

[First Reprint]

**SENATE, No. 2277**

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

INTRODUCED JUNE 30, 2014

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator RONALD L. RICE**

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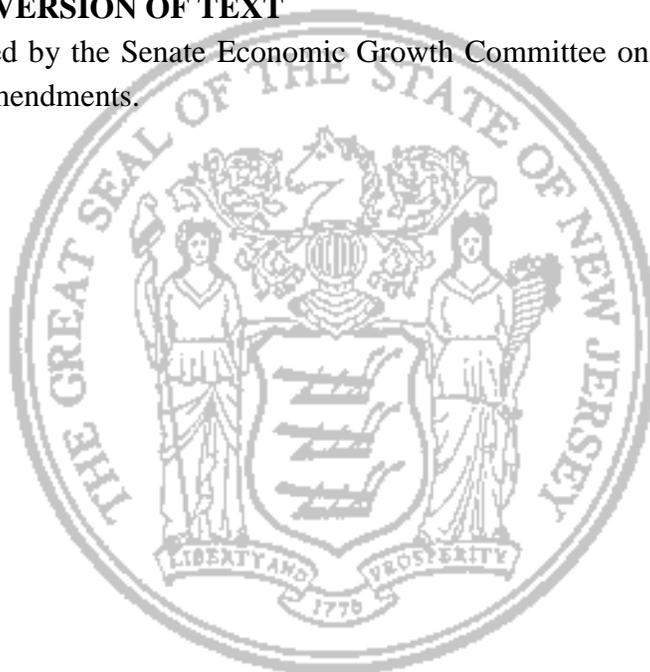
**Senators Singer, Pennacchio, Bateman, Thompson, Codey and Ruiz**

**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 Senate Economic Growth Committee on September 18, 2014, with amendments.



**(Sponsorship Updated As Of: 10/10/2014)**

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

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

11  
12 1. The Legislature finds and declares that:

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

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEG committee amendments adopted September 18, 2014.

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, <sup>1</sup>~~the commission is no~~  
8 longer necessary to carry out that regulation. Several there are  
9 numerous federal, State, and local<sup>1</sup> taxpayer funded agencies  
10 <sup>1</sup>~~already have authority to monitor~~ that have jurisdiction that the  
11 commission lacks to regulate port<sup>1</sup> operations <sup>1</sup>~~at the port~~<sup>1</sup>,  
12 including <sup>1</sup>, but not limited to<sup>1</sup>: the United States Department of  
13 Homeland Security <sup>1</sup>~~;~~ United States Customs and Border  
14 Protection;<sup>1</sup> the United States Coast Guard <sup>1</sup>~~;~~ the Transportation  
15 Security Administration;<sup>1</sup> the Federal Bureau of Investigation <sup>1</sup>~~;~~<sup>1</sup>  
16 the United States Department of <sup>1</sup>~~Labor;~~ Labor's Division of  
17 Longshore and Harbor Workers Compensation; the National Labor  
18 Relations Board; the Food and Drug Administration; the United  
19 States Environmental Protection Agency;<sup>1</sup> the United States  
20 Department of Transportation <sup>1</sup>~~;~~<sup>1</sup> the Federal Maritime  
21 Commission <sup>1</sup>~~;~~<sup>1</sup> the Occupational Safety and Health  
22 Administration <sup>1</sup>~~;~~ the New Jersey and New York State Police, and  
23 local police departments; the Port Authority of New York and  
24 New Jersey Police Department; depending on the particular location  
25 of the facility in New Jersey, the City of Newark Police  
26 Department, City of Elizabeth Police Department, City of Bayonne  
27 Police Department, City of Jersey City Police Department, and the  
28 New Jersey State Police; and, in matters of fair hiring and  
29 employment discrimination, the United States Equal Employment  
30 Opportunity Commission and the New Jersey Division on Civil  
31 Rights<sup>1</sup>.

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

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

45 (1) the compact entered into by the State of New Jersey pursuant  
46 to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.)

1 and by the State of New York pursuant to its agreement thereto  
2 under P.L.1953, c.882 (NY Unconsol. Ch. 307, s.1), as amended  
3 and supplemented; and

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

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

15

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

18 **<sup>1</sup>["Bill of lading" means a document evidencing the receipt of**  
19 **goods for shipment issued by a person engaged in the business of**  
20 **transporting or forwarding goods.]<sup>1</sup>**

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

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

28 **<sup>1</sup>["Cargo facility charge" means any fee applicable to cargo and**  
29 **cargo containers discharged from, or loaded onto, vessels at any**  
30 **marine facility owned or operated by the port authority.]<sup>1</sup>**

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

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

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

1 "Commission" means the waterfront commission of New York  
2 harbor established by the State of New Jersey pursuant to P.L.1953,  
3 c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to  
4 its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.  
5 307, s.1).

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

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

13 <sup>1</sup>"Consignee" means the person designated on a bill of lading as  
14 the recipient of waterborne freight consigned for carriage by water.<sup>1</sup>

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

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

20 <sup>1</sup>**["Court of the United States" means all courts enumerated in**  
21 **section 451 of Title 28 of the United States Code and the courts-**  
22 **martial of Armed Forces of the United States.]<sup>1</sup>**

23 "Division" means the Division of State Police in the Department  
24 of Law and Public Safety.

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

27 "Hiring agent" means any natural person who, on behalf of a  
28 carrier of freight by water or a stevedore, shall select any  
29 longshoreman for employment, and "hiring agent" includes any  
30 natural person, who on behalf of any other person shall select any  
31 longshoreman for employment.

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

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

46 "Longshoreman" means a natural person, other than a hiring  
47 agent, who is employed for work at a pier or other waterfront  
48 terminal, either by a carrier of freight by water or by a stevedore, to:

1 a. physically move waterborne freight on vessels berthed at piers,  
2 on piers or at other waterfront terminals; b. engage in direct and  
3 immediate checking of any such freight or of the custodial  
4 accounting therefor or in the recording or tabulation of the hours  
5 worked at piers or other waterfront terminals by natural persons  
6 employed by carriers of freight by water or stevedores; c. supervise  
7 directly and immediately others who are employed as a  
8 longshoreman; d. physically to perform labor or services incidental  
9 to the movement of waterborne freight on vessels berthed at piers,  
10 on piers or at other waterfront terminals; e. physically move  
11 waterborne freight to or from a barge, lighter, or railroad car for  
12 transfer to or from a vessel of a carrier of freight by water which is,  
13 shall be, or shall have been berthed at the same pier or other  
14 waterfront terminal; or f. perform labor or services involving, or  
15 incidental to, the movement of freight at a pier or other waterfront  
16 terminal.

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

21 "Marine terminal" means an area which includes piers, which is  
22 used primarily for the moving, warehousing, distributing, or  
23 packing of waterborne freight or freight to or from piers and which  
24 is under common ownership or control 'with the pier'.

25 "Other waterfront terminal" means any warehouse, depot, or  
26 other terminal, other than a pier, which is located within 1,000  
27 yards of 'the water's edge at' any pier in the port of New York  
28 district and which is used for waterborne freight in whole or  
29 substantial part, and includes any warehouse, depot, or other  
30 terminal, other than a pier, whether enclosed or open, which is  
31 located in a marine terminal in the port of New York district, any  
32 part of which is used by any person to perform labor or services  
33 involving, or incidental to, the movement of waterborne freight or  
34 freight.

35 "Person" means not only a natural person but also any  
36 partnership, joint venture, association, corporation, or any other  
37 legal entity but shall not include the United States, any state or  
38 territory thereof, or any department, division, board, authority, or  
39 authority of one or more of the foregoing.

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

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

47 "Port of New York district" or "district" means the district  
48 created by Article II of the compact dated April 30, 1921, between

1 the states of New York and New Jersey, authorized by chapter 154  
2 of the laws of New York of 1921 and chapter 151 of the laws of  
3 New Jersey of 1921.

4 "Port watchman" means any watchman, gateman, roundsman,  
5 detective, guard, guardian, or protector of property employed by the  
6 operator of any pier or other waterfront terminal or by a carrier of  
7 freight by water to perform services in that capacity on any pier or  
8 other waterfront terminal.

9 "Select any longshoreman for employment" means select a  
10 person for the commencement or continuation of employment as a  
11 longshoreman, or the denial or termination of employment as a  
12 longshoreman.

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

36 "State Treasurer" means the Treasurer of the State of New  
37 Jersey.

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

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

1 "Waterborne freight" means freight carried by or consigned for  
2 carriage by carriers of freight by water, and shall also include  
3 freight described in the definition of "stevedore" and in the  
4 definition "other waterfront <sup>1</sup>terminal" and ships' stores, baggage,  
5 and mail carried by or consigned for carriage by carriers of freight  
6 by water. terminal. Provided, however, that at the point at which  
7 the freight is released from a marine terminal to the possession of  
8 the consignee or the person designated by the consignee, the freight  
9 shall no longer be considered waterborne freight if:

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

11 b. services involving or incidental to the unloading, storage,  
12 inspection, grading, repackaging, or processing of freight occur at a  
13 location outside a marine terminal.<sup>1</sup>

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

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

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

37 (1) The division shall assume all of the powers, rights, assets,  
38 and duties of the commission within this State, and those powers,  
39 rights, assets, and duties shall then and thereafter be vested in and  
40 exercised by the division;

41 (2) The officers having custody of the funds of the commission  
42 applicable to this State shall deliver those funds into the custody of  
43 the State Treasurer, the property and assets of the commission  
44 within this State shall, without further act or deed, become the  
45 property and assets of the division; and

46 (3) Any officers and employees of the commission seeking to be  
47 transferred to the division may apply to become employees of the  
48 division until determined otherwise by the division. Nothing in

1 P.L. , c. (C. ) (pending before the Legislature as this bill)  
2 shall be construed to deprive any officers or employees of the  
3 commission of their rights, privileges, obligations, or status with  
4 respect to any pension or retirement system. The commission  
5 employees shall retain all of their rights and benefits under existing  
6 collective negotiation agreements or contracts until such time as  
7 new or revised agreements or contracts are agreed to. All existing  
8 employee representatives shall be retained to act on behalf of those  
9 employees until such time as the employees shall, pursuant to law,  
10 elect to change those representatives. Nothing in P.L. , c. (C. )  
11 (pending before the Legislature as this bill) shall affect the civil  
12 service status, if any, of those officers or employees;

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

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

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

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

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

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

- 1 or provided for in P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).
- 3 c. A license, registration, or permit issued by the commission  
4 prior to the date of notification pursuant to section 2 of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill) shall,  
6 subject to the terms of its issuance, continue to be valid on and after  
7 the transfer date as a license, registration, or permit issued by the  
8 division. An application for a license, registration, or permit filed  
9 with the commission prior to and pending on that notification date  
10 shall, as of and from the notification date, be deemed to be filed  
11 with and pending before the division.  
12
- 13 5. In addition to the powers and duties elsewhere prescribed in  
14 law, the division shall have the power:
- 15 a. To determine the location, size, and suitability of  
16 accommodations necessary and desirable for the establishment and  
17 maintenance of the employment information centers provided in  
18 section 16 of P.L. , c. (C. ) (pending before the Legislature  
19 as this bill) and for administrative offices for the division;
- 20 b. To administer and enforce the provisions of P.L. , c. (C. )  
21 (pending before the Legislature as this bill);
- 22 c. Consistent with the provisions of the "Administrative  
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt and  
24 enforce rules and regulations as the division may deem necessary to  
25 effectuate the purposes of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill) or to prevent the circumvention or evasion  
27 thereof;
- 28 d. By its members and its properly designated officers, agents,  
29 and employees, with respect to the implementation and enforcement  
30 of P.L. , c. (C. ) (pending before the Legislature as this  
31 bill), to administer oaths and issue subpoenas to compel the  
32 attendance of witnesses and the giving of testimony and the  
33 production of other evidence;
- 34 e. To have for its properly designated officers, agents and  
35 employees, full and free access, ingress, and egress to and from all  
36 vessels, piers, and other waterfront terminals or other places in the  
37 port of New York district within this State, for the purposes of  
38 making inspection or enforcing the provisions of P.L. , c. (C. )  
39 (pending before the Legislature as this bill); and no person shall  
40 obstruct or in any way interfere with any officer, employee, or  
41 agent of the division in the making of an inspection, or in the  
42 enforcement of the provisions of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) or in the performance of any  
44 other power or duty under P.L. , c. (C. ) (pending before the  
45 Legislature as this bill);
- 46 f. To recover possession of any suspended or revoked license  
47 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. a. A person shall not act as a pier superintendent or as a  
46 hiring agent within the port of New York district in this State  
47 without first having obtained from the division a license to act as a  
48 pier superintendent or hiring agent, as the case may be, and a person

1 shall not employ or engage another person to act as a pier  
2 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. a. A person shall not act as a stevedore within the port of  
30 New York district in this State without having first obtained a  
31 license from the division, and a person shall not employ a stevedore  
32 to perform services as such within the port of New York district  
33 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. ,  
17 c. (C. ) (pending before the Legislature as this bill), the  
18 division shall not grant an application for a license as stevedore if  
19 the 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. a. The division shall establish a longshoremen's register in  
27 which shall be included all qualified longshoremen eligible, as  
28 hereinafter provided, for employment as longshoremen in the port  
29 of New York district in this State. A person shall not act as a  
30 longshoreman within the port of New York district in this State  
31 unless at the time the person is included in the longshoremen's  
32 register, and a person shall not employ another to work as a  
33 longshoreman within the port of New York district in this State  
34 unless at the time the other person is included in the longshoremen's  
35 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 P.L. ,  
36 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. (C. )  
44 (pending before the Legislature as this bill) or of a ruling by the  
45 division, registration as a longshoreman is required for any person  
46 to continue in employment, that person shall be registered as a  
47 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. a. The division shall, at regular intervals, remove from the  
13 longshoremen's register any person who shall have been registered  
14 for at least nine months and who shall have failed during the  
15 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 P.L. , c. (C. )  
19 (pending before the Legislature as this bill) for the minimum  
20 number of days as shall have been established by the division  
21 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 P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill), establish  
27 for the six-month period beginning on each date a minimum number  
28 of days and the distribution of the days during that period.
- 29 c. In establishing any minimum number of days or period, the  
30 division shall <sup>1</sup>observe the following standards to accomplish the  
31 following objectives:
- 32 (1) To encourage as far as practicable the regularization of the  
33 employment of longshoremen;
- 34 (2) To bring the number of eligible longshoremen more closely  
35 into balance with the demand for longshoremen's services within  
36 the port of New York district in this State without reducing the  
37 number of eligible longshoremen below that necessary to meet the  
38 requirements of longshoremen in the port of New York district in  
39 this State;
- 40 (3) To eliminate oppressive and evil hiring practices affecting  
41 longshoremen and waterborne commerce in the port of New York  
42 district in this State;
- 43 (4) To eliminate unlawful practices injurious to waterfront  
44 labor; and
- 45 (5) To establish hiring practices and conditions which will  
46 permit the termination of governmental regulation and intervention  
47 at the earliest opportunity consult with the collective bargaining  
48 representatives of stevedores and other employers of longshoremen

1 in the port of New York district and with labor organizations  
2 representing longshoremen in the district<sup>1</sup> .

3 d. A longshoreman who has been removed from the  
4 longshoremen's register pursuant to subsection e. of section 8 of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 may seek reinstatement upon fulfilling the same requirements as for  
7 initial inclusion in the longshoremen's register, but not before the  
8 expiration of one year from the date of removal, except that  
9 immediate reinstatement shall be made upon proper showing that  
10 the registrant's failure to work or apply for work for the minimum  
11 number of days, described in subsection c. of this section, was  
12 caused by the fact that the registrant was engaged in the military  
13 service of the United States or was incapacitated by ill health,  
14 physical injury, or other good cause.

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

19  
20 10. Notwithstanding any other provisions of P.L. , c. (C. )  
21 (pending before the Legislature as this bill), the division shall have  
22 the power to remove from the longshoremen's register any person,  
23 including a person registered as longshoremen for less than nine  
24 months, who shall have failed to have worked as a longshoreman in  
25 the port of New York district in this State for a minimum number of  
26 days during a period of time as shall have been established by the  
27 division. In administering this section, the division, in its  
28 discretion, may count applications for employment as a  
29 longshoreman at an employment information center established  
30 pursuant to section 16 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill) as constituting actual work as a  
32 longshoreman, provided, however, that the division shall count as  
33 actual work the compensation received by any longshoreman  
34 pursuant to the guaranteed wage provisions of any collective  
35 bargaining agreement relating to longshoremen. Prior to the  
36 commencement of any period of time established by the division  
37 pursuant to this section, the division shall establish for that period  
38 the minimum number of days of work required and the distribution  
39 of days during that period and shall also determine whether or not  
40 application for employment as a longshoreman shall be counted as  
41 constituting actual work as a longshoreman. The division may  
42 classify longshoremen according to length of service as a  
43 longshoreman and develop other criteria as may be reasonable and  
44 necessary to carry out the provisions of P.L. , c. (C. )  
45 (pending before the Legislature as this bill). The division shall  
46 have the power to vary the requirements of this section with respect  
47 to their application to the various classifications of longshoremen.  
48 In administering this section, the division shall observe the

1 standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as  
2 that section shall have been amended through the enactment of  
3 P.L.1999, c.206. Nothing in this section shall be construed to  
4 modify, limit, or restrict in any way any of the rights protected by  
5 section 23 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill).

7  
8 11. a. The division shall establish within the longshoremen's  
9 register a list of all qualified longshoremen eligible, as hereinafter  
10 provided, for employment as checkers in the port of New York  
11 district in this State. A person shall not act as a checker within the  
12 port of New York district in this State unless at the time the person  
13 is included in the longshoremen's register as a checker, and a person  
14 shall not employ another to work as a checker within the port of  
15 New York district in this State unless at the time such other person  
16 is included in the longshoremen's register as a checker.

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

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

23 (2) The present and previous occupations of the applicant,  
24 including the places where the applicant was employed and the  
25 names of the applicant's employers; and

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

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

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 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 following offenses:  
37 illegally using, carrying or possessing a pistol or other dangerous  
38 weapon; making or possessing burglar's instruments; buying or  
39 receiving stolen property; unlawful entry of a building; aiding an  
40 escape from prison; unlawfully possessing, possessing with intent to  
41 distribute, sale or distribution of a controlled dangerous substance  
42 or a controlled dangerous substance analog; petty larceny, where  
43 the evidence shows the property was stolen from a vessel, pier or  
44 other waterfront terminal; or a violation of P.L. , c. (C. )  
45 (pending before the Legislature as this bill). An applicant ineligible  
46 for inclusion in the longshoremen's register as a checker by reason  
47 of a conviction may submit satisfactory evidence to the division that  
48 the applicant has for a period of not less than five years, measured

1 as hereinafter provided, and up to the time of application, so acted  
2 as to warrant inclusion in the longshoremen's register as a checker,  
3 in which event the division may, in its discretion, issue an order  
4 removing the applicant's ineligibility. The five-year period shall be  
5 measured either from the date of payment of any fine imposed upon  
6 that person or the suspension of sentence or from the date of the  
7 person's unrevoked release from custody by parole, commutation,  
8 or termination of sentence; or

9 (3) 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 advocating that desirability.

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 division shall be satisfied therefrom that the applicant  
17 possesses the qualifications and requirements prescribed by this  
18 section, the division shall include the applicant in the  
19 longshoremen's register as a checker. The division may permit  
20 temporary registration as a checker to any applicant under this  
21 section pending final action on an application made for temporary  
22 registration, under the terms and conditions as the division may  
23 prescribe, which shall be valid for a period to be fixed by the  
24 division, not in excess of six months.

25 e. The division shall have power to reprimand any checker  
26 registered under this section or to remove the person from the  
27 longshoremen's register as a checker for a period of time as the  
28 division deems in the public interest for any of the following  
29 offenses:

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

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

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

38 (4) Unlawfully possessing, possessing with intent to distribute,  
39 sale, or distribution of a controlled dangerous substance or a  
40 controlled dangerous substance analog;

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

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

1 under P.L. , c. (C. ) (pending before the Legislature as this  
2 bill);

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

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

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

11 f. The division shall have the right to recover possession of  
12 any card or other means of identification issued as evidence of  
13 inclusion in the longshoremen's register as a checker in the event  
14 that the holder thereof has been removed from the longshoremen's  
15 register as a checker.

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

19

20 12. The division shall accept applications for inclusion in the  
21 longshoremen's register upon:

22 a. the joint recommendation in writing of stevedores and other  
23 employers of longshoremen in the port of New York district in this  
24 State, acting through their representative for the purposes of  
25 collective bargaining with a labor organization representing the  
26 longshoremen in the district, and that labor organization; or

27 b. the petition in writing of a stevedore or other employer of  
28 longshoremen in the port of New York district in this State which  
29 does not have a representative for the purposes of collective  
30 bargaining with a labor organization representing those  
31 longshoremen.

32

33 13. a. A person shall not act as a port watchman within the port  
34 of New York district in this State without first having obtained a  
35 license from the division, and a person shall not employ a port  
36 watchman who is not so licensed.

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

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

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

45 (3) The citizenship of the applicant and, if the person is a  
46 naturalized citizen of the United States, the court and date of  
47 naturalization; and

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

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

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

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

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

16 (4) If the applicant shall be a member of any labor organization  
17 which represents longshoremen or pier superintendents or hiring  
18 agents; but nothing in P.L. , c. (C. ) (pending before the  
19 Legislature as this bill) shall be deemed to prohibit port watchmen  
20 from being represented by a labor organization or organizations  
21 which do not also represent longshoremen or pier superintendents  
22 or hiring agents. The American Federation of Labor, the Congress  
23 of Industrial Organizations (AFL-CIO) and any other similar  
24 federation, congress, or other organization of national or  
25 international occupational or industrial labor organizations shall not  
26 be considered a labor organization which represents longshoremen  
27 or pier superintendents or hiring agents within the meaning of this  
28 section although one of the federated or constituent labor  
29 organizations thereof may represent longshoremen or pier  
30 superintendents or hiring agents;

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

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

46 e. A license granted pursuant to this section shall continue for a  
47 term of three years. A license may be renewed by the division for

1 successive three-year periods upon fulfilling the same requirements  
2 established in this section for an original application.

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

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

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

10 (3) Submit supplementary personal history information.

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

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

18 (2) Fraud, deceit, or misrepresentation in securing the license;  
19 and

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

22 h. The division shall, at regular intervals, cancel the license or  
23 temporary permit of a port watchman who has failed during the  
24 preceding 12 months to work as a port watchman in the port of New  
25 York district in this State a minimum number of hours as  
26 established by the division, except that the division shall  
27 immediately restore the license or temporary permit upon a proper  
28 showing that the failure to so work was caused by the fact that the  
29 licensee or permit holder was engaged in the military service of the  
30 United States or was incapacitated by ill health, physical injury, or  
31 other good cause.

32 i. Any port watchman ineligible for a license by reason  
33 pursuant to this section may petition for and the division may issue  
34 an order removing the ineligibility. A petition for an order to  
35 remove an ineligibility may be made to the division before or after  
36 the hearing required by section 14 of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill).

38  
39 14. a. The division shall not deny any application for a license  
40 or registration without giving the applicant or prospective licensee  
41 reasonable prior notice and an opportunity to be heard at a hearing  
42 conducted by the division.

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

47 c. The division may on its own initiative or on complaint of  
48 any person, including any public official or agency, institute

1 proceedings to revoke, cancel, or suspend any license or registration  
2 after a hearing at which the licensee or registrant and any person  
3 making a complaint shall be given an opportunity to be heard,  
4 provided that any order of the division revoking, cancelling, or  
5 suspending any license or registration shall not become effective  
6 until 15 days subsequent to the serving of notice thereof upon the  
7 licensee or registrant unless in the opinion of the division the  
8 continuance of the license or registration for that period would be  
9 inimical to the public peace or safety. The hearing shall be held in  
10 a manner and upon notice as may be prescribed by the rules of the  
11 division, but the notice shall be of not less than 10 days and shall  
12 state the nature of the complaint.

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

18 e. The division, or a member, officer, employee, or agent of the  
19 division as may be designated by the division for such purpose,  
20 shall have the power to issue subpoenas to compel the attendance of  
21 witnesses and the giving of testimony or production of other  
22 evidence and to administer oaths in connection with a hearing. It  
23 shall be the duty of the division or of any member, officer,  
24 employee, or agent of the division designated by the division for  
25 that purpose to issue subpoenas at the request of and upon behalf of  
26 the licensee, registrant, or applicant. The person conducting the  
27 hearing on behalf of the division shall not be bound by common law  
28 or statutory rules of evidence or by technical or formal rules of  
29 procedure in conducting the hearing.

30 f. Upon the conclusion of the hearing, the division shall take  
31 action upon the findings and determination as the division deems  
32 proper and shall execute an order carrying its findings into effect.  
33 The action in the case of an application for a license or registration  
34 shall be the granting or denial thereof. The action in the case of a  
35 licensee shall be revocation of the license or suspension thereof for  
36 a fixed period or reprimand or a dismissal of the charges. The  
37 action in the case of a registered longshoreman shall be dismissal of  
38 the charges, reprimand, or removal from the longshoremen's  
39 register for a fixed period or permanently.

40 g. The action of the division, in denying any application for a  
41 license or in refusing to include any person in the longshoremen's  
42 register established pursuant to section 8 of P.L. , c. (C. )  
43 (pending before the Legislature as this bill), or in suspending or  
44 revoking a license or removing any person from the longshoremen's  
45 register or in reprimanding a licensee, or registrant, shall be subject  
46 to judicial review by a proceeding instituted in this State at the  
47 instance of the applicant, licensee, or registrant in the manner  
48 provided by State law for review of the final decision or action of

1 an administrative agency of the State; provided, however, that  
2 notwithstanding any other provision of law, the court shall have  
3 power to stay for not more than 30 days an order of the division  
4 suspending or revoking a license or removing a longshoreman from  
5 the longshoremen's register.

6  
7 15. a. At hearings conducted by the division pursuant to section  
8 14 of P.L. , c. (C. ) (pending before the Legislature as this  
9 bill), applicants, prospective licensees, licensees, and registrants  
10 shall have the right to be accompanied and represented by counsel.

11 b. After the conclusion of a hearing but prior to the making of  
12 an order by the division, a hearing may, upon petition and in the  
13 discretion of the hearing officer, be reopened for the presentation of  
14 additional evidence. A petition to reopen the hearing shall state in  
15 detail the nature of the additional evidence, together with the  
16 reasons for the failure to submit such evidence prior to the  
17 conclusion of the hearing. The division may upon its own motion  
18 and upon reasonable notice reopen a hearing for the presentation of  
19 additional evidence. Upon petition, after the making of an order of  
20 the division, rehearing may be granted in the discretion of the  
21 division. A petition for rehearing shall state in detail the grounds  
22 upon which the petition is based and shall separately set forth each  
23 error of law and fact alleged to have been made by the division in  
24 its determination, together with the facts and arguments in support  
25 thereof. The petition shall be filed with the division not later than  
26 30 days after service of the division's order, unless the division for  
27 good cause shown shall otherwise direct. The division may upon its  
28 own motion grant a rehearing after the making of an order.

29  
30 16. a. The division is hereby designated on its own behalf or as  
31 agent of the State of New Jersey, as provided by the act of Congress  
32 of the United States, effective June 6, 1933, entitled "An act to  
33 provide for the establishment of a national employment system and  
34 for co-operation with the states in the promotion of such system and  
35 for other purposes," as amended, for the purpose of obtaining the  
36 benefits of that act of Congress as are necessary or appropriate to  
37 the establishment and operation of employment information centers  
38 authorized by this section.

39 b. The division shall have all powers necessary to take steps to  
40 formulate plans and to execute projects related to the establishment  
41 and operation of employment information centers, as may be  
42 necessary to obtain any benefits for the operation of employment  
43 information centers in accomplishing the purposes of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill).

45 c. Any officer or agency designated by this State, pursuant to  
46 the act of June 6, 1933, as amended, is authorized and empowered,  
47 upon the request of the division and subject to its direction, to

1 exercise the powers and duties conferred upon the division by the  
2 provisions of this section.

3 d. The division shall establish and maintain one or more  
4 employment information centers within the port of New York  
5 district in this State at locations as the division may determine. A  
6 person shall not, directly or indirectly, hire any person for work as a  
7 longshoreman or port watchman within the port of New York  
8 district in this State, except through an employment information  
9 center as may be prescribed by the division. A person shall not  
10 accept any employment as a longshoreman or port watchman within  
11 the port of New York district in this State, except through an  
12 employment information center. At each employment information  
13 center, the division shall keep and exhibit the longshoremen's  
14 register and any other records the division shall determine to the  
15 end that longshoremen and port watchmen shall have the maximum  
16 information as to available employment at any time within the port  
17 of New York district in this State and that employers shall have an  
18 adequate opportunity to fill their requirements of registered  
19 longshoremen and port watchmen at all times.

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

26

27 17. a. The division may designate one of the employment  
28 information centers it is authorized to establish and maintain under  
29 section 16 of P.L. , c. (C. ) (pending before the Legislature  
30 as this bill) for the implementation of a telecommunications hiring  
31 system through which longshoremen and checkers may be hired and  
32 accept employment without any personal appearance at the center.  
33 The telecommunications hiring system shall incorporate hiring and  
34 seniority agreements between the employers of longshoremen and  
35 checkers and the labor organizations representing longshoremen  
36 and checkers in the port of New York district in this State, provided  
37 the agreements are not in conflict with the provisions of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill).

39 b. The division shall permit employees of the management  
40 organizations representing employers of longshoremen and  
41 checkers in the port of New York district in this State, and of the  
42 labor organizations representing longshoremen and checkers in the  
43 port of New York district in this State, or of a joint board of these  
44 management and labor organizations, to participate in the operation  
45 of the telecommunications hiring system, if these employees are  
46 registered by the division as "telecommunications system  
47 controllers," with respect to the registration of checkers. A person  
48 shall not act as a "telecommunications system controller" unless

1 that person is registered. An application for registration and a  
2 registration made or issued may be denied, revoked, cancelled, or  
3 suspended, as the case may be, only in the manner prescribed in  
4 section 11 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill). Participation in the operation of the  
6 telecommunications hiring system shall be monitored by the  
7 division.

8 c. The records, documents, tapes, discs, and other data  
9 compiled, collected or maintained by a management organization, a  
10 labor organization, and a joint board of these management and labor  
11 organizations pertaining to the telecommunications hiring system  
12 shall be available for inspection, investigation, and duplication by  
13 the division.

14

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

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

21 b. Conviction by a court described in subsection a. of this  
22 section, after having been previously convicted by that court of any  
23 crime or of the offenses hereinafter set forth, or any of the  
24 following offenses: assault, malicious injury to property, malicious  
25 mischief, unlawful taking of a motor vehicle, corruption of  
26 employees or possession of illegal betting number slips;

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

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

33 e. Refusal on the part of any applicant, or prospective licensee,  
34 or of any member, officer or stockholder required by section 7 of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill) to  
36 sign or be identified in an application for a stevedore license, to  
37 answer any material question or produce any material evidence in  
38 connection with the person's application or any application made on  
39 the person's behalf for a license or registration pursuant to section 7  
40 of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill);

42 f. Association with a person who has been identified by a  
43 federal, State, or local law enforcement agency as a member or  
44 associate of an organized crime group, a terrorist group, or a career  
45 offender cartel, or who is a career offender, under circumstances  
46 where that association creates a reasonable belief that the  
47 participation of the applicant in any activity required to be licensed  
48 or registered under P.L. , c. (C. ) (pending before the

1 Legislature as this bill) would be inimical to the purposes of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill); or  
3 g. Conviction of a racketeering activity or knowing association  
4 with a person who has been convicted of a racketeering activity by  
5 a court of the United States, or any State or territory thereof under  
6 circumstances where that association creates a reasonable belief that  
7 the participation of the applicant in any activity required to be  
8 licensed or registered under P.L. , c. (C. ) (pending before  
9 the Legislature as this bill) would be inimical to the purposes of  
10 P.L. , c. (C. ) (pending before the Legislature as this bill).

11  
12 19. In addition to the grounds elsewhere set forth in P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill), any  
14 license or registration issued or made pursuant thereto may be  
15 revoked or suspended for a period as the division deems in the  
16 public interest or the licensee or registrant may be reprimanded, for:

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

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

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

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

31 e. Refusal to answer any material question or produce any  
32 evidence lawfully required to be answered or produced at any  
33 investigation, interview, hearing, or other proceeding conducted by  
34 the division pursuant to section 14 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), or, if the refusal is  
36 accompanied by a valid plea of privilege against self-incrimination,  
37 refusal to obey an order to answer the question or produce any  
38 evidence made by the division pursuant to section 14 of P.L. ,

39 c. (C. ) (pending before the Legislature as this bill); or

40 f. Association with a person who has been identified by a  
41 federal, State, or local law enforcement agency as a member or  
42 associate of an organized crime group, a terrorist group, or a career  
43 offender cartel, or who is a career offender, under circumstances  
44 where that association creates a reasonable belief that the  
45 participation of the licensee or registrant in any activity required to  
46 be licensed or registered under P.L. , c. (C. ) (pending  
47 before the Legislature as this bill) would be inimical to the purposes

1 of P.L. , c. (C. ) (pending before the Legislature as this  
2 bill); or

3 g. Conviction of a racketeering activity or knowing association  
4 with a person who has been convicted of a racketeering activity by  
5 a court of the United States, or any State, or territory thereof under  
6 circumstances where that association creates a reasonable belief that  
7 the participation of the licensee or registrant in any activity required  
8 to be licensed or registered under P.L. , c. (C. ) (pending  
9 before the Legislature as this bill) would be inimical to the purposes  
10 of P.L. , c. (C. ) (pending before the Legislature as this  
11 bill).

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

42 b. If a person, in obedience to a subpoena directing the person  
43 to attend and testify, is in this State or comes into this State from  
44 the State of New York, the person shall not, while in this State  
45 pursuant to such subpoena, be subject to arrest or the service of  
46 process, civil or criminal, in connection with matters which arose  
47 before the person's entrance into this State under the subpoena.

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

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

38       c. The division may, within its discretion, bar any permittee,  
39 licensee, or registrant who has been suspended pursuant to the  
40 provisions of subsection a. of this section, from any employment by  
41 a licensed stevedore or a carrier of freight by water, if that  
42 individual has been indicted or otherwise charged in any federal,  
43 State, or territorial proceeding with any crime involving the  
44 possession with intent to distribute, sale, or distribution of a  
45 controlled dangerous substance or controlled dangerous substance  
46 analog, racketeering, or theft from a pier or waterfront terminal.

1       22. The division is authorized to co-operate with the  
2 commission, a similar authority, or other public entity of the State  
3 of New York, to exchange information on any matter pertinent to  
4 the purposes of P.L.     , c.     (C.     ) (pending before the  
5 Legislature as this bill), and to enter into reciprocal agreements for  
6 the accomplishment of those purposes, including, but not limited to,  
7 the following objectives:

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

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

13      c. To provide that any act or omission by a licensee or  
14 registrant in either State which would be a basis for disciplinary  
15 action against the licensee or registrant if it occurred in the state in  
16 which the license was issued or the person registered shall be the  
17 basis for disciplinary action in either state; and

18      d. To provide that longshoremen registered in either state, who  
19 perform work or who apply for work at an employment information  
20 center within the other State shall be deemed to have performed  
21 work or to have applied for work in the State in which they are  
22 registered.

23  
24       23. a. The provisions of P.L.     , c.     (C.     ) (pending before  
25 the Legislature as this bill) are not designed and shall not be  
26 construed to limit in any way any rights granted or derived from  
27 any other statute or any rule of law for employees to organize in  
28 labor organizations, to bargain collectively and to act in any other  
29 way individually, collectively, and through labor organizations or  
30 other representatives of their own choosing. Without limiting the  
31 generality of the foregoing, nothing contained in P.L.     , c.     (C.     )  
32 (pending before the Legislature as this bill) shall be construed to  
33 limit in any way the right of employees to strike.

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

45  
46       24. a. Any officer or employee in the State, county, or  
47 municipal civil service in either State who shall transfer to service  
48 with the division may be given one or more leaves of absence

1 without pay and may, before the expiration of the leave or leaves of  
2 absence, and without further examination or qualification, return to  
3 the person's former position or be certified by the appropriate civil  
4 service agency for retransfer to a comparable position in the State,  
5 county, or municipal civil service if a comparable position is then  
6 available.

7 b. The division may, by agreement with any federal agency  
8 from which any officer or employee may transfer to service with the  
9 division to undertake any of the duties or responsibilities  
10 established pursuant to P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), make similar provision for the retransfer of  
12 the officer or employee to that federal agency.

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

29  
30 25. (New section) a. The division shall annually adopt a budget  
31 of its expenses for each year for the purposes of its duties and  
32 responsibilities under P.L. , c. (C. ) (pending before the  
33 Legislature as this bill). Each budget shall be submitted to the  
34 Governor and the budget shall be adjusted accordingly.

35 b. After taking into account funds as may be available to the  
36 division from reserves, federal grants or otherwise, the balance of  
37 the division's budgeted expenses for the performance of its  
38 functions and duties under P.L. , c. (C. ) (pending before  
39 the Legislature as this bill) shall be assessed upon employers of  
40 persons registered or licensed pursuant to P.L. , c. (C. )  
41 (pending before the Legislature as this bill). Each employer shall  
42 pay to the State Treasurer, for placement within the General Fund,  
43 an assessment computed upon the gross payroll payments made by  
44 that employer to longshoremen, pier superintendents, hiring agents,  
45 and port watchmen for work or labor performed within the port of  
46 New York district in this State, at a rate, not in excess of two  
47 percent, computed by the division in the following manner: the  
48 division shall annually estimate the gross payroll payments to be

1 made by employers subject to assessment and shall compute a rate  
2 thereon which will yield revenues sufficient to finance the division's  
3 budget for the performance of those functions and duties under  
4 P.L. , c. (C. ) (pending before the Legislature as this bill)  
5 for each year. That budget may include a reasonable amount for a  
6 reserve, but the amount shall not exceed 10 percent of the total of  
7 all other items of expenditure contained therein. The reserve shall  
8 be used for the stabilization of annual assessments, the payment of  
9 operating deficits, and for the repayment of advances made by the  
10 State, if any.

11 c. The amount required to balance the division's budgeted  
12 expenses for the performance of its functions and duties under  
13 P.L. , c. (C. ) (pending before the Legislature as this bill),  
14 in excess of the estimated yield of the maximum assessment, shall  
15 be certified by the division, with the approval of the Governor, in  
16 proportion to the gross annual wage payments made to  
17 longshoremen for work within the port of New York district in this  
18 State.

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

26 e. The assessment hereunder shall be in lieu of any other  
27 charge for the issuance of licenses to stevedores, pier  
28 superintendents, hiring agents, and port watchmen or for the  
29 registration of longshoremen or use of an employment information  
30 center. The division shall establish reasonable procedures for the  
31 consideration of protests by affected employees concerning the  
32 estimates and computation of the rate of assessment.

33

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

1 cause exists. Every return shall have annexed thereto a certification  
2 to the effect that the statements contained therein are true.

3 (2) Every person subject to the payment of assessment  
4 hereunder shall keep an accurate record of that person's  
5 employment of longshoremen, pier superintendents, hiring agents,  
6 or port watchmen, which shall show the amount of compensation  
7 paid and other information as the division may require. Those  
8 records shall be preserved for a period of three years and be open  
9 for inspection at reasonable times. The division may consent to the  
10 destruction of the records at any time after that period or may  
11 require that they be kept longer, but not in excess of six years.

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

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

38 (4) Whenever any person shall fail to pay, within the time  
39 limited herein, any assessment which the person is required to pay  
40 to the division under the provisions of this section, the division may  
41 enforce payment of the assessment by civil action for the amount of  
42 the assessment with interest and penalties.

43 (5) The employment by a nonresident of a longshoreman, or a  
44 licensed pier superintendent, hiring agent, or port watchman in this  
45 State or the designation by a nonresident of a longshoreman, pier  
46 superintendent, hiring agent, or port watchman to perform work in  
47 this State shall be deemed equivalent to an appointment by the  
48 nonresident of the Secretary of State to be the nonresident's true

1 and lawful attorney upon whom may be served the process in any  
2 action or proceeding against the nonresident growing out of any  
3 liability for assessments, penalties, or interest, and a consent that  
4 any process against the nonresident which is served shall be of the  
5 same legal force and validity as if served personally within the State  
6 and within the territorial jurisdiction of the court from which the  
7 process issues. Service of process within the State shall be made by  
8 either:

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

18 (b) personally delivering to and leaving with the Secretary of  
19 State a copy thereof at the office of the Department of State and by  
20 delivering a copy thereof to the person, personally outside of the  
21 State. Proof of personal service outside of the State shall be filed  
22 with the clerk of the court in which the process is pending within 30  
23 days after that service and the service shall be deemed complete 10  
24 days after proof thereof is filed.

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

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

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

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

45 (10) All funds of the division received as payment of any  
46 assessment or penalty under this section shall be deposited with the  
47 State Treasurer. The State Treasurer may require that all deposits  
48 be secured by obligations of the United States or of the State of

1 New Jersey of a market value equal at all times to the amount of the  
2 deposits, and all banks and trust companies are authorized to give  
3 security for the deposits.

4 (11) The accounts, books, and records of the division related to  
5 the purposes established pursuant to P.L. , c. (C. ) (pending  
6 before the Legislature as this bill), including its receipts,  
7 disbursements, contracts, leases, investments, and any other matters  
8 relating to its financial standing shall be examined and audited  
9 annually by independent auditors to be retained for such purpose by  
10 the division.

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

15

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

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

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

26 c. Operators of piers or other waterfront terminals, including  
27 railroads, truck terminal operators, warehousemen and other  
28 persons, but only at piers or other waterfront terminals operated by  
29 them;

30 d. Shippers or consignees of freight, but only in connection  
31 with freight shipped by the shipper or consigned to the consignee;  
32 and

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

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

45

46 28. a. A person shall not solicit, collect, or receive any dues,  
47 assessments, levies, fines, or contributions, or other charges within  
48 the State of New Jersey for or on behalf of any labor organization,

1 which represents employees registered or licensed pursuant to the  
2 provisions of P.L. , c. (C. ) (pending before the Legislature  
3 as this bill) in their capacities as registered or licensed employees or  
4 which derives its charter from a labor organization representing 100  
5 or more of its registered or licensed employees, if any officer,  
6 agent, or employee of the labor organization for which dues,  
7 assessments, levies, fines, or contributions, or other charges are  
8 solicited, collected, or received, or of a welfare fund or trust  
9 administered partially or entirely by the labor organization or by  
10 trustees or other persons designated by the labor organization, has  
11 been convicted by a court of the United States, or any State or  
12 territory thereof, of treason, murder, manslaughter, or any felony,  
13 crime involving moral turpitude, or any crime or offense  
14 enumerated subsection g. of section 6 of P.L. , c. (C. )  
15 (pending before the Legislature as this bill), unless that person has  
16 been subsequently pardoned therefor by the Governor or other  
17 appropriate authority of the State in which the conviction was had  
18 or has received a certificate of good conduct or other relief from  
19 disabilities arising from the fact of conviction from a parole board  
20 or similar authority.

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

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

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

40 e. A person who has been convicted of a crime or offense  
41 specified in subsection b. of this section shall not directly or  
42 indirectly serve as an officer, agent, or employee of a labor  
43 organization, welfare fund, or trust, unless the person has been  
44 subsequently pardoned for that crime or offense by the Governor or  
45 other appropriate authority of the State in which the conviction was  
46 had or has received a certificate of good conduct or other relief  
47 from disabilities arising from the fact of conviction from a parole  
48 board or similar authority or has received an order of exception

1 from the division. A person, including a labor organization, welfare  
2 fund, or trust, shall not knowingly permit any other person to  
3 assume or hold any office, agency, or employment in violation of  
4 this section.

5 f. The division may maintain a civil action against any person,  
6 labor organization, welfare fund, or trust, or officers thereof to  
7 compel compliance with this section, or to prevent any violations,  
8 the aiding and abetting thereof, or any attempt or conspiracy to  
9 violate this section, either by mandamus, injunction, or action or  
10 proceeding in lieu of prerogative writ and upon a proper showing a  
11 temporary restraining order or other appropriate temporary order  
12 shall be granted ex parte and without bond pending final hearing  
13 and determination. Nothing in this subsection shall be construed to  
14 modify, limit, or restrict in any way the provisions of subsection a.  
15 of this section.

16

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

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

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

1 d. Any person who shall violate any of the provisions for which  
2 no other penalty is prescribed, shall be guilty of a petty disorderly  
3 persons offense.

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

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

17

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

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

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

37 d. Any person who interferes with or impedes the orderly  
38 registration of longshoremen pursuant to P.L. , c. (C. )  
39 (pending before the Legislature as this bill) or who conspires to or  
40 attempts to interfere with or impede such registration shall be  
41 punishable as may be provided by section 28 of P.L. , c. (C. )  
42 (pending before the Legislature as this bill).

43 e. Any person who, directly or indirectly, inflicts or threatens  
44 to inflict any injury, damage, harm, or loss or in any other manner  
45 practices intimidation upon or against any person in order to induce  
46 or compel such person or any other person to refrain from  
47 registering pursuant to section 8 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill) shall be punishable as may be

1 provided by section 28 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).

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

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

18  
19 32. The following are repealed:  
20 P.L.1953, c.202 (C.32:23-1 et seq.);  
21 P.L.1991, c.248 (C.32:23-23.1);  
22 P.L.1985, c.32 (C.32:23-43.1 and 32:23-44.1);  
23 Section 2 of P.L.1956, c.20 (C.32:23-75.1);  
24 P.L.1954, c.3 (C.32:23-77.1 et seq.);  
25 Sections 4 and 5 of P.L.1962, c.5 (C.32:23-80.1 and 32:23-80.2);  
26 P.L.1954, c.14 (C.32:23-85 et seq.);  
27 P.L.1956, c.19 (C.32:23-99 et seq.);  
28 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through  
29 32:23-108);  
30 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);  
31 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109  
32 through 32:23-113);  
33 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through  
34 32:23-117);  
35 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and  
36 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-  
37 150 through 32:23-225).

38  
39 33. This act shall take effect immediately, but sections 3 through  
40 32 shall be inoperative until the transfer date has occurred pursuant  
41 to section 31 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).