunity, in the following manner prescribed by  
5 section 20 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill);
- 7 q. To require any applicant or renewal applicant for registration  
8 as a longshoreman, any applicant or renewal applicant for  
9 registration as a checker, or any applicant or renewal applicant for  
10 registration as a telecommunications system controller and any  
11 person who is sponsored for a license as a pier superintendent or  
12 hiring agent, any person who is an individual owner of an applicant  
13 or renewal applicant stevedore, or any persons who are individual  
14 partners of an applicant or renewal applicant stevedore, or any  
15 officers, directors, or stockholders owning five percent or more of  
16 any of the stock of an applicant or renewal applicant corporate  
17 stevedore or any applicant or renewal applicant for a license as a  
18 port watchman or any other category of applicant or renewal  
19 applicant for registration or licensing within the division's  
20 jurisdiction to be fingerprinted by the division at the cost and  
21 expense of the applicant or renewal applicant;
- 22 r. To exchange fingerprint data with and receive criminal  
23 history record information from the Federal Bureau of Investigation  
24 and the State Bureau of Identification for use in making the  
25 determinations required by this section; and
- 26 s. Notwithstanding any other provision of law, rule, or  
27 regulation to the contrary, to require any applicant for employment  
28 or employee of the division engaged in the implementation or  
29 enforcement of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) to be fingerprinted at the cost and expense  
31 of the applicant or employee and to exchange fingerprint data with  
32 and receive criminal history record information from the Federal  
33 Bureau of Investigation and the State Bureau of Identification for  
34 use in the hiring or retention of those persons.  
35
- 36 6. a. A person shall not act as a pier superintendent or as a  
37 hiring agent within the port of New York district in this State  
38 without first having obtained from the division a license to act as a  
39 pier superintendent or hiring agent, as the case may be, and a person  
40 shall not employ or engage another person to act as a pier  
41 superintendent or hiring agent who is not so licensed.
- 42 b. A license to act as a pier superintendent or hiring agent shall  
43 be issued only upon the written application, under oath, of the  
44 person proposing to employ or engage another person to act as a  
45 pier superintendent or hiring agent, verified by the prospective  
46 licensee as to the matters concerning the prospective licensee, and  
47 shall state the following:
- 48 (1) The full name and business address of the applicant;

- 1 (2) The full name, residence, business address, if any, place and  
2 date of birth, and social security number of the prospective licensee;
- 3 (3) The present and previous occupations of the prospective  
4 licensee, including the places where the person was employed and  
5 the names of the person's employers;
- 6 (4) Any further facts and evidence as may be required by the  
7 division to ascertain the character, integrity, and identity of the  
8 prospective licensee; and
- 9 (5) That if a license is issued to the prospective licensee, the  
10 applicant will employ the licensee as pier superintendent or hiring  
11 agent, as the case may be.
- 12 c. A license shall not be granted pursuant to this section:
- 13 (1) Unless the division shall be satisfied that the prospective  
14 licensee possesses good character and integrity;
- 15 (2) If the prospective licensee has, without subsequent pardon,  
16 been convicted by a court of the United States, or any State or  
17 territory thereof, of the commission of, or the attempt or conspiracy  
18 to commit, treason, murder, manslaughter, or any of the following  
19 offenses: illegally using, carrying, or possessing a pistol or other  
20 dangerous weapon; making or possessing burglar's instruments;  
21 buying or receiving stolen property; unlawful entry of a building;  
22 aiding an escape from prison; unlawfully possessing, possessing  
23 with intent to distribute, sale, or distribution of a controlled  
24 dangerous substance or a controlled dangerous substance analog; or  
25 a violation prescribed in subsection g. of this section. Any  
26 prospective licensee ineligible for a license by reason of any  
27 conviction under this paragraph may submit satisfactory evidence to  
28 the division that the prospective licensee has for a period of not less  
29 than five years, measured as hereinafter provided, and up to the  
30 time of application, so acted as to warrant the grant of a license, in  
31 which event the division may, in its discretion, issue an order  
32 removing that ineligibility. The five-year period shall be measured  
33 either from the date of payment of any fine imposed upon that  
34 person or the suspension of sentence or from the date of the  
35 person's unrevoked release from custody by parole, commutation,  
36 or termination of sentence; and
- 37 (3) If the prospective licensee knowingly or willfully advocates  
38 the desirability of overthrowing or destroying the government of the  
39 United States by force or violence or shall be a member of a group  
40 which advocates that desirability, knowing the purposes of a group  
41 having that advocacy.
- 42 d. When the application shall have been examined and further  
43 inquiry and investigation made as the division shall deem proper  
44 and when the division shall be satisfied therefrom that the  
45 prospective licensee possesses the qualifications and requirements  
46 prescribed in this section, the division shall issue and deliver to the  
47 prospective licensee a license to act as pier superintendent or hiring  
48 agent for the applicant, as the case may be, and shall inform the

1 applicant of this action. The division may issue a temporary permit  
2 to any prospective licensee for a license issued under this section  
3 pending final action on an application made for that license. Any  
4 temporary permit shall be valid for a period not in excess of 30  
5 days.

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

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

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

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

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

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

26 (4) Unlawfully possessing, possessing with intent to distribute,  
27 sale, or distribution of a controlled dangerous substance or a  
28 controlled dangerous substance analog;

29 (5) Employing, hiring, or procuring any person in violation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
31 inducing or otherwise aiding or abetting any person to violate the  
32 terms of P.L. , c. (C. ) (pending before the Legislature as  
33 this bill);

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

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

40 (8) Transfer or surrender of possession of the license to any  
41 person either temporarily or permanently without satisfactory  
42 explanation;

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

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

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

4 (12) Lending any money to or borrowing any money from a  
5 longshoreman for which there is a charge of interest or other  
6 consideration; or

7 (13) Membership in a labor organization which represents  
8 longshoremen or port watchmen; but nothing in this section shall be  
9 deemed to prohibit pier superintendents or hiring agents from being  
10 represented by a labor organization or organizations which do not  
11 also represent longshoremen or port watchmen. The American  
12 Federation of Labor, the Congress of Industrial Organizations and  
13 any other similar federation, congress, or other organization of  
14 national or international occupational or industrial labor  
15 organizations shall not be considered an organization which  
16 represents longshoremen or port watchmen within the meaning of  
17 this section although one of the federated or constituent labor  
18 organizations thereof may represent longshoremen or port  
19 watchmen.  
20

21 7. a. A person shall not act as a stevedore within the port of  
22 New York district in this State without having first obtained a  
23 license from the division, and a person shall not employ a stevedore  
24 to perform services as such within the port of New York district  
25 unless the stevedore is so licensed.

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

30 c. If the applicant is a natural person, the application shall be  
31 signed and verified by that person and if the applicant is a  
32 partnership, the application shall be signed and verified by each  
33 natural person composing or intending to compose that partnership.  
34 The application shall state the full name, age, residence, business  
35 address, if any, present and previous occupations of each natural  
36 person so signing the application, and any other facts and evidence  
37 as may be required by the division to ascertain the character,  
38 integrity, and identity of each natural person signing the  
39 application.

40 d. If the applicant is a corporation, the application shall be  
41 signed and verified by the president, secretary, and treasurer  
42 thereof, and shall specify the name of the corporation, the date and  
43 place of its incorporation, the location of its principal place of  
44 business, the names and addresses of, and the amount of the stock  
45 held by stockholders owning five percent or more of any of the  
46 stock thereof, and of all officers, including all members of the board  
47 of directors. The requirements of subsection a. of this section as to  
48 a natural person who is a member of a partnership, and the

1 requirements as may be specified in rules and regulations  
2 promulgated by the division pursuant to the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
4 each above-named officer or stockholder and their successors in  
5 office or interest, as the case may be.

6 In the event of the death, resignation, or removal of any officer,  
7 and in the event of any change in the list of stockholders who shall  
8 own five percent or more of the stock of the corporation, the  
9 secretary of the corporation shall forthwith give notice of that fact  
10 in writing to the division, certified by the secretary.

11 e. A license shall not be granted:

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

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

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

23 (4) Unless the applicant shall be a party to a contract then in  
24 force or which will take effect upon the issuance of a license, with a  
25 carrier of freight by water for the loading and unloading by the  
26 applicant of one or more vessels of such carrier at a pier within the  
27 port of New York district;

28 (5) If the applicant or any member, officer, or stockholder  
29 required by subsection d. of this section to sign or be identified in  
30 the application for license has, without subsequent pardon, been  
31 convicted by a court of the United States or any State or territory  
32 thereof of the commission of, or the attempt or conspiracy to  
33 commit, treason, murder, manslaughter, or any of the offenses  
34 described in subsection h. of this section. Any applicant ineligible  
35 for a license by reason of any of those convictions may submit  
36 satisfactory evidence to the division that the person whose  
37 conviction was the basis of ineligibility has for a period of not less  
38 than five years, measured as hereinafter provided and up to the time  
39 of application, so acted as to warrant the grant of that license, in  
40 which event the division may, in its discretion issue an order  
41 removing that ineligibility. The aforesaid period of five years shall  
42 be measured either from the date of payment of any fine imposed  
43 upon that person or the suspension of sentence or from the date of  
44 the person's unrevoked release from custody by parole,  
45 commutation, or termination of sentence;

46 (6) If the applicant has paid, given, caused to have been paid or  
47 given, or offered to pay or give to any officer or employee of any  
48 carrier of freight by water any valuable consideration for an



1 improper or unlawful purpose or to induce that person to procure  
2 the employment of the applicant by the carrier for the performance  
3 of stevedoring services; or

4 (7) If the applicant has paid, given, caused to be paid or given,  
5 or offered to pay or give to any officer or representative of a labor  
6 organization any valuable consideration for an improper or unlawful  
7 purpose or to induce the officer or representative to subordinate the  
8 interests of the labor organization or its members in the  
9 management of the affairs of the labor organization to the interests  
10 of the applicant.

11 f. When the application shall have been examined and further  
12 inquiry and investigation made as the division shall deem proper  
13 and when the division shall be satisfied therefrom that the applicant  
14 possesses the qualifications and requirements prescribed in this  
15 section, the division shall issue and deliver a license to that  
16 applicant. The division may issue a temporary permit to any  
17 applicant for a license under the provisions of this section pending  
18 final action on an application made for a license. A temporary  
19 permit shall be valid for a period not in excess of 30 days.

20 g. A stevedore's license shall be for a term of five years or  
21 fraction of that five-year period, and shall expire on the first day of  
22 December. In the event of the death of the licensee, if a natural  
23 person, or its termination or dissolution by reason of the death of a  
24 partner, if a partnership, or if the licensee shall cease to be a party  
25 to any contract of the type prescribed by paragraph (4) of  
26 subsection e. of section 7 of P.L. , c. (C. ) (pending before  
27 the Legislature as this bill), the license shall terminate 90 days after  
28 that event or upon its expiration date, whichever shall be sooner. A  
29 license may be renewed by the division for successive five-year  
30 periods upon fulfilling the same requirements as are established in  
31 this section for an original application for a stevedore's license.

32 h. Any license issued pursuant to this section may be revoked  
33 or suspended for a period as the division deems in the public  
34 interest or the licensee thereunder may be reprimanded for any of  
35 the following offenses on the part of the licensee or of any person  
36 required by this section to sign or be identified in an original  
37 application for a license:

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

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

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

47 (4) Failure to keep its books and records available during  
48 business hours for inspection by the division and its duly designated

1 representatives until the expiration of the fifth calendar year  
2 following the calendar year during which occurred the transactions  
3 recorded therein; or

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

5 i. In addition to the grounds elsewhere established in P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill), the  
7 division shall not grant an application for a license as stevedore if  
8 the applicant has paid, given, caused to have been paid or given, or  
9 offered to pay or give to any agent of any carrier of freight by water  
10 any valuable consideration for an improper or unlawful purpose or,  
11 without the knowledge and consent of the carrier, to induce the  
12 agent to procure the employment of the applicant by the carrier or  
13 its agent for the performance of stevedoring services.

14

15 8. a. The division shall establish a longshoremen's register in  
16 which shall be included all qualified longshoremen eligible, as  
17 hereinafter provided, for employment as longshoremen in the port  
18 of New York district in this State. A person shall not act as a  
19 longshoreman within the port of New York district in this State  
20 unless at the time the person is included in the longshoremen's  
21 register, and a person shall not employ another to work as a  
22 longshoreman within the port of New York district in this State  
23 unless at the time the other person is included in the longshoremen's  
24 register.

25 b. Any person applying for inclusion in the longshoremen's  
26 register shall file at a place and in a manner as the division shall  
27 designate a written statement, signed, and verified by the applicant,  
28 setting forth the applicant's full name, residence address, social  
29 security number, and any further facts and evidence as the division  
30 may prescribe to establish the identity of that person and the  
31 person's criminal record, if any.

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

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

40 (2) Who knowingly or willingly advocates the desirability of  
41 overthrowing or destroying the government of the United States by  
42 force or violence or who shall be a member of a group which  
43 advocates that desirability knowing the purposes of the group  
44 advocating that desirability; or

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

- 1 d. Unless the division shall determine to exclude the applicant  
2 from the longshoremen's register for violation of the offenses  
3 described in subsection g. of section 6 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill), it shall include that  
5 person in the longshoremen's register. The division may permit  
6 temporary registration of any applicant under the provisions of this  
7 section pending final action on an application made for temporary  
8 registration. Any temporary registration shall be valid for a period  
9 not in excess of 30 days.
- 10 e. The division shall have power to reprimand any  
11 longshoreman registered under this section or to remove the person  
12 from the longshoremen's register for a period of time as it deems in  
13 the public interest for any of the following offenses:
- 14 (1) Conviction of a crime or other cause which would permit  
15 disqualification of a person from inclusion in the longshoremen's  
16 register upon original application;
- 17 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
18 the longshoremen's register;
- 19 (3) Transfer or surrender of possession to any person either  
20 temporarily or permanently of any card or other means of  
21 identification issued by the authority as evidence of inclusion in the  
22 longshoremen's register, without satisfactory explanation;
- 23 (4) False impersonation of another longshoreman registered  
24 under this section or of another person licensed pursuant to P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill);
- 26 (5) Willful commission of or willful attempt to commit at or on  
27 a waterfront terminal or adjacent highway any act of physical injury  
28 to any other person or of willful damage to or misappropriation of  
29 any other person's property, unless justified or excused by law; and
- 30 (6) Any other offense described in subsection g. of section 6 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 32 f. Whenever, as a result of amendments to P.L. , c. (C. )  
33 (pending before the Legislature as this bill) or of a ruling by the  
34 division, registration as a longshoreman is required for any person  
35 to continue in employment, that person shall be registered as a  
36 longshoreman; provided, however, that the person satisfies all the  
37 other requirements of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) for registration as a longshoreman.
- 39 g. The division shall have the right to recover possession of  
40 any card or other means of identification issued as evidence of  
41 inclusion in the longshoremen's register in the event that the holder  
42 thereof has been removed from the longshoremen's register.
- 43 h. Nothing contained in P.L. , c. (C. ) (pending before  
44 the Legislature as this bill) shall be construed to limit in any way  
45 any labor rights reserved by P.L. , c. (C. ) (pending before  
46 the Legislature as this bill).

1       9. (New section) a. The division shall, at regular intervals,  
2 remove from the longshoremen's register any person who shall have  
3 been registered for at least nine months and who shall have failed  
4 during the preceding six calendar months either to have worked as a  
5 longshoreman in the port of New York district in this State or to  
6 have applied for employment as a longshoreman at an employment  
7 information center established under section 16 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill) for the minimum  
9 number of days as shall have been established by the division  
10 pursuant to subsection b. of this section.

11       b. On or before the first day of June following the date on  
12 which P.L. , c. (C. ) (pending before the Legislature as this  
13 bill) becomes operative, and on or before each succeeding first day  
14 of June or December, the division shall, for the purposes of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill), establish  
16 for the six-month period beginning on each date a minimum number  
17 of days and the distribution of the days during that period.

18       c. In establishing any minimum number of days or period, the  
19 division shall consult with the collective bargaining representatives  
20 of stevedores and other employers of longshoremen in the port of  
21 New York district and with labor organizations representing  
22 longshoremen in the district.

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

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

39  
40       10. Notwithstanding any other provisions of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), the division shall have  
42 the power to remove from the longshoremen's register any person,  
43 including a person registered as longshoremen for less than nine  
44 months, who shall have failed to have worked as a longshoreman in  
45 the port of New York district in this State for a minimum number of  
46 days during a period of time as shall have been established by the  
47 division. In administering this section, the division, in its  
48 discretion, may count applications for employment as a

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

27

28 11. a. The division shall establish within the longshoremen's  
29 register a list of all qualified longshoremen eligible, as hereinafter  
30 provided, for employment as checkers in the port of New York  
31 district in this State. A person shall not act as a checker within the  
32 port of New York district in this State unless at the time the person  
33 is included in the longshoremen's register as a checker, and a person  
34 shall not employ another to work as a checker within the port of  
35 New York district in this State unless at the time such other person  
36 is included in the longshoremen's register as a checker.

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

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

43 (2) The present and previous occupations of the applicant,  
44 including the places where the applicant was employed and the  
45 names of the applicant's employers; and

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

- 1 c. A person shall not be included in the longshoremen's register  
2 as a checker:
- 3 (1) Unless the division shall be satisfied that the applicant  
4 possesses good character and integrity;
- 5 (2) If the applicant has, without subsequent pardon, been  
6 convicted by a court of the United States or any State or territory  
7 thereof, of the authority of, or the attempt or conspiracy to commit  
8 treason, murder, manslaughter, or any of the following offenses:  
9 illegally using, carrying or possessing a pistol or other dangerous  
10 weapon; making or possessing burglar's instruments; buying or  
11 receiving stolen property; unlawful entry of a building; aiding an  
12 escape from prison; unlawfully possessing, possessing with intent to  
13 distribute, sale or distribution of a controlled dangerous substance  
14 or a controlled dangerous substance analog; petty larceny, where  
15 the evidence shows the property was stolen from a vessel, pier or  
16 other waterfront terminal; or a violation of P.L. , c. (C. )  
17 (pending before the Legislature as this bill). An applicant ineligible  
18 for inclusion in the longshoremen's register as a checker by reason  
19 of a conviction may submit satisfactory evidence to the division that  
20 the applicant has for a period of not less than five years, measured  
21 as hereinafter provided, and up to the time of application, so acted  
22 as to warrant inclusion in the longshoremen's register as a checker,  
23 in which event the division may, in its discretion, issue an order  
24 removing the applicant's ineligibility. The five-year period shall be  
25 measured either from the date of payment of any fine imposed upon  
26 that person or the suspension of sentence or from the date of the  
27 person's unrevoked release from custody by parole, commutation,  
28 or termination of sentence; or
- 29 (3) If the applicant knowingly or willfully advocates the  
30 desirability of overthrowing or destroying the government of the  
31 United States by force or violence or shall be a member of a group  
32 which advocates that desirability, knowing the purposes of the  
33 group advocating that desirability.
- 34 d. When the application shall have been examined and further  
35 inquiry and investigation made as the division shall deem proper  
36 and when the division shall be satisfied therefrom that the applicant  
37 possesses the qualifications and requirements prescribed by this  
38 section, the division shall include the applicant in the  
39 longshoremen's register as a checker. The division may permit  
40 temporary registration as a checker to any applicant under this  
41 section pending final action on an application made for temporary  
42 registration, under the terms and conditions as the division may  
43 prescribe, which shall be valid for a period to be fixed by the  
44 division, not in excess of six months.
- 45 e. The division shall have power to reprimand any checker  
46 registered under this section or to remove the person from the  
47 longshoremen's register as a checker for a period of time as the

1 division deems in the public interest for any of the following  
2 offenses:

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

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

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

11 (4) Unlawfully possessing, possessing with intent to distribute,  
12 sale, or distribution of a controlled dangerous substance or a  
13 controlled dangerous substance analog;

14 (5) Inducing or otherwise aiding or abetting any person to  
15 violate the terms of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill);

17 (6) Paying, giving, causing to be paid or given, or offering to  
18 pay or give to any person any valuable consideration to induce the  
19 other person to violate any provision of P.L. , c. (C. )  
20 (pending before the Legislature as this bill) or to induce any public  
21 officer, agent, or employee to fail to perform the person's duty  
22 under P.L. , c. (C. ) (pending before the Legislature as this  
23 bill);

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

25 (8) Transfer or surrender of possession to any person either  
26 temporarily or permanently of any card or other means of  
27 identification issued by the division as evidence of inclusion in the  
28 longshoremen's register without satisfactory explanation; or

29 (9) False impersonation of another longshoreman or of another  
30 person licensed under P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32 f. The division shall have the right to recover possession of  
33 any card or other means of identification issued as evidence of  
34 inclusion in the longshoremen's register as a checker in the event  
35 that the holder thereof has been removed from the longshoremen's  
36 register as a checker.

37 g. Nothing contained in this section shall be construed to limit  
38 in any way any rights of labor reserved by section 23 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill).

40

41 12. The division shall accept applications for inclusion in the  
42 longshoremen's register upon:

43 a. the joint recommendation in writing of stevedores and other  
44 employers of longshoremen in the port of New York district in this  
45 State, acting through their representative for the purposes of  
46 collective bargaining with a labor organization representing the  
47 longshoremen in the district, and that labor organization; or

1       b. the petition in writing of a stevedore or other employer of  
2 longshoremen in the port of New York district in this State which  
3 does not have a representative for the purposes of collective  
4 bargaining with a labor organization representing those  
5 longshoremen.

6  
7       13. a. A person shall not act as a port watchman within the port  
8 of New York district in this State without first having obtained a  
9 license from the division, and a person shall not employ a port  
10 watchman who is not so licensed.

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

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

16       (2) The present and previous occupations of the applicant,  
17 including the places where the applicant was employed and the  
18 names of the applicant's employers;

19       (3) The citizenship of the applicant and, if the person is a  
20 naturalized citizen of the United States, the court and date of  
21 naturalization; and

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

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

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

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

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

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



1 section although one of the federated or constituent labor  
2 organizations thereof may represent longshoremen or pier  
3 superintendents or hiring agents;

4 (5) If the applicant knowingly or willfully advocates the  
5 desirability of overthrowing or destroying the government of the  
6 United States by force or violence or shall be a member of a group  
7 which advocates that desirability, knowing the purposes of the  
8 group's advocacy.

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

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

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

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

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

30 (3) Submit supplementary personal history information.

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

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

38 (2) Fraud, deceit, or misrepresentation in securing the license;  
39 and

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

42 h. The division shall, at regular intervals, cancel the license or  
43 temporary permit of a port watchman who has failed during the  
44 preceding 12 months to work as a port watchman in the port of New  
45 York district in this State a minimum number of hours as  
46 established by the division, except that the division shall  
47 immediately restore the license or temporary permit upon a proper  
48 showing that the failure to so work was caused by the fact that the

1 licensee or permit holder was engaged in the military service of the  
2 United States or was incapacitated by ill health, physical injury, or  
3 other good cause.

4 i. Any port watchman ineligible for a license by reason  
5 pursuant to this section may petition for and the division may issue  
6 an order removing the ineligibility. A petition for an order to  
7 remove an ineligibility may be made to the division before or after  
8 the hearing required by section 14 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill).

10  
11 14. a. The division shall not deny any application for a license  
12 or registration without giving the applicant or prospective licensee  
13 reasonable prior notice and an opportunity to be heard at a hearing  
14 conducted by the division.

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

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

33 d. Pending the determination of a hearing pursuant to this  
34 section, the division may temporarily suspend a license or  
35 registration if, in the opinion of the division, the continuance of the  
36 license or registration for that 15-day period, pursuant to subsection  
37 c. of this section, is inimical to the public peace or safety.

38 e. The division, or a member, officer, employee, or agent of the  
39 division as may be designated by the division for such purpose,  
40 shall have the power to issue subpoenas to compel the attendance of  
41 witnesses and the giving of testimony or production of other  
42 evidence and to administer oaths in connection with a hearing. It  
43 shall be the duty of the division or of any member, officer,  
44 employee, or agent of the division designated by the division for  
45 that purpose to issue subpoenas at the request of and upon behalf of  
46 the licensee, registrant, or applicant. The person conducting the  
47 hearing on behalf of the division shall not be bound by common law

1 or statutory rules of evidence or by technical or formal rules of  
2 procedure in conducting the hearing.

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

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

27  
28 15. a. At hearings conducted by the division pursuant to section  
29 14 of P.L. , c. (C. ) (pending before the Legislature as this  
30 bill), applicants, prospective licensees, licensees, and registrants  
31 shall have the right to be accompanied and represented by counsel.

32 b. After the conclusion of a hearing but prior to the making of  
33 an order by the division, a hearing may, upon petition and in the  
34 discretion of the hearing officer, be reopened for the presentation of  
35 additional evidence. A petition to reopen the hearing shall state in  
36 detail the nature of the additional evidence, together with the  
37 reasons for the failure to submit such evidence prior to the  
38 conclusion of the hearing. The division may upon its own motion  
39 and upon reasonable notice reopen a hearing for the presentation of  
40 additional evidence. Upon petition, after the making of an order of  
41 the division, rehearing may be granted in the discretion of the  
42 division. A petition for rehearing shall state in detail the grounds  
43 upon which the petition is based and shall separately set forth each  
44 error of law and fact alleged to have been made by the division in  
45 its determination, together with the facts and arguments in support  
46 thereof. The petition shall be filed with the division not later than  
47 30 days after service of the division's order, unless the division for

1 good cause shown shall otherwise direct. The division may upon its  
2 own motion grant a rehearing after the making of an order.

3

4 16. a. The division is hereby designated on its own behalf or as  
5 agent of the State of New Jersey, as provided by the act of Congress  
6 of the United States, effective June 6, 1933, entitled "An act to  
7 provide for the establishment of a national employment system and  
8 for co-operation with the states in the promotion of such system and  
9 for other purposes," as amended, for the purpose of obtaining the  
10 benefits of that act of Congress as are necessary or appropriate to  
11 the establishment and operation of employment information centers  
12 authorized by this section.

13 b. The division shall have all powers necessary to take steps to  
14 formulate plans and to execute projects related to the establishment  
15 and operation of employment information centers, as may be  
16 necessary to obtain any benefits for the operation of employment  
17 information centers in accomplishing the purposes of P.L. ,

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

19 c. Any officer or agency designated by this State, pursuant to  
20 the act of June 6, 1933, as amended, is authorized and empowered,  
21 upon the request of the division and subject to its direction, to  
22 exercise the powers and duties conferred upon the division by the  
23 provisions of this section.

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

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

1        17. a. The division may designate one of the employment  
2 information centers it is authorized to establish and maintain under  
3 section 16 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill) for the implementation of a telecommunications hiring  
5 system through which longshoremen and checkers may be hired and  
6 accept employment without any personal appearance at the center.  
7 The telecommunications hiring system shall incorporate hiring and  
8 seniority agreements between the employers of longshoremen and  
9 checkers and the labor organizations representing longshoremen  
10 and checkers in the port of New York district in this State, provided  
11 the agreements are not in conflict with the provisions of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill).

13        b. The division shall permit employees of the management  
14 organizations representing employers of longshoremen and  
15 checkers in the port of New York district in this State, and of the  
16 labor organizations representing longshoremen and checkers in the  
17 port of New York district in this State, or of a joint board of these  
18 management and labor organizations, to participate in the operation  
19 of the telecommunications hiring system, if these employees are  
20 registered by the division as "telecommunications system  
21 controllers," with respect to the registration of checkers. A person  
22 shall not act as a "telecommunications system controller" unless  
23 that person is registered. An application for registration and a  
24 registration made or issued may be denied, revoked, cancelled, or  
25 suspended, as the case may be, only in the manner prescribed in  
26 section 11 of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill). Participation in the operation of the  
28 telecommunications hiring system shall be monitored by the  
29 division.

30        c. The records, documents, tapes, discs, and other data  
31 compiled, collected or maintained by a management organization, a  
32 labor organization, and a joint board of these management and labor  
33 organizations pertaining to the telecommunications hiring system  
34 shall be available for inspection, investigation, and duplication by  
35 the division.  
36

37        18. In addition to the grounds elsewhere established in P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill), the  
39 division may deny an application for a license or registration for  
40 any of the following:

41        a. Conviction by a court of the United States or any State or  
42 territory thereof of coercion;

43        b. Conviction by a court described in subsection a. of this  
44 section, after having been previously convicted by that court of any  
45 crime or of the offenses hereinafter set forth, or any of the  
46 following offenses: assault, malicious injury to property, malicious  
47 mischief, unlawful taking of a motor vehicle, corruption of  
48 employees or possession of illegal betting number slips;

- 1 c. Fraud, deceit or misrepresentation in connection with any  
2 application or petition submitted to, or any interview, hearing or  
3 proceeding conducted by the division or commission;
- 4 d. Violation of any provision of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill) or commission of any offense  
6 thereunder;
- 7 e. Refusal on the part of any applicant, or prospective licensee,  
8 or of any member, officer or stockholder required by section 7 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
10 sign or be identified in an application for a stevedore license, to  
11 answer any material question or produce any material evidence in  
12 connection with the person's application or any application made on  
13 the person's behalf for a license or registration pursuant to section 7  
14 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill);
- 16 f. Association with a person who has been identified by a  
17 federal, State, or local law enforcement agency as a member or  
18 associate of an organized crime group, a terrorist group, or a career  
19 offender cartel, or who is a career offender, under circumstances  
20 where that association creates a reasonable belief that the  
21 participation of the applicant in any activity required to be licensed  
22 or registered under P.L. , c. (C. ) (pending before the  
23 Legislature as this bill) would be inimical to the purposes of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill); or
- 25 g. Conviction of a racketeering activity or knowing association  
26 with a person who has been convicted of a racketeering activity by  
27 a court of the United States, or any State or territory thereof under  
28 circumstances where that association creates a reasonable belief that  
29 the participation of the applicant in any activity required to be  
30 licensed or registered under P.L. , c. (C. ) (pending before  
31 the Legislature as this bill) would be inimical to the purposes of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 33
- 34 19. In addition to the grounds elsewhere set forth in P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill), any  
36 license or registration issued or made pursuant thereto may be  
37 revoked or suspended for a period as the division deems in the  
38 public interest or the licensee or registrant may be reprimanded, for:
- 39 a. Conviction of any crime or offense in relation to illegal  
40 gambling, bookmaking, or similar crimes or offenses if the crime or  
41 offense was committed at or on a pier or other waterfront terminal  
42 or within 500 feet thereof;
- 43 b. Willful authority of, or willful attempt to commit at or on a  
44 waterfront terminal or adjacent highway, any act of physical injury  
45 to any other person or of willful damage to or misappropriation of  
46 any other person's property, unless justified or excused by law;

- 1 c. Receipt or solicitation of anything of value from any person  
2 other than a licensee's or registrant's employer as consideration for  
3 the selection or retention for employment of a licensee or registrant;
- 4 d. Coercion of a licensee or registrant by threat of  
5 discrimination or violence or economic reprisal, to make purchases  
6 from or to utilize the services of any person;
- 7 e. Refusal to answer any material question or produce any  
8 evidence lawfully required to be answered or produced at any  
9 investigation, interview, hearing, or other proceeding conducted by  
10 the division pursuant to section 14 of P.L. , c. (C. )  
11 (pending before the Legislature as this bill), or, if the refusal is  
12 accompanied by a valid plea of privilege against self-incrimination,  
13 refusal to obey an order to answer the question or produce any  
14 evidence made by the division pursuant to section 14 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill); or
- 16 f. Association with a person who has been identified by a  
17 federal, State, or local law enforcement agency as a member or  
18 associate of an organized crime group, a terrorist group, or a career  
19 offender cartel, or who is a career offender, under circumstances  
20 where that association creates a reasonable belief that the  
21 participation of the licensee or registrant in any activity required to  
22 be licensed or registered under P.L. , c. (C. ) (pending  
23 before the Legislature as this bill) would be inimical to the purposes  
24 of P.L. , c. (C. ) (pending before the Legislature as this  
25 bill); or
- 26 g. Conviction of a racketeering activity or knowing association  
27 with a person who has been convicted of a racketeering activity by  
28 a court of the United States, or any State, or territory thereof under  
29 circumstances where that association creates a reasonable belief that  
30 the participation of the licensee or registrant in any activity required  
31 to be licensed or registered under P.L. , c. (C. ) (pending  
32 before the Legislature as this bill) would be inimical to the purposes  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).
- 35
- 36 20. a. In any investigation, interview, or other proceeding  
37 conducted under oath by the division or any duly authorized officer,  
38 employee, or agent thereof, if a person refuses to answer a question  
39 or produce evidence of any other kind on the ground that the person  
40 may be incriminated thereby, and notwithstanding the refusal, an  
41 order is made upon 24 hours' prior written notice to the Attorney  
42 General of the State of New Jersey, and to the appropriate district  
43 attorney or prosecutor having an official interest therein, by the  
44 Superintendent of the division or the superintendent's designee, that  
45 the person answer the question or produce the evidence, the person  
46 shall comply with the order. If the person complies with the order,  
47 and if, but for this section, would have been privileged to withhold  
48 the answer given or the evidence produced by the person, then

1 immunity shall be conferred upon the person, as provided for  
2 herein. Immunity shall not be conferred upon any person except in  
3 accordance with the provisions of this section. If, after compliance  
4 with the provisions of this section, a person is ordered to answer a  
5 question or produce evidence of any other kind and complies with  
6 the order, and it is thereafter determined that the Attorney General  
7 or appropriate district attorney or prosecutor having an official  
8 interest therein was not notified, that failure or neglect shall not  
9 deprive that person of any immunity otherwise properly conferred  
10 upon the person. But the person may nevertheless be prosecuted or  
11 subjected to penalty or forfeiture for any perjury or contempt  
12 committed in answering, or failing to answer, or in producing or  
13 failing to produce evidence, in accordance with the order, and any  
14 answer given or evidence produced shall be admissible against the  
15 person upon any criminal proceeding concerning such perjury or  
16 contempt.

17 b. If a person, in obedience to a subpoena directing the person  
18 to attend and testify, is in this State or comes into this State from  
19 the State of New York, the person shall not, while in this State  
20 pursuant to such subpoena, be subject to arrest or the service of  
21 process, civil or criminal, in connection with matters which arose  
22 before the person's entrance into this State under the subpoena.

23  
24 21. a. The division may temporarily suspend a temporary permit  
25 or a permanent license or a temporary or permanent registration  
26 issued pursuant to the provisions of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill) until further order of the division  
28 or final disposition of the underlying case, only where the  
29 permittee, licensee, or registrant has been indicted for, or otherwise  
30 charged with, a crime which is equivalent to a crime of the third,  
31 second, or first degree in this State or only where the permittee or  
32 licensee is a port watchman who is charged by the division pursuant  
33 to section 13 of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill) with misappropriating any other person's  
35 property at or on a pier or other waterfront terminal.

36 b. In the case of a permittee, licensee, or registrant who has  
37 been indicted for, or otherwise charged with, a crime, the temporary  
38 suspension shall terminate immediately upon acquittal or upon  
39 dismissal of the criminal charge. A person whose permit, license,  
40 or registration has been temporarily suspended may, at any time,  
41 demand that the division conduct a hearing as provided for in  
42 section 14 of P.L. , c. (C. ) (pending before the Legislature  
43 as this bill). Within 60 days of the demand, the division shall  
44 commence the hearing and, within 30 days of receipt of the  
45 administrative law judge's report and recommendation, the division  
46 shall render a final determination thereon; provided, however, that  
47 these time requirements, shall not apply for any period of delay  
48 caused or requested by the permittee, licensee, or registrant. Upon



1 failure of the division to commence a hearing or render a  
2 determination within the time limits prescribed herein, the  
3 temporary suspension of the permittee, licensee, or registrant shall  
4 immediately terminate. Notwithstanding any other provision of this  
5 subsection, if a federal, State, or local law enforcement agency or  
6 prosecutor's office shall request the suspension or deferment of any  
7 hearing on the ground that the hearing would obstruct or prejudice  
8 an investigation or prosecution, the division may in its discretion,  
9 postpone or defer the hearing for a time certain or indefinitely. Any  
10 action by the division to postpone a hearing shall be subject to  
11 immediate judicial review as provided in subsection b. of this  
12 section.

13 c. The division may, within its discretion, bar any permittee,  
14 licensee, or registrant who has been suspended pursuant to the  
15 provisions of subsection a. of this section, from any employment by  
16 a licensed stevedore or a carrier of freight by water, if that  
17 individual has been indicted or otherwise charged in any federal,  
18 State, or territorial proceeding with any crime involving the  
19 possession with intent to distribute, sale, or distribution of a  
20 controlled dangerous substance or controlled dangerous substance  
21 analog, racketeering, or theft from a pier or waterfront terminal.  
22

23 22. The division is authorized to co-operate with the  
24 commission, a similar authority, or other public entity of the State  
25 of New York, to exchange information on any matter pertinent to  
26 the purposes of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), and to enter into reciprocal agreements for  
28 the accomplishment of those purposes, including, but not limited to,  
29 the following objectives:

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

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

35 c. To provide that any act or omission by a licensee or  
36 registrant in either State which would be a basis for disciplinary  
37 action against the licensee or registrant if it occurred in the state in  
38 which the license was issued or the person registered shall be the  
39 basis for disciplinary action in either state; and

40 d. To provide that longshoremen registered in either state, who  
41 perform work or who apply for work at an employment information  
42 center within the other State shall be deemed to have performed  
43 work or to have applied for work in the State in which they are  
44 registered.  
45

46 23. a. The provisions of P.L. , c. (C. ) (pending before  
47 the Legislature as this bill) are not designed and shall not be  
48 construed to limit in any way any rights granted or derived from

1 any other statute or any rule of law for employees to organize in  
2 labor organizations, to bargain collectively and to act in any other  
3 way individually, collectively, and through labor organizations or  
4 other representatives of their own choosing. Without limiting the  
5 generality of the foregoing, nothing contained in P.L. , c. (C. )  
6 (pending before the Legislature as this bill) shall be construed to  
7 limit in any way the right of employees to strike.

8 b. The provisions of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill) are not designed and shall not be construed  
10 to limit in any way any rights of longshoremen, hiring agents, pier  
11 superintendents, or port watchmen or their employers to bargain  
12 collectively and agree upon any method for the selection of those  
13 employees by way of seniority, experience, regular gangs, or  
14 otherwise; provided, that those employees shall be licensed or  
15 registered hereunder and longshoremen and port watchmen shall be  
16 hired only through the employment information centers established  
17 hereunder and that all other provisions of P.L. , c. (C. )  
18 (pending before the Legislature as this bill) be observed.

19

20 24. a. Any officer or employee in the State, county, or  
21 municipal civil service in either State who shall transfer to service  
22 with the division may be given one or more leaves of absence  
23 without pay and may, before the expiration of the leave or leaves of  
24 absence, and without further examination or qualification, return to  
25 the person's former position or be certified by the appropriate civil  
26 service agency for retransfer to a comparable position in the State,  
27 county, or municipal civil service if a comparable position is then  
28 available.

29 b. The division may, by agreement with any federal agency  
30 from which any officer or employee may transfer to service with the  
31 division to undertake any of the duties or responsibilities  
32 established pursuant to P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), make similar provision for the retransfer of  
34 the officer or employee to that federal agency.

35 c. Notwithstanding the provisions of any other law, rule, or  
36 regulation, any officer or employee in the State, county, or  
37 municipal service in either State who shall transfer to service with  
38 the division and who is a member of any existing State, county, or  
39 municipal pension or retirement system in New Jersey or New  
40 York, shall continue to have all rights, privileges, obligations, and  
41 status with respect to that fund, system, or systems as if the person  
42 had continued in State, county, or municipal office or employment,  
43 but during the period of service as a member, officer, or employee  
44 of the division, all contributions to any pension or retirement fund  
45 or system to be paid by the employer on account of the member,  
46 officer, or employee, shall be paid by the State Treasurer. The  
47 division may, by agreement with the appropriate federal agency,  
48 make similar provisions relating to continuance of retirement

1 system membership for any federal officer or employee so  
2 transferred.

3

4 25. (New section) a. The division shall annually adopt a budget  
5 of its expenses for each year for the purposes of its duties and  
6 responsibilities under P.L. , c. (C. ) (pending before the  
7 Legislature as this bill). Each budget shall be submitted to the  
8 Governor and the budget shall be adjusted accordingly.

9 b. After taking into account funds as may be available to the  
10 division from reserves, federal grants or otherwise, the balance of  
11 the division's budgeted expenses for the performance of its  
12 functions and duties under P.L. , c. (C. ) (pending before  
13 the Legislature as this bill) shall be assessed upon employers of  
14 persons registered or licensed pursuant to P.L. , c. (C. )  
15 (pending before the Legislature as this bill). Each employer shall  
16 pay to the State Treasurer, for placement within the General Fund,  
17 an assessment computed upon the gross payroll payments made by  
18 that employer to longshoremen, pier superintendents, hiring agents,  
19 and port watchmen for work or labor performed within the port of  
20 New York district in this State, at a rate, not in excess of two  
21 percent, computed by the division in the following manner: the  
22 division shall annually estimate the gross payroll payments to be  
23 made by employers subject to assessment and shall compute a rate  
24 thereon which will yield revenues sufficient to finance the division's  
25 budget for the performance of those functions and duties under P.L.  
26 , c. (C. ) (pending before the Legislature as this bill) for each  
27 year. That budget may include a reasonable amount for a reserve,  
28 but the amount shall not exceed 10 percent of the total of all other  
29 items of expenditure contained therein. The reserve shall be used  
30 for the stabilization of annual assessments, the payment of  
31 operating deficits, and for the repayment of advances made by the  
32 State, if any.

33 c. The amount required to balance the division's budgeted  
34 expenses for the performance of its functions and duties under  
35 P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 in excess of the estimated yield of the maximum assessment, shall  
37 be certified by the division, with the approval of the Governor, in  
38 proportion to the gross annual wage payments made to  
39 longshoremen for work within the port of New York district in this  
40 State. The Legislature shall annually appropriate to the division the  
41 amount so certified.

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

1 e. The assessment hereunder shall be in lieu of any other  
2 charge for the issuance of licenses to stevedores, pier  
3 superintendents, hiring agents, and port watchmen or for the  
4 registration of longshoremen or use of an employment information  
5 center. The division shall establish reasonable procedures for the  
6 consideration of protests by affected employees concerning the  
7 estimates and computation of the rate of assessment.  
8

9 26. a. (1) Every person subject to the payment of any  
10 assessment under the provisions of section 25 of P.L. , c. (C. )  
11 (pending before the Legislature as this bill) shall file on or before  
12 the 15th day of the first month of each calendar quarter-year a  
13 separate return, together with the payment of the assessment due,  
14 for the preceding calendar quarter-year during which any payroll  
15 payments were made to longshoremen, pier superintendents, hiring  
16 agents, or port watchmen for work performed by those employees  
17 within the port of New York district in this State. Returns covering  
18 the amount of assessment payable shall be filed with the division on  
19 forms to be furnished for that purpose and shall contain data,  
20 information, or matter as the division may require to be included  
21 therein. The division may grant a reasonable extension of time for  
22 filing returns, or for the payment of assessment, whenever good  
23 cause exists. Every return shall have annexed thereto a certification  
24 to the effect that the statements contained therein are true.

25 (2) Every person subject to the payment of assessment  
26 hereunder shall keep an accurate record of that person's  
27 employment of longshoremen, pier superintendents, hiring agents,  
28 or port watchmen, which shall show the amount of compensation  
29 paid and other information as the division may require. Those  
30 records shall be preserved for a period of three years and be open  
31 for inspection at reasonable times. The division may consent to the  
32 destruction of the records at any time after that period or may  
33 require that they be kept longer, but not in excess of six years.

34 (3) (a) The division shall audit and determine the amount of  
35 assessment due from the return filed and such other information as  
36 is available to it. Whenever a deficiency in payment of the  
37 assessment is determined, the division shall give notice of the  
38 determination to the person liable therefor. The determination shall  
39 finally and conclusively fix the amount due, unless the person  
40 against whom the assessment is assessed shall, within 30 days after  
41 the giving of notice of the determination, apply in writing to the  
42 division for a hearing, or unless the division on its own motion shall  
43 reduce the assessment. After the hearing, the division shall give  
44 notice of its decision to the person liable therefor. A determination  
45 of the division under this section shall be subject to judicial review,  
46 if application for that review is made within 30 days after the giving  
47 of notice of the decision. Any determination under this section  
48 shall be made within five years from the time the return was filed

1 and if no return was filed, the determination may be made at any  
2 time.

3 (b) Any notice authorized or required under this section may be  
4 given by mailing the notice to the person for whom it is intended at  
5 the last address that the person shall have given to the division, or  
6 in the last return filed with the division under this section, or, if a  
7 return has not been filed, then to an address as may be obtainable.  
8 The mailing of the notice shall be presumptive evidence of the  
9 receipt of it by the person to whom the notice is addressed. Any  
10 period of time, which is determined for the giving of notice shall  
11 commence to run from the date of mailing of the notice.

12 (4) Whenever any person shall fail to pay, within the time  
13 limited herein, any assessment which the person is required to pay  
14 to the division under the provisions of this section, the division may  
15 enforce payment of the assessment by civil action for the amount of  
16 the assessment with interest and penalties.

17 (5) The employment by a nonresident of a longshoreman, or a  
18 licensed pier superintendent, hiring agent, or port watchman in this  
19 State or the designation by a nonresident of a longshoreman, pier  
20 superintendent, hiring agent, or port watchman to perform work in  
21 this State shall be deemed equivalent to an appointment by the  
22 nonresident of the Secretary of State to be the nonresident's true  
23 and lawful attorney upon whom may be served the process in any  
24 action or proceeding against the nonresident growing out of any  
25 liability for assessments, penalties, or interest, and a consent that  
26 any process against the nonresident which is served shall be of the  
27 same legal force and validity as if served personally within the State  
28 and within the territorial jurisdiction of the court from which the  
29 process issues. Service of process within the State shall be made by  
30 either:

31 (a) personally delivering to and leaving with the Secretary of  
32 State duplicate copies thereof at the office of the Department of  
33 State, in which event the Secretary of State shall forthwith send by  
34 registered mail one of the copies to the person at the last address  
35 designated by the person to the division for any purpose under this  
36 section or in the last return filed by the person under this section  
37 with the division or as shown on the records of the division, or if no  
38 return has been filed, at the person's last known office address  
39 within or outside of the State; or

40 (b) personally delivering to and leaving with the Secretary of  
41 State a copy thereof at the office of the Department of State and by  
42 delivering a copy thereof to the person, personally outside of the  
43 State. Proof of personal service outside of the State shall be filed  
44 with the clerk of the court in which the process is pending within 30  
45 days after that service and the service shall be deemed complete 10  
46 days after proof thereof is filed.

47 (6) Whenever the division shall determine that any monies  
48 received as assessments were paid in error, it may cause the same to

1 be refunded, provided an application therefor is filed with the  
2 division within two years from the time the erroneous payment was  
3 made.

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

9 (8) Any person who shall willfully fail to pay any assessment  
10 due hereunder shall be assessed interest at a rate of one percent per  
11 month on the amount due and unpaid and penalties of five percent  
12 of the amount due for each 30 days or part thereof that the  
13 assessment remains unpaid. The division may, for good cause  
14 shown, abate all or part of that penalty.

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

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

26 (11) The accounts, books, and records of the division related to  
27 the purposes established pursuant to P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), including its receipts,  
29 disbursements, contracts, leases, investments, and any other matters  
30 relating to its financial standing shall be examined and audited  
31 annually by independent auditors to be retained for such purpose by  
32 the division.

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

37

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

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

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

1 c. Operators of piers or other waterfront terminals, including  
2 railroads, truck terminal operators, warehousemen and other  
3 persons, but only at piers or other waterfront terminals operated by  
4 them;

5 d. Shippers or consignees of freight, but only in connection  
6 with freight shipped by the shipper or consigned to the consignee;  
7 and

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

13 Nothing herein contained shall be deemed to permit any loading  
14 or unloading of any waterborne freight at any place by any person  
15 by means of any independent contractor, or any other agent other  
16 than an employee, unless the independent contractor is a person  
17 permitted by section 7 of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill) to load or unload freight at a place in the  
19 person's own right.  
20

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

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

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

1       d. If upon application to the division by an employee who has  
2 been convicted of a crime or offense specified in subsection b. of  
3 this section, the authority, in its discretion, determines in an order  
4 that it would not be contrary to the purposes and objectives of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 for that employee to work in a particular employment for a labor  
7 organization, welfare fund, or trust, the provisions of subsection b.  
8 of this section shall not apply to the particular employment of the  
9 employee with respect to that conviction or convictions as are  
10 specified in the division's order. This subsection is applicable only  
11 to those employees, who for wages or salary, perform manual,  
12 mechanical, or physical work of a routine or clerical nature at the  
13 premises of the labor organization, welfare fund, or trust by which  
14 they are employed.

15       e. A person who has been convicted of a crime or offense  
16 specified in subsection b. of this section shall not directly or  
17 indirectly serve as an officer, agent, or employee of a labor  
18 organization, welfare fund, or trust, unless the person has been  
19 subsequently pardoned for that crime or offense by the Governor or  
20 other appropriate authority of the State in which the conviction was  
21 had or has received a certificate of good conduct or other relief  
22 from disabilities arising from the fact of conviction from a parole  
23 board or similar authority or has received an order of exception  
24 from the division. A person, including a labor organization, welfare  
25 fund, or trust, shall not knowingly permit any other person to  
26 assume or hold any office, agency, or employment in violation of  
27 this section.

28       f. The division may maintain a civil action against any person,  
29 labor organization, welfare fund, or trust, or officers thereof to  
30 compel compliance with this section, or to prevent any violations,  
31 the aiding and abetting thereof, or any attempt or conspiracy to  
32 violate this section, either by mandamus, injunction, or action or  
33 proceeding in lieu of prerogative writ and upon a proper showing a  
34 temporary restraining order or other appropriate temporary order  
35 shall be granted ex parte and without bond pending final hearing  
36 and determination. Nothing in this subsection shall be construed to  
37 modify, limit, or restrict in any way the provisions of subsection a.  
38 of this section.

39

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

45       b. The division may maintain a civil action on behalf of the  
46 State against any person who violates or attempts or conspires to  
47 violate P.L. , c. (C. ) (pending before the Legislature as this  
48 bill) or who fails, omits, or neglects to obey, observe, or comply



1 with any order or direction of the division, to recover a judgment  
2 for a money penalty not exceeding \$500 for each and every offense.  
3 Every violation of any provision of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill), or any division order or  
5 direction, shall be a separate and distinct offense, and, in case of a  
6 continuing violation, every day's continuance shall be and be  
7 deemed to be a separate and distinct offense. Any civil action may  
8 be compromised or discontinued on application of the division upon  
9 the terms as the court may approve and a judgment may be rendered  
10 for an amount less than the amount demanded in the complaint as  
11 justice may require.

12 c. The division may maintain a civil action against any person  
13 to compel compliance with any of the provisions of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill), or to  
15 prevent violations, attempts, or conspiracies to violate any  
16 provisions of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill), or interference, attempts, or conspiracies to interfere  
18 with or impede the enforcement of any provisions of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill) or the  
20 exercise or performance of any power or duty thereunder, either by  
21 mandamus, injunction, or action or proceeding in lieu of prerogative  
22 writ.

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

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

32 f. Any person who, without justification or excuse in law,  
33 directly or indirectly, intimidates or inflicts any injury, damage,  
34 harm, loss, or economic reprisal upon any person licensed or  
35 registered by the division, or any other person, or attempts,  
36 conspires, or threatens so to do, in order to interfere with, impede,  
37 or influence the licensed or registered person in the performance or  
38 discharge of the licensed or registered person's duties or obligations  
39 shall be punishable as provided in this section.

40  
41 30. a. The failure of any witness, when duly subpoenaed to  
42 attend, give testimony, or produce other evidence in connection  
43 with any matter arising under the provisions of P.L. , c. (C. )  
44 (pending before the Legislature as this bill), whether or not at a  
45 hearing, shall be punishable by the Superior Court in New Jersey in  
46 the same manner as that failure is punishable by the court in a case  
47 therein pending.

1        b. Any person who, having been sworn or affirmed as a witness  
2 in any hearing pursuant to subsection a. of this section, shall  
3 willfully give false testimony or who shall willfully make or file  
4 any false or fraudulent report or statement required by P.L.     ,  
5 c.    (C.     ) (pending before the Legislature as this bill) to be  
6 made or filed under oath, shall be guilty of a disorderly persons  
7 offense.

8        c. Any person who violates or attempts or conspires to violate  
9 any other provision of P.L.     , c.    (C.     ) (pending before the  
10 Legislature as this bill) shall be punishable as may be provided by  
11 section 28 of P.L.     , c.    (C.     ) (pending before the Legislature  
12 as this bill).

13       d. Any person who interferes with or impedes the orderly  
14 registration of longshoremen pursuant to P.L.     , c.    (C.     )  
15 (pending before the Legislature as this bill) or who conspires to or  
16 attempts to interfere with or impede such registration shall be  
17 punishable as may be provided by section 28 of P.L.     , c.    (C.     )  
18 (pending before the Legislature as this bill).

19       e. Any person who, directly or indirectly, inflicts or threatens  
20 to inflict any injury, damage, harm, or loss or in any other manner  
21 practices intimidation upon or against any person in order to induce  
22 or compel such person or any other person to refrain from  
23 registering pursuant to section 8 of P.L.     , c.    (C.     ) (pending  
24 before the Legislature as this bill) shall be punishable as may be  
25 provided by section 28 of P.L.     , c.    (C.     ) (pending before the  
26 Legislature as this bill).

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

31

32       31. As of the transfer date, the waterfront commission compact,  
33 entered into by the State of New Jersey pursuant to its agreement  
34 thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State  
35 of New York pursuant to its agreement thereto under P.L.1953,  
36 c.882 (NY Unconsol. Ch. 307, s.1), as amended and supplemented,  
37 the airport commission compact, entered into by the State of New  
38 Jersey pursuant to its agreement thereto under P.L.1970, c.58  
39 (C.32:23-150 et seq.) and by the State of New York pursuant to its  
40 agreement thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307,  
41 s.10), and the commission, are dissolved.

42

43       32. R.S.52:14-7 is amended to read as follows:

44       52:14-7. a. Every person holding an office, employment, or  
45 position

46       (1) in the Executive, Legislative, or Judicial Branch of this  
47 State, or

1 (2) with an authority, board, body, agency, commission, or  
2 instrumentality of the State including any State college, university,  
3 or other higher educational institution, and, to the extent consistent  
4 with law, any interstate agency to which New Jersey is a party, or

5 (3) with a county, municipality, or other political subdivision of  
6 the State or an authority, board, body, agency, district, commission,  
7 or instrumentality of the county, municipality, or subdivision, or

8 (4) with a school district or an authority, board, body, agency,  
9 commission, or instrumentality of the district,

10 shall have his or her principal residence in this State and shall  
11 execute such office, employment, or position.

12 This residency requirement shall not apply to any person: (a)  
13 who is employed on a temporary or per-semester basis as a visiting  
14 professor, teacher, lecturer, or researcher by any State college,  
15 university, or other higher educational institution, or county or  
16 community college, or in a full or part-time position as a member of  
17 the faculty, the research staff, or the administrative staff by any  
18 State college, university, or other higher educational institution, or  
19 county or community college, that the college, university, or  
20 institution has included in the report required to be filed pursuant to  
21 this subsection **[, or]**; (b) who is employed full-time by the State  
22 who serves in an office, employment, or position that requires the  
23 person to spend the majority of **[his or her] the person's** working  
24 hours in a location outside of this State; or (c) an officer of the  
25 waterfront commission of New York harbor, employed by the  
26 commission on the effective date of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill), who seeks to be transferred to  
28 the Division of State Police in the Department of Law and Public  
29 Safety pursuant to section 4 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill).

31 For the purposes of this subsection, a person may have at most  
32 one principal residence, and the state of a person's principal  
33 residence means the state (1) where the person spends the majority  
34 of **[his or her] the person's** nonworking time, and (2) which is most  
35 clearly the center of **[his or her] the person's** domestic life, and (3)  
36 which is designated as **[his or her] the person's** legal address and  
37 legal residence for voting. The fact that a person is domiciled in  
38 this State shall not by itself satisfy the requirement of principal  
39 residency hereunder.

40 A person, regardless of the office, employment, or position, who  
41 holds an office, employment, or position in this State on the  
42 effective date of P.L.2011, c.70 but does not have **[his or her]**  
43 principal residence in this State on that effective date shall not be  
44 subject to the residency requirement of this subsection while the  
45 person continues to hold office, employment, or position without a  
46 break in public service of greater than seven days.

1 Any person may request an exemption from the provisions of  
2 this subsection on the basis of critical need or hardship from a five-  
3 member committee hereby established to consider applications for  
4 [such] exemptions. The committee shall be composed of three  
5 persons appointed by the Governor, a person appointed by the  
6 Speaker of the General Assembly, and a person appointed by the  
7 President of the Senate, each of whom shall serve at the pleasure of  
8 the person making the appointment and shall have a term not to  
9 exceed five years. A vacancy on the committee shall be filled in the  
10 same manner as the original appointment was made. The Governor  
11 shall make provision to provide such clerical, secretarial, and  
12 administrative support to the committee as may be necessary for it  
13 to conduct its responsibilities pursuant to this subsection.

14 The decision on whether to approve an application from any  
15 person shall be made by a majority vote of the members of the  
16 committee, and those voting in the affirmative shall so sign the  
17 approved application. If the committee fails to act on an application  
18 within 30 days after the receipt thereof, no exemption shall be  
19 granted and the residency requirement of this subsection shall be  
20 operative. The head of a principal department of the Executive  
21 Branch of the State government, a Justice of the Supreme Court,  
22 judge of the Superior Court, and judge of any inferior court  
23 established under the laws of this State shall not be eligible to  
24 request from the committee an exemption from the provisions of  
25 this subsection.

26 The exemption provided in this subsection for certain persons  
27 employed by a State college, university, or other higher educational  
28 institution, or a county or community college, other than those  
29 employed on a temporary or per-semester basis as a visiting  
30 professor, teacher, lecturer, or researcher, shall apply only to those  
31 persons holding positions that the college, university, or institution  
32 has included in a report of those full or part-time positions as a  
33 member of the faculty, the research staff, or the administrative staff  
34 requiring special expertise or extraordinary qualifications in an  
35 academic, scientific, technical, professional, or medical field or in  
36 administration, that, if not exempt from the residency requirement,  
37 would seriously impede the ability of the college, university, or  
38 institution to compete successfully with similar colleges,  
39 universities, or institutions in other states. The report shall be  
40 compiled annually and shall also contain the reasons why the  
41 positions were selected for inclusion in the report. The report shall  
42 be compiled and filed within 60 days following the effective date of  
43 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
44 and filed by January 1 of each year thereafter. Each report shall be  
45 filed with the Governor and, pursuant to section 2 of P.L.1991,  
46 c.164 (C.52:14-19.1), with the Legislature, and a report may be  
47 revised at any time by filing an amendment to the report with the  
48 Governor and Legislature.

1 As used in this section, "school district" means any local or  
2 regional school district established pursuant to chapter 8 or chapter  
3 13 of Title 18A of the New Jersey Statutes and any jointure  
4 commission, county vocational school, county special services  
5 district, educational services commission, educational research and  
6 demonstration center, environmental education center, and  
7 educational information and resource center.

8 b. If any person holding any office, employment, or other  
9 position in this State shall attempt to let, farm out, or transfer  
10 **【such】** office, employment, or position or any part thereof to any  
11 person, **【he】** the person shall forfeit the sum of **【fifteen hundred**  
12 **dollars (\$1,500.00)】** \$1,500, to be recovered with costs by any  
13 person who shall sue for the same, one-half to the prosecutor and  
14 the other half to the **【treasurer】** State Treasurer for the use of the  
15 State.

16 c. No person shall be appointed to or hold any position in this  
17 State who has not the requisite qualifications for personally  
18 performing the duties of such position in cases where scientific  
19 engineering skill is necessary to the performance of the duties  
20 thereof.

21 d. Any person holding or attempting to hold an office,  
22 employment, or position in violation of this section shall be  
23 considered as illegally holding or attempting to hold the same;  
24 provided that a person holding an office, employment, or position in  
25 this State shall have one year from the time of taking the office,  
26 employment, or position to satisfy the requirement of principal  
27 residency, and if thereafter **【such】** the person fails to satisfy the  
28 requirement of principal residency as defined herein with respect to  
29 any 365-day period, that person shall be deemed unqualified for  
30 holding the office, employment, or position. The Superior Court  
31 shall, in a civil action in lieu of prerogative writ, give judgment of  
32 ouster against **【such】** the person, upon the complaint of any officer  
33 or citizen of the State, provided that any **【such】** complaint shall be  
34 brought within one year of the alleged 365-day period of failure to  
35 have **【his or her】** the person's principal residence in this State.

36 (cf: P.L.2011, c.70, s.2)

37

38 33. The following are repealed:

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

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

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

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

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

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

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

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

1 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
2 32:23-108);  
3 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);  
4 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
5 through 32:23-113);  
6 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
7 32:23-117);  
8 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and  
9 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
10 150 through 32:23-225).

11  
12 34. This act shall take effect immediately, but sections 3 through  
13 32 shall be inoperative until the transfer date has occurred pursuant  
14 to section 31 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).

16  
17  
18  
19

#### STATEMENT

20 This bill directs the Governor, on behalf of the State of New  
21 Jersey, to notify the Congress of the United States, the Governor of  
22 the State of New York, and the Waterfront Commission of New  
23 York Harbor of the State of New Jersey's intention to withdraw  
24 from the compact creating the commission, and repeals the compact  
25 establishing the commission and related statutes.

26 The bill provides for the assumption of the commission's  
27 functions and duties within the State of New Jersey by the New  
28 Jersey State Police in order to investigate, deter, and combat  
29 criminal activity and influence in the New Jersey portion of the port  
30 of New York. These duties include: processing applications filed  
31 by individuals and firms required to be registered or licensed to  
32 undertake port-related employment; supervising the hiring of  
33 longshoremen, checkers, and pier guards in the port; and making  
34 employment information available to these dock workers. The State  
35 Police are responsible for screening, registering, and licensing  
36 individuals who apply to work at the dock. In doing so, the State  
37 Police are authorized to deny or revoke the registration or licenses  
38 of those who involve themselves in criminal activity. Once the  
39 freight is removed from a marine terminal in the port, the bill  
40 provides that the State Police no longer have jurisdiction with  
41 regard to the screening, registering, and licensing of consignees of  
42 waterborne freight.

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

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

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

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2179

# STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2017

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2179.

Assembly Bill No. 2179 directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor of the State of New Jersey's intention to withdraw from the compact creating the commission, and repeals the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police in order to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York. These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The State Police are responsible for screening, registering, and licensing individuals who apply to work at the dock. In doing so, the State Police are authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. Once the freight is removed from a marine terminal in the port, the bill provides that the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired in order to work in the port. The compact provides that a conviction for certain offenses is grounds for disqualification from receiving or retaining status as a licensee or registrant under the compact. The



compact authorizes the commission to enforce its regulations through investigations, hearings, and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation; the assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police and the revenues from the assessment are to be deposited in the State's General Fund instead of with the commission.

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

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2179

# STATE OF NEW JERSEY

DATED: DECEMBER 18, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2179.

This bill directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor of the State of New Jersey's intention to withdraw from the compact creating the commission, and repeals the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York. These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The bill makes the State Police responsible for screening, registering, and licensing individuals who apply to work at the dock. In doing so, the State Police are authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. Once the freight is removed from a marine terminal in the port, the bill provides that the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired to work in the port. The compact provides that a conviction for certain offenses is grounds for disqualification from receiving or retaining status as a licensee or registrant under the compact. The compact

authorizes the commission to enforce its regulations through investigations, hearings, and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation; the assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police and the revenues from the assessment are to be deposited in the State's General Fund instead of with the commission.

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

As reported, this bill is identical to Senate Bill No. 3502, as also reported by the committee.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will initially result in about \$12.6 million in State costs, and approximately \$10.4 million in State revenue which will increase annually with growth in traffic volume.

With respect to State costs, the OLS notes that the commission's annual report for 2012-2013 identified \$12.7 million in expenditures for FY 2013, with \$10.2 million being the "New Jersey" share, based on an assumed 80 percent of commission activity taking place in New Jersey, and representing the commission activity that would subsequently fall to the State Police. The State Police is expected to experience increased costs in integrating the operations and legacy commitments of the commission, resulting in an initial State cost of approximately \$12.6 million, which includes some non-recurring costs related to the transfer.

In terms of State revenues, the OLS notes that the commission is funded through an assessment on the wages of persons utilized in the handling of waterborne cargo at ports under commission jurisdiction. Assessments generated \$13.2 million in revenue in fiscal year 2013, with 80 percent of commission activity attributed to ports located in the State of New Jersey, primarily Port Newark, Port Elizabeth, and Port Jersey. The New Jersey State portion of revenues from the

assessments represents an additional \$10.6 million in State revenue, which is likely to increase with economic growth at the port. The OLS has adjusted this amount to account for the contraction in jurisdiction over cargo handling.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2179**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: DECEMBER 20, 2017

**SUMMARY**

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

**Type of Impact:** Increased State Cost and Revenue.

**Agencies Affected:** Division of State Police, Waterfront Commission of New York Harbor (commission).

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$12.6 million	\$10.2 million	\$10.2 million
<b>State Revenue</b>	\$10.4 million	\$10.6 million	\$10.8 million

- The commission annual report for 2012-2013 identified \$12.7 million in expenditures for FY 2013, with \$10.2 million being the “New Jersey” share, based on an assumed 80 percent of commission activity taking place in New Jersey, and representing the commission activity that would subsequently fall to the State Police. The State Police is expected to experience increased costs in integrating the operations and legacy commitments of the commission, resulting in an initial State cost of approximately \$12.6 million, which includes some non-recurring costs related to the transfer.
- The commission is funded through an assessment on the wages of persons utilized in the handling of waterborne cargo at ports under commission jurisdiction. Assessments generated \$13.2 million in revenue in fiscal year 2013, with 80 percent of commission activity attributed to ports located in the State of New Jersey, primarily Port Newark, Port Elizabeth, and Port Jersey. The Office of Legislative Services (OLS) estimates that the New Jersey portion of revenues from the assessments represents an additional \$10.6 million in State revenue, which is likely to increase with economic growth at the port.

**BILL DESCRIPTION**

This bill directs the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of

New York Harbor (commission), of the State of New Jersey's intention to withdraw from the compact creating the commission (compact), and repealing the compact establishing the commission and related statutes.

The bill provides for the assumption of the commission's functions and duties within the State of New Jersey by the New Jersey State Police in order to investigate, deter, and combat criminal activity and influence in the New Jersey portion of the port of New York (port). These duties include: processing applications filed by individuals and firms required to be registered or licensed to undertake port-related employment; supervising the hiring of longshoremen, checkers, and pier guards in the port; and making employment information available to these dock workers. The State Police would become responsible for screening, registering, and licensing individuals who are interested in working at the dock. The State Police would also be authorized to deny or revoke the registration or licenses of those who involve themselves in criminal activity. The bill provides that once the freight is removed from a marine terminal in the port, the State Police no longer have jurisdiction with regard to the screening, registering, and licensing of consignees of waterborne freight.

Under legislation enacted by New Jersey and New York in 1953 and consented to by Congress that same year, the two states entered into a compact establishing the commission. The commission is empowered under the compact to regulate the employment of individuals, and the engagement of businesses, in the provision of various cargo handling services within the port. Notably, the compact provides for the licensure of those acting within the district as pier superintendents, hiring agents, stevedores, and port watchmen, and for the registration of longshoremen. The commission is authorized to establish and maintain within the port "employment information centers" through which longshoremen and port watchmen are hired in order to work in the port. The compact provides that conviction of any of various offenses shall be grounds upon which a person may be disqualified from receiving or retaining status as a licensee or registrant under the compact. The compact authorizes the commission to enforce its regulations through investigations, hearings and civil penalties, and to fund its operations through an assessment upon the employers of those subject to its regulation. The assessment may not exceed two percent of the estimated gross payroll of those employers. All of these duties and responsibilities under the compact are to be transferred to the State Police and the revenues from the assessment are to be deposited in the State's General Fund instead of paid to the commission.

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

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received; however, the Executive provided an estimate for Senate Bill No. 2277 (2R) of 2014, which is identical to the provisions of this bill. The Executive estimate projected that the State Police will create a bureau level unit to administer the functions formerly performed by

the commission. The newly formed bureau will have an operations, investigations, and administration unit. The Executive estimate assumed that the State Police would absorb the entire staff of the commission and retain and outfit the commission police department as State Troopers. The Executive estimate also anticipated additional costs for new vehicles and equipment and expenses relating to non-cancelable lease adjustments. The Executive estimated State costs of \$20.6 million for Year 1, \$17.3 million for Year 2, and \$15.9 million for Year 3. The Executive estimated State revenues of \$9.6 million for years 1, 2, and 3. The OLS disagreed with the Executive estimate of State costs for S-2277.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill will initially result in about \$12.6 million in costs, and about \$10.4 million in revenue which will increase annually with growth in traffic volume. At present, twenty percent of commission revenues are attributed to New York with 80 percent attributable to New Jersey. If a similar ratio is used to attribute commission costs, the commission would have \$10.2 million in ongoing New Jersey-related costs, based on their most recent annual report for FY 2013. It is expected that most of these costs of which over 82 percent comprise personnel costs would directly carry over to the State Police.

The OLS estimate for the first year's impact adds \$2.4 million to those costs as transition expenses attributed to three main categories, based on a prior session fiscal estimate: \$1.1 million in expenses for State Police training and equipment to transition the existing commission over to the State Police; \$300,000 for the cost of retrofitting existing commission vehicles with State Police equipment, radios, and signage; and \$1.0 million for the cost of non-cancelable leases, based on the FY 2014 amount in the annual report. The projected FY 2018 amount in the annual report is \$210,839 for non-cancelable leases; however the report is a number of years old, and it is likely that leases have been renewed since that time, making the lease costs for the three years subsequent to the release of the report likely to be the more accurate amounts to be used for the estimate. This results in a net total cost of \$12.6 million. There may be other costs related to the transition that are not known at this time.

The commission generated \$13.2 million in fiscal year 2013 revenue, primarily from assessments on employers of persons utilized in the handling of waterborne cargo. New Jersey ports represented approximately 80 percent of the share of payroll that generated that revenue, for net revenue attributable to New Jersey of \$10.6 million. This revenue would accrue to the General Fund as new State revenue.

The bill reduces the geographic area subject to the employer assessment on cargo handlers. The magnitude of that impact is unclear at this time but will reduce the revenue available to the General Fund by an unknown amount proportionate to the reduction in oversight responsibilities. This reduction is estimated very roughly to be approximately \$200,000, based primarily on prior legislative committee testimony from the commission that they had not been regularly collecting from cargo handlers located outside of the marine terminal, and had only begun pursuing these collections in recent years, and using the (additional) assessments line in their annual report, as a very rough proxy for the amount that may have been collected from these cargo handlers.

The commission expenses for fiscal year 2013 were \$12.7 million. The cost structure for the commission budget consisted of 83 percent of expenses related to the compensation of commission employees, and much of the remaining budget was dedicated to leases and other expenses in support of those employees. As a labor intensive operation with 80 percent of its activity in New Jersey, it is likely that after separating the operations for each State, New Jersey will have a staffing need roughly proportionate to its share of revenue. Assuming that the cost

structure for the State Police is similar to that of the commission, the increase in State cost could be similar to the State's 80 percent proportional share of commission costs, resulting in a cost of \$10.2 million, less any reduction due to contraction of the area subject to enhanced waterfront oversight. The OLS notes that it is not clear whether the State Police could simply hire the commission staff, or whether it would need to replace that staff with new employees; and whether the training costs would simply consist of acclimating existing commission employees to State Police policies and procedures, or of completely training new employees. Due to the change in jurisdiction and uncertainties about personnel decisions, the OLS cost estimate could understate or overstate the bill's cost impact by a significant amount.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Patrick Brennan  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# ASSEMBLY, No. 2179

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblywoman Sumter, Assemblymen Johnson, Diegnan, Caputo, Singleton, Coughlin, A.M.Bucco, Rumana, S.Kean, Rooney, Assemblywomen Pinkin and B.DeCroce**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee with technical review.

(Sponsorship Updated As Of: 1/6/2018)

1 AN ACT directing the Governor, on behalf of the State of New  
2 Jersey, to notify the Congress of the United States, the Governor  
3 of the State of New York, and the Waterfront Commission of  
4 New York Harbor, of the State of New Jersey's intention to  
5 withdraw from the compact created by P.L.1953, c.202 (C.32:23-  
6 1 et seq.), supplementing Titles 32 and 53 of the Revised  
7 Statutes, amending R.S.52:14-7, and repealing parts of the  
8 statutory law.

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

12  
13 1. (New section) The Legislature finds and declares that:

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

33 b. The Waterfront Commission of New York Harbor  
34 (commission) was created through a compact between the states of  
35 New Jersey and New York and approved by Congress in 1953. The  
36 commission's mission is to ensure fair hiring and employment  
37 practices and investigate, deter, and combat criminal activity and  
38 influence in the port. The commission has itself been tainted by  
39 corruption in recent years and, moreover, has exercised powers that  
40 do not exist within the authorizing compact, by dictating the terms  
41 of collective bargaining agreements of organized labor, and by  
42 requiring stevedoring companies to hire and retain independent  
43 inspectors to examine company operations in order for those  
44 companies to continue to operate in the port. Further, the  
45 commission, despite changes in the industry to drive out organized

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 crime's influence, has over-regulated the businesses at the port in an  
2 effort to justify its existence as the only waterfront commission in  
3 any port in the United States. As a result, the commission has  
4 become an impediment to future job growth and prosperity at the  
5 port.

6 c. While there is a continued need to regulate port-located  
7 business to ensure fairness and safety, there are numerous federal,  
8 State, and local taxpayer funded agencies that have jurisdiction that  
9 the commission lacks to regulate port operations, including, but not  
10 limited to: the United States Department of Homeland Security;  
11 United States Customs and Border Protection; the United States  
12 Coast Guard; the Transportation Security Administration; the  
13 Federal Bureau of Investigation; the United States Department of  
14 Labor's Division of Longshore and Harbor Workers Compensation;  
15 the National Labor Relations Board; the Food and Drug  
16 Administration; the United States Environmental Protection  
17 Agency; the United States Department of Transportation; the  
18 Federal Maritime Commission; the Occupational Safety and Health  
19 Administration; the Port Authority of New York and New Jersey  
20 Police Department; depending on the particular location of the  
21 facility in New Jersey, the City of Newark Police Department, City  
22 of Elizabeth Police Department, City of Bayonne Police  
23 Department, City of Jersey City Police Department, and the New  
24 Jersey State Police; and, in matters of fair hiring and employment  
25 discrimination, the United States Equal Employment Opportunity  
26 Commission and the New Jersey Division on Civil Rights.

27 d. Abolishing the commission and transferring the New Jersey  
28 portion of the commission's law enforcement responsibilities to the  
29 New Jersey State Police would be practical and efficient, as the  
30 State Police is suited to undertake an investigation of any criminal  
31 activity in the ports of northern New Jersey without impeding  
32 economic prosperity.

33  
34 2. a. Within 30 days of the effective date of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), the Governor, on behalf  
36 of the State of New Jersey, shall notify the Congress of the United  
37 States, the Governor of the State of New York, and the waterfront  
38 commission of New York harbor, of the State of New Jersey's  
39 intention to withdraw from:

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

45 (2) the compact, entered into by the State of New Jersey  
46 pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150  
47 et seq.) and by the State of New York pursuant to its agreement

1 thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307, s.10), as  
2 amended and supplemented.

3 b. As soon as practicable after the date of notification pursuant  
4 to subsection a. of this section, the Governor shall notify the  
5 presiding officers of each house of the Legislature that the  
6 notification has occurred, the date of the notification, and any other  
7 information concerning the notification the Governor deems  
8 appropriate.

9  
10 3. (New section) As used in P.L. , c. (C. ) (pending  
11 before the Legislature as this bill):

12 "Career offender" means a person whose behavior is pursued in  
13 an occupational manner or context for the purpose of economic  
14 gain, utilizing methods that are deemed criminal violations against  
15 the laws of this State.

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

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

21 "Carrier of freight by water" means any person who may be  
22 engaged or who may hold himself or herself out as willing to be  
23 engaged, whether as a common carrier, a contract carrier, or  
24 otherwise, except for carriage of liquid cargoes in bulk in tank  
25 vessels designed for use exclusively in that service or carriage by  
26 barge of bulk cargoes consisting of only a single commodity loaded  
27 or carried without wrappers or containers and delivered by the  
28 carrier without transportation mark or count, in the carriage of  
29 freight by water between any point in the port of New York district,  
30 as applicable only within the State of New Jersey, and a point  
31 outside that district.

32 "Checker" means a longshoreman who is employed to engage in  
33 direct and immediate checking of waterborne freight or of the  
34 custodial accounting therefor or in the recording or tabulation of the  
35 hours worked at piers or other waterfront terminals by natural  
36 persons employed by carriers of freight by water or stevedores.

37 "Commission" means the waterfront commission of New York  
38 harbor established by the State of New Jersey pursuant to P.L.1953,  
39 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to  
40 its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.  
41 307, s.1).

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

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

- 1       “Consignee” means the person designated on a bill of lading as  
2 the recipient of waterborne freight consigned for carriage by water.
- 3       “Container” means any receptacle, box, carton, or crate which is  
4 specifically designed and constructed so that it may be repeatedly  
5 used for the carriage of freight by a carrier of freight by water.
- 6       “Contract carrier” means a contract carrier as that term is defined  
7 in 49 U.S.C. s.13102.
- 8       “Division” means the Division of State Police in the Department  
9 of Law and Public Safety.
- 10       “Freight” means freight which has been or will be, carried by, or  
11 consigned for carriage by a carrier of freight by water.
- 12       “Hiring agent” means any natural person who, on behalf of a  
13 carrier of freight by water or a stevedore, shall select any  
14 longshoreman for employment, and “hiring agent” includes any  
15 natural person, who on behalf of any other person shall select any  
16 longshoreman for employment.
- 17       “Immunity” means that a person shall not be prosecuted or  
18 subjected to any penalty or forfeiture for or on account of any  
19 transaction, matter, or thing concerning which, pursuant to an order  
20 of the division, the person gave answer or produced evidence, and  
21 that no answer given or evidence produced shall be received against  
22 the person upon any criminal proceeding.
- 23       “Labor organization” means and includes any organization which  
24 exists and is constituted for the purpose in whole or in part of  
25 collective bargaining, or of dealing with employers concerning  
26 grievances, terms and conditions of employment, or other mutual  
27 aid or protection, but “labor organization” shall not include a  
28 federation or congress of labor organizations organized on a  
29 national or international basis even though one of its constituent  
30 labor organizations may represent persons so registered or licensed.
- 31       “Longshoreman” means a natural person, other than a hiring  
32 agent, who is employed for work at a pier or other waterfront  
33 terminal, either by a carrier of freight by water or by a stevedore, to:  
34 a. physically move waterborne freight on vessels berthed at piers,  
35 on piers or at other waterfront terminals; b. engage in direct and  
36 immediate checking of any such freight or of the custodial  
37 accounting therefor or in the recording or tabulation of the hours  
38 worked at piers or other waterfront terminals by natural persons  
39 employed by carriers of freight by water or stevedores; c. supervise  
40 directly and immediately others who are employed as a  
41 longshoreman; d. physically to perform labor or services incidental  
42 to the movement of waterborne freight on vessels berthed at piers,  
43 on piers or at other waterfront terminals; e. physically move  
44 waterborne freight to or from a barge, lighter, or railroad car for  
45 transfer to or from a vessel of a carrier of freight by water which is,  
46 shall be, or shall have been berthed at the same pier or other  
47 waterfront terminal; or f. perform labor or services involving, or

1 incidental to, the movement of freight at a pier or other waterfront  
2 terminal.

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

7 "Marine terminal" means an area which includes piers, which is  
8 used primarily for the moving, warehousing, distributing, or  
9 packing of waterborne freight or freight to or from piers and which  
10 is under common ownership or control with the pier.

11 "Other waterfront terminal" means any warehouse, depot, or  
12 other terminal, other than a pier, which is located within a marine  
13 terminal in the port of New York district and which is used for  
14 waterborne freight in whole or substantial part, and includes any  
15 warehouse, depot, or other terminal, other than a pier, whether  
16 enclosed or open, which is located in a marine terminal in the port  
17 of New York district, any part of which is used by any person to  
18 perform labor or services involving, or incidental to, the movement  
19 of waterborne freight or freight.

20 "Person" means not only a natural person but also any  
21 partnership, joint venture, association, corporation, or any other  
22 legal entity but shall not include the United States, any state or  
23 territory thereof, or any department, division, board, authority, or  
24 authority of one or more of the foregoing.

25 "Pier" means any wharf, pier, dock, or quay in regular use for the  
26 movement of waterborne freight between vessel and shore.

27 "Pier superintendent" means any natural person other than a  
28 longshoreman who is employed for work at a pier or other  
29 waterfront terminal by a carrier of freight by water or a stevedore  
30 and whose work at the pier or other waterfront terminal includes the  
31 supervision, directly or indirectly, of the work of longshoremen.

32 "Port of New York district" or "district" means the district  
33 created by Article II of the compact dated April 30, 1921, between  
34 the states of New York and New Jersey, authorized by chapter 154  
35 of the laws of New York of 1921 and chapter 151 of the laws of  
36 New Jersey of 1921.

37 "Port watchman" means any watchman, gateman, roundsman,  
38 detective, guard, guardian, or protector of property employed by the  
39 operator of any pier or other waterfront terminal or by a carrier of  
40 freight by water to perform services in that capacity on any pier or  
41 other waterfront terminal.

42 "Select any longshoreman for employment" means select a  
43 person for the commencement or continuation of employment as a  
44 longshoreman, or the denial or termination of employment as a  
45 longshoreman.

46 "Stevedore" means a contractor, not including an employee,  
47 engaged for compensation pursuant to a contract or arrangement  
48 with a carrier of freight by water, in moving waterborne freight

1 carried or consigned for carriage by the carrier on vessels of the  
2 carrier berthed at piers, on piers at which the vessels are berthed or  
3 at other waterfront terminals. "Stevedore" shall also include: a. a  
4 contractor engaged for compensation pursuant to a contract or  
5 arrangement with the United States, any state or territory thereof, or  
6 any department, division, board, commission, or authority of one or  
7 more of the foregoing, in moving freight carried or consigned for  
8 carriage between any point in the port of New York district and a  
9 point outside that district on vessels of the public agency berthed at  
10 piers, on piers at which their vessels are berthed or at other  
11 waterfront terminals; b. a contractor, engaged for compensation  
12 pursuant to a contract or arrangement with any person to perform  
13 labor or services incidental to the movement of waterborne freight  
14 on vessels berthed at piers, on piers or at other waterfront terminals;  
15 or c. a contractor engaged for compensation pursuant to a contract  
16 or arrangement with any other person to perform labor or services  
17 involving, or incidental to, the movement of freight into or out of  
18 containers, which have been or which will be carried by a carrier of  
19 freight by water, on vessels berthed at piers, on piers or at other  
20 waterfront terminals.

21 "State Treasurer" means the Treasurer of the State of New  
22 Jersey.

23 "Terrorist group" means a group associated, affiliated, or funded  
24 in whole or in part by a terrorist organization designated by the  
25 United States Secretary of State in accordance with section 219 of  
26 the federal Immigration and Nationality Act, as amended from time  
27 to time, or any other organization which assists, funds, or engages  
28 in crimes or acts of terrorism as defined in the laws of the United  
29 States, or of this State.

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

33 "Waterborne freight" means freight carried by or consigned for  
34 carriage by carriers of freight by water, and shall also include  
35 freight described in the definition of "stevedore" and in the  
36 definition of "other waterfront terminal." Provided, however, that  
37 at the point at which the freight is released from a pier or marine  
38 terminal to the possession of the consignee or the person designated  
39 by the consignee, the freight shall no longer be considered  
40 waterborne freight if:

- 41 a. the freight is not further transported by water; and
- 42 b. services involving or incidental to the unloading, storage,  
43 inspection, grading, repackaging, or processing of freight occur at a  
44 location outside a pier or marine terminal.

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

1       4. (New section) a. Until the transfer date established pursuant  
2 to section 31 of P.L.     , c.     (C.     ) (pending before the  
3 Legislature as this bill) shall have become operative, the division  
4 shall not exercise any powers, rights, or duties conferred by P.L.     ,  
5 c.     (C.     ) (pending before the Legislature as this bill) or by any  
6 other law in any way which will interfere with the powers, rights,  
7 and duties of the commission. The division and the commission are  
8 directed to cooperate with each other after the date of notification  
9 pursuant to section 2 of P.L.     , c.     (C.     ) (pending before the  
10 Legislature as this bill) until the transfer date, and the commission  
11 shall make available to the division all information concerning its  
12 property and assets, contracts, operations, and finances within New  
13 Jersey as the division may require to provide for the efficient  
14 exercise by the division of all powers, rights, and duties conferred  
15 upon the division by P.L.     , c.     (C.     ) (pending before the  
16 Legislature as this bill).

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

19       (1) The division shall assume all of the powers, rights, assets,  
20 and duties of the commission within this State, and those powers,  
21 rights, assets, and duties shall then and thereafter be vested in and  
22 exercised by the division;

23       (2) The officers having custody of the funds of the commission  
24 applicable to this State shall deliver those funds into the custody of  
25 the State Treasurer, the property and assets of the commission  
26 within this State shall, without further act or deed, become the  
27 property and assets of the division; and

28       (3) Any officers and employees of the commission seeking to be  
29 transferred to the division may apply to become employees of the  
30 division until determined otherwise by the division. Nothing in  
31 P.L.     , c.     (C.     ) (pending before the Legislature as this bill)  
32 shall be construed to deprive any officers or employees of the  
33 commission of their rights, privileges, obligations, or status with  
34 respect to any pension or retirement system. The commission  
35 employees shall retain all of their rights and benefits under existing  
36 collective negotiation agreements or contracts until such time as  
37 new or revised agreements or contracts are agreed to. All existing  
38 employee representatives shall be retained to act on behalf of those  
39 employees until such time as the employees shall, pursuant to law,  
40 elect to change those representatives. If an existing officer or  
41 employee becomes a member of an administered retirement system  
42 of the State of New Jersey, the officer or employee shall receive the  
43 same amount of service credit in the retirement system as the  
44 officer or employee previously had in the pension or retirement  
45 system as an employee of the commission, provided that there is a  
46 transfer of funds, or purchase, of the full cost of that credit from the  
47 pension or retirement system of the commission to an administered  
48 retirement system of the State of New Jersey. Nothing in P.L.     ,



1 c. (C. ) (pending before the Legislature as this bill) shall  
2 affect the civil service status, if any, of those officers or employees;

3 (4) All debts, liabilities, obligations, and contracts of the  
4 commission applicable only to this State, as determined by the  
5 officers having custody of the funds of the commission, except to  
6 the extent specifically provided for or established to the contrary in  
7 P.L. , c. (C. ) (pending before the Legislature as this bill),  
8 are imposed upon the division, and all creditors of the commission  
9 and persons having claims against or contracts with the commission  
10 of any kind or character may enforce those debts, claims, and  
11 contracts against the division as successor to the commission in the  
12 same manner as they might have done against the commission, and  
13 the rights and remedies of those holders, creditors, and persons  
14 having claims against or contracts with the commission shall not be  
15 limited or restricted in any manner by P.L. , c. (C. )  
16 (pending before the Legislature as this bill);

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

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

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

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

35 (9) The powers vested in the division by P.L. , c. (C. )  
36 (pending before the Legislature as this bill) shall be construed as  
37 being in addition to, and not in diminution of, the powers heretofore  
38 vested by law in the commission to the extent not otherwise altered  
39 or provided for in P.L. , c. (C. ) (pending before the  
40 Legislature as this bill).

41 c. A license, registration, or permit issued by the commission  
42 prior to the date of notification pursuant to section 2 of P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill) shall,  
44 subject to the terms of its issuance, continue to be valid on and after  
45 the transfer date as a license, registration, or permit issued by the  
46 division. An application for a license, registration, or permit filed  
47 with the commission prior to and pending on that notification date

1 shall, as of and from the notification date, be deemed to be filed  
2 with and pending before the division.

3

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

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

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

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

19 d. By its members and its properly designated officers, agents,  
20 and employees, with respect to the implementation and enforcement  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), to administer oaths and issue subpoenas to compel the  
23 attendance of witnesses and the giving of testimony and the  
24 production of other evidence;

25 e. To have for its properly designated officers, agents and  
26 employees, full and free access, ingress, and egress to and from all  
27 vessels, piers, and other waterfront terminals or other places in the  
28 port of New York district within this State, for the purposes of  
29 making inspection or enforcing the provisions of P.L. , c. (C. )  
30 (pending before the Legislature as this bill); and no person shall  
31 obstruct or in any way interfere with any officer, employee, or  
32 agent of the division in the making of an inspection, or in the  
33 enforcement of the provisions of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill) or in the performance of any  
35 other power or duty under P.L. , c. (C. ) (pending before the  
36 Legislature as this bill);

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

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

46 h. To advise and consult with representatives of labor and  
47 industry and with public officials and agencies concerned with the  
48 effectuation of the purposes of P.L. , c. (C. ) (pending

1 before the Legislature as this bill), upon all matters which the  
2 division may desire, including but not limited to, the form and  
3 substance of rules and regulations, the administration of the  
4 provisions of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill), maintenance of the longshoremen's register, and  
6 issuance and revocation of licenses;

7 i. To make annual and other reports to the Governor and,  
8 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
9 Legislature containing recommendations for the improvement of the  
10 conditions of waterfront labor within the port of New York district  
11 in this State and for the effectuation of the purposes of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill). The  
13 annual reports shall state the division's findings and determinations  
14 as to whether the public necessity still exists for: (1) the continued  
15 registration of longshoremen; (2) the continued licensing of any  
16 occupation or employment required to be licensed hereunder; and  
17 (3) the continued public operation of the employment information  
18 centers provided for in section 16 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill);

20 j. To co-operate with and receive from any department,  
21 division, bureau, board, commission, authority, or agency of this  
22 State, or of any county or municipality thereof, any assistance and  
23 data as will enable the division to properly to carry out its powers  
24 and duties hereunder; and to request a department, division, bureau,  
25 board, commission, authority, or agency, with the consent thereof,  
26 to execute the division's functions and powers, as the public interest  
27 may require; and

28 k. To exercise the powers and duties of the division as  
29 provided in P.L. , c. (C. ) (pending before the Legislature as  
30 this bill) to its officers, employees, and agents designated by the  
31 division;

32 l. To issue temporary permits and permit temporary  
33 registrations under such terms and conditions as the division may  
34 prescribe which shall be valid for a period to be fixed by the  
35 division not in excess of six months;

36 m. To require any applicant for a license or registration or any  
37 prospective licensee to furnish facts and evidence as the division  
38 may deem appropriate to enable it to ascertain whether the license  
39 or registration should be granted;

40 n. In any case in which the division has the power to revoke,  
41 cancel or suspend any license, the division shall also have the  
42 power to impose as an alternative to that revocation, cancellation, or  
43 suspension, a penalty, which the licensee may elect to pay the  
44 division in lieu of the revocation, cancellation, or suspension. The  
45 maximum penalty shall be \$5,000 for each separate offense. The  
46 division may, for good cause shown, abate all or part of the penalty;

- 1 o. To designate any officer, agent, or employee of the division  
2 to be an investigator who shall be vested with all the powers of a  
3 peace or police officer of the State of New Jersey;
- 4 p. To confer immunity, in the following manner prescribed by  
5 section 20 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill);
- 7 q. To require any applicant or renewal applicant for registration  
8 as a longshoreman, any applicant or renewal applicant for  
9 registration as a checker, or any applicant or renewal applicant for  
10 registration as a telecommunications system controller and any  
11 person who is sponsored for a license as a pier superintendent or  
12 hiring agent, any person who is an individual owner of an applicant  
13 or renewal applicant stevedore, or any persons who are individual  
14 partners of an applicant or renewal applicant stevedore, or any  
15 officers, directors, or stockholders owning five percent or more of  
16 any of the stock of an applicant or renewal applicant corporate  
17 stevedore or any applicant or renewal applicant for a license as a  
18 port watchman or any other category of applicant or renewal  
19 applicant for registration or licensing within the division's  
20 jurisdiction to be fingerprinted by the division at the cost and  
21 expense of the applicant or renewal applicant;
- 22 r. To exchange fingerprint data with and receive criminal  
23 history record information from the Federal Bureau of Investigation  
24 and the State Bureau of Identification for use in making the  
25 determinations required by this section; and
- 26 s. Notwithstanding any other provision of law, rule, or  
27 regulation to the contrary, to require any applicant for employment  
28 or employee of the division engaged in the implementation or  
29 enforcement of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) to be fingerprinted at the cost and expense  
31 of the applicant or employee and to exchange fingerprint data with  
32 and receive criminal history record information from the Federal  
33 Bureau of Investigation and the State Bureau of Identification for  
34 use in the hiring or retention of those persons.
- 35
- 36 6. a. A person shall not act as a pier superintendent or as a  
37 hiring agent within the port of New York district in this State  
38 without first having obtained from the division a license to act as a  
39 pier superintendent or hiring agent, as the case may be, and a person  
40 shall not employ or engage another person to act as a pier  
41 superintendent or hiring agent who is not so licensed.
- 42 b. A license to act as a pier superintendent or hiring agent shall  
43 be issued only upon the written application, under oath, of the  
44 person proposing to employ or engage another person to act as a  
45 pier superintendent or hiring agent, verified by the prospective  
46 licensee as to the matters concerning the prospective licensee, and  
47 shall state the following:
- 48 (1) The full name and business address of the applicant;

- 1 (2) The full name, residence, business address, if any, place and  
2 date of birth, and social security number of the prospective licensee;
- 3 (3) The present and previous occupations of the prospective  
4 licensee, including the places where the person was employed and  
5 the names of the person's employers;
- 6 (4) Any further facts and evidence as may be required by the  
7 division to ascertain the character, integrity, and identity of the  
8 prospective licensee; and
- 9 (5) That if a license is issued to the prospective licensee, the  
10 applicant will employ the licensee as pier superintendent or hiring  
11 agent, as the case may be.
- 12 c. A license shall not be granted pursuant to this section:
- 13 (1) Unless the division shall be satisfied that the prospective  
14 licensee possesses good character and integrity;
- 15 (2) If the prospective licensee has, without subsequent pardon,  
16 been convicted by a court of the United States, or any State or  
17 territory thereof, of the commission of, or the attempt or conspiracy  
18 to commit, treason, murder, manslaughter, or any of the following  
19 offenses: illegally using, carrying, or possessing a pistol or other  
20 dangerous weapon; making or possessing burglar's instruments;  
21 buying or receiving stolen property; unlawful entry of a building;  
22 aiding an escape from prison; unlawfully possessing, possessing  
23 with intent to distribute, sale, or distribution of a controlled  
24 dangerous substance or a controlled dangerous substance analog; or  
25 a violation prescribed in subsection g. of this section. Any  
26 prospective licensee ineligible for a license by reason of any  
27 conviction under this paragraph may submit satisfactory evidence to  
28 the division that the prospective licensee has for a period of not less  
29 than five years, measured as hereinafter provided, and up to the  
30 time of application, so acted as to warrant the grant of a license, in  
31 which event the division may, in its discretion, issue an order  
32 removing that ineligibility. The five-year period shall be measured  
33 either from the date of payment of any fine imposed upon that  
34 person or the suspension of sentence or from the date of the  
35 person's unrevoked release from custody by parole, commutation,  
36 or termination of sentence; and
- 37 (3) If the prospective licensee knowingly or willfully advocates  
38 the desirability of overthrowing or destroying the government of the  
39 United States by force or violence or shall be a member of a group  
40 which advocates that desirability, knowing the purposes of a group  
41 having that advocacy.
- 42 d. When the application shall have been examined and further  
43 inquiry and investigation made as the division shall deem proper  
44 and when the division shall be satisfied therefrom that the  
45 prospective licensee possesses the qualifications and requirements  
46 prescribed in this section, the division shall issue and deliver to the  
47 prospective licensee a license to act as pier superintendent or hiring  
48 agent for the applicant, as the case may be, and shall inform the

1 applicant of this action. The division may issue a temporary permit  
2 to any prospective licensee for a license issued under this section  
3 pending final action on an application made for that license. Any  
4 temporary permit shall be valid for a period not in excess of 30  
5 days.

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

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

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

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

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

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

26 (4) Unlawfully possessing, possessing with intent to distribute,  
27 sale, or distribution of a controlled dangerous substance or a  
28 controlled dangerous substance analog;

29 (5) Employing, hiring, or procuring any person in violation of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
31 inducing or otherwise aiding or abetting any person to violate the  
32 terms of P.L. , c. (C. ) (pending before the Legislature as  
33 this bill);

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

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

40 (8) Transfer or surrender of possession of the license to any  
41 person either temporarily or permanently without satisfactory  
42 explanation;

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

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

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

4 (12) Lending any money to or borrowing any money from a  
5 longshoreman for which there is a charge of interest or other  
6 consideration; or

7 (13) Membership in a labor organization which represents  
8 longshoremen or port watchmen; but nothing in this section shall be  
9 deemed to prohibit pier superintendents or hiring agents from being  
10 represented by a labor organization or organizations which do not  
11 also represent longshoremen or port watchmen. The American  
12 Federation of Labor, the Congress of Industrial Organizations and  
13 any other similar federation, congress, or other organization of  
14 national or international occupational or industrial labor  
15 organizations shall not be considered an organization which  
16 represents longshoremen or port watchmen within the meaning of  
17 this section although one of the federated or constituent labor  
18 organizations thereof may represent longshoremen or port  
19 watchmen.

20

21 7. a. A person shall not act as a stevedore within the port of  
22 New York district in this State without having first obtained a  
23 license from the division, and a person shall not employ a stevedore  
24 to perform services as such within the port of New York district  
25 unless the stevedore is so licensed.

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

30 c. If the applicant is a natural person, the application shall be  
31 signed and verified by that person and if the applicant is a  
32 partnership, the application shall be signed and verified by each  
33 natural person composing or intending to compose that partnership.  
34 The application shall state the full name, age, residence, business  
35 address, if any, present and previous occupations of each natural  
36 person so signing the application, and any other facts and evidence  
37 as may be required by the division to ascertain the character,  
38 integrity, and identity of each natural person signing the  
39 application.

40 d. If the applicant is a corporation, the application shall be  
41 signed and verified by the president, secretary, and treasurer  
42 thereof, and shall specify the name of the corporation, the date and  
43 place of its incorporation, the location of its principal place of  
44 business, the names and addresses of, and the amount of the stock  
45 held by stockholders owning five percent or more of any of the  
46 stock thereof, and of all officers, including all members of the board  
47 of directors. The requirements of subsection a. of this section as to  
48 a natural person who is a member of a partnership, and the

1 requirements as may be specified in rules and regulations  
2 promulgated by the division pursuant to the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to  
4 each above-named officer or stockholder and their successors in  
5 office or interest, as the case may be.

6 In the event of the death, resignation, or removal of any officer,  
7 and in the event of any change in the list of stockholders who shall  
8 own five percent or more of the stock of the corporation, the  
9 secretary of the corporation shall forthwith give notice of that fact  
10 in writing to the division, certified by the secretary.

11 e. A license shall not be granted:

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

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

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

23 (4) Unless the applicant shall be a party to a contract then in  
24 force or which will take effect upon the issuance of a license, with a  
25 carrier of freight by water for the loading and unloading by the  
26 applicant of one or more vessels of such carrier at a pier within the  
27 port of New York district;

28 (5) If the applicant or any member, officer, or stockholder  
29 required by subsection d. of this section to sign or be identified in  
30 the application for license has, without subsequent pardon, been  
31 convicted by a court of the United States or any State or territory  
32 thereof of the commission of, or the attempt or conspiracy to  
33 commit, treason, murder, manslaughter, or any of the offenses  
34 described in subsection h. of this section. Any applicant ineligible  
35 for a license by reason of any of those convictions may submit  
36 satisfactory evidence to the division that the person whose  
37 conviction was the basis of ineligibility has for a period of not less  
38 than five years, measured as hereinafter provided and up to the time  
39 of application, so acted as to warrant the grant of that license, in  
40 which event the division may, in its discretion issue an order  
41 removing that ineligibility. The aforesaid period of five years shall  
42 be measured either from the date of payment of any fine imposed  
43 upon that person or the suspension of sentence or from the date of  
44 the person's unrevoked release from custody by parole,  
45 commutation, or termination of sentence;

46 (6) If the applicant has paid, given, caused to have been paid or  
47 given, or offered to pay or give to any officer or employee of any  
48 carrier of freight by water any valuable consideration for an



1 improper or unlawful purpose or to induce that person to procure  
2 the employment of the applicant by the carrier for the performance  
3 of stevedoring services; or

4 (7) If the applicant has paid, given, caused to be paid or given,  
5 or offered to pay or give to any officer or representative of a labor  
6 organization any valuable consideration for an improper or unlawful  
7 purpose or to induce the officer or representative to subordinate the  
8 interests of the labor organization or its members in the  
9 management of the affairs of the labor organization to the interests  
10 of the applicant.

11 f. When the application shall have been examined and further  
12 inquiry and investigation made as the division shall deem proper  
13 and when the division shall be satisfied therefrom that the applicant  
14 possesses the qualifications and requirements prescribed in this  
15 section, the division shall issue and deliver a license to that  
16 applicant. The division may issue a temporary permit to any  
17 applicant for a license under the provisions of this section pending  
18 final action on an application made for a license. A temporary  
19 permit shall be valid for a period not in excess of 30 days.

20 g. A stevedore's license shall be for a term of five years or  
21 fraction of that five-year period, and shall expire on the first day of  
22 December. In the event of the death of the licensee, if a natural  
23 person, or its termination or dissolution by reason of the death of a  
24 partner, if a partnership, or if the licensee shall cease to be a party  
25 to any contract of the type prescribed by paragraph (4) of  
26 subsection e. of section 7 of P.L. , c. (C. ) (pending before  
27 the Legislature as this bill), the license shall terminate 90 days after  
28 that event or upon its expiration date, whichever shall be sooner. A  
29 license may be renewed by the division for successive five-year  
30 periods upon fulfilling the same requirements as are established in  
31 this section for an original application for a stevedore's license.

32 h. Any license issued pursuant to this section may be revoked  
33 or suspended for a period as the division deems in the public  
34 interest or the licensee thereunder may be reprimanded for any of  
35 the following offenses on the part of the licensee or of any person  
36 required by this section to sign or be identified in an original  
37 application for a license:

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

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

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

47 (4) Failure to keep its books and records available during  
48 business hours for inspection by the division and its duly designated

1 representatives until the expiration of the fifth calendar year  
2 following the calendar year during which occurred the transactions  
3 recorded therein; or

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

5 i. In addition to the grounds elsewhere established in P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill), the  
7 division shall not grant an application for a license as stevedore if  
8 the applicant has paid, given, caused to have been paid or given, or  
9 offered to pay or give to any agent of any carrier of freight by water  
10 any valuable consideration for an improper or unlawful purpose or,  
11 without the knowledge and consent of the carrier, to induce the  
12 agent to procure the employment of the applicant by the carrier or  
13 its agent for the performance of stevedoring services.

14

15 8. a. The division shall establish a longshoremen's register in  
16 which shall be included all qualified longshoremen eligible, as  
17 hereinafter provided, for employment as longshoremen in the port  
18 of New York district in this State. A person shall not act as a  
19 longshoreman within the port of New York district in this State  
20 unless at the time the person is included in the longshoremen's  
21 register, and a person shall not employ another to work as a  
22 longshoreman within the port of New York district in this State  
23 unless at the time the other person is included in the longshoremen's  
24 register.

25 b. Any person applying for inclusion in the longshoremen's  
26 register shall file at a place and in a manner as the division shall  
27 designate a written statement, signed, and verified by the applicant,  
28 setting forth the applicant's full name, residence address, social  
29 security number, and any further facts and evidence as the division  
30 may prescribe to establish the identity of that person and the  
31 person's criminal record, if any.

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

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

40 (2) Who knowingly or willingly advocates the desirability of  
41 overthrowing or destroying the government of the United States by  
42 force or violence or who shall be a member of a group which  
43 advocates that desirability knowing the purposes of the group  
44 advocating that desirability; or

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

- 1 d. Unless the division shall determine to exclude the applicant  
2 from the longshoremen's register for violation of the offenses  
3 described in subsection g. of section 6 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill), it shall include that  
5 person in the longshoremen's register. The division may permit  
6 temporary registration of any applicant under the provisions of this  
7 section pending final action on an application made for temporary  
8 registration. Any temporary registration shall be valid for a period  
9 not in excess of 30 days.
- 10 e. The division shall have power to reprimand any  
11 longshoreman registered under this section or to remove the person  
12 from the longshoremen's register for a period of time as it deems in  
13 the public interest for any of the following offenses:
- 14 (1) Conviction of a crime or other cause which would permit  
15 disqualification of a person from inclusion in the longshoremen's  
16 register upon original application;
- 17 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
18 the longshoremen's register;
- 19 (3) Transfer or surrender of possession to any person either  
20 temporarily or permanently of any card or other means of  
21 identification issued by the authority as evidence of inclusion in the  
22 longshoremen's register, without satisfactory explanation;
- 23 (4) False impersonation of another longshoreman registered  
24 under this section or of another person licensed pursuant to P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill);
- 26 (5) Willful commission of or willful attempt to commit at or on  
27 a waterfront terminal or adjacent highway any act of physical injury  
28 to any other person or of willful damage to or misappropriation of  
29 any other person's property, unless justified or excused by law; and
- 30 (6) Any other offense described in subsection g. of section 6 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 32 f. Whenever, as a result of amendments to P.L. , c. (C. )  
33 (pending before the Legislature as this bill) or of a ruling by the  
34 division, registration as a longshoreman is required for any person  
35 to continue in employment, that person shall be registered as a  
36 longshoreman; provided, however, that the person satisfies all the  
37 other requirements of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) for registration as a longshoreman.
- 39 g. The division shall have the right to recover possession of  
40 any card or other means of identification issued as evidence of  
41 inclusion in the longshoremen's register in the event that the holder  
42 thereof has been removed from the longshoremen's register.
- 43 h. Nothing contained in P.L. , c. (C. ) (pending before  
44 the Legislature as this bill) shall be construed to limit in any way  
45 any labor rights reserved by P.L. , c. (C. ) (pending before  
46 the Legislature as this bill).

1       9. (New section) a. The division shall, at regular intervals,  
2 remove from the longshoremen's register any person who shall have  
3 been registered for at least nine months and who shall have failed  
4 during the preceding six calendar months either to have worked as a  
5 longshoreman in the port of New York district in this State or to  
6 have applied for employment as a longshoreman at an employment  
7 information center established under section 16 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill) for the minimum  
9 number of days as shall have been established by the division  
10 pursuant to subsection b. of this section.

11       b. On or before the first day of June following the date on  
12 which P.L. , c. (C. ) (pending before the Legislature as this  
13 bill) becomes operative, and on or before each succeeding first day  
14 of June or December, the division shall, for the purposes of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill), establish  
16 for the six-month period beginning on each date a minimum number  
17 of days and the distribution of the days during that period.

18       c. In establishing any minimum number of days or period, the  
19 division shall consult with the collective bargaining representatives  
20 of stevedores and other employers of longshoremen in the port of  
21 New York district and with labor organizations representing  
22 longshoremen in the district.

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

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

39

40       10. Notwithstanding any other provisions of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), the division shall have  
42 the power to remove from the longshoremen's register any person,  
43 including a person registered as longshoremen for less than nine  
44 months, who shall have failed to have worked as a longshoreman in  
45 the port of New York district in this State for a minimum number of  
46 days during a period of time as shall have been established by the  
47 division. In administering this section, the division, in its  
48 discretion, may count applications for employment as a

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

27

28 11. a. The division shall establish within the longshoremen's  
29 register a list of all qualified longshoremen eligible, as hereinafter  
30 provided, for employment as checkers in the port of New York  
31 district in this State. A person shall not act as a checker within the  
32 port of New York district in this State unless at the time the person  
33 is included in the longshoremen's register as a checker, and a person  
34 shall not employ another to work as a checker within the port of  
35 New York district in this State unless at the time such other person  
36 is included in the longshoremen's register as a checker.

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

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

43 (2) The present and previous occupations of the applicant,  
44 including the places where the applicant was employed and the  
45 names of the applicant's employers; and

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

- 1 c. A person shall not be included in the longshoremen's register  
2 as a checker:
- 3 (1) Unless the division shall be satisfied that the applicant  
4 possesses good character and integrity;
- 5 (2) If the applicant has, without subsequent pardon, been  
6 convicted by a court of the United States or any State or territory  
7 thereof, of the authority of, or the attempt or conspiracy to commit  
8 treason, murder, manslaughter, or any of the following offenses:  
9 illegally using, carrying or possessing a pistol or other dangerous  
10 weapon; making or possessing burglar's instruments; buying or  
11 receiving stolen property; unlawful entry of a building; aiding an  
12 escape from prison; unlawfully possessing, possessing with intent to  
13 distribute, sale or distribution of a controlled dangerous substance  
14 or a controlled dangerous substance analog; petty larceny, where  
15 the evidence shows the property was stolen from a vessel, pier or  
16 other waterfront terminal; or a violation of P.L. , c. (C. )  
17 (pending before the Legislature as this bill). An applicant ineligible  
18 for inclusion in the longshoremen's register as a checker by reason  
19 of a conviction may submit satisfactory evidence to the division that  
20 the applicant has for a period of not less than five years, measured  
21 as hereinafter provided, and up to the time of application, so acted  
22 as to warrant inclusion in the longshoremen's register as a checker,  
23 in which event the division may, in its discretion, issue an order  
24 removing the applicant's ineligibility. The five-year period shall be  
25 measured either from the date of payment of any fine imposed upon  
26 that person or the suspension of sentence or from the date of the  
27 person's unrevoked release from custody by parole, commutation,  
28 or termination of sentence; or
- 29 (3) If the applicant knowingly or willfully advocates the  
30 desirability of overthrowing or destroying the government of the  
31 United States by force or violence or shall be a member of a group  
32 which advocates that desirability, knowing the purposes of the  
33 group advocating that desirability.
- 34 d. When the application shall have been examined and further  
35 inquiry and investigation made as the division shall deem proper  
36 and when the division shall be satisfied therefrom that the applicant  
37 possesses the qualifications and requirements prescribed by this  
38 section, the division shall include the applicant in the  
39 longshoremen's register as a checker. The division may permit  
40 temporary registration as a checker to any applicant under this  
41 section pending final action on an application made for temporary  
42 registration, under the terms and conditions as the division may  
43 prescribe, which shall be valid for a period to be fixed by the  
44 division, not in excess of six months.
- 45 e. The division shall have power to reprimand any checker  
46 registered under this section or to remove the person from the  
47 longshoremen's register as a checker for a period of time as the

1 division deems in the public interest for any of the following  
2 offenses:

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

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

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

11 (4) Unlawfully possessing, possessing with intent to distribute,  
12 sale, or distribution of a controlled dangerous substance or a  
13 controlled dangerous substance analog;

14 (5) Inducing or otherwise aiding or abetting any person to  
15 violate the terms of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill);

17 (6) Paying, giving, causing to be paid or given, or offering to  
18 pay or give to any person any valuable consideration to induce the  
19 other person to violate any provision of P.L. , c. (C. )  
20 (pending before the Legislature as this bill) or to induce any public  
21 officer, agent, or employee to fail to perform the person's duty  
22 under P.L. , c. (C. ) (pending before the Legislature as this  
23 bill);

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

25 (8) Transfer or surrender of possession to any person either  
26 temporarily or permanently of any card or other means of  
27 identification issued by the division as evidence of inclusion in the  
28 longshoremen's register without satisfactory explanation; or

29 (9) False impersonation of another longshoreman or of another  
30 person licensed under P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).

32 f. The division shall have the right to recover possession of  
33 any card or other means of identification issued as evidence of  
34 inclusion in the longshoremen's register as a checker in the event  
35 that the holder thereof has been removed from the longshoremen's  
36 register as a checker.

37 g. Nothing contained in this section shall be construed to limit  
38 in any way any rights of labor reserved by section 23 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill).

40

41 12. The division shall accept applications for inclusion in the  
42 longshoremen's register upon:

43 a. the joint recommendation in writing of stevedores and other  
44 employers of longshoremen in the port of New York district in this  
45 State, acting through their representative for the purposes of  
46 collective bargaining with a labor organization representing the  
47 longshoremen in the district, and that labor organization; or

1       b. the petition in writing of a stevedore or other employer of  
2 longshoremen in the port of New York district in this State which  
3 does not have a representative for the purposes of collective  
4 bargaining with a labor organization representing those  
5 longshoremen.

6  
7       13. a. A person shall not act as a port watchman within the port  
8 of New York district in this State without first having obtained a  
9 license from the division, and a person shall not employ a port  
10 watchman who is not so licensed.

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

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

16       (2) The present and previous occupations of the applicant,  
17 including the places where the applicant was employed and the  
18 names of the applicant's employers;

19       (3) The citizenship of the applicant and, if the person is a  
20 naturalized citizen of the United States, the court and date of  
21 naturalization; and

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

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

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

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

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

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



1 section although one of the federated or constituent labor  
2 organizations thereof may represent longshoremen or pier  
3 superintendents or hiring agents;

4 (5) If the applicant knowingly or willfully advocates the  
5 desirability of overthrowing or destroying the government of the  
6 United States by force or violence or shall be a member of a group  
7 which advocates that desirability, knowing the purposes of the  
8 group's advocacy.

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

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

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

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

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

30 (3) Submit supplementary personal history information.

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

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

38 (2) Fraud, deceit, or misrepresentation in securing the license;  
39 and

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

42 h. The division shall, at regular intervals, cancel the license or  
43 temporary permit of a port watchman who has failed during the  
44 preceding 12 months to work as a port watchman in the port of New  
45 York district in this State a minimum number of hours as  
46 established by the division, except that the division shall  
47 immediately restore the license or temporary permit upon a proper  
48 showing that the failure to so work was caused by the fact that the

1 licensee or permit holder was engaged in the military service of the  
2 United States or was incapacitated by ill health, physical injury, or  
3 other good cause.

4 i. Any port watchman ineligible for a license by reason  
5 pursuant to this section may petition for and the division may issue  
6 an order removing the ineligibility. A petition for an order to  
7 remove an ineligibility may be made to the division before or after  
8 the hearing required by section 14 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill).

10  
11 14. a. The division shall not deny any application for a license  
12 or registration without giving the applicant or prospective licensee  
13 reasonable prior notice and an opportunity to be heard at a hearing  
14 conducted by the division.

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

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

33 d. Pending the determination of a hearing pursuant to this  
34 section, the division may temporarily suspend a license or  
35 registration if, in the opinion of the division, the continuance of the  
36 license or registration for that 15-day period, pursuant to subsection  
37 c. of this section, is inimical to the public peace or safety.

38 e. The division, or a member, officer, employee, or agent of the  
39 division as may be designated by the division for such purpose,  
40 shall have the power to issue subpoenas to compel the attendance of  
41 witnesses and the giving of testimony or production of other  
42 evidence and to administer oaths in connection with a hearing. It  
43 shall be the duty of the division or of any member, officer,  
44 employee, or agent of the division designated by the division for  
45 that purpose to issue subpoenas at the request of and upon behalf of  
46 the licensee, registrant, or applicant. The person conducting the  
47 hearing on behalf of the division shall not be bound by common law

1 or statutory rules of evidence or by technical or formal rules of  
2 procedure in conducting the hearing.

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

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

27  
28 15. a. At hearings conducted by the division pursuant to section  
29 14 of P.L. , c. (C. ) (pending before the Legislature as this  
30 bill), applicants, prospective licensees, licensees, and registrants  
31 shall have the right to be accompanied and represented by counsel.

32 b. After the conclusion of a hearing but prior to the making of  
33 an order by the division, a hearing may, upon petition and in the  
34 discretion of the hearing officer, be reopened for the presentation of  
35 additional evidence. A petition to reopen the hearing shall state in  
36 detail the nature of the additional evidence, together with the  
37 reasons for the failure to submit such evidence prior to the  
38 conclusion of the hearing. The division may upon its own motion  
39 and upon reasonable notice reopen a hearing for the presentation of  
40 additional evidence. Upon petition, after the making of an order of  
41 the division, rehearing may be granted in the discretion of the  
42 division. A petition for rehearing shall state in detail the grounds  
43 upon which the petition is based and shall separately set forth each  
44 error of law and fact alleged to have been made by the division in  
45 its determination, together with the facts and arguments in support  
46 thereof. The petition shall be filed with the division not later than  
47 30 days after service of the division's order, unless the division for

1 good cause shown shall otherwise direct. The division may upon its  
2 own motion grant a rehearing after the making of an order.

3

4 16. a. The division is hereby designated on its own behalf or as  
5 agent of the State of New Jersey, as provided by the act of Congress  
6 of the United States, effective June 6, 1933, entitled "An act to  
7 provide for the establishment of a national employment system and  
8 for co-operation with the states in the promotion of such system and  
9 for other purposes," as amended, for the purpose of obtaining the  
10 benefits of that act of Congress as are necessary or appropriate to  
11 the establishment and operation of employment information centers  
12 authorized by this section.

13 b. The division shall have all powers necessary to take steps to  
14 formulate plans and to execute projects related to the establishment  
15 and operation of employment information centers, as may be  
16 necessary to obtain any benefits for the operation of employment  
17 information centers in accomplishing the purposes of P.L. ,  
18 c. (C. ) (pending before the Legislature as this bill).

19 c. Any officer or agency designated by this State, pursuant to  
20 the act of June 6, 1933, as amended, is authorized and empowered,  
21 upon the request of the division and subject to its direction, to  
22 exercise the powers and duties conferred upon the division by the  
23 provisions of this section.

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

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

1        17. a. The division may designate one of the employment  
2 information centers it is authorized to establish and maintain under  
3 section 16 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill) for the implementation of a telecommunications hiring  
5 system through which longshoremen and checkers may be hired and  
6 accept employment without any personal appearance at the center.  
7 The telecommunications hiring system shall incorporate hiring and  
8 seniority agreements between the employers of longshoremen and  
9 checkers and the labor organizations representing longshoremen  
10 and checkers in the port of New York district in this State, provided  
11 the agreements are not in conflict with the provisions of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill).

13        b. The division shall permit employees of the management  
14 organizations representing employers of longshoremen and  
15 checkers in the port of New York district in this State, and of the  
16 labor organizations representing longshoremen and checkers in the  
17 port of New York district in this State, or of a joint board of these  
18 management and labor organizations, to participate in the operation  
19 of the telecommunications hiring system, if these employees are  
20 registered by the division as "telecommunications system  
21 controllers," with respect to the registration of checkers. A person  
22 shall not act as a "telecommunications system controller" unless  
23 that person is registered. An application for registration and a  
24 registration made or issued may be denied, revoked, cancelled, or  
25 suspended, as the case may be, only in the manner prescribed in  
26 section 11 of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill). Participation in the operation of the  
28 telecommunications hiring system shall be monitored by the  
29 division.

30        c. The records, documents, tapes, discs, and other data  
31 compiled, collected or maintained by a management organization, a  
32 labor organization, and a joint board of these management and labor  
33 organizations pertaining to the telecommunications hiring system  
34 shall be available for inspection, investigation, and duplication by  
35 the division.

36  
37        18. In addition to the grounds elsewhere established in P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill), the  
39 division may deny an application for a license or registration for  
40 any of the following:

41        a. Conviction by a court of the United States or any State or  
42 territory thereof of coercion;

43        b. Conviction by a court described in subsection a. of this  
44 section, after having been previously convicted by that court of any  
45 crime or of the offenses hereinafter set forth, or any of the  
46 following offenses: assault, malicious injury to property, malicious  
47 mischief, unlawful taking of a motor vehicle, corruption of  
48 employees or possession of illegal betting number slips;

- 1 c. Fraud, deceit or misrepresentation in connection with any  
2 application or petition submitted to, or any interview, hearing or  
3 proceeding conducted by the division or commission;
- 4 d. Violation of any provision of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill) or commission of any offense  
6 thereunder;
- 7 e. Refusal on the part of any applicant, or prospective licensee,  
8 or of any member, officer or stockholder required by section 7 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
10 sign or be identified in an application for a stevedore license, to  
11 answer any material question or produce any material evidence in  
12 connection with the person's application or any application made on  
13 the person's behalf for a license or registration pursuant to section 7  
14 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill);
- 16 f. Association with a person who has been identified by a  
17 federal, State, or local law enforcement agency as a member or  
18 associate of an organized crime group, a terrorist group, or a career  
19 offender cartel, or who is a career offender, under circumstances  
20 where that association creates a reasonable belief that the  
21 participation of the applicant in any activity required to be licensed  
22 or registered under P.L. , c. (C. ) (pending before the  
23 Legislature as this bill) would be inimical to the purposes of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill); or
- 25 g. Conviction of a racketeering activity or knowing association  
26 with a person who has been convicted of a racketeering activity by  
27 a court of the United States, or any State or territory thereof under  
28 circumstances where that association creates a reasonable belief that  
29 the participation of the applicant in any activity required to be  
30 licensed or registered under P.L. , c. (C. ) (pending before  
31 the Legislature as this bill) would be inimical to the purposes of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 33
- 34 19. In addition to the grounds elsewhere set forth in P.L. ,  
35 c. (C. ) (pending before the Legislature as this bill), any  
36 license or registration issued or made pursuant thereto may be  
37 revoked or suspended for a period as the division deems in the  
38 public interest or the licensee or registrant may be reprimanded, for:
- 39 a. Conviction of any crime or offense in relation to illegal  
40 gambling, bookmaking, or similar crimes or offenses if the crime or  
41 offense was committed at or on a pier or other waterfront terminal  
42 or within 500 feet thereof;
- 43 b. Willful authority of, or willful attempt to commit at or on a  
44 waterfront terminal or adjacent highway, any act of physical injury  
45 to any other person or of willful damage to or misappropriation of  
46 any other person's property, unless justified or excused by law;

- 1 c. Receipt or solicitation of anything of value from any person  
2 other than a licensee's or registrant's employer as consideration for  
3 the selection or retention for employment of a licensee or registrant;
- 4 d. Coercion of a licensee or registrant by threat of  
5 discrimination or violence or economic reprisal, to make purchases  
6 from or to utilize the services of any person;
- 7 e. Refusal to answer any material question or produce any  
8 evidence lawfully required to be answered or produced at any  
9 investigation, interview, hearing, or other proceeding conducted by  
10 the division pursuant to section 14 of P.L. , c. (C. )  
11 (pending before the Legislature as this bill), or, if the refusal is  
12 accompanied by a valid plea of privilege against self-incrimination,  
13 refusal to obey an order to answer the question or produce any  
14 evidence made by the division pursuant to section 14 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill); or
- 16 f. Association with a person who has been identified by a  
17 federal, State, or local law enforcement agency as a member or  
18 associate of an organized crime group, a terrorist group, or a career  
19 offender cartel, or who is a career offender, under circumstances  
20 where that association creates a reasonable belief that the  
21 participation of the licensee or registrant in any activity required to  
22 be licensed or registered under P.L. , c. (C. ) (pending  
23 before the Legislature as this bill) would be inimical to the purposes  
24 of P.L. , c. (C. ) (pending before the Legislature as this  
25 bill); or
- 26 g. Conviction of a racketeering activity or knowing association  
27 with a person who has been convicted of a racketeering activity by  
28 a court of the United States, or any State, or territory thereof under  
29 circumstances where that association creates a reasonable belief that  
30 the participation of the licensee or registrant in any activity required  
31 to be licensed or registered under P.L. , c. (C. ) (pending  
32 before the Legislature as this bill) would be inimical to the purposes  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).
- 35
- 36 20. a. In any investigation, interview, or other proceeding  
37 conducted under oath by the division or any duly authorized officer,  
38 employee, or agent thereof, if a person refuses to answer a question  
39 or produce evidence of any other kind on the ground that the person  
40 may be incriminated thereby, and notwithstanding the refusal, an  
41 order is made upon 24 hours' prior written notice to the Attorney  
42 General of the State of New Jersey, and to the appropriate district  
43 attorney or prosecutor having an official interest therein, by the  
44 Superintendent of the division or the superintendent's designee, that  
45 the person answer the question or produce the evidence, the person  
46 shall comply with the order. If the person complies with the order,  
47 and if, but for this section, would have been privileged to withhold  
48 the answer given or the evidence produced by the person, then

1 immunity shall be conferred upon the person, as provided for  
2 herein. Immunity shall not be conferred upon any person except in  
3 accordance with the provisions of this section. If, after compliance  
4 with the provisions of this section, a person is ordered to answer a  
5 question or produce evidence of any other kind and complies with  
6 the order, and it is thereafter determined that the Attorney General  
7 or appropriate district attorney or prosecutor having an official  
8 interest therein was not notified, that failure or neglect shall not  
9 deprive that person of any immunity otherwise properly conferred  
10 upon the person. But the person may nevertheless be prosecuted or  
11 subjected to penalty or forfeiture for any perjury or contempt  
12 committed in answering, or failing to answer, or in producing or  
13 failing to produce evidence, in accordance with the order, and any  
14 answer given or evidence produced shall be admissible against the  
15 person upon any criminal proceeding concerning such perjury or  
16 contempt.

17 b. If a person, in obedience to a subpoena directing the person  
18 to attend and testify, is in this State or comes into this State from  
19 the State of New York, the person shall not, while in this State  
20 pursuant to such subpoena, be subject to arrest or the service of  
21 process, civil or criminal, in connection with matters which arose  
22 before the person's entrance into this State under the subpoena.

23  
24 21. a. The division may temporarily suspend a temporary  
25 permit or a permanent license or a temporary or permanent  
26 registration issued pursuant to the provisions of P.L. , c. (C. )  
27 (pending before the Legislature as this bill) until further order of the  
28 division or final disposition of the underlying case, only where the  
29 permittee, licensee, or registrant has been indicted for, or otherwise  
30 charged with, a crime which is equivalent to a crime of the third,  
31 second, or first degree in this State or only where the permittee or  
32 licensee is a port watchman who is charged by the division pursuant  
33 to section 13 of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill) with misappropriating any other person's  
35 property at or on a pier or other waterfront terminal.

36 b. In the case of a permittee, licensee, or registrant who has  
37 been indicted for, or otherwise charged with, a crime, the temporary  
38 suspension shall terminate immediately upon acquittal or upon  
39 dismissal of the criminal charge. A person whose permit, license,  
40 or registration has been temporarily suspended may, at any time,  
41 demand that the division conduct a hearing as provided for in  
42 section 14 of P.L. , c. (C. ) (pending before the Legislature  
43 as this bill). Within 60 days of the demand, the division shall  
44 commence the hearing and, within 30 days of receipt of the  
45 administrative law judge's report and recommendation, the division  
46 shall render a final determination thereon; provided, however, that  
47 these time requirements, shall not apply for any period of delay  
48 caused or requested by the permittee, licensee, or registrant. Upon



1 failure of the division to commence a hearing or render a  
2 determination within the time limits prescribed herein, the  
3 temporary suspension of the permittee, licensee, or registrant shall  
4 immediately terminate. Notwithstanding any other provision of this  
5 subsection, if a federal, State, or local law enforcement agency or  
6 prosecutor's office shall request the suspension or deferment of any  
7 hearing on the ground that the hearing would obstruct or prejudice  
8 an investigation or prosecution, the division may in its discretion,  
9 postpone or defer the hearing for a time certain or indefinitely. Any  
10 action by the division to postpone a hearing shall be subject to  
11 immediate judicial review as provided in subsection b. of this  
12 section.

13 c. The division may, within its discretion, bar any permittee,  
14 licensee, or registrant who has been suspended pursuant to the  
15 provisions of subsection a. of this section, from any employment by  
16 a licensed stevedore or a carrier of freight by water, if that  
17 individual has been indicted or otherwise charged in any federal,  
18 State, or territorial proceeding with any crime involving the  
19 possession with intent to distribute, sale, or distribution of a  
20 controlled dangerous substance or controlled dangerous substance  
21 analog, racketeering, or theft from a pier or waterfront terminal.  
22

23 22. The division is authorized to co-operate with the  
24 commission, a similar authority, or other public entity of the State  
25 of New York, to exchange information on any matter pertinent to  
26 the purposes of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), and to enter into reciprocal agreements for  
28 the accomplishment of those purposes, including, but not limited to,  
29 the following objectives:

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

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

35 c. To provide that any act or omission by a licensee or  
36 registrant in either State which would be a basis for disciplinary  
37 action against the licensee or registrant if it occurred in the state in  
38 which the license was issued or the person registered shall be the  
39 basis for disciplinary action in either state; and

40 d. To provide that longshoremen registered in either state, who  
41 perform work or who apply for work at an employment information  
42 center within the other State shall be deemed to have performed  
43 work or to have applied for work in the State in which they are  
44 registered.  
45

46 23. a. The provisions of P.L. , c. (C. ) (pending before  
47 the Legislature as this bill) are not designed and shall not be  
48 construed to limit in any way any rights granted or derived from

1 any other statute or any rule of law for employees to organize in  
2 labor organizations, to bargain collectively and to act in any other  
3 way individually, collectively, and through labor organizations or  
4 other representatives of their own choosing. Without limiting the  
5 generality of the foregoing, nothing contained in P.L. , c. (C. )  
6 (pending before the Legislature as this bill) shall be construed to  
7 limit in any way the right of employees to strike.

8 b. The provisions of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill) are not designed and shall not be construed  
10 to limit in any way any rights of longshoremen, hiring agents, pier  
11 superintendents, or port watchmen or their employers to bargain  
12 collectively and agree upon any method for the selection of those  
13 employees by way of seniority, experience, regular gangs, or  
14 otherwise; provided, that those employees shall be licensed or  
15 registered hereunder and longshoremen and port watchmen shall be  
16 hired only through the employment information centers established  
17 hereunder and that all other provisions of P.L. , c. (C. )  
18 (pending before the Legislature as this bill) be observed.

19

20 24. a. Any officer or employee in the State, county, or  
21 municipal civil service in either State who shall transfer to service  
22 with the division may be given one or more leaves of absence  
23 without pay and may, before the expiration of the leave or leaves of  
24 absence, and without further examination or qualification, return to  
25 the person's former position or be certified by the appropriate civil  
26 service agency for retransfer to a comparable position in the State,  
27 county, or municipal civil service if a comparable position is then  
28 available.

29 b. The division may, by agreement with any federal agency  
30 from which any officer or employee may transfer to service with the  
31 division to undertake any of the duties or responsibilities  
32 established pursuant to P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), make similar provision for the retransfer of  
34 the officer or employee to that federal agency.

35 c. Notwithstanding the provisions of any other law, rule, or  
36 regulation, any officer or employee in the State, county, or  
37 municipal service in either State who shall transfer to service with  
38 the division and who is a member of any existing State, county, or  
39 municipal pension or retirement system in New Jersey or New  
40 York, shall continue to have all rights, privileges, obligations, and  
41 status with respect to that fund, system, or systems as if the person  
42 had continued in State, county, or municipal office or employment,  
43 but during the period of service as a member, officer, or employee  
44 of the division, all contributions to any pension or retirement fund  
45 or system to be paid by the employer on account of the member,  
46 officer, or employee, shall be paid by the State Treasurer. The  
47 division may, by agreement with the appropriate federal agency,  
48 make similar provisions relating to continuance of retirement

1 system membership for any federal officer or employee so  
2 transferred.

3

4 25. (New section) a. The division shall annually adopt a budget  
5 of its expenses for each year for the purposes of its duties and  
6 responsibilities under P.L. , c. (C. ) (pending before the  
7 Legislature as this bill). Each budget shall be submitted to the  
8 Governor and the budget shall be adjusted accordingly.

9 b. After taking into account funds as may be available to the  
10 division from reserves, federal grants or otherwise, the balance of  
11 the division's budgeted expenses for the performance of its  
12 functions and duties under P.L. , c. (C. ) (pending before  
13 the Legislature as this bill) shall be assessed upon employers of  
14 persons registered or licensed pursuant to P.L. , c. (C. )  
15 (pending before the Legislature as this bill). Each employer shall  
16 pay to the State Treasurer, for placement within the General Fund,  
17 an assessment computed upon the gross payroll payments made by  
18 that employer to longshoremen, pier superintendents, hiring agents,  
19 and port watchmen for work or labor performed within the port of  
20 New York district in this State, at a rate, not in excess of two  
21 percent, computed by the division in the following manner: the  
22 division shall annually estimate the gross payroll payments to be  
23 made by employers subject to assessment and shall compute a rate  
24 thereon which will yield revenues sufficient to finance the division's  
25 budget for the performance of those functions and duties under  
26 P.L. , c. (C. ) (pending before the Legislature as this bill)  
27 for each year. That budget may include a reasonable amount for a  
28 reserve, but the amount shall not exceed 10 percent of the total of  
29 all other items of expenditure contained therein. The reserve shall  
30 be used for the stabilization of annual assessments, the payment of  
31 operating deficits, and for the repayment of advances made by the  
32 State, if any.

33 c. The amount required to balance the division's budgeted  
34 expenses for the performance of its functions and duties under  
35 P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 in excess of the estimated yield of the maximum assessment, shall  
37 be certified by the division, with the approval of the Governor, in  
38 proportion to the gross annual wage payments made to  
39 longshoremen for work within the port of New York district in this  
40 State. The Legislature shall annually appropriate to the division the  
41 amount so certified.

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

1 e. The assessment hereunder shall be in lieu of any other  
2 charge for the issuance of licenses to stevedores, pier  
3 superintendents, hiring agents, and port watchmen or for the  
4 registration of longshoremen or use of an employment information  
5 center. The division shall establish reasonable procedures for the  
6 consideration of protests by affected employees concerning the  
7 estimates and computation of the rate of assessment.  
8

9 26. a. (1) Every person subject to the payment of any  
10 assessment under the provisions of section 25 of P.L. , c. (C. )  
11 (pending before the Legislature as this bill) shall file on or before  
12 the 15th day of the first month of each calendar quarter-year a  
13 separate return, together with the payment of the assessment due,  
14 for the preceding calendar quarter-year during which any payroll  
15 payments were made to longshoremen, pier superintendents, hiring  
16 agents, or port watchmen for work performed by those employees  
17 within the port of New York district in this State. Returns covering  
18 the amount of assessment payable shall be filed with the division on  
19 forms to be furnished for that purpose and shall contain data,  
20 information, or matter as the division may require to be included  
21 therein. The division may grant a reasonable extension of time for  
22 filing returns, or for the payment of assessment, whenever good  
23 cause exists. Every return shall have annexed thereto a certification  
24 to the effect that the statements contained therein are true.

25 (2) Every person subject to the payment of assessment  
26 hereunder shall keep an accurate record of that person's  
27 employment of longshoremen, pier superintendents, hiring agents,  
28 or port watchmen, which shall show the amount of compensation  
29 paid and other information as the division may require. Those  
30 records shall be preserved for a period of three years and be open  
31 for inspection at reasonable times. The division may consent to the  
32 destruction of the records at any time after that period or may  
33 require that they be kept longer, but not in excess of six years.

34 (3) (a) The division shall audit and determine the amount of  
35 assessment due from the return filed and such other information as  
36 is available to it. Whenever a deficiency in payment of the  
37 assessment is determined, the division shall give notice of the  
38 determination to the person liable therefor. The determination shall  
39 finally and conclusively fix the amount due, unless the person  
40 against whom the assessment is assessed shall, within 30 days after  
41 the giving of notice of the determination, apply in writing to the  
42 division for a hearing, or unless the division on its own motion shall  
43 reduce the assessment. After the hearing, the division shall give  
44 notice of its decision to the person liable therefor. A determination  
45 of the division under this section shall be subject to judicial review,  
46 if application for that review is made within 30 days after the giving  
47 of notice of the decision. Any determination under this section  
48 shall be made within five years from the time the return was filed

1 and if no return was filed, the determination may be made at any  
2 time.

3 (b) Any notice authorized or required under this section may be  
4 given by mailing the notice to the person for whom it is intended at  
5 the last address that the person shall have given to the division, or  
6 in the last return filed with the division under this section, or, if a  
7 return has not been filed, then to an address as may be obtainable.  
8 The mailing of the notice shall be presumptive evidence of the  
9 receipt of it by the person to whom the notice is addressed. Any  
10 period of time, which is determined for the giving of notice shall  
11 commence to run from the date of mailing of the notice.

12 (4) Whenever any person shall fail to pay, within the time  
13 limited herein, any assessment which the person is required to pay  
14 to the division under the provisions of this section, the division may  
15 enforce payment of the assessment by civil action for the amount of  
16 the assessment with interest and penalties.

17 (5) The employment by a nonresident of a longshoreman, or a  
18 licensed pier superintendent, hiring agent, or port watchman in this  
19 State or the designation by a nonresident of a longshoreman, pier  
20 superintendent, hiring agent, or port watchman to perform work in  
21 this State shall be deemed equivalent to an appointment by the  
22 nonresident of the Secretary of State to be the nonresident's true  
23 and lawful attorney upon whom may be served the process in any  
24 action or proceeding against the nonresident growing out of any  
25 liability for assessments, penalties, or interest, and a consent that  
26 any process against the nonresident which is served shall be of the  
27 same legal force and validity as if served personally within the State  
28 and within the territorial jurisdiction of the court from which the  
29 process issues. Service of process within the State shall be made by  
30 either:

31 (a) personally delivering to and leaving with the Secretary of  
32 State duplicate copies thereof at the office of the Department of  
33 State, in which event the Secretary of State shall forthwith send by  
34 registered mail one of the copies to the person at the last address  
35 designated by the person to the division for any purpose under this  
36 section or in the last return filed by the person under this section  
37 with the division or as shown on the records of the division, or if no  
38 return has been filed, at the person's last known office address  
39 within or outside of the State; or

40 (b) personally delivering to and leaving with the Secretary of  
41 State a copy thereof at the office of the Department of State and by  
42 delivering a copy thereof to the person, personally outside of the  
43 State. Proof of personal service outside of the State shall be filed  
44 with the clerk of the court in which the process is pending within 30  
45 days after that service and the service shall be deemed complete 10  
46 days after proof thereof is filed.

47 (6) Whenever the division shall determine that any monies  
48 received as assessments were paid in error, it may cause the same to

1 be refunded, provided an application therefor is filed with the  
2 division within two years from the time the erroneous payment was  
3 made.

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

9 (8) Any person who shall willfully fail to pay any assessment  
10 due hereunder shall be assessed interest at a rate of one percent per  
11 month on the amount due and unpaid and penalties of five percent  
12 of the amount due for each 30 days or part thereof that the  
13 assessment remains unpaid. The division may, for good cause  
14 shown, abate all or part of that penalty.

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

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

26 (11) The accounts, books, and records of the division related to  
27 the purposes established pursuant to P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), including its receipts,  
29 disbursements, contracts, leases, investments, and any other matters  
30 relating to its financial standing shall be examined and audited  
31 annually by independent auditors to be retained for such purpose by  
32 the division.

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

37

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

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

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

1 c. Operators of piers or other waterfront terminals, including  
2 railroads, truck terminal operators, warehousemen and other  
3 persons, but only at piers or other waterfront terminals operated by  
4 them;

5 d. Shippers or consignees of freight, but only in connection  
6 with freight shipped by the shipper or consigned to the consignee;  
7 and

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

13 Nothing herein contained shall be deemed to permit any loading  
14 or unloading of any waterborne freight at any place by any person  
15 by means of any independent contractor, or any other agent other  
16 than an employee, unless the independent contractor is a person  
17 permitted by section 7 of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill) to load or unload freight at a place in the  
19 person's own right.  
20

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

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

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

1       d. If upon application to the division by an employee who has  
2 been convicted of a crime or offense specified in subsection b. of  
3 this section, the authority, in its discretion, determines in an order  
4 that it would not be contrary to the purposes and objectives of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 for that employee to work in a particular employment for a labor  
7 organization, welfare fund, or trust, the provisions of subsection b.  
8 of this section shall not apply to the particular employment of the  
9 employee with respect to that conviction or convictions as are  
10 specified in the division's order. This subsection is applicable only  
11 to those employees, who for wages or salary, perform manual,  
12 mechanical, or physical work of a routine or clerical nature at the  
13 premises of the labor organization, welfare fund, or trust by which  
14 they are employed.

15       e. A person who has been convicted of a crime or offense  
16 specified in subsection b. of this section shall not directly or  
17 indirectly serve as an officer, agent, or employee of a labor  
18 organization, welfare fund, or trust, unless the person has been  
19 subsequently pardoned for that crime or offense by the Governor or  
20 other appropriate authority of the State in which the conviction was  
21 had or has received a certificate of good conduct or other relief  
22 from disabilities arising from the fact of conviction from a parole  
23 board or similar authority or has received an order of exception  
24 from the division. A person, including a labor organization, welfare  
25 fund, or trust, shall not knowingly permit any other person to  
26 assume or hold any office, agency, or employment in violation of  
27 this section.

28       f. The division may maintain a civil action against any person,  
29 labor organization, welfare fund, or trust, or officers thereof to  
30 compel compliance with this section, or to prevent any violations,  
31 the aiding and abetting thereof, or any attempt or conspiracy to  
32 violate this section, either by mandamus, injunction, or action or  
33 proceeding in lieu of prerogative writ and upon a proper showing a  
34 temporary restraining order or other appropriate temporary order  
35 shall be granted ex parte and without bond pending final hearing  
36 and determination. Nothing in this subsection shall be construed to  
37 modify, limit, or restrict in any way the provisions of subsection a.  
38 of this section.

39

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

45       b. The division may maintain a civil action on behalf of the  
46 State against any person who violates or attempts or conspires to  
47 violate P.L. , c. (C. ) (pending before the Legislature as this  
48 bill) or who fails, omits, or neglects to obey, observe, or comply



1 with any order or direction of the division, to recover a judgment  
2 for a money penalty not exceeding \$500 for each and every offense.  
3 Every violation of any provision of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill), or any division order or  
5 direction, shall be a separate and distinct offense, and, in case of a  
6 continuing violation, every day's continuance shall be and be  
7 deemed to be a separate and distinct offense. Any civil action may  
8 be compromised or discontinued on application of the division upon  
9 the terms as the court may approve and a judgment may be rendered  
10 for an amount less than the amount demanded in the complaint as  
11 justice may require.

12 c. The division may maintain a civil action against any person  
13 to compel compliance with any of the provisions of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill), or to  
15 prevent violations, attempts, or conspiracies to violate any  
16 provisions of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill), or interference, attempts, or conspiracies to interfere  
18 with or impede the enforcement of any provisions of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill) or the  
20 exercise or performance of any power or duty thereunder, either by  
21 mandamus, injunction, or action or proceeding in lieu of prerogative  
22 writ.

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

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

32 f. Any person who, without justification or excuse in law,  
33 directly or indirectly, intimidates or inflicts any injury, damage,  
34 harm, loss, or economic reprisal upon any person licensed or  
35 registered by the division, or any other person, or attempts,  
36 conspires, or threatens so to do, in order to interfere with, impede,  
37 or influence the licensed or registered person in the performance or  
38 discharge of the licensed or registered person's duties or obligations  
39 shall be punishable as provided in this section.

40  
41 30. a. The failure of any witness, when duly subpoenaed to  
42 attend, give testimony, or produce other evidence in connection  
43 with any matter arising under the provisions of P.L. , c. (C. )  
44 (pending before the Legislature as this bill), whether or not at a  
45 hearing, shall be punishable by the Superior Court in New Jersey in  
46 the same manner as that failure is punishable by the court in a case  
47 therein pending.

1 b. Any person who, having been sworn or affirmed as a witness  
2 in any hearing pursuant to subsection a. of this section, shall  
3 willfully give false testimony or who shall willfully make or file  
4 any false or fraudulent report or statement required by P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill) to be  
6 made or filed under oath, shall be guilty of a disorderly persons  
7 offense.

8 c. Any person who violates or attempts or conspires to violate  
9 any other provision of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) shall be punishable as may be provided by  
11 section 28 of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill).

13 d. Any person who interferes with or impedes the orderly  
14 registration of longshoremen pursuant to P.L. , c. (C. )  
15 (pending before the Legislature as this bill) or who conspires to or  
16 attempts to interfere with or impede such registration shall be  
17 punishable as may be provided by section 28 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill).

19 e. Any person who, directly or indirectly, inflicts or threatens  
20 to inflict any injury, damage, harm, or loss or in any other manner  
21 practices intimidation upon or against any person in order to induce  
22 or compel such person or any other person to refrain from  
23 registering pursuant to section 8 of P.L. , c. (C. ) (pending  
24 before the Legislature as this bill) shall be punishable as may be  
25 provided by section 28 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill).

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

31  
32 31. As of the transfer date, the waterfront commission compact,  
33 entered into by the State of New Jersey pursuant to its agreement  
34 thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State  
35 of New York pursuant to its agreement thereto under P.L.1953,  
36 c.882 (NY Unconsol. Ch. 307, s.1), as amended and supplemented,  
37 the airport commission compact, entered into by the State of New  
38 Jersey pursuant to its agreement thereto under P.L.1970, c.58  
39 (C.32:23-150 et seq.) and by the State of New York pursuant to its  
40 agreement thereto under P.L.1970, c.951 (NY Unconsol. Ch. 307,  
41 s.10), and the commission, are dissolved.

42  
43 32. R.S.52:14-7 is amended to read as follows:

44 52:14-7. a. Every person holding an office, employment, or  
45 position

46 (1) in the Executive, Legislative, or Judicial Branch of this  
47 State, or

1 (2) with an authority, board, body, agency, commission, or  
2 instrumentality of the State including any State college, university,  
3 or other higher educational institution, and, to the extent consistent  
4 with law, any interstate agency to which New Jersey is a party, or

5 (3) with a county, municipality, or other political subdivision of  
6 the State or an authority, board, body, agency, district, commission,  
7 or instrumentality of the county, municipality, or subdivision, or

8 (4) with a school district or an authority, board, body, agency,  
9 commission, or instrumentality of the district,

10 shall have his or her principal residence in this State and shall  
11 execute such office, employment, or position.

12 This residency requirement shall not apply to any person: (a)  
13 who is employed on a temporary or per-semester basis as a visiting  
14 professor, teacher, lecturer, or researcher by any State college,  
15 university, or other higher educational institution, or county or  
16 community college, or in a full or part-time position as a member of  
17 the faculty, the research staff, or the administrative staff by any  
18 State college, university, or other higher educational institution, or  
19 county or community college, that the college, university, or  
20 institution has included in the report required to be filed pursuant to  
21 this subsection **[, or]**; (b) who is employed full-time by the State  
22 who serves in an office, employment, or position that requires the  
23 person to spend the majority of **[his or her]** the person's working  
24 hours in a location outside of this State; or (c) an officer of the  
25 waterfront commission of New York harbor, employed by the  
26 commission on the effective date of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill), who seeks to be transferred to  
28 the Division of State Police in the Department of Law and Public  
29 Safety pursuant to section 4 of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill).

31 For the purposes of this subsection, a person may have at most  
32 one principal residence, and the state of a person's principal  
33 residence means the state (1) where the person spends the majority  
34 of **[his or her]** the person's nonworking time, and (2) which is most  
35 clearly the center of **[his or her]** the person's domestic life, and (3)  
36 which is designated as **[his or her]** the person's legal address and  
37 legal residence for voting. The fact that a person is domiciled in  
38 this State shall not by itself satisfy the requirement of principal  
39 residency hereunder.

40 A person, regardless of the office, employment, or position, who  
41 holds an office, employment, or position in this State on the  
42 effective date of P.L.2011, c.70 but does not have **[his or her]**  
43 principal residence in this State on that effective date shall not be  
44 subject to the residency requirement of this subsection while the  
45 person continues to hold office, employment, or position without a  
46 break in public service of greater than seven days.

1 Any person may request an exemption from the provisions of  
2 this subsection on the basis of critical need or hardship from a five-  
3 member committee hereby established to consider applications for  
4 [such] exemptions. The committee shall be composed of three  
5 persons appointed by the Governor, a person appointed by the  
6 Speaker of the General Assembly, and a person appointed by the  
7 President of the Senate, each of whom shall serve at the pleasure of  
8 the person making the appointment and shall have a term not to  
9 exceed five years. A vacancy on the committee shall be filled in the  
10 same manner as the original appointment was made. The Governor  
11 shall make provision to provide such clerical, secretarial, and  
12 administrative support to the committee as may be necessary for it  
13 to conduct its responsibilities pursuant to this subsection.

14 The decision on whether to approve an application from any  
15 person shall be made by a majority vote of the members of the  
16 committee, and those voting in the affirmative shall so sign the  
17 approved application. If the committee fails to act on an application  
18 within 30 days after the receipt thereof, no exemption shall be  
19 granted and the residency requirement of this subsection shall be  
20 operative. The head of a principal department of the Executive  
21 Branch of the State government, a Justice of the Supreme Court,  
22 judge of the Superior Court, and judge of any inferior court  
23 established under the laws of this State shall not be eligible to  
24 request from the committee an exemption from the provisions of  
25 this subsection.

26 The exemption provided in this subsection for certain persons  
27 employed by a State college, university, or other higher educational  
28 institution, or a county or community college, other than those  
29 employed on a temporary or per-semester basis as a visiting  
30 professor, teacher, lecturer, or researcher, shall apply only to those  
31 persons holding positions that the college, university, or institution  
32 has included in a report of those full or part-time positions as a  
33 member of the faculty, the research staff, or the administrative staff  
34 requiring special expertise or extraordinary qualifications in an  
35 academic, scientific, technical, professional, or medical field or in  
36 administration, that, if not exempt from the residency requirement,  
37 would seriously impede the ability of the college, university, or  
38 institution to compete successfully with similar colleges,  
39 universities, or institutions in other states. The report shall be  
40 compiled annually and shall also contain the reasons why the  
41 positions were selected for inclusion in the report. The report shall  
42 be compiled and filed within 60 days following the effective date of  
43 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
44 and filed by January 1 of each year thereafter. Each report shall be  
45 filed with the Governor and, pursuant to section 2 of P.L.1991,  
46 c.164 (C.52:14-19.1), with the Legislature, and a report may be  
47 revised at any time by filing an amendment to the report with the  
48 Governor and Legislature.

1 As used in this section, "school district" means any local or  
2 regional school district established pursuant to chapter 8 or chapter  
3 13 of Title 18A of the New Jersey Statutes and any jointure  
4 commission, county vocational school, county special services  
5 district, educational services commission, educational research and  
6 demonstration center, environmental education center, and  
7 educational information and resource center.

8 b. If any person holding any office, employment, or other  
9 position in this State shall attempt to let, farm out, or transfer  
10 **【such】** office, employment, or position or any part thereof to any  
11 person, **【he】** the person shall forfeit the sum of **【fifteen hundred**  
12 **dollars (\$1,500.00)】** \$1,500, to be recovered with costs by any  
13 person who shall sue for the same, one-half to the prosecutor and  
14 the other half to the **【treasurer】** State Treasurer for the use of the  
15 State.

16 c. No person shall be appointed to or hold any position in this  
17 State who has not the requisite qualifications for personally  
18 performing the duties of such position in cases where scientific  
19 engineering skill is necessary to the performance of the duties  
20 thereof.

21 d. Any person holding or attempting to hold an office,  
22 employment, or position in violation of this section shall be  
23 considered as illegally holding or attempting to hold the same;  
24 provided that a person holding an office, employment, or position in  
25 this State shall have one year from the time of taking the office,  
26 employment, or position to satisfy the requirement of principal  
27 residency, and if thereafter **【such】** the person fails to satisfy the  
28 requirement of principal residency as defined herein with respect to  
29 any 365-day period, that person shall be deemed unqualified for  
30 holding the office, employment, or position. The Superior Court  
31 shall, in a civil action in lieu of prerogative writ, give judgment of  
32 ouster against **【such】** the person, upon the complaint of any officer  
33 or citizen of the State, provided that any **【such】** complaint shall be  
34 brought within one year of the alleged 365-day period of failure to  
35 have **【his or her】** the person's principal residence in this State.

36 (cf: P.L.2011, c.70, s.2)

37  
38 33. The following are repealed:

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

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

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

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

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

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

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

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

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46

1 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
2 32:23-108);  
3 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);  
4 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
5 through 32:23-113);  
6 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
7 32:23-117);  
8 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and  
9 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
10 150 through 32:23-225).

11

12 34. This act shall take effect immediately, but sections 3 through  
13 32 shall be inoperative until the transfer date has occurred pursuant  
14 to section 31 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).