

SENATE, No. 2042

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED APRIL 18, 2016

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator RONALD L. RICE

District 28 (Essex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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

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

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

 Matter underlined thus is new matter.

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

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

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

33
34 2. (New section) a. Within 30 days of the effective date of
35 P.L. , c. (C.) (pending before the Legislature as this
36 bill), the Governor, on behalf of the State of New Jersey, shall
37 notify the Congress of the United States, the Governor of the State
38 of New York, and the waterfront commission of New York harbor,
39 of the State of New Jersey's intention to withdraw from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 5. (New section) In addition to the powers and duties
5 elsewhere prescribed in law, the division shall have the power:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (3) If the prospective licensee knowingly or willfully advocates
38 the desirability of overthrowing or destroying the government of the
39 United States by force or violence or shall be a member of a group
40 which advocates that desirability, knowing the purposes of a group
41 having that advocacy.

42 d. When the application shall have been examined and further
43 inquiry and investigation made as the division shall deem proper
44 and when the division shall be satisfied therefrom that the
45 prospective licensee possesses the qualifications and requirements
46 prescribed in this section, the division shall issue and deliver to the
47 prospective licensee a license to act as pier superintendent or hiring
48 agent for the applicant, as the case may be, and shall inform the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20

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

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

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

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

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

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

11 e. A license shall not be granted:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (3) Whose presence at the piers or other waterfront terminals in
48 the port of New York district in this State is found by the division,

1 on the basis of the facts and evidence before it, to constitute a
2 danger to the public peace or safety.

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

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

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

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

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

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

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

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

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

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

46 h. Nothing contained in P.L. , c. (C.) (pending before
47 the Legislature as this bill) shall be construed to limit in any way

1 any labor rights reserved by P.L. , c. (C.) (pending before
2 the Legislature as this bill).

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

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

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

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

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

43
44 10. (New section) Notwithstanding any other provisions of
45 P.L. , c. (C.) (pending before the Legislature as this bill),
46 the division shall have the power to remove from the
47 longshoremen's register any person, including a person registered as
48 longshoremen for less than nine months, who shall have failed to

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

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

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

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

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

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

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

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

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

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

40 d. When the application shall have been examined and further
41 inquiry and investigation made as the division shall deem proper
42 and when the division shall be satisfied therefrom that the applicant
43 possesses the qualifications and requirements prescribed by this
44 section, the division shall include the applicant in the
45 longshoremen's register as a checker. The division may permit
46 temporary registration as a checker to any applicant under this
47 section pending final action on an application made for temporary
48 registration, under the terms and conditions as the division may

1 prescribe, which shall be valid for a period to be fixed by the
2 division, not in excess of six months.

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

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

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

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

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

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

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

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

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

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

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

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

45

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

1 a. the joint recommendation in writing of stevedores and other
2 employers of longshoremen in the port of New York district in this
3 State, acting through their representative for the purposes of
4 collective bargaining with a labor organization representing the
5 longshoremen in the district, and that labor organization; or

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

11

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

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

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

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

24 (3) The citizenship of the applicant and, if the person is a
25 naturalized citizen of the United States, the court and date of
26 naturalization; and

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

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

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

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

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

42 (4) If the applicant shall be a member of any labor organization
43 which represents longshoremen or pier superintendents or hiring
44 agents; but nothing in P.L. , c. (C.) (pending before the
45 Legislature as this bill) shall be deemed to prohibit port watchmen
46 from being represented by a labor organization or organizations
47 which do not also represent longshoremen or pier superintendents
48 or hiring agents. The American Federation of Labor, the Congress

1 of Industrial Organizations (AFL-CIO) and any other similar
2 federation, congress, or other organization of national or
3 international occupational or industrial labor organizations shall not
4 be considered a labor organization which represents longshoremen
5 or pier superintendents or hiring agents within the meaning of this
6 section although one of the federated or constituent labor
7 organizations thereof may represent longshoremen or pier
8 superintendents or hiring agents;

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

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

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

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

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

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

35 (3) Submit supplementary personal history information.

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

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

43 (2) Fraud, deceit, or misrepresentation in securing the license;
44 and

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

47 h. The division shall, at regular intervals, cancel the license or
48 temporary permit of a port watchman who has failed during the

1 preceding 12 months to work as a port watchman in the port of New
2 York district in this State a minimum number of hours as
3 established by the division, except that the division shall
4 immediately restore the license or temporary permit upon a proper
5 showing that the failure to so work was caused by the fact that the
6 licensee or permit holder was engaged in the military service of the
7 United States or was incapacitated by ill health, physical injury, or
8 other good cause.

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

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

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

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

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

43 e. The division, or a member, officer, employee, or agent of the
44 division as may be designated by the division for such purpose,
45 shall have the power to issue subpoenas to compel the attendance of
46 witnesses and the giving of testimony or production of other
47 evidence and to administer oaths in connection with a hearing. It
48 shall be the duty of the division or of any member, officer,

1 employee, or agent of the division designated by the division for
2 that purpose to issue subpoenas at the request of and upon behalf of
3 the licensee, registrant, or applicant. The person conducting the
4 hearing on behalf of the division shall not be bound by common law
5 or statutory rules of evidence or by technical or formal rules of
6 procedure in conducting the hearing.

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

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

31

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

37 b. After the conclusion of a hearing but prior to the making of
38 an order by the division, a hearing may, upon petition and in the
39 discretion of the hearing officer, be reopened for the presentation of
40 additional evidence. A petition to reopen the hearing shall state in
41 detail the nature of the additional evidence, together with the
42 reasons for the failure to submit such evidence prior to the
43 conclusion of the hearing. The division may upon its own motion
44 and upon reasonable notice reopen a hearing for the presentation of
45 additional evidence. Upon petition, after the making of an order of
46 the division, rehearing may be granted in the discretion of the
47 division. A petition for rehearing shall state in detail the grounds
48 upon which the petition is based and shall separately set forth each

1 error of law and fact alleged to have been made by the division in
2 its determination, together with the facts and arguments in support
3 thereof. The petition shall be filed with the division not later than
4 30 days after service of the division's order, unless the division for
5 good cause shown shall otherwise direct. The division may upon its
6 own motion grant a rehearing after the making of an order.

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

17 b. The division shall have all powers necessary to take steps to
18 formulate plans and to execute projects related to the establishment
19 and operation of employment information centers, as may be
20 necessary to obtain any benefits for the operation of employment
21 information centers in accomplishing the purposes of P.L. ,

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

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

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

45 e. Every employer of longshoremen or port watchmen within
46 the port of New York district in this State shall furnish information
47 as may be required by the rules and regulations prescribed by the
48 division with regard to the name of each person hired as a

1 longshoreman or port watchman, the time and place of hiring, the
2 time, place, and hours of work, and the compensation therefor.

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

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

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

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

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

47 b. Conviction by a court described in subsection a. of this
48 section, after having been previously convicted by that court of any

1 crime or of the offenses hereinafter set forth, or any of the
2 following offenses: assault, malicious injury to property, malicious
3 mischief, unlawful taking of a motor vehicle, corruption of
4 employees or possession of illegal betting number slips;

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

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

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

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

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

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

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

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

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

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

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

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

1 commence the hearing and, within 30 days of receipt of the
2 administrative law judge's report and recommendation, the division
3 shall render a final determination thereon; provided, however, that
4 these time requirements, shall not apply for any period of delay
5 caused or requested by the permittee, licensee, or registrant. Upon
6 failure of the division to commence a hearing or render a
7 determination within the time limits prescribed herein, the
8 temporary suspension of the permittee, licensee, or registrant shall
9 immediately terminate. Notwithstanding any other provision of this
10 subsection, if a federal, State, or local law enforcement agency or
11 prosecutor's office shall request the suspension or deferment of any
12 hearing on the ground that the hearing would obstruct or prejudice
13 an investigation or prosecution, the division may in its discretion,
14 postpone or defer the hearing for a time certain or indefinitely. Any
15 action by the division to postpone a hearing shall be subject to
16 immediate judicial review as provided in subsection b. of this
17 section.

18 c. The division may, within its discretion, bar any permittee,
19 licensee, or registrant who has been suspended pursuant to the
20 provisions of subsection a. of this section, from any employment by
21 a licensed stevedore or a carrier of freight by water, if that
22 individual has been indicted or otherwise charged in any federal,
23 State, or territorial proceeding with any crime involving the
24 possession with intent to distribute, sale, or distribution of a
25 controlled dangerous substance or controlled dangerous substance
26 analog, racketeering, or theft from a pier or waterfront terminal.
27

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

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

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

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

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

1 work or to have applied for work in the State in which they are
2 registered.

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

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

26

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

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

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

1 had continued in State, county, or municipal office or employment,
2 but during the period of service as a member, officer, or employee
3 of the division, all contributions to any pension or retirement fund
4 or system to be paid by the employer on account of the member,
5 officer, or employee, shall be paid by the State Treasurer. The
6 division may, by agreement with the appropriate federal agency,
7 make similar provisions relating to continuance of retirement
8 system membership for any federal officer or employee so
9 transferred.

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

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

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

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

8 e. The assessment hereunder shall be in lieu of any other
9 charge for the issuance of licenses to stevedores, pier
10 superintendents, hiring agents, and port watchmen or for the
11 registration of longshoremen or use of an employment information
12 center. The division shall establish reasonable procedures for the
13 consideration of protests by affected employees concerning the
14 estimates and computation of the rate of assessment.
15

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

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

42 (3) (a) The division shall audit and determine the amount of
43 assessment due from the return filed and such other information as
44 is available to it. Whenever a deficiency in payment of the
45 assessment is determined, the division shall give notice of the
46 determination to the person liable therefor. The determination shall
47 finally and conclusively fix the amount due, unless the person
48 against whom the assessment is assessed shall, within 30 days after

1 the giving of notice of the determination, apply in writing to the
2 division for a hearing, or unless the division on its own motion shall
3 reduce the assessment. After the hearing, the division shall give
4 notice of its decision to the person liable therefor. A determination
5 of the division under this section shall be subject to judicial review,
6 if application for that review is made within 30 days after the giving
7 of notice of the decision. Any determination under this section
8 shall be made within five years from the time the return was filed
9 and if no return was filed, the determination may be made at any
10 time.

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

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

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

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

1 (b) personally delivering to and leaving with the Secretary of
2 State a copy thereof at the office of the Department of State and by
3 delivering a copy thereof to the person, personally outside of the
4 State. Proof of personal service outside of the State shall be filed
5 with the clerk of the court in which the process is pending within 30
6 days after that service and the service shall be deemed complete 10
7 days after proof thereof is filed.

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

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

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

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

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

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

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

46

47 27. (New section) It shall be unlawful for any person to load or
48 unload waterborne freight onto or from vehicles other than railroad

1 cars at piers or at other waterfront terminals within the port of New
2 York district, for a fee or other compensation, other than the
3 following persons and their employees:

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

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

9 c. Operators of piers or other waterfront terminals, including
10 railroads, truck terminal operators, warehousemen and other
11 persons, but only at piers or other waterfront terminals operated by
12 them;

13 d. Shippers or consignees of freight, but only in connection
14 with freight shipped by the shipper or consigned to the consignee;
15 and

16 e. Stevedores licensed under section 7 of P.L. ,

17 c. (C.) (pending before the Legislature as this bill), whether
18 or not waterborne freight has been or is to be transported by a
19 carrier of freight by water with which the stevedore shall have a
20 contract of the type prescribed by paragraph (4) of subsection e. of
21 this section.

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

29

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

- 1 Governor or other appropriate authority of the State in which the
2 conviction was had or has received a certificate of good conduct or
3 other relief from disabilities arising from the fact of conviction
4 from a parole board or similar authority.
- 5 b. Any person who shall violate this section shall be guilty of a
6 petty disorderly persons offense.
- 7 c. Any person who shall violate, aid and abet the violation, or
8 conspire or attempt to violate this subsection shall be guilty of a
9 petty disorderly persons offense.
- 10 d. If upon application to the division by an employee who has
11 been convicted of a crime or offense specified in subsection b. of
12 this section, the authority, in its discretion, determines in an order
13 that it would not be contrary to the purposes and objectives of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 for that employee to work in a particular employment for a labor
16 organization, welfare fund, or trust, the provisions of subsection b.
17 of this section shall not apply to the particular employment of the
18 employee with respect to that conviction or convictions as are
19 specified in the division's order. This subsection is applicable only
20 to those employees, who for wages or salary, perform manual,
21 mechanical, or physical work of a routine or clerical nature at the
22 premises of the labor organization, welfare fund, or trust by which
23 they are employed.
- 24 e. A person who has been convicted of a crime or offense
25 specified in subsection b. of this section shall not directly or
26 indirectly serve as an officer, agent, or employee of a labor
27 organization, welfare fund, or trust, unless the person has been
28 subsequently pardoned for that crime or offense by the Governor or
29 other appropriate authority of the State in which the conviction was
30 had or has received a certificate of good conduct or other relief
31 from disabilities arising from the fact of conviction from a parole
32 board or similar authority or has received an order of exception
33 from the division. A person, including a labor organization, welfare
34 fund, or trust, shall not knowingly permit any other person to
35 assume or hold any office, agency, or employment in violation of
36 this section.
- 37 f. The division may maintain a civil action against any person,
38 labor organization, welfare fund, or trust, or officers thereof to
39 compel compliance with this section, or to prevent any violations,
40 the aiding and abetting thereof, or any attempt or conspiracy to
41 violate this section, either by mandamus, injunction, or action or
42 proceeding in lieu of prerogative writ and upon a proper showing a
43 temporary restraining order or other appropriate temporary order
44 shall be granted ex parte and without bond pending final hearing
45 and determination. Nothing in this subsection shall be construed to
46 modify, limit, or restrict in any way the provisions of subsection a.
47 of this section.

- 1 29. (New section) a. Any person who, having been duly sworn
2 or affirmed as a witness in any investigation, interview, hearing or
3 other proceeding conducted by the division pursuant to section 15
4 of P.L. , c. (C.) (pending before the Legislature as this
5 bill), shall willfully give false testimony shall be guilty of a
6 disorderly persons offense.
- 7 b. The division may maintain a civil action on behalf of the
8 State against any person who violates or attempts or conspires to
9 violate P.L. , c. (C.) (pending before the Legislature as this
10 bill) or who fails, omits, or neglects to obey, observe, or comply
11 with any order or direction of the division, to recover a judgment
12 for a money penalty not exceeding \$500 for each and every offense.
13 Every violation of any provision of P.L. , c. (C.) (pending
14 before the Legislature as this bill), or any division order or
15 direction, shall be a separate and distinct offense, and, in case of a
16 continuing violation, every day's continuance shall be and be
17 deemed to be a separate and distinct offense. Any civil action may
18 be compromised or discontinued on application of the division upon
19 the terms as the court may approve and a judgment may be rendered
20 for an amount less than the amount demanded in the complaint as
21 justice may require.
- 22 c. The division may maintain a civil action against any person
23 to compel compliance with any of the provisions of P.L. ,
24 c. (C.) (pending before the Legislature as this bill), or to
25 prevent violations, attempts, or conspiracies to violate any
26 provisions of P.L. , c. (C.) (pending before the Legislature
27 as this bill), or interference, attempts, or conspiracies to interfere
28 with or impede the enforcement of any provisions of P.L. ,
29 c. (C.) (pending before the Legislature as this bill) or the
30 exercise or performance of any power or duty thereunder, either by
31 mandamus, injunction, or action or proceeding in lieu of prerogative
32 writ.
- 33 d. Any person who shall violate any of the provisions of
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 for which no other penalty is prescribed, shall be guilty of a petty
36 disorderly persons offense.
- 37 e. Any person who shall, without a satisfactory explanation,
38 loiter upon any vessel, dock, wharf, pier, bulkhead, terminal,
39 warehouse, or other waterfront facility or within 500 feet thereof in
40 that portion of the port of New York district in this State, shall be
41 guilty of a petty disorderly persons offense.
- 42 f. Any person who, without justification or excuse in law,
43 directly or indirectly, intimidates or inflicts any injury, damage,
44 harm, loss, or economic reprisal upon any person licensed or
45 registered by the division, or any other person, or attempts,
46 conspires, or threatens so to do, in order to interfere with, impede,
47 or influence the licensed or registered person in the performance or

1 discharge of the licensed or registered person's duties or obligations
2 shall be punishable as provided in this section.

3
4 30. (New section) a. The failure of any witness, when duly
5 subpoenaed to attend, give testimony, or produce other evidence in
6 connection with any matter arising under the provisions of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), whether
8 or not at a hearing, shall be punishable by the Superior Court in
9 New Jersey in the same manner as that failure is punishable by the
10 court in a case therein pending.

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

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

23 d. Any person who interferes with or impedes the orderly
24 registration of longshoremen pursuant to P.L. , c. (C.)
25 (pending before the Legislature as this bill) or who conspires to or
26 attempts to interfere with or impede such registration shall be
27 punishable as may be provided by section 28 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill).

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

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

41
42 31. (New section) As of the transfer date, the waterfront
43 commission compact, entered into by the State of New Jersey
44 pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1
45 et seq.) and by the State of New York pursuant to its agreement
46 thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as
47 amended and supplemented, the airport commission compact,
48 entered into by the State of New Jersey pursuant to its agreement

1 thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State
2 of New York pursuant to its agreement thereto under P.L.1970,
3 c.951 (NY Unconsol. Ch.307, s.10), and the commission, are
4 dissolved.

5
6 32. R.S.52:14-7 is amended to read as follows:

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

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

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

15 (3) with a county, municipality, or other political subdivision of
16 the State or an authority, board, body, agency, district, commission,
17 or instrumentality of the county, municipality, or subdivision, or

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

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

41 For the purposes of this subsection, a person may have at most
42 one principal residence, and the state of a person's principal
43 residence means the state (1) where the person spends the majority
44 of **["his or her"] the person's** nonworking time, and (2) which is most
45 clearly the center of **["his or her"] the person's** domestic life, and (3)
46 which is designated as **["his or her"] the person's** legal address and
47 legal residence for voting. The fact that a person is domiciled in
48 this State shall not by itself satisfy the requirement of principal

1 residency hereunder.

2 A person, regardless of the office, employment, or position, who
3 holds an office, employment, or position in this State on the
4 effective date of P.L.2011, c.70 but does not have [his or her]
5 principal residence in this State on that effective date shall not be
6 subject to the residency requirement of this subsection while the
7 person continues to hold office, employment, or position without a
8 break in public service of greater than seven days.

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

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

34 The exemption provided in this subsection for certain persons
35 employed by a State college, university, or other higher educational
36 institution, or a county or community college, other than those
37 employed on a temporary or per-semester basis as a visiting
38 professor, teacher, lecturer, or researcher, shall apply only to those
39 persons holding positions that the college, university, or institution
40 has included in a report of those full or part-time positions as a
41 member of the faculty, the research staff, or the administrative staff
42 requiring special expertise or extraordinary qualifications in an
43 academic, scientific, technical, professional, or medical field or in
44 administration, that, if not exempt from the residency requirement,
45 would seriously impede the ability of the college, university, or
46 institution to compete successfully with similar colleges,
47 universities, or institutions in other states. The report shall be
48 compiled annually and shall also contain the reasons why the

1 positions were selected for inclusion in the report. The report shall
2 be compiled and filed within 60 days following the effective date of
3 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
4 and filed by January 1 of each year thereafter. Each report shall be
5 filed with the Governor and, pursuant to section 2 of P.L.1991,
6 c.164 (C.52:14-19.1), with the Legislature, and a report may be
7 revised at any time by filing an amendment to the report with the
8 Governor and Legislature.

9 As used in this section, "school district" means any local or
10 regional school district established pursuant to chapter 8 or chapter
11 13 of Title 18A of the New Jersey Statutes and any jointure
12 commission, county vocational school, county special services
13 district, educational services commission, educational research and
14 demonstration center, environmental education center, and
15 educational information and resource center.

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

24 c. No person shall be appointed to or hold any position in this
25 State who has not the requisite qualifications for personally
26 performing the duties of such position in cases where scientific
27 engineering skill is necessary to the performance of the duties
28 thereof.

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

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

45
46 33. The following are repealed:

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

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

1 P.L.1985, c.32 (C.32:23-43.1 and 32:23-44.1);
2 Section 2 of P.L.1956, c.20 (C.32:23-75.1);
3 P.L.1954, c.3 (C.32:23-77.1 et seq.);
4 Sections 4 and 5 of P.L.1962, c.5 (C.32:23-80.1 and 32:23-80.2);
5 P.L.1954, c.14 (C.32:23-85 et seq.);
6 P.L.1956, c.19 (C.32:23-99 et seq.);
7 Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through
8 32:23-108);
9 P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);
10 Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109
11 through 32:23-113);
12 Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through
13 32:23-117);
14 P.L.1976, c.102 (C.32:23-118 through 32:23-121); and
15 Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-
16 150 through 32:23-225).

17
18 34. This act shall take effect immediately, but sections 3 through
19 32 shall be inoperative until the transfer date has occurred pursuant
20 to section 31 of P.L. , c. (C.) (pending before the
21 Legislature as this bill).

22

23

24 STATEMENT

25

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

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

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

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