

# 32:23-114

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 1999                    **CHAPTER:** 206  
**NJSA:** 32:23-114            (Longshoremen Register – modifies)  
**BILL NO:** A2639                Substituted for S1457  
**SPONSOR(S):** DiGaetano and Doria  
**DATE INTRODUCED:** November 16, 1998  
**COMMITTEE:**                    **ASSEMBLY:** Transportation

**SENATE:** ----

**AMENDED DURING PASSAGE:** Yes  
**DATE OF PASSAGE:**            **ASSEMBLY:** June 24, 1999  
**SENATE:** June 24, 1999  
**DATE OF APPROVAL:** September 15, 1999

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL:](#) 2<sup>nd</sup> Reprint  
(Amendments during passage denoted by superscript numbers)

#### **A2639**

[SPONSORS STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)  
**COMMITTEE STATEMENT:**                    [ASSEMBLY:](#) [Yes](#)  
**SENATE:** No  
[FLOOR AMENDMENT STATEMENTS:](#) [Yes](#)  
**LEGISLATIVE FISCAL ESTIMATE:** No

#### **S1457**

[SPONSORS STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)  
Bill and Sponsors statement identical to A2639  
**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No  
**SENATE:** [Yes](#)  
**FLOOR AMENDMENT STATEMENTS:** No  
**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

**FOLLOWING WERE PRINTED:**

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No

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

P.L. 1999, CHAPTER 206, *approved September 15, 1999*  
Assembly, No. 2639 (*Second Reprint*)

1 **AN ACT** empowering the waterfront commission to accept  
2 applications for inclusion in the longshoremen's register upon the  
3 petition of certain employers, providing certain requirements for  
4 such petitions and for joint recommendations, and further  
5 empowering the commission to grant permanent registration to  
6 certain longshoremen and checkers with temporary registration, and  
7 amending P.L.1966, c.18.

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

11  
12 1. Section 2 (5-p) of P.L.1966, c.18 (C.32:23-114) is amended to  
13 read as follows:

14 2. 5-p 1. The commission shall suspend the acceptance of  
15 applications for inclusion in the longshoremen's register for a period  
16 of 60 days after the effective date of this act. Upon the termination of  
17 such 60-day period the commission shall thereafter have the power to  
18 make determinations to suspend the acceptance of applications for  
19 inclusion in the longshoremen's register for such periods of time as the  
20 commission may from time to time establish and, after any such period  
21 of suspension, the commission shall have the power to make  
22 determinations to accept applications<sup>1</sup>, which shall be processed in the  
23 order in which they are filed with the commission,<sup>2</sup> for such period of  
24 time as the commission may establish or in such number as the  
25 commission may determine, or both. Such determinations to suspend  
26 or accept applications shall be made by the commission: (a) on its  
27 own initiative or (b) upon the joint recommendation in writing of  
28 stevedores and other employers of longshoremen in the Port of New  
29 York District, acting through their representative for the purposes of  
30 collective bargaining with a labor organization representing such  
31 longshoremen in such district and such labor organization<sup>1</sup>, which  
32 joint recommendation the commission shall have the power to accept  
33 or reject<sup>2</sup> or (c) upon the petition in writing of a stevedore or other  
34 employer of longshoremen in the Port of New York District which  
35 does not have a representative for the purposes of collective  
36 bargaining with a labor organization representing such longshoremen.  
37 The commission shall have the power to accept or reject such joint  
38 recommendation or petition.

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ATR committee amendments adopted March 4, 1999.

<sup>2</sup> Senate floor amendments adopted June 21, 1999.

1 A joint recommendation or petition filed for the acceptance of  
2 applications with the commission for inclusion in the longshoremen's  
3 register shall include:

4 (a) The number of employees requested;

5 (b) The category or categories of employees requested;

6 (c) A detailed statement setting forth the reasons for the joint  
7 recommendation or petition;

8 (d) In cases where a joint recommendation is made under this  
9 section, the collective bargaining representative of stevedores and  
10 other employers of longshoremen in the Port of New York District and  
11 the labor organization representing such longshoremen shall provide  
12 the allocation of the number of persons to be sponsored by each  
13 employer of longshoremen in the Port of New York District; and

14 (e) Any other information requested by the commission.

15 Upon the granting of any joint recommendation or petition under  
16 this section for the acceptance of applications for inclusion in the  
17 longshoremen's register, the commission shall accept applications upon  
18 written sponsorship from the prospective employer of longshoremen.  
19 The sponsoring employer shall furnish the commission with the name,  
20 address and such other identifying or category information as the  
21 commission may prescribe for any person so sponsored. The  
22 sponsoring employer shall certify that the selection of the persons so  
23 sponsored was made on a fair and non-discriminatory basis in  
24 accordance with the requirements of the laws of the United States and  
25 the states of New York and New Jersey dealing with equal  
26 employment opportunities.

27 Notwithstanding any of the foregoing, where the commission  
28 determines to accept applications for inclusion in the longshoremen's  
29 register on its own initiative, that acceptance shall be accomplished in  
30 the manner deemed appropriate by the commission.

31 2. In administering the provisions of this section, the commission  
32 shall observe the following standards:

33 (a) To encourage as far as practicable the regularization of the  
34 employment of longshoremen;

35 (b) To bring the number of eligible longshoremen into balance with  
36 the demand for longshoremen's services within the Port of New York  
37 District without reducing the number of eligible longshoremen below  
38 that necessary to meet the requirements of longshoremen in the Port  
39 of New York District;

40 (c) To encourage the mobility and full utilization of the existing  
41 work force of longshoremen;

42 (d) To protect the job security of the existing work force of  
43 longshoremen <sup>2</sup>[<sup>1</sup>as well as the job security of new applicants]<sup>2</sup> by

44 considering the <sup>2</sup>[<sup>2</sup>levels of]<sup>2</sup> wages and <sup>2</sup>employment<sup>2</sup> benefits  
45 <sup>2</sup>[provided generally by employers within the Port of New York  
46 District in collective bargaining agreements in effect at the time<sup>1</sup>] of

1 prospective registrants<sup>2</sup>;

2 (e) To eliminate oppressive and evil hiring practices injurious to  
3 waterfront labor and waterborne commerce in the Port of New York  
4 District, including, but not limited to, those oppressive and evil hiring  
5 practices that may result from either a surplus or shortage of  
6 waterfront labor;

7 (f) To consider the effect of technological change and automation  
8 and such other economic data and facts as are relevant to a proper  
9 determination[.]; <sup>1</sup>and<sup>1</sup>

10 <sup>1</sup>[g.] (g)<sup>1</sup> To protect the public interest of the Port of New York  
11 District.

12 In observing the foregoing standards and before determining to  
13 suspend or accept applications for inclusion in the longshoremen's  
14 register, the commission shall consult with and consider the views of,  
15 including any statistical data or other factual information concerning  
16 the size of the longshoremen's register submitted by, carriers of freight  
17 by water, stevedores, waterfront terminal owners and operators, any  
18 labor organization representing employees registered by the  
19 commission, and any other person whose interests may be affected by  
20 the size of the longshoremen's register.

21 Any joint recommendation or petition granted hereunder shall be  
22 subject to such terms and conditions as the commission may prescribe.

23 3. Any determination by the commission pursuant to this section  
24 to suspend or accept applications for inclusion in the longshoremen's  
25 register shall be made upon a record, shall not become effective until  
26 five days after notice thereof to the collective bargaining  
27 representative of stevedores and other employers of longshoremen in  
28 the Port of New York District and to the labor organization  
29 representing such longshoremen and the petitioning stevedore or other  
30 employer of longshoremen in the Port of New York District and shall  
31 be subject to judicial review for being arbitrary, capricious, and an  
32 abuse of discretion in a proceeding jointly instituted by such  
33 representative and such labor organization or by the petitioning  
34 stevedore or other employer of longshoremen in the Port of New York  
35 District. Such judicial review proceeding may be instituted in either  
36 state in the manner provided by the law of such state for review of the  
37 final decision or action of administrative agencies of such state,  
38 provided, however, that such proceeding shall be decided directly by  
39 the appellate division as the court of first instance (to which the  
40 proceeding shall be transferred by order of transfer by the Supreme  
41 Court in the [state] State of New York or in the State of New Jersey  
42 by notice of appeal from the commission's determination), and  
43 provided further that notwithstanding any other provision of law in  
44 either state no court shall have power to stay the commission's  
45 determination prior to final judicial decision for more than 15 days. In  
46 the event that the court enters a final order setting aside the

1 determination by the commission to accept applications for inclusion  
2 in the longshoremen's register, the registration of any longshoremen  
3 included in the longshoremen's register as a result of such  
4 determination by the commission shall be canceled.

5 This section shall apply, notwithstanding any other provision of this  
6 act, provided, however, such **【action】** section shall not in any way  
7 limit or restrict the provision of section 5 of article IX of this act  
8 empowering the commission to register longshoremen on a temporary  
9 basis to meet special or emergency needs or the provisions of section  
10 4 of article IX of this act relating to the immediate reinstatement of  
11 persons removed from the longshoremen's register pursuant to article  
12 IX of this act. Nothing in this section shall be construed to modify,  
13 limit or restrict in any way any of the rights protected by article 15 of  
14 this act.

15 4. Notwithstanding any other provision of this act, the commission  
16 may include in the longshoremen's register under such terms and  
17 conditions as the commission may prescribe:

18 (a) A person issued registration on a temporary basis to meet  
19 special or emergency needs, who, on the effective date of this act, is  
20 still so registered by the commission;

21 (b) A person defined as a "longshoreman" in subdivision (6) of  
22 section 1(5-a) of P.L.1954, c.14 (C.32:23-85), who is employed by a  
23 stevedore as defined in paragraph (b) or (c) of subdivision (1) of the  
24 same section (C.32:23-85) and whose employment is not subject to the  
25 guaranteed annual income provisions of any collective bargaining  
26 agreement relating to longshoremen;

27 (c) No more than 20 persons issued and holding registration  
28 pursuant to paragraph (b) of this subdivision who are limited to acting  
29 as scalemen and who are no longer employed as scalemen on the  
30 effective date of this 1987 amendatory act;

31 (d) A person issued registration on a temporary basis as a checker  
32 to meet special or emergency needs who applied for such registration  
33 prior to January 15, 1986 and who is still so registered by the  
34 commission;

35 (e) A person issued registration on a temporary basis as a checker  
36 to meet special or emergency needs in accordance with a waterfront  
37 commission resolution of September 4, 1996 and who is still so  
38 registered by the commission;

39 (f) A person issued registration on a temporary basis as a container  
40 equipment operator to meet special or emergency needs in accordance  
41 with a waterfront commission resolution of September 4, 1996 and  
42 who is still so registered by the commission; and

43 (g) A person issued registration on a temporary basis as a  
44 longshoreman to meet special or emergency needs in accordance with  
45 a waterfront commission resolution of September 4, 1996 and who is  
46 still so registered by the commission.

1     5. The commission may include in the longshoremen's register,  
2 under such terms and conditions as the commission may prescribe,  
3 persons issued registration on a temporary basis as a longshoreman or  
4 a checker to meet special or emergency needs and who are still so  
5 registered by the commission upon the effective date of P.L. ., c.  
6 (now before the Legislature as this bill.)  
7 (cf: P.L.1997, c.433, s.1)

8  
9     2. (new section) If any part or provision of this act or the  
10 application thereof to any person or circumstances be adjudged invalid  
11 by any court of competent jurisdiction, such judgment shall be  
12 confined in its operation to the part, provision or application directly  
13 involved in the controversy in which such judgment shall have been  
14 rendered and shall not affect or impair the validity of the remainder of  
15 this act or the application thereof to other persons or circumstances  
16 and the two states hereby declare that they would have entered into  
17 this act or the remainder thereof had the invalidity of such provisions  
18 or application thereof been apparent.

19  
20     3. This act constitutes an agreement between the states of New  
21 Jersey and New York, supplementary to the waterfront commission  
22 compact and amendatory thereof, and shall be liberally construed to  
23 effectuate the purposes of that compact and the powers vested in the  
24 waterfront commission hereby shall be construed to be in aid of and  
25 supplemental to and not in limitation of or in derogation of any of the  
26 powers heretofore conferred upon or delegated to the waterfront  
27 commission.

28  
29     4. This act shall take effect immediately but shall remain  
30 inoperative until the enactment into law by the State of New York of  
31 legislation of substantially similar substance and effect; but if such  
32 legislation already has been enacted, this act shall take effect  
33 immediately.

34  
35  
36  
37  
38     \_\_\_\_\_  
39 Modifies procedures for inclusion of persons in Longshoremen's Register.

# ASSEMBLY, No. 2639

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED NOVEMBER 16, 1998

**Sponsored by:**

Assemblyman PAUL DIGAETANO  
District 36 (Bergen, Essex and Passaic)  
Assemblyman JOSEPH V. DORIA, JR.  
District 31 (Hudson)

**Co-Sponsored by:**

Assemblyman Kelly

**SYNOPSIS**

Modifies procedures for inclusion of persons in Longshoremen's Register.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT empowering the waterfront commission to accept  
2 applications for inclusion in the longshoremen's register upon the  
3 petition of certain employers, providing certain requirements for  
4 such petitions and for joint recommendations, and further  
5 empowering the commission to grant permanent registration to  
6 certain longshoremen and checkers with temporary registration, and  
7 amending P.L.1966, c.18.

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

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13 read as follows:

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15 applications for inclusion in the longshoremen's register for a period  
16 of 60 days after the effective date of this act. Upon the termination of  
17 such 60-day period the commission shall thereafter have the power to  
18 make determinations to suspend the acceptance of applications for  
19 inclusion in the longshoremen's register for such periods of time as the  
20 commission may from time to time establish and, after any such period  
21 of suspension, the commission shall have the power to make  
22 determinations to accept applications~~], which shall be processed in the~~  
23 ~~order in which they are filed with the commission,]~~ for such period of  
24 time as the commission may establish or in such number as the  
25 commission may determine, or both. Such determinations to suspend  
26 or accept applications shall be made by the commission: (a) on its  
27 own initiative or (b) upon the joint recommendation in writing of  
28 stevedores and other employers of longshoremen in the Port of New  
29 York District, acting through their representative for the purposes of  
30 collective bargaining with a labor organization representing such  
31 longshoremen in such district and such labor organization~~], which~~  
32 ~~joint recommendation the commission shall have the power to accept~~  
33 ~~or reject]~~ or (c) upon the petition in writing of a stevedore or other  
34 employer of longshoremen in the Port of New York District which  
35 does not have a representative for the purposes of collective  
36 bargaining with a labor organization representing such longshoremen.  
37 The commission shall have the power to accept or reject such joint  
38 recommendation or petition.

39 A joint recommendation or petition filed for the acceptance of  
40 applications with the commission for inclusion in the longshoremen's  
41 register shall include:

42 (a) The number of employees requested;

43 (b) The category or categories of employees requested;

**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     (c) A detailed statement setting forth the reasons for the joint  
2 recommendation or petition;

3     (d) In cases where a joint recommendation is made under this  
4 section, the collective bargaining representative of stevedores and  
5 other employers of longshoremen in the Port of New York District and  
6 the labor organization representing such longshoremen shall provide  
7 the allocation of the number of persons to be sponsored by each  
8 employer of longshoremen in the Port of New York District; and

9     (e) Any other information requested by the commission.

10     Upon the granting of any joint recommendation or petition under  
11 this section for the acceptance of applications for inclusion in the  
12 longshoremen's register, the commission shall accept applications upon  
13 written sponsorship from the prospective employer of longshoremen.  
14 The sponsoring employer shall furnish the commission with the name,  
15 address and such other identifying or category information as the  
16 commission may prescribe for any person so sponsored. The  
17 sponsoring employer shall certify that the selection of the persons so  
18 sponsored was made on a fair and non-discriminatory basis in  
19 accordance with the requirements of the laws of the United States and  
20 the states of New York and New Jersey dealing with equal  
21 employment opportunities.

22     Notwithstanding any of the foregoing, where the commission  
23 determines to accept applications for inclusion in the longshoremen's  
24 register on its own initiative, that acceptance shall be accomplished in  
25 the manner deemed appropriate by the commission.

26     2. In administering the provisions of this section, the commission  
27 shall observe the following standards:

28     (a) To encourage as far as practicable the regularization of the  
29 employment of longshoremen;

30     (b) To bring the number of eligible longshoremen into balance with  
31 the demand for longshoremen's services within the Port of New York  
32 District without reducing the number of eligible longshoremen below  
33 that necessary to meet the requirements of longshoremen in the Port  
34 of New York District;

35     (c) To encourage the mobility and full utilization of the existing  
36 work force of longshoremen;

37     (d) To protect the job security of the existing work force of  
38 longshoremen;

39     (e) To eliminate oppressive and evil hiring practices injurious to  
40 waterfront labor and waterborne commerce in the Port of New York  
41 District, including, but not limited to, those oppressive and evil hiring  
42 practices that may result from either a surplus or shortage of  
43 waterfront labor;

44     (f) To consider the effect of technological change and automation  
45 and such other economic data and facts as are relevant to a proper  
46 determination[.];

1       g. To protect the public interest of the Port of New York District.

2       In observing the foregoing standards and before determining to  
3 suspend or accept applications for inclusion in the longshoremen's  
4 register, the commission shall consult with and consider the views of,  
5 including any statistical data or other factual information concerning  
6 the size of the longshoremen's register submitted by, carriers of freight  
7 by water, stevedores, waterfront terminal owners and operators, any  
8 labor organization representing employees registered by the  
9 commission, and any other person whose interests may be affected by  
10 the size of the longshoremen's register.

11       Any joint recommendation or petition granted hereunder shall be  
12 subject to such terms and conditions as the commission may prescribe.

13       3. Any determination by the commission pursuant to this section  
14 to suspend or accept applications for inclusion in the longshoremen's  
15 register shall be made upon a record, shall not become effective until  
16 five days after notice thereof to the collective bargaining  
17 representative of stevedores and other employers of longshoremen in  
18 the Port of New York District and to the labor organization  
19 representing such longshoremen and the petitioning stevedore or other  
20 employer of longshoremen in the Port of New York District and shall  
21 be subject to judicial review for being arbitrary, capricious, and an  
22 abuse of discretion in a proceeding jointly instituted by such  
23 representative and such labor organization or by the petitioning  
24 stevedore or other employer of longshoremen in the Port of New York  
25 District. Such judicial review proceeding may be instituted in either  
26 state in the manner provided by the law of such state for review of the  
27 final decision or action of administrative agencies of such state,  
28 provided, however, that such proceeding shall be decided directly by  
29 the appellate division as the court of first instance (to which the  
30 proceeding shall be transferred by order of transfer by the Supreme  
31 Court in the **[state]** State of New York or in the State of New Jersey  
32 by notice of appeal from the commission's determination), and  
33 provided further that notwithstanding any other provision of law in  
34 either state no court shall have power to stay the commission's  
35 determination prior to final judicial decision for more than 15 days. In  
36 the event that the court enters a final order setting aside the  
37 determination by the commission to accept applications for inclusion  
38 in the longshoremen's register, the registration of any longshoremen  
39 included in the longshoremen's register as a result of such  
40 determination by the commission shall be canceled.

41       This section shall apply, notwithstanding any other provision of this  
42 act, provided, however, such **[action]** section shall not in any way  
43 limit or restrict the provision of section 5 of article IX of this act  
44 empowering the commission to register longshoremen on a temporary  
45 basis to meet special or emergency needs or the provisions of section  
46 4 of article IX of this act relating to the immediate reinstatement of

1 persons removed from the longshoremen's register pursuant to article  
2 IX of this act. Nothing in this section shall be construed to modify,  
3 limit or restrict in any way any of the rights protected by article 15 of  
4 this act.

5 4. Notwithstanding any other provision of this act, the commission  
6 may include in the longshoremen's register under such terms and  
7 conditions as the commission may prescribe:

8 (a) A person issued registration on a temporary basis to meet  
9 special or emergency needs, who, on the effective date of this act, is  
10 still so registered by the commission;

11 (b) A person defined as a "longshoreman" in subdivision (6) of  
12 section 1(5-a) of P.L.1954, c.14 (C.32:23-85), who is employed by a  
13 stevedore as defined in paragraph (b) or (c) of subdivision (1) of the  
14 same section (C.32:23-85) and whose employment is not subject to the  
15 guaranteed annual income provisions of any collective bargaining  
16 agreement relating to longshoremen;

17 (c) No more than 20 persons issued and holding registration  
18 pursuant to paragraph (b) of this subdivision who are limited to acting  
19 as scalemen and who are no longer employed as scalemen on the  
20 effective date of this 1987 amendatory act;

21 (d) A person issued registration on a temporary basis as a checker  
22 to meet special or emergency needs who applied for such registration  
23 prior to January 15, 1986 and who is still so registered by the  
24 commission;

25 (e) A person issued registration on a temporary basis as a checker  
26 to meet special or emergency needs in accordance with a waterfront  
27 commission resolution of September 4, 1996 and who is still so  
28 registered by the commission;

29 (f) A person issued registration on a temporary basis as a container  
30 equipment operator to meet special or emergency needs in accordance  
31 with a waterfront commission resolution of September 4, 1996 and  
32 who is still so registered by the commission; and

33 (g) A person issued registration on a temporary basis as a  
34 longshoreman to meet special or emergency needs in accordance with  
35 a waterfront commission resolution of September 4, 1996 and who is  
36 still so registered by the commission.

37 5. The commission may include in the longshoremen's register,  
38 under such terms and conditions as the commission may prescribe,  
39 persons issued registration on a temporary basis as a longshoreman or  
40 a checker to meet special or emergency needs and who are still so  
41 registered by the commission upon the effective date of P.L. . . c.  
42 (now before the Legislature as this bill.)

43 (cf: P.L.1997, c.433, s.1)

44

45 2. If any part or provision of this act or the application thereof to  
46 any person or circumstances be adjudged invalid by any court of

1 competent jurisdiction, such judgment shall be confined in its  
2 operation to the part, provision or application directly involved in the  
3 controversy in which such judgment shall have been rendered and shall  
4 not affect or impair the validity of the remainder of this act or the  
5 application thereof to other persons or circumstances and the two  
6 states hereby declare that they would have entered into this act or the  
7 remainder thereof had the invalidity of such provisions or application  
8 thereof been apparent.

9  
10 3. This act constitutes an agreement between the states of New  
11 Jersey and New York, supplementary to the waterfront commission  
12 compact and amendatory thereof, and shall be liberally construed to  
13 effectuate the purposes of that compact and the powers vested in the  
14 waterfront commission hereby shall be construed to be in aid of and  
15 supplemental to and not in limitation of or in derogation of any of the  
16 powers heretofore conferred upon or delegated to the waterfront  
17 commission.

18  
19 4. This act shall take effect immediately but shall remain  
20 inoperative until the enactment into law by the State of New York of  
21 legislation of substantially similar substance and effect; but if such  
22 legislation already has been enacted, this act shall take effect  
23 immediately.

24  
25  
26 STATEMENT

27  
28 Under current law, the Waterfront Commission of New York  
29 harbor (the "Waterfront Commission") is empowered to suspend the  
30 acceptance of applications for inclusion in the longshoremen's register  
31 until such time as the commission determines to accept such  
32 applications which shall be processed in the order in which they are  
33 filed with the commission. This bill eliminates the "first-come-first-  
34 serve" provision and permits stevedores or other employers of  
35 longshoremen in the Port of New York District which do not have a  
36 representative for the purposes of collective bargaining with a labor  
37 organization representing such longshoremen to petition the  
38 commission to suspend or accept applications. Currently the  
39 commission may also make such a determination on its own initiative  
40 or upon the joint recommendation of stevedores and other employers  
41 of longshoremen in the Port of New York District acting through their  
42 representative for the purposes of collective bargaining with a labor  
43 organization representing such longshoremen and such labor  
44 organization. The bill provides for sponsorship of applicants by the  
45 prospective employer of the longshoremen. The sponsoring employer  
46 is to certify that the selection of the persons so sponsored was made

1 in a fair and non-discriminatory basis in accordance with the laws of  
2 the United States, New Jersey and New York dealing with equal  
3 employment opportunities. In addition, the bill "grandfathers" certain  
4 persons issued registration on a temporary basis as longshoremen or  
5 checkers to meet special or emergency needs and who are still so  
6 registered by the commission upon the effective date of this bill  
7 becoming law.

8 The enactment of this legislation would permit the waterfront  
9 commission to respond to the employment needs of the Port of New  
10 York and New Jersey by opening the so-called "Deep Sea"  
11 Longshoremen's Register upon petition of a stevedore or other  
12 employees of longshoremen who are not members of a management  
13 association, as well as by the current method of a joint  
14 recommendation of a management association and labor organization,  
15 and to accept applications from persons sponsored by prospective  
16 employers. Given the forecasts for increased demand for skilled dock  
17 workers in the port area, this bill would provide for an orderly and  
18 efficient way of meeting this demand by providing procedures by  
19 which the "Deep Sea" register can be opened after being generally  
20 "closed" to new permanent registrations for almost 30 years.

21 For the provisions of this act to have the force of law, the State of  
22 New York must adopt substantially similar legislation.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2639**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 1999

The Assembly Transportation Committee reports favorably Assembly Bill No. 2639 with committee amendments.

Under current law, the waterfront commission of New York harbor (the "commission") is empowered to suspend the acceptance of applications for inclusion in the Longshoremen's Register until such time as the commission determines to accept such applications which shall be processed in the order in which they are filed with the commission. This bill, as amended by the committee, eliminates the "first-come-first-serve" provision and permits stevedores or other employers of longshoremen in the Port of New York District which do not have a representative for the purposes of collective bargaining with a labor organization representing such longshoremen to petition the commission to suspend or accept applications. Currently the commission may also make such a determination on its own initiative or upon the joint recommendation of stevedores and other employers of longshoremen in the Port of New York District acting through their representative for the purposes of collective bargaining with a labor organization representing such longshoremen and such labor organization. The amended bill provides for sponsorship of applicants by the prospective employer of the longshoremen. The sponsoring employer is to certify that the selection of the persons so sponsored was made in a fair and non-discriminatory basis in accordance with the laws of the United States, New Jersey and New York dealing with equal employment opportunities.

The amended bill directs the commission to protect the job security of new applicants by considering the levels of wages and benefits provided generally by employers within the Port of New York District in collective bargaining agreements in effect at the time. In addition, the amended bill "grandfathers" certain persons issued registration on a temporary basis as longshoremen or checkers to meet special or emergency needs and who are still so registered by the commission upon the effective date of this bill becoming law.

According to the sponsor, the enactment of this legislation would permit the commission to respond to the employment needs of the Port

of New York and New Jersey by opening the so-called "Deep Sea" Longshoremen's Register upon petition of a stevedore or other employers of longshoremen who are not members of a management association, as well as by the current method of a joint recommendation of a management association and labor organization, and to accept applications from persons sponsored by prospective employers. Given the forecasts for increased demand for skilled dock workers in the port area, this bill would provide for an orderly and efficient way of meeting this demand by providing procedures by which the "Deep Sea" register can be opened after being generally "closed" to new permanent registrations for almost 30 years.

For the provisions of this act to have the force of law, the State of New York must adopt substantially similar legislation.

The committee amended the bill to direct the commission to protect the job security of new applicants. This adds to the current provision which requires the commission to protect the job security of the existing work force of longshoremen.

As reported by the committee, this bill is identical to Senate Bill No. 1457 (1R).



STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2639**

with Senate Floor Amendments  
(Proposed By Senator DiFRANCESCO)

ADOPTED: JUNE 21, 1999

These amendments provide that the waterfront commission of New York harbor, in accepting new applications for inclusion in the Longshoremen's Register, shall protect the job security of the existing work force of longshoremen by considering the wages and employment benefits of prospective registrants. The purpose of the amendment is to permit the commission to protect the job security of the existing work force of longshoremen by considering the proposed wages and employment benefits of those making application for inclusion in the Longshoremen's Register.

**SENATE, No. 1457**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED OCTOBER 19, 1998

**Sponsored by:**

**Senator DONALD T. DIFRANCESCO**

**District 22 (Middlesex, Morris, Somerset and Union)**

**SYNOPSIS**

Modifies procedures for inclusion of persons in Longshoremen's Register.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT empowering the waterfront commission to accept  
2 applications for inclusion in the longshoremen's register upon the  
3 petition of certain employers, providing certain requirements for  
4 such petitions and for joint recommendations, and further  
5 empowering the commission to grant permanent registration to  
6 certain longshoremen and checkers with temporary registration, and  
7 amending P.L.1966, c.18.

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

11  
12 1. Section 2 (5-p) of P.L.1966, c.18 (C.32:23-114) is amended to  
13 read as follows:

14 2. 5-p 1. The commission shall suspend the acceptance of  
15 applications for inclusion in the longshoremen's register for a period  
16 of 60 days after the effective date of this act. Upon the termination of  
17 such 60-day period the commission shall thereafter have the power to  
18 make determinations to suspend the acceptance of applications for  
19 inclusion in the longshoremen's register for such periods of time as the  
20 commission may from time to time establish and, after any such period  
21 of suspension, the commission shall have the power to make  
22 determinations to accept applications~~], which shall be processed in the~~  
23 ~~order in which they are filed with the commission,]~~ for such period of  
24 time as the commission may establish or in such number as the  
25 commission may determine, or both. Such determinations to suspend  
26 or accept applications shall be made by the commission: (a) on its  
27 own initiative or (b) upon the joint recommendation in writing of  
28 stevedores and other employers of longshoremen in the Port of New  
29 York District, acting through their representative for the purposes of  
30 collective bargaining with a labor organization representing such  
31 longshoremen in such district and such labor organization~~], which~~  
32 ~~joint recommendation the commission shall have the power to accept~~  
33 ~~or reject]~~ or (c) upon the petition in writing of a stevedore or other  
34 employer of longshoremen in the Port of New York District which  
35 does not have a representative for the purposes of collective  
36 bargaining with a labor organization representing such longshoremen.  
37 The commission shall have the power to accept or reject such joint  
38 recommendation or petition.

39 A joint recommendation or petition filed for the acceptance of  
40 applications with the commission for inclusion in the longshoremen's  
41 register shall include:

42 (a) The number of employees requested;

43 (b) The category or categories of employees requested;

**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     (c) A detailed statement setting forth the reasons for the joint  
2 recommendation or petition;

3     (d) In cases where a joint recommendation is made under this  
4 section, the collective bargaining representative of stevedores and  
5 other employers of longshoremen in the Port of New York District and  
6 the labor organization representing such longshoremen shall provide  
7 the allocation of the number of persons to be sponsored by each  
8 employer of longshoremen in the Port of New York District; and

9     (e) Any other information requested by the commission.

10     Upon the granting of any joint recommendation or petition under  
11 this section for the acceptance of applications for inclusion in the  
12 longshoremen's register, the commission shall accept applications upon  
13 written sponsorship from the prospective employer of longshoremen.  
14 The sponsoring employer shall furnish the commission with the name,  
15 address and such other identifying or category information as the  
16 commission may prescribe for any person so sponsored. The  
17 sponsoring employer shall certify that the selection of the persons so  
18 sponsored was made on a fair and non-discriminatory basis in  
19 accordance with the requirements of the laws of the United States and  
20 the states of New York and New Jersey dealing with equal  
21 employment opportunities.

22     Notwithstanding any of the foregoing, where the commission  
23 determines to accept applications for inclusion in the longshoremen's  
24 register on its own initiative, that acceptance shall be accomplished in  
25 the manner deemed appropriate by the commission.

26     2. In administering the provisions of this section, the commission  
27 shall observe the following standards:

28     (a) To encourage as far as practicable the regularization of the  
29 employment of longshoremen;

30     (b) To bring the number of eligible longshoremen into balance with  
31 the demand for longshoremen's services within the Port of New York  
32 District without reducing the number of eligible longshoremen below  
33 that necessary to meet the requirements of longshoremen in the Port  
34 of New York District;

35     (c) To encourage the mobility and full utilization of the existing  
36 work force of longshoremen;

37     (d) To protect the job security of the existing work force of  
38 longshoremen;

39     (e) To eliminate oppressive and evil hiring practices injurious to  
40 waterfront labor and waterborne commerce in the Port of New York  
41 District, including, but not limited to, those oppressive and evil hiring  
42 practices that may result from either a surplus or shortage of  
43 waterfront labor;

44     (f) To consider the effect of technological change and automation  
45 and such other economic data and facts as are relevant to a proper  
46 determination[.];

1       g. To protect the public interest of the Port of New York District.

2       In observing the foregoing standards and before determining to  
3 suspend or accept applications for inclusion in the longshoremen's  
4 register, the commission shall consult with and consider the views of,  
5 including any statistical data or other factual information concerning  
6 the size of the longshoremen's register submitted by, carriers of freight  
7 by water, stevedores, waterfront terminal owners and operators, any  
8 labor organization representing employees registered by the  
9 commission, and any other person whose interests may be affected by  
10 the size of the longshoremen's register.

11       Any joint recommendation or petition granted hereunder shall be  
12 subject to such terms and conditions as the commission may prescribe.

13       3. Any determination by the commission pursuant to this section  
14 to suspend or accept applications for inclusion in the longshoremen's  
15 register shall be made upon a record, shall not become effective until  
16 five days after notice thereof to the collective bargaining  
17 representative of stevedores and other employers of longshoremen in  
18 the Port of New York District and to the labor organization  
19 representing such longshoremen and the petitioning stevedore or other  
20 employer of longshoremen in the Port of New York District and shall  
21 be subject to judicial review for being arbitrary, capricious, and an  
22 abuse of discretion in a proceeding jointly instituted by such  
23 representative and such labor organization or by the petitioning  
24 stevedore or other employer of longshoremen in the Port of New York  
25 District. Such judicial review proceeding may be instituted in either  
26 state in the manner provided by the law of such state for review of the  
27 final decision or action of administrative agencies of such state,  
28 provided, however, that such proceeding shall be decided directly by  
29 the appellate division as the court of first instance (to which the  
30 proceeding shall be transferred by order of transfer by the Supreme  
31 Court in the [state] State of New York or in the State of New Jersey  
32 by notice of appeal from the commission's determination), and  
33 provided further that notwithstanding any other provision of law in  
34 either state no court shall have power to stay the commission's  
35 determination prior to final judicial decision for more than 15 days. In  
36 the event that the court enters a final order setting aside the  
37 determination by the commission to accept applications for inclusion  
38 in the longshoremen's register, the registration of any longshoremen  
39 included in the longshoremen's register as a result of such  
40 determination by the commission shall be canceled.

41       This section shall apply, notwithstanding any other provision of this  
42 act, provided, however, such [action] section shall not in any way  
43 limit or restrict the provision of section 5 of article IX of this act  
44 empowering the commission to register longshoremen on a temporary  
45 basis to meet special or emergency needs or the provisions of section  
46 4 of article IX of this act relating to the immediate reinstatement of

1 persons removed from the longshoremen's register pursuant to article  
2 IX of this act. Nothing in this section shall be construed to modify,  
3 limit or restrict in any way any of the rights protected by article 15 of  
4 this act.

5 4. Notwithstanding any other provision of this act, the commission  
6 may include in the longshoremen's register under such terms and  
7 conditions as the commission may prescribe:

8 (a) A person issued registration on a temporary basis to meet  
9 special or emergency needs, who, on the effective date of this act, is  
10 still so registered by the commission;

11 (b) A person defined as a "longshoreman" in subdivision (6) of  
12 section 1(5-a) of P.L.1954, c.14 (C.32:23-85), who is employed by a  
13 stevedore as defined in paragraph (b) or (c) of subdivision (1) of the  
14 same section (C.32:23-85) and whose employment is not subject to the  
15 guaranteed annual income provisions of any collective bargaining  
16 agreement relating to longshoremen;

17 (c) No more than 20 persons issued and holding registration  
18 pursuant to paragraph (b) of this subdivision who are limited to acting  
19 as scalemen and who are no longer employed as scalemen on the  
20 effective date of this 1987 amendatory act;

21 (d) A person issued registration on a temporary basis as a checker  
22 to meet special or emergency needs who applied for such registration  
23 prior to January 15, 1986 and who is still so registered by the  
24 commission;

25 (e) A person issued registration on a temporary basis as a checker  
26 to meet special or emergency needs in accordance with a waterfront  
27 commission resolution of September 4, 1996 and who is still so  
28 registered by the commission;

29 (f) A person issued registration on a temporary basis as a container  
30 equipment operator to meet special or emergency needs in accordance  
31 with a waterfront commission resolution of September 4, 1996 and  
32 who is still so registered by the commission; and

33 (g) A person issued registration on a temporary basis as a  
34 longshoreman to meet special or emergency needs in accordance with  
35 a waterfront commission resolution of September 4, 1996 and who is  
36 still so registered by the commission.

37 5. The commission may include in the longshoremen's register,  
38 under such terms and conditions as the commission may prescribe,  
39 persons issued registration on a temporary basis as a longshoreman or  
40 a checker to meet special or emergency needs and who are still so  
41 registered by the commission upon the effective date of P.L. . . c.  
42 (now before the Legislature as this bill.)

43 (cf: P.L.1997, c.433, s.1)

44

45 2. If any part or provision of this act or the application thereof to  
46 any person or circumstances be adjudged invalid by any court of

1 competent jurisdiction, such judgment shall be confined in its  
2 operation to the part, provision or application directly involved in the  
3 controversy in which such judgment shall have been rendered and shall  
4 not affect or impair the validity of the remainder of this act or the  
5 application thereof to other persons or circumstances and the two  
6 states hereby declare that they would have entered into this act or the  
7 remainder thereof had the invalidity of such provisions or application  
8 thereof been apparent.

9  
10 3. This act constitutes an agreement between the states of New  
11 Jersey and New York, supplementary to the waterfront commission  
12 compact and amendatory thereof, and shall be liberally construed to  
13 effectuate the purposes of that compact and the powers vested in the  
14 waterfront commission hereby shall be construed to be in aid of and  
15 supplemental to and not in limitation of or in derogation of any of the  
16 powers heretofore conferred upon or delegated to the waterfront  
17 commission.

18  
19 4. This act shall take effect immediately but shall remain  
20 inoperative until the enactment into law by the State of New York of  
21 legislation of substantially similar substance and effect; but if such  
22 legislation already has been enacted, this act shall take effect  
23 immediately.

24  
25  
26 STATEMENT

27  
28 Under current law, the Waterfront Commission of New York  
29 harbor (the "Waterfront Commission") is empowered to suspend the  
30 acceptance of applications for inclusion in the longshoremen's register  
31 until such time as the commission determines to accept such  
32 applications which shall be processed in the order in which they are  
33 filed with the commission. This bill eliminates the "first-come-first-  
34 serve" provision and permits stevedores or other employers of  
35 longshoremen in the Port of New York District which do not have a  
36 representative for the purposes of collective bargaining with a labor  
37 organization representing such longshoremen to petition the  
38 commission to suspend or accept applications. Currently the  
39 commission may also make such a determination on its own initiative  
40 or upon the joint recommendation of stevedores and other employers  
41 of longshoremen in the Port of New York District acting through their  
42 representative for the purposes of collective bargaining with a labor  
43 organization representing such longshoremen and such labor  
44 organization. The bill provides for sponsorship of applicants by the  
45 prospective employer of the longshoremen. The sponsoring employer  
46 is to certify that the selection of the persons so sponsored was made

**S1457 DIFRANCESCO**

7

1 in a fair and non-discriminatory basis in accordance with the laws of  
2 the United States, New Jersey and New York dealing with equal  
3 employment opportunities. In addition, the bill "grandfathers" certain  
4 persons issued registration on a temporary basis as longshoremen or  
5 checkers to meet special or emergency needs and who are still so  
6 registered by the commission upon the effective date of this bill  
7 becoming law.

8 The enactment of this legislation would permit the waterfront  
9 commission to respond to the employment needs of the Port of New  
10 York and New Jersey by opening the so-called "Deep Sea"  
11 Longshoremen's Register upon petition of a stevedore or other  
12 employees of longshoremen who are not members of a management  
13 association, as well as by the current method of a joint  
14 recommendation of a management association and labor organization,  
15 and to accept applications from persons sponsored by prospective  
16 employers. Given the forecasts for increased demand for skilled dock  
17 workers in the port area, this bill would provide for an orderly and  
18 efficient way of meeting this demand by providing procedures by  
19 which the "Deep Sea" register can be opened after being generally  
20 "closed" to new permanent registrations for almost 30 years.

21 For the provisions of this act to have the force of law, the State of  
22 New York must adopt substantially similar legislation.



# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1457**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 1998

The Senate Transportation Committee reports favorably Senate Bill No. 1457 with committee amendments.

Under current law, the waterfront commission of New York harbor (the "waterfront commission") is empowered to suspend the acceptance of applications for inclusion in the Longshoremen's Register until such time as the commission determines to accept such applications which shall be processed in the order in which they are filed with the commission. This bill, as amended by the committee, eliminates the "first-come-first-serve" provision and permits stevedores or other employers of longshoremen in the Port of New York District which do not have a representative for the purposes of collective bargaining with a labor organization representing such longshoremen to petition the commission to suspend or accept applications. Currently the commission may also make such a determination on its own initiative or upon the joint recommendation of stevedores and other employers of longshoremen in the Port of New York District acting through their representative for the purposes of collective bargaining with a labor organization representing such longshoremen and such labor organization. The amended bill provides for sponsorship of applicants by the prospective employer of the longshoremen. The sponsoring employer is to certify that the selection of the persons so sponsored was made in a fair and non-discriminatory basis in accordance with the laws of the United States, New Jersey and New York dealing with equal employment opportunities. The amended bill directs the commission to protect the job security of new applicants by considering the levels of wages and benefits provided generally by employers within the Port of New York District in collective bargaining agreements in effect at the time. In addition, the amended bill "grandfathers" certain persons issued registration on a temporary basis as longshoremen or checkers to meet special or emergency needs and who are still so registered by the commission upon the effective date of this bill becoming law.

The enactment of this legislation would permit the waterfront commission to respond to the employment needs of the Port of New

York and New Jersey by opening the so-called "Deep Sea" Longshoremen's Register upon petition of a stevedore or other employers of longshoremen who are not members of a management association, as well as by the current method of a joint recommendation of a management association and labor organization, and to accept applications from persons sponsored by prospective employers. Given the forecasts for increased demand for skilled dock workers in the port area, this bill would provide for an orderly and efficient way of meeting this demand by providing procedures by which the "Deep Sea" register can be opened after being generally "closed" to new permanent registrations for almost 30 years.

For the provisions of this act to have the force of law, the State of New York must adopt substantially similar legislation.

The committee amended the bill to direct the commission to protect the job security of new applicants. This adds to the current provision which requires the commission to protect the job security of the existing work force of longshoremen.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: September 15, 1999

**GOVERNOR SIGNS LEGISLATION PROVIDING \$159 MILLION  
FOR PORT DREDGING AND IMPROVEMENT PROJECTS**

Gov. Christie Whitman today signed legislation appropriating \$159 million for dredging in the Kill Van Kull and Newark Bay channels and for soil decontamination and reclamation projects to ensure that the Port of New York and New Jersey retains its competitive edge. The legislation also provides funding for beach projects in Cape May and for dredging of the Margate Channel.

"New Jersey is at the hub of the world's major markets. When you add to that a highly skilled, reliable workforce, like the International Longshoremen's Association, it gives us distribution advantages unequaled on the East Coast," the Governor said.

"Shipping in New Jersey is a \$50 billion industry, with more than \$13 billion of goods shipped every year. The port of New York and New Jersey employs 170,000 workers; 80,000 of them New Jerseyans," Governor Whitman said.

"As the main access to Elizabeth port and Port Newark, the Kill Van Kull channel will be the entryway for the world's largest vessels. We expect the number of containers through the port to triple by the year 2020 and double again by 2040, creating 170,000 new maritime jobs here in the process," she said.

The Governor said working together with port interests her administration has made transportation a priority for New Jersey. She said her New Jersey First Program provides a transportation vision for the 21st century, one that stresses the importance to New Jersey of a good system for transporting people and products.

She said a key part of that vision was the decision by Sea-Land/Maresk to stay in the Port of Newark-Elizabeth terminal. The Governor said she promised the ILA she would fight hard to retain the companies and the state succeeded in doing so.

Also, Governor Whitman said, she is committed to the Portway project, which is aimed at improving roadways to and from major rail and seaport facilities and eliminating the truck gridlock that sometimes occurs. The bills signed by the Governor were:

**S-8**, which appropriates \$101.3 million from the 1996 Dredging Bond Act to the Port Authority of New York and New Jersey for dredging the Kill Van Kull and Newark bay channels. The appropriation is a central part of the agreement negotiated with Sea-

Land/Maersk to retain the companies as tenants in the Newark/Elizabeth Port. The bill was sponsored by Senators Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Raymond J. Lesniak (D-Union) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth), Alex DeCroce (R-Essex/Morris/Passaic), Richard H. Bagger (R-Middlesex/Morris/Somerset/Union) and William D. Payne (D-Essex/Union).

**S-1425**, sponsored by Senators Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and John O. Bennett (R-Monmouth) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland), which appropriates \$20.732 million from the 1996 Dredging Bond Act for various projects. The bill appropriates \$20 million to the Office of Marine Resources to fund the Strip Mining Reclamation Project, which utilizes dredge spoils for strip mine reclamation in Pennsylvania. The Governor's line item veto reduced the amount appropriated for the mine reclamation project to \$10 million, thus the total amount appropriated by the bill is \$10.732 million.

The bill also appropriates \$32,000 for the Cape May Mosquito Commission Beach Project and \$700,000 for Margate Channel improvements.

**S-1296**, sponsored by Senators Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Alex DeCroce (R-Essex/Morris/Passaic), Joseph V. Doria, Jr. (D-Hudson) and Joseph Charles, Jr. (D-Hudson), appropriates \$27 million from the 1996 Dredging Bond Act to the Office of Maritime Resources to provide New Jersey's share of the costs of dredging the Port Jersey Channel, located in the Hudson River Harbor.

**A-2923**, sponsored by Assembly Members Steve Corodemus (R-Monmouth) and Alan M. Augustine (R-Middlesex/Morris/Somerset/Union) and Senators Joseph M. Kyriillos, Jr. (R-Middlesex/Monmouth) and Andrew R. Ciesla (R-Monmouth/Ocean), appropriates \$20 million from the 1996 Dredging Bond Act to the Office of Maritime Resources to fund demonstration projects for the decontamination of dredged materials from the Port Region.

**A-2639**, sponsored by Assembly Members Paul DiGaetano (R-Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson) and Senator Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), provides for new procedures that will allow the Longshoremen's Register to be opened in order to expand the pool of eligible workers at the Port of New York and New Jersey. For example, these new procedures allow employers to petition the Waterfront Commission of New York Harbor to open the Longshoremen's Register for prospective applicants. The petitioning employer must certify that the selection of persons sponsored was made in a fair and non-discriminatory manner in accordance with the laws of the United States, New Jersey and New York that deal with equal employment opportunities. In addition, the bill opens the Longshoremen's Register by "grandfathering" in certain persons issued registration on a temporary basis to meet emergency needs and who are still registered by the Commission.

The Governor also signed **S-1958**, which reduced the amount previously appropriated for dredging and dredge material disposal projects from \$32 million to \$26.7 million. This reduction was necessary to facilitate the \$101.3 million appropriation authorized in bill S-8. S-1958 was recommended by the Dredging Project Facilitation Task Force. The Task Force determined that the reduced amount is sufficient to fund the original purpose of the previous appropriation, which is to construct a processing facility to dewater and stabilize contaminated dredge materials from various projects. The facility will be operated by a private entity and handle about 500,000 cubic yards of dredge material, and manufacture a soil-like product for use in designated brownfields reclamation, landfill closure and transportation projects. The bill was sponsored by Senator Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Member Alex DeCroce (R-Essex/Morris/Passaic).