

6478

I N S E N A T E

January 29, 2014

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to repeal chapter 154 of the laws of 1921 relating to the port authority of New York and New Jersey; to repeal chapter 43 of the laws 1922 relating to the development of the port of New York; to repeal chapter 47 of the laws of 1931 relating to bridges and tunnels in New York and New Jersey; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation; and relating to constituting chapter 40-A of the consolidated laws, in relation to the port authority of New York and New Jersey

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 154 of the laws of 1921, constituting the Port of
2 New York Authority, is REPEALED.
3 S 2. Chapter 43 of the laws of 1922 relating to the development of the
4 port of New York is REPEALED.
5 S 3. Chapter 47 of the laws of 1931 relating to bridges and tunnels in
6 New York and New Jersey is REPEALED.
7 S 4. Chapter 882 of the laws of 1953 relating to waterfront employment
8 and air freight industry regulation is REPEALED.
9 S 5. Chapter 40-A of the consolidated laws is added to read as
10 follows:
11 CHAPTER 40-A OF THE CONSOLIDATED LAWS
12 PORT AUTHORITY OF NEW YORK AND NEW JERSEY
13 ARTICLE I
14 GENERAL PROVISIONS
15 Section 101. Short title.
16 102. Legislative intent.
17 103. Explanation of order of provisions.
18 104. Definitions.
19 105. Port authority of New York and New Jersey.
20 106. Port of New York district.
21 107. Commissioners.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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108. Power of the port authority.
109. Public meetings.
110. Minutes of public meetings.
111. Jurisdiction.
112. Powers of municipalities to develop or improve.
113. Comprehensive development.
114. Recommendations.
115. Expense of operations.
116. Notice of claim.
117. Regulations.

S 101. Short title. This chapter shall be known and may be cited as the "port authority of New York and New Jersey act".

S 102. Legislative intent. William R. Willcox, Eugenius H. Outerbridge and Murray Hulbert, or any two of them, commissioners heretofore appointed under chapter four hundred and twenty-six of the laws of nineteen hundred and seventeen of the state of New York, together with the attorney-general of the state of New York, are hereby authorized as commissioners upon the part of the state of New York to enter into, with the state of New Jersey, by and through the commissioners appointed or who may be appointed under or by virtue of a law of the legislature of the state of New Jersey, an agreement or compact in the form following, that is to say:

Whereas, In the year eighteen hundred and thirty-four the states of New York and New Jersey did enter into an agreement fixing and determining the rights and obligations of the two states in and about the waters between the two states, especially in and about the bay of New York and the Hudson river; and

Whereas, Since that time the commerce of the port of New York has greatly developed and increased and the territory in and around the port has become commercially one center or district; and

Whereas, It is confidently believed that a better co-ordination of the terminal, transportation and other facilities of commerce in, about and through the port of New York, will result in great economies, benefiting the nation, as well as the states of New York and New Jersey; and

Whereas, The future development of such terminal, transportation and other facilities of commerce will require the expenditure of large sums of money and the cordial co-operation of the states of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans; and

Whereas, Such result can best be accomplished through the co-operation of the two states by and through a joint or common agency.

Now, therefore, the said states of New Jersey and New York do supplement and amend the existing agreement of eighteen hundred and thirty-four in the following respects.

They agree to and pledge, each to the other, faithful co-operation in the future planning and development of the port of New York, holding in high trust for the benefit of the nation the special blessings and natural advantages thereof.

S 103. Explanation of order of provisions. In this port authority of New York and New Jersey act, the provisions have been divided in descending order of application, with illustrations, as follows:

Article I

Section 101

Subdivision 1.

Paragraph (a)

Subparagraph (1)

1 Item (i)

2 Clause A.

3 Subitem (I)

4 S 104. Definitions. The following terms shall have the following
5 meanings unless otherwise provided:

6 1. "Board" means the board of commissioners of the port authority of
7 New York and New Jersey.

8 2. "Consent, approval or recommendation of municipality" means wherev-
9 er the consent, approval or recommendation of a "municipality" is
10 required, the word "municipality" shall be taken to include any city or
11 incorporated village within the port district, and in addition in the
12 state of New Jersey any borough, town, township or any municipality
13 governed by an improvement commission within the district. Such consent,
14 approval or recommendation whenever required in the case of the city of
15 New York shall be deemed to have been given or made whenever the board
16 of estimate and apportionment of said city or any body hereafter
17 succeeding to its duties shall by a majority vote pass a resolution
18 expressing such consent, approval or recommendation; and in the case of
19 any municipality now or hereafter governed by a commission, whenever the
20 commission thereof shall by majority vote pass such a resolution; and in
21 all other cases whenever the body authorized to grant consent to the use
22 of the streets or highways of such municipality shall by a majority vote
23 pass such a resolution.

24 3. "Facility" shall include all works, buildings, structures, appli-
25 ances and appurtenances necessary and convenient for the proper
26 construction, equipment, maintenance and operation of such facility or
27 facilities or any one or more of them.

28 4. "To lease" shall include to rent or to hire.

29 5. "Meeting" means any gathering, whether corporeal or by means of
30 communication equipment, which is attended by, or open to, the board,
31 held with the intent, on the part of the board members present, to
32 discuss or act as a unit upon the specific public business of the
33 authority. "Meeting" does not mean a gathering (a) attended by less than
34 an effective majority of the board, or (b) attended by or open to all
35 the members of three or more similar public bodies at a convention or
36 similar gathering.

37 6. "Personal property" shall include choses in action and all other
38 property now commonly or legally defined as personal property or which
39 may hereafter be so defined.

40 7. "Public business" means matters which relate in any way, directly
41 or indirectly, to the performance of the functions of the port authority
42 of New York and New Jersey or the conduct of its business.

43 8. "Railroads" shall include railways, extensions thereof, tunnels,
44 subways, bridges, elevated structures, tracks, poles, wires, conduits,
45 power houses, substations, lines for the transmission of power, car-
46 barns, shops, yards, sidings, turn-outs, switches, stations and
47 approaches thereto, cars and motive equipment.

48 9. "Real property" shall include land under water, as well as uplands,
49 and all property either now commonly or legally defined as real property
50 or which may hereafter be so defined.

51 10. "Rule or regulation", until and unless otherwise determined by the
52 legislatures of both states, shall mean any rule or regulation not
53 inconsistent with the constitution of the United States or of either
54 state, and, subject to the exercise of the power of congress, for the
55 improvement of the conduct of navigation and commerce within the
56 district, and shall include charges, rates, rentals or tolls fixed or

1 established by the port authority; and until otherwise determined as
2 aforesaid, shall not include matters relating to harbor or river
3 pollution. Wherever action by the legislature of either state is herein
4 referred to, it shall mean an act of the legislature duly adopted in
5 accordance with the provisions of this chapter.

6 11. "Transportation facility" shall include railroads, steam or elec-
7 tric, motor truck or other street or highway vehicles, tunnels, bridges,
8 boats, ferries, car-floats, lighters, tugs, floating elevators, barges,
9 scows or harbor craft of any kind, air craft suitable for harbor
10 service, and every kind of transportation facility now in use or here-
11 after designed for use for the transportation or carriage of persons or
12 property.

13 12. "Terminal facility" shall include wharves, piers, slips, ferries,
14 docks, dry docks, bulkheads, dock-walls, basins, car-floats, float-
15 bridges, grain or other storage elevators, warehouses, cold storage,
16 tracks, yards, sheds, switches, connections, overhead appliances, and
17 every kind of terminal or storage facility now in use or hereafter
18 designed for use for the handling, storage, loading or unloading of
19 freight at steamship, railroad or freight terminals.

20 S 105. Port authority of New York and New Jersey. There is hereby
21 continued "the port authority of New York and New Jersey" ("port author-
22 ity"), which shall be a body corporate and politic, having the powers
23 and jurisdiction hereinafter enumerated, and such other and additional
24 powers as shall be conferred upon it by the legislature of either state
25 concurred in by the legislature of the other, or by act or acts of
26 congress, as hereinafter provided.

27 S 106. Port of New York district. To that end the two states do agree
28 that there shall be created and they do hereby create a district to be
29 known as the "port of New York district" (hereinafter referred to as
30 "the district") which shall embrace the territory bounded and described
31 as follows:

32 The district is included within the boundary lines located by connect-
33 ing points of known latitude and longitude. The approximate courses and
34 distances of the lines enclosing the district are recited in the
35 description, but the district is determined by drawing lines through the
36 points of known latitude and longitude. Beginning at a point A of lati-
37 tude forty-one degrees and four minutes north and longitude seventy-
38 three degrees and fifty-six minutes west, said point being about sixty-
39 five-hundredths of a mile west of the westerly bank of the Hudson river
40 and about two and one-tenth miles northwest of the pier at Piermont, in
41 the county of Rockland, state of New York; thence due south one and
42 fifteen-hundredths miles more or less to a point B of latitude forty-one
43 degrees and three minutes north and longitude seventy-three degrees and
44 fifty-six minutes west; said point being about one and three-tenths
45 miles northwest of the pier at Piermont, in the county of Rockland,
46 state of New York; thence south fifty-six degrees and thirty-four
47 minutes west six and twenty-six-hundredths miles more or less to a point
48 C of latitude forty-one degrees and no minutes north and longitude
49 seventy-four degrees and two minutes west, said point being about
50 seven-tenths of a mile north of the railroad station at Westwood, in the
51 county of Bergen, state of New Jersey; thence south sixty-eight degrees
52 and twenty-four minutes west nine and thirty-seven-hundredths miles more
53 or less to a point D of latitude forty degrees and fifty-seven minutes
54 north and longitude seventy-four degrees and twelve minutes west, said
55 point being about three miles northwest of the business center of the
56 city of Paterson, in the county of Passaic, state of New Jersey; thence

1 south forty-seven degrees and seventeen minutes west eleven and eighty-
2 seven-hundredths miles more or less to a point E of latitude forty
3 degrees and fifty minutes north and longitude seventy-four degrees and
4 twenty-two minutes west, said point being about four and five-tenths
5 miles west of the borough of Caldwell, in the county of Morris, state of
6 New Jersey; thence due south nine and twenty-hundredths miles more or
7 less to a point F of latitude forty degrees and forty-two minutes north
8 and longitude seventy-four degrees and twenty-two minutes west, said
9 point being about one and two-tenths miles southwest of the passenger
10 station of the Delaware, Lackawanna and Western railroad in the city of
11 Summit, in the county of Union, state of New Jersey; thence south
12 forty-two degrees and twenty-four minutes west, seven and seventy-eight-
13 hundredths miles more or less to a point G of latitude forty degrees and
14 thirty-seven minutes north and longitude seventy-four degrees and twen-
15 ty-eight minutes west, said point being about two and two-tenths miles
16 west of the business center of the city of Plainfield, in the county of
17 Somerset, state of New Jersey; thence due south twelve and sixty-five-
18 hundredths miles more or less on a line passing about one mile west of
19 the business center of the city of New Brunswick to a point H of lati-
20 tude forty degrees and twenty-six minutes north and longitude seventy-
21 four degrees and twenty-eight minutes west, said point being about four
22 and five-tenths miles southwest of the city of New Brunswick, in the
23 county of Middlesex, state of New Jersey; thence south seventy-seven
24 degrees and forty-two minutes east ten and seventy-nine-hundredths miles
25 more or less to a point I of latitude forty degrees and twenty-four
26 minutes north and longitude seventy-four degrees and sixteen minutes
27 west, said point being about two miles southwest of the borough of Mata-
28 wan, in the county of Middlesex, state of New Jersey; thence due east
29 twenty-five and forty-eight-hundredths miles more or less, crossing the
30 county of Monmouth, state of New Jersey, and passing about one and four-
31 tenths miles south of the pier of the Central Railroad of New Jersey at
32 Atlantic Highlands to a point J of latitude forty degrees and twenty-
33 four minutes north and longitude seventy-three degrees and forty-seven
34 minutes west, said point being in the Atlantic ocean; thence north elev-
35 en degrees fifty-eight minutes east twenty-one and sixteen-hundredths
36 miles more or less to a point K, said point being about five miles east
37 of the passenger station of the Long Island railroad at Jamaica and
38 about one and three-tenths miles east of the boundary line of the city
39 of New York, in the county of Nassau, state of New York; thence in a
40 northeasterly direction passing about one-half mile west of New Hyde
41 Park and about one and one-tenth miles east of the shore of Manhasset
42 bay at Port Washington, crossing Long Island sound to a point L, said
43 point being the point of intersection of the boundary line between the
44 states of New York and Connecticut and the meridian of seventy-three
45 degrees, thirty-nine minutes and thirty seconds west longitude, said
46 point being also about a mile northeast of the village of Port Chester;
47 thence northwesterly along the boundary line between the states of New
48 York and Connecticut to a point M, said point being the point of inter-
49 section between said boundary line between the states of New York and
50 Connecticut and the parallel of forty-one degrees and four minutes north
51 latitude, said point also being about four and five-tenths miles north-
52 east of the business center of the city of White Plains; thence due west
53 along said parallel, of forty-one degrees and four minutes north lati-
54 tude, the line passing about two and one-half miles north of the busi-
55 ness center of the city of White Plains and crossing the Hudson river to
56 the point A, the place of beginning.

1 The boundaries of said district may be changed from time to time by
2 the action of the legislature of either state concurred in by the legis-
3 lature of the other.

4 S 107. Commissioners. 1. The port authority shall consist of twelve
5 commissioners, six resident voters from the state of New York, at least
6 four of whom shall be resident voters of the city of New York, and six
7 resident voters from the state of New Jersey, at least four of whom
8 shall be resident voters within the New Jersey portion of the district,
9 the New York members to be chosen by the state of New York and the New
10 Jersey members by the state of New Jersey in the manner and for the
11 terms fixed and determined from time to time by the legislature of each
12 state respectively, except as herein provided. Each commissioner may be
13 removed or suspended from office as provided by the law of the state
14 from which he or she shall be appointed.

15 2. The commissioners shall, for the purpose of doing business, consti-
16 tute a board and may adopt suitable by-laws for its management.

17 3. The port authority shall elect a chair, vice-chair, and may appoint
18 such officers and employees as it may require for the performance of its
19 duties, and shall fix and determine their qualifications and duties.

20 4. If by death, resignation or otherwise, a vacancy occurs among those
21 appointed hereunder by the state of New York, the governor is hereby
22 authorized to fill the same.

23 5. The commissioners appointed from the state of New York, together
24 with the commissioners appointed from the state of New Jersey, shall
25 have power to apply to the congress of the United States for its consent
26 and approval of the agreement or compact signed by them; but in the
27 absence of such consent of congress and until the same shall have been
28 secured, the said agreement or compact shall be binding upon the state
29 of New York in all respects permitted by law for the two states of New
30 York and New Jersey without the consent of congress to co-operate, for
31 the purposes enumerated in said agreement or compact, and in the manner
32 provided herein.

33 S 108. Power of the port authority. 1. The port authority shall
34 constitute a body, both corporate and politic, with full power and
35 authority to purchase, construct, lease and/or operate any terminal or
36 transportation facility within said district; and to make charges for
37 the use thereof: and for any of such purposes to own, hold, lease and/or
38 operate real or personal property, to borrow money and secure the same
39 by bonds or by mortgages upon any property held or to be held by it. No
40 property now or hereafter vested in or held by either state, or by any
41 county, city, borough, village, township or other municipality, shall be
42 taken by the port authority, without the authority or consent of such
43 state, county, city, borough, village, township or other municipality,
44 nor shall anything herein impair or invalidate in any way any bonded
45 indebtedness of such state, county, city, borough, village, township or
46 other municipality, nor impair the provisions of law regulating the
47 payment into sinking funds of revenues derived from municipal property,
48 or dedicating the revenues derived from any municipal property to a
49 specific purpose.

50 2. The powers granted in this article shall not be exercised by the
51 port authority until the legislatures of both states shall have approved
52 of a comprehensive plan for the development of the port as hereinafter
53 provided.

54 3. The port authority shall have such additional powers and duties as
55 may hereafter be delegated to or imposed upon it from time to time by
56 the action of the legislature of either state concurred in by the legis-

lature of the other. Unless and until otherwise provided, it shall make an annual report to the legislature of both states, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder. The port authority shall not pledge the credit of either state except by and with the authority of the legislature thereof.

S 109. Public meetings. 1. The legislature finds and declares that the right of the public to be present at meetings of the port authority of New York and New Jersey, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of the authority, is vital to the enhancement and proper functioning of the democratic process, and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society; and declares it to be the public policy of this state to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of the authority at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy of guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

2. The board shall adopt and promulgate appropriate rules and regulations concerning the right of the public to be present at meetings of the authority. The board may incorporate in its rules and regulations conditions under which it may exclude the public from a meeting or a portion thereof.

3. Any rules or regulations adopted hereunder shall become a part of the minutes of the port authority of New York and New Jersey and shall be subject to the approval of the governor of New Jersey and the governor of New York.

4. Unless and until otherwise determined by the action of the legislatures of the two states, no action of the port authority shall be binding unless taken at a meeting at which at least three of the members from each state are present, and unless a majority of the members from each state present at such meeting but in any event at least three of the members from each state, shall vote in favor thereof. Each state reserves the right to provide by law for the exercise of a veto power by the governor thereof over any action of any commissioner appointed therefrom.

S 110. Minutes of public meetings. 1. The port authority shall file with the temporary president and minority leader of the senate and the speaker and minority leader of the assembly, the chairman of the assembly ways and means committee and the chairman of the senate finance committee of the state of New York and the president, minority leader and secretary of the senate and the speaker, minority leader and clerk of the general assembly of the state of New Jersey a copy of the minutes of any action taken at any public meeting of the port authority. Such filing shall be made on the same day such minutes are transmitted to the governor of each state for review; and notice of such filing shall be provided to the governor of each state at the same time. Failure to effectuate any such filing shall not impair the ability of the authority to act pursuant to a resolution of its board. Such filing shall not apply to any minutes required to be filed pursuant to section twenty of chapter six hundred fifty-one of the laws of nineteen hundred seventy-eight.

1 2. The temporary president and minority leader of the senate, the
2 speaker and minority leader of the assembly, the chairman of the assem-
3 bly ways and means committee and the chairman of the senate finance
4 committee of the state of New York and the speaker and minority leader
5 of the general assembly and the president and the minority leader of the
6 senate of the state of New Jersey, or representatives designated by them
7 in writing for this purpose, may by certificate filed with the secretary
8 of the port authority waive the foregoing filing requirement with
9 respect to any specific minutes.

10 S 111. Jurisdiction. Unless and until otherwise provided, all laws
11 now or hereafter vesting jurisdiction or control in the public service
12 commission, or the public utilities commission, or like body, within
13 each state respectively, shall apply to railroads and to any transporta-
14 tion, terminal or other facility owned, operated, leased or constructed
15 by the port authority, with the same force and effect as if such rail-
16 road, or transportation, terminal or other facility were owned, leased,
17 operated or constructed by a private corporation.

18 S 112. Powers of municipalities to develop or improve. Nothing
19 contained in this agreement shall impair the powers of any municipality
20 to develop or improve port and terminal facilities.

21 S 113. Comprehensive development. 1. The legislatures of the two
22 states, prior to the signing of this agreement, or thereafter as soon as
23 may be practicable, will adopt a plan or plans for the comprehensive
24 development of the port of New York.

25 2. The port authority shall from time to time make plans for the
26 development of the port of New York district, supplementary to or amen-
27 datory of any plan theretofore adopted, and when such plans are duly
28 approved by the legislatures of the two states, they shall be binding
29 upon both states with the same force and effect as if incorporated in
30 this act.

31 3. The port authority may petition any interstate commerce commission
32 (or like body), commissioner of transportation, public utilities commis-
33 sion (or like body), or any other federal, municipal, state or local
34 authority, administrative, judicial or legislative, having jurisdiction
35 in the premises, after the adoption of the comprehensive plan as
36 provided for in subdivision one of this section, for the adoption and
37 execution of any physical improvement, change in method, rate of trans-
38 portation, system of handling freight, warehousing, docking, lightering
39 or transfer of freight, which, in the opinion of the port authority, may
40 be designed to improve or better the handling of commerce in and through
41 the port of New York district, or improve terminal and transportation
42 facilities therein. It may intervene in any proceeding affecting the
43 commerce of the port.

44 S 114. Recommendations. The port authority may from time to time make
45 recommendations to the legislatures of the two states or to the congress
46 of the United States, based upon study and analysis, for the better
47 conduct of the commerce passing in and through the port of New York, the
48 increase and improvement of transportation and terminal facilities ther-
49 ein, and the more economical and expeditious handling of such commerce.

50 S 115. Expense of operations. 1. Unless and until the revenues from
51 operations conducted by the port authority are adequate to meet all
52 expenditures, the legislatures of the two states shall appropriate, in
53 equal amounts, annually, for the salaries, office and other administra-
54 tive expenses, such sum or sums as shall be recommended by the port
55 authority and approved by the governors of the two states, but each

1 state obligates itself hereunder only to the extent of one hundred thou-
2 sand dollars in any one year.

3 2. Unless and until otherwise determined by the action of the legisla-
4 tures of the two states, the port authority shall not incur any obli-
5 gations for salaries, office or other administrative expenses, within
6 the provisions of subdivision one of this section, prior to the making
7 of appropriations adequate to meet the same.

8 S 116. Notice of claim. Notwithstanding any other provision of law to
9 the contrary, every action against the authority for damages or injuries
10 to real or personal property, or for the destruction thereof, or for
11 personal injuries or wrongful death shall not be commenced unless a
12 notice of claim shall have been served on the authority in the manner
13 provided for in the state where the action is commenced, and in compli-
14 ance with the pertinent statutes of the state relating generally to
15 actions commenced against that state and in compliance with all the
16 requirements of the laws of that state. Where such state's law permits
17 service upon a department of that state in lieu of service upon the
18 public entity, service may be made pursuant to such law. Except in an
19 action for wrongful death against such an entity, an action for damages
20 or for injuries to real or personal property, or for the destruction
21 thereof, or for personal injuries, alleged to have been sustained, shall
22 not be commenced more than one year and ninety days after the cause of
23 action therefor shall have accrued or within the time period otherwise
24 prescribed by any special provision of law of that state, whichever is
25 longer.

26 S 117. Regulations. 1. The port authority is hereby authorized to
27 make suitable rules and regulations not inconsistent with the constitu-
28 tion of the United States or of either state, and subject to the exer-
29 cise of the power of congress, for the improvement of the conduct of
30 navigation and commerce, which, when concurred in or authorized by the
31 legislatures of both states, shall be binding and effective upon all
32 persons and corporations affected thereby.

33 2. The two states shall provide penalties for violations of any order,
34 rule or regulation of the port authority, and for the manner of enforc-
35 ing the same.

36 ARTICLE II

37 DEVELOPMENT OF THE PORT OF NEW YORK

38 Section 201. Development of the port of New York.

39 202. Investigations.

40 203. Hearings.

41 204. Orders.

42 205. Terminal stations.

43 206. Preference.

44 S 201. Development of the port of New York. 1. Pursuant to subdivi-
45 sion two of section one hundred eight of this chapter the following be
46 and is hereby adopted as the comprehensive plan for the development of
47 the port of New York:

48 (a) That terminal operations within the port district, so far as
49 economically practicable, should be unified;

50 (b) That there should be consolidation of shipments at proper classi-
51 fication points so as to eliminate duplication of effort, inefficient
52 loading of equipment and realize reduction in expenses;

53 (c) That there should be the most direct routing of all commodities so
54 as to avoid centers of congestion, conflicting currents and long truck-
55 hauls;

1 (d) That terminal stations established under the comprehensive plan
2 should be union stations, so far as practicable;

3 (e) That the process of coordinating facilities should so far as prac-
4 ticable adapt existing facilities as integral parts of the new system,
5 so as to avoid needless destruction of existing capital investment and
6 reduce so far as may be possible the requirements for new capital; and
7 endeavor should be made to obtain the consent of local municipalities
8 within the port district for the coordination of their present and
9 contemplated port and terminal facilities with the whole plan.

10 (f) That freight from all railroads must be brought to all parts of
11 the port wherever practicable without cars breaking bulk, and this
12 necessitates tunnel connection between New Jersey and Long Island, and
13 tunnel or bridge connections between other parts of the port;

14 (g) That there should be urged upon the federal authorities improve-
15 ment of channels so as to give access for that type of waterborne
16 commerce adapted to the various forms of development which the respec-
17 tive shorefronts and adjacent lands of the port would best lend them-
18 selves to;

19 (h) That highways for motor truck traffic should be laid out so as to
20 permit the most efficient inter-relation between terminals, piers and
21 industrial establishments not equipped with railroad sidings and for the
22 distribution of building materials and many other commodities which must
23 be handled by trucks; these highways to connect with existing or
24 projected bridges, tunnels and ferries.

25 (i) That definite methods for prompt relief should be devised which
26 can be applied for the better coordination and operation of existing
27 facilities while larger and more comprehensive plans for future develop-
28 ment are being carried out.

29 2. The bridges, tunnels and belt lines forming the comprehensive plan
30 are generally and in outline indicated on maps filed by the port of New
31 York authority in the offices of the secretaries of the states of New
32 York and New Jersey and are hereinafter described in outline.

33 3. (a) A tunnel or tunnels connecting the New Jersey shore and the
34 Brooklyn shore of New York to provide through line connection between
35 the transcontinental railroads now having their terminals in New Jersey
36 with the Long Island railroad and the New York connecting railroad on
37 Long Island and with the New York Central and Hudson River railroad and
38 the New York, New Haven and Hartford railroad in the Bronx, and to
39 provide continuous transportation of freight between the Queens, Brook-
40 lyn and Bronx sections of the port to and from all parts of the westerly
41 section of the port, for all of the transcontinental railroads.

42 (b) A bridge and/or tunnel across or under the Arthur kill, and/or the
43 existing bridge enlarged, to provide direct freight carriage between New
44 Jersey and Staten Island.

45 (c) The location of all such tunnels or bridges to be at the shortest,
46 most accessible and most economical points practicable, taking account
47 of existing facilities now located within the port district and provid-
48 ing for and taking account of all reasonably foreseeable future growth
49 in all parts of the district.

50 4. The island of Manhattan to be connected with New Jersey by bridge
51 or tunnel, or both, and freight destined to and from Manhattan to be
52 carried underground, so far as practicable, by such system, automatic
53 electric as hereinafter described or otherwise, as will furnish the most
54 expeditious, economical and practicable transportation of freight, espe-
55 cially meat, produce, milk and other commodities comprising the daily
56 needs of the people. Suitable markets, union inland terminal stations

1 and warehouses to be laid out at points most convenient to the homes and
2 industries upon the island, the said system to be connected with all the
3 trans-continental railroads terminating in New Jersey and by appropriate
4 connection with the New York Central and Hudson River railroad, the New
5 York, New Haven and Hartford and the Long Island railroads.

6 5. The numbers hereinafter used correspond with the numbers which have
7 been placed on the map of the comprehensive plan to identify the various
8 belt lines and marginal railroads.

9 (a) Number 1. Middle belt line. Connects New Jersey and Staten Island
10 and the railroads on the westerly side of the port with Brooklyn,
11 Queens, the Bronx and the railroads on the easterly side of the port.
12 Connects with the New York Central railroad in the Bronx; with the New
13 York, New Haven and Hartford railroad in the Bronx; with the Long Island
14 railroad in Queens and Brooklyn; with the Baltimore and Ohio railroad
15 near Elizabethport and in Staten Island; with the Central Railroad
16 Company of New Jersey at Elizabethport and at points in Newark and
17 Jersey City; with the Pennsylvania railroad in Newark and Jersey City;
18 with the Lehigh Valley railroad in Newark and Jersey City; with the
19 Delaware, Lackawanna and Western railroad in Jersey City and the Secaucus
20 meadows; with the Erie railroad in Jersey City and the Secaucus
21 meadows; with the New York, Susquehanna and Western, the New York,
22 Ontario and Western and the West Shore railroads on the westerly side of
23 the Palisades above the Weehawken tunnel.

24 The route of the middle belt line as shown on said map is in general
25 as follows: Commencing at the Hudson river at Spuyten Duyvil running
26 easterly and southerly generally along the easterly side of the Harlem
27 river, utilizing existing lines so far as practicable and improving and
28 adding where necessary, to a connection with Hell Gate bridge and the
29 New Haven railroad, a distance of approximately seven miles; thence
30 continuing in a general southerly direction, utilizing existing lines
31 and improving and adding where necessary, to a point near Bay Ridge, a
32 distance of approximately eighteen and one-half miles; thence by a new
33 tunnel under New York bay in a northwesterly direction to a portal in
34 Jersey City or Bayonne, a distance of approximately five miles, to a
35 connection with the tracks of the Pennsylvania and Lehigh Valley rail-
36 roads; thence in a generally northerly direction along the easterly side
37 of Newark bay and the Hackensack river at the westerly foot of the Pali-
38 sades, utilizing existing tracks and improving and adding where neces-
39 sary, making connections with the Jersey Central, Pennsylvania, Lehigh
40 Valley, Delaware, Lackawanna and Western, Erie, New York, Susquehanna
41 and Western, New York, Ontario and Western, and West Shore railroads, a
42 distance of approximately ten miles. From the westerly portal of the Bay
43 tunnel and from the line along the easterly side of Newark bay by the
44 bridges of the Central railroad of New Jersey (crossing the Hackensack
45 and Passaic rivers) and of the Pennsylvania and Lehigh Valley railroads
46 (crossing Newark bay) to the line of the central railroad of New Jersey
47 running along the westerly side of Newark bay and thence southerly along
48 this line to a connection with the Baltimore and Ohio railroad south of
49 Elizabethport, utilizing existing lines so far as practicable and
50 improving and adding where necessary, a distance of approximately twelve
51 miles; thence in an easterly direction crossing the Arthur kill, utiliz-
52 ing existing lines so far as practicable and improving and adding where
53 necessary, along the northerly and easterly shores of Staten Island to
54 the new city piers and to a connection, if the city of New York consent
55 thereto, with the tunnel under the Narrows to Brooklyn provided for

1 under chapter seven hundred of the laws of the state of New York for
2 nineteen hundred and twenty-one.

3 (b) Number 2. A marginal railroad to the Bronx extending along the
4 shore of the East river and Westchester creek connecting with the middle
5 belt line (number one), and with the New York, New Haven and Hartford
6 railroad in the vicinity of Westchester.

7 (c) Number 3. A marginal railroad in Queens and Brooklyn extending
8 along Flushing creek, Flushing bay, the East river and the upper New
9 York bay. Connects with the middle belt line (number one), by lines
10 number four, number five, number six and directly at the southerly end
11 at Bay Ridge. Existing lines to be utilized and improved and added to
12 and new lines built where lines do not now exist.

13 (d) Number 4. An existing line to be improved and added to where
14 necessary. Connects the middle belt line (number one), with the marginal
15 railroad number three near its northeasterly end.

16 (e) Number 5. An existing line to be improved and added to where
17 necessary. Connects the middle belt line (number one), with the marginal
18 railroad number three in Long Island City.

19 (f) Number 6. Connects the middle belt line (number one), with the
20 marginal railroad number three in the Greenpoint section of Brooklyn.
21 The existing portion to be improved and added to where necessary.

22 (g) Number 7. A marginal railroad surrounding the northerly and
23 westerly shores of Jamaica bay. A new line. Connects with the middle
24 belt line (number one).

25 (h) Number 8. An existing line, to be improved and added to where
26 necessary. Extends along the southeasterly shore of Staten Island.
27 Connects with middle belt line (number one).

28 (i) Number 9. A marginal railroad extending along the westerly shore
29 of Staten Island and a branch connection with number eight. Connects
30 with the middle belt line (number one), and with a branch from the outer
31 belt line (number fifteen).

32 (j) Number 10. A line made up mainly of existing lines, to be improved
33 and added to where necessary. Connects with the middle belt line (number
34 one) by way of marginal railroad number eleven. Extends along the south-
35 erly shore of Raritan bay and through the territory south of the Raritan
36 river reaching New Brunswick.

37 (k) Number 11. A marginal railroad extending from a connection with
38 the proposed outer belt line (number fifteen) near New Brunswick along
39 the northerly shore of the Raritan river to Perth Amboy, thence norther-
40 ly along the westerly side of the Arthur kill to a connection with the
41 middle belt line (number one) south of Elizabethport. The portion of
42 this line which exists to be improved and added to where necessary.

43 (l) Number 12. A marginal railroad extending along the easterly shore
44 of Newark bay and the Hackensack river and connects with the middle belt
45 line (number one). A new line.

46 (m) Number 13. A marginal railroad extending along the westerly side
47 of the Hudson river and the Upper New York bay. Made up mainly of exist-
48 ing lines----the Erie Terminals, Jersey Junction, Hoboken Shore, and
49 National Docks railroads. To be improved and added to where necessary.
50 To be connected with middle belt line (number one).

51 (n) Number 14. A marginal railroad connecting with the middle belt
52 line (number one), and extending through the Hackensack and Secaucus
53 meadows.

54 (o) Number 15. An outer belt line, extending around the westerly
55 limits of the port district beyond the congested section. Northerly
56 terminus on the Hudson river at Piermont. Connects by marginal railroads

1 at the southerly end with the harbor waters below the congested section.
2 By spurs connects with the middle belt line (number one) on the westerly
3 shore of Newark bay and with the marginal railroad on the westerly shore
4 of Staten Island (number nine).

5 (p) Number 16. The automatic electric system for serving Manhattan
6 Island. Its yards to connect with the middle belt line and with all the
7 railroads of the port district. A standard gauge underground railroad
8 deep enough in Manhattan to permit of two levels of rapid transit
9 subways to pass over it. Standard railroad cars to be brought through to
10 Manhattan terminals for perishables and food products in refrigerator
11 cars. Cars with merchandise freight to be stopped at its yards. Freight
12 from standard cars to be transferred onto wheeled containers, thence to
13 special electrically propelled cars which will bear it to Manhattan.
14 Freight to be kept on wheels between the door of the standard freight
15 car at the transfer point and the tail board of the truck at the Manhat-
16 tan terminal or the store door as may be elected by the shipper or
17 consignee, eliminating extra handling.

18 Union terminal stations to be located on Manhattan in zones as far as
19 practicable of equal trucking distance, as to pickups and deliveries, to
20 be served by this system. Terminals to contain storage space and space
21 for other facilities. The system to bring all the railroads of the port
22 to Manhattan.

23 6. The determination of the exact location, system and character of
24 each of the said tunnels, bridges, belt lines, approaches, classifica-
25 tion yards, warehouses, terminals or other improvements shall be made by
26 the port authority after public hearings and further study, but in
27 general the location thereof shall be as indicated upon said map, and as
28 herein described.

29 7. The right to add to, modify or change any part of the foregoing
30 comprehensive plan is reserved by each state, with the concurrence of
31 the other.

32 8. The port of New York authority is hereby authorized and directed to
33 proceed with the development of the port of New York in accordance with
34 said comprehensive plan as rapidly as may be economically practicable
35 and is hereby vested with all necessary and appropriate powers not
36 inconsistent with the constitution of the United States or of either
37 state, to effectuate the same, except the power to levy taxes or assess-
38 ments. It shall request the congress of the United States to make such
39 appropriations for deepening and widening channels and to make such
40 grants of power as will enable the said plan to be effectuated. It shall
41 have power to apply to all federal agencies, including the interstate
42 commerce commission, the war department, and the United States shipping
43 board, for suitable assistance in carrying out said plan. It shall coop-
44 erate with the state highway commissioners of each state so that trunk
45 line highways as and when laid out by each state shall fit in with said
46 comprehensive plan. It shall render such advice, suggestion and assist-
47 ance to all municipal officials as will permit all local and municipal
48 port and harbor improvements, so far as practicable, to fit in with said
49 plan. All municipalities within the district are hereby authorized and
50 empowered to cooperate in the effectuation of said plan, and are hereby
51 vested with such powers as may be appropriate or necessary so to cooper-
52 ate. The bonds or other securities issued by the port authority shall at
53 all times be free from taxation by either state. The port authority
54 shall be regarded as the municipal corporate instrumentality of the two
55 states for the purpose of developing the port and effectuating the
56 pledge of the states in the said compact, but it shall have no power to

pledge the credit of either state or to impose any obligation upon either state, or upon any municipality, except as and when such power is expressly granted by statute, or the consent by any such municipality is given.

S 202. Investigations. 1. (a) To facilitate the determination of the economic practicability of any step in the comprehensive plan, or of any other fact or matter which the port authority is authorized and empowered to decide or determine, the port authority may conduct investigations, inquiries or hearings at such place or places and at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of the commissioners of the port authority, or by or before any person or persons appointed as its representative, and when ratified, approved or confirmed by the port authority on its action shall be and be deemed to be the investigation, inquiry or hearing of the port authority.

(b) For the purpose of such investigations, inquiries or hearings, and of such other action or powers as the port authority may be authorized or empowered to take or exercise, it shall have jurisdiction of any and all persons, associations, or corporations, residing in, or acting or existing under or by virtue of the laws of, or owning property or coming within this state.

2. The port authority shall have the power to compel the attendance of witnesses and the production of any papers, books or other documents, and to administer oaths to all witnesses who may be called before it. Subpoenas issued by the port authority shall be signed by a commissioner or by the secretary of the port authority. No witness subpoenaed at the instance of parties other than the port authority shall be entitled to compensation therefrom for attendance or travel, but the cost thereof shall be borne by the party at whose instance the witness is summoned, unless the port authority otherwise orders. A subpoena issued under this section shall be regulated by the civil practice law and rules.

S 203. Hearings. 1. All hearings before the port authority, including the taking of testimony, shall be governed by rules to be adopted and prescribed by it.

2. In any investigation, inquiry or hearing before the port authority, a commissioner or an officer conducting the investigation, inquiry or hearing may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law.

3. No commissioner or employee of the port authority shall be required to give testimony in any civil suit to which the port authority is not a party with regard to information obtained by him in the discharge of his or her official duty.

S 204. Orders. 1. Every order of the port authority shall be served upon every person, association or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby; or in the case of a corporation to any officer or agent thereof upon whom a summons might be served, either within or without the state, in accordance with law. It shall be the duty of every person, association or corporation, to notify the port authority forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notification must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the port authority, such person, association or corporation, upon whom it is served, must, if so required in the order, noti-

1 fy the port authority in like manner whether the terms of the order are
2 accepted and will be obeyed. Every order of the port authority shall
3 take effect at a time therein specified and shall continue in force
4 either for a period which may be designated therein, or until changed or
5 abrogated by the port authority, unless such order be unauthorized by
6 law, or be in violation of a provision of the constitution of the state,
7 or of the United States.

8 2. No order staying or suspending an order of the port authority shall
9 be made by any court otherwise than upon notice and after hearing, and
10 if the order of the port authority is suspended, the order suspending
11 the same shall contain a specific finding based upon evidence submitted
12 to the court and identified by reference thereto that great and irrepar-
13 able damage would otherwise result to the petitioner and specifying the
14 nature of the damage.

15 3. (a) Whenever the port authority shall be of the opinion that any
16 person, association or corporation subject to its jurisdiction is fail-
17 ing or omitting, or about to fail or omit to do anything required of it
18 by the laws governing the development and regulation of the port of New
19 York, or by its order, or is doing or is about to do anything, or
20 permitting, or about to permit anything to be done contrary to, or in
21 violation of, such law or orders, it shall direct its legal represen-
22 tative to commence an action or proceeding in the name of the port
23 authority, in an appropriate court having jurisdiction, for the purpose
24 of having such violations, or threatened violations, stopped and
25 prevented either by mandamus or injunction. Such an action or proceeding
26 may be brought in the supreme court of this state, and the said court
27 shall have and is hereby given the necessary and appropriate jurisdic-
28 tion to grant mandamus or injunction, as the case may require, or any
29 other relief appropriate to the case.

30 (b) Failure of such person, association or corporation to notify the
31 port authority, as required in the preceding section, of its acceptance
32 of and willingness to obey any order of the port authority shall be and
33 be deemed to be prima facie proof that such person, association or
34 corporation is guilty of such violation, or threatened violation. The
35 legal representative of the port authority shall begin such action or
36 proceeding by a petition to the appropriate court, alleging the
37 violation complained of and praying for appropriate relief by way of
38 mandamus or injunction. If the petition is directed to a court of this
39 state, it shall thereupon be the duty of the court to specify the time,
40 not exceeding twenty days after the service of a copy of the petition,
41 within which the person, association or corporation complained of must
42 answer the petition. In case of default in answer, or after answer, the
43 court shall immediately inquire into the facts and circumstances, in
44 such manner as the court shall direct, without other or formal pleadings
45 and without respect to any technical requirement. Such other persons,
46 associations or corporations as the court shall deem necessary or proper
47 to join as parties, in order to make its order, judgment or writs effec-
48 tive, may be joined as parties upon application of the legal represen-
49 tative of the port authority. The final judgment in any such action or
50 proceeding shall either dismiss the action or proceeding, or direct that
51 a writ of mandamus, or an injunction, or both, issue as prayed for in
52 the petition, or in such modified or other form as the court may deter-
53 mine will afford the appropriate relief.

54 4. (a) Whenever the port authority, after opportunity to the parties
55 affected or to be affected thereby to be heard, shall determine any fact
56 or matter which it is authorized by any law to hear or determine, or

1 that any step in the effectuation of the comprehensive plan is or in the
2 near future will be economically practicable, it shall make its findings
3 in writing, setting forth its reasons therefor, and such findings shall
4 be and be deemed to be a determination by the port authority, under and
5 pursuant to law. Upon such determination an appropriate order may be
6 entered by the port authority and be made effective and may be enforced
7 as herein provided.

8 (b) If such findings or determination shall require the use of exist-
9 ing facilities or any part thereof described in the law, owned or oper-
10 ated by any carrier or carriers, then the port authority may order and
11 require the carrier or carriers owning or operating said railroad facil-
12 ities or part thereof to permit the use of such facilities or part ther-
13 eof upon the payment of reasonable compensation therefor. If the carrier
14 or carriers affected or to be affected by such order shall not be able,
15 within the time to be specified in its order by the port authority, to
16 agree among themselves upon the compensation to be paid by a user to a
17 proprietor or operator for the use of such existing facilities or part
18 thereof, then the port authority shall make determination of the amount
19 to be paid by the user to the proprietary carrier or carriers, taking
20 all the facts and circumstances into account, including the public use
21 to which such facilities have been put; or, at its option, the port
22 authority may apply to the supreme court of this state, either in a
23 separate proceeding or in proceedings by mandamus or injunction to
24 enforce its order, to fix and determine the fair and reasonable compen-
25 sation to be paid by the user to the proprietary carrier or carriers for
26 such use. If any carrier shall be dissatisfied with the findings of the
27 port authority in the matter of the compensation to be paid for the use
28 of any existing facility, it shall have the right to review the same in
29 the supreme court of this state by taking appropriate proceedings for
30 such review within sixty days from the service of the order of the port
31 authority, but pending such review the order for the use of such facili-
32 ties shall be operative, the determination of the compensation by the
33 court to relate back to the time of the commencement of such user,
34 unless the court shall for good and proper reasons enjoin the operation
35 of such order.

36 S 205. Terminal stations. If, in the determination of steps to effec-
37 tuate the comprehensive plan, the port authority shall determine that
38 one or more union terminal stations are then, or in the near future,
39 economically practicable, it shall call a conference of all the carriers
40 affected or to be affected by the use of such terminal stations or
41 station and shall submit to them a plan or plans for the construction,
42 maintenance and use thereof. If the carriers or any of them shall fail
43 or refuse to agree upon such plan, the port authority shall make and
44 certify its findings and conclusions to the supreme court of this state,
45 and the said court is vested with appropriate and adequate jurisdiction
46 to determine whether or not such plan or plans for a union station or
47 stations effectuate the comprehensive plan, and to make such conditions
48 and impose such terms as will carry out the same in accordance with the
49 principles embraced in the comprehensive plan and the laws governing the
50 same.

51 S 206. Preference. All actions and proceedings to which the port
52 authority may be a party and in which any question arises under the laws
53 relating to the port authority, or under or concerning any of its orders
54 or actions, shall be preferred over all other civil causes, except
55 election causes, in all courts of this state and shall be heard and
56 determined in preference to all other civil business pending therein,

except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the legal representative of the port authority, in any action or proceeding in which he or she may be allowed to intervene.

ARTICLE III

BRIDGES AND TUNNELS IN NEW YORK AND NEW JERSEY

Section 301. Legislative intent.

302. Tunnels.

303. Bridges.

304. Studies and reporting.

305. Inspections.

306. Construction, maintenance and operation.

307. Rules and regulations relating to tunnels and bridges.

308. Bonds.

309. Compact.

S 301. Legislative intent. The state of New Jersey by appropriate legislation concurring herein, the states of New York and New Jersey hereby declare and agree that the vehicular traffic moving across the interstate waters within the port of New York district, created by the compact of April thirty, nineteen hundred twenty-one, between the said states, which said phrase "interstate waters" as used in this article shall include the portion of the Hudson river within the said port of New York district north of the New Jersey state line, constitutes a general movement of traffic which follows the most accessible and practicable routes, and that the users of each bridge or tunnel over or under the said waters benefit by the existence of every other bridge or tunnel since all such bridges and tunnels as a group facilitate the movement of such traffic and relieve congestion at each of the several bridges and tunnels. Accordingly the two said states, in the interest of the users of such bridges and tunnels and the general public, hereby agree that the construction, maintenance, operation and control of all such bridges and tunnels, heretofore or hereafter authorized by the two said states, shall be unified under the port authority, to the end that the tolls and other revenues therefrom shall be applied so far as practicable to the costs of the construction, maintenance and operation of said bridges and tunnels as a group and economies in operation effected, it being the policy of the two said states that such bridges and tunnels shall as a group be in all respects self-sustaining.

S 302. Tunnels. 1. In furtherance of the policy stated in section 201 of this article, and in partial effectuation of the comprehensive plan adopted by the two said states for the development of the said port of New York district pursuant to this chapter, the control, operation, tolls and other revenues of the vehicular tunnel, known as the Holland tunnel, under the Hudson river between the city of Jersey City and the city of New York, shall be vested in the port authority as hereinafter provided; and the port authority is hereby authorized and empowered to construct, own, maintain and operate an interstate vehicular crossing under the Hudson river to consist of three tubes (hereinafter called the Midtown Hudson tunnel), together with such approaches thereto and connections with highways as the port authority may deem necessary or desirable.

2. The entrances, exits and approaches to the said Midtown Hudson tunnel, on the New York side, shall be between West Thirty-fifth street and West Forty-first street and in the vicinity of Ninth avenue and to the west thereof, in the borough of Manhattan, city of New York. The approaches to the said Midtown Hudson tunnel on the New Jersey side

1 shall be so located and constructed as to permit tunnel traffic to pass
2 over or under the tracks of the New York, Susquehanna and Western Rail-
3 road Company and the Northern Railroad Company of New Jersey, immediate-
4 ly west of the Palisades, without crossing the said tracks at grade, and
5 as to permit connections with New Jersey state highway routes in the
6 vicinity of the said tracks. The said Midtown Hudson tunnel shall have
7 an appropriate entrance and exit in the township of Weehawken, county of
8 Hudson, state of New Jersey.

9 3. The control, operation, tolls and other revenues of the said
10 Holland tunnel and its entrance and exit plazas and of all real and
11 personal property appurtenant thereto or used in connection therewith,
12 shall vest in the port authority upon the making of the following
13 payments by the port authority to each of the said two states:

14 (a) An amount equal to the moneys contributed by such state toward the
15 cost of construction of the said Holland tunnel, with interest thereon
16 at the rate of four and one-quarter per centum per annum from the date
17 or dates on which such moneys were contributed by such state to the date
18 of the payment to such state;

19 (b) Less, however, the share of such state in the net revenues of the
20 said tunnel to the date of the said payment, and less interest on such
21 net revenues at the rate of four and one-quarter per centum per annum
22 from the dates on which the said net revenues were received by such
23 state to the date of the said payment;

24 (c) And in the case of the payment to the state of New York, less an
25 amount equal to the moneys which the said state has agreed to advance to
26 the port authority (but which have not as yet been advanced to the port
27 authority) in aid of bridge construction, during the fiscal years
28 commencing in nineteen hundred thirty-one and nineteen hundred thirty-
29 two, pursuant to chapter seven hundred and sixty-one of the laws of New
30 York of nineteen hundred twenty-six and chapter three hundred of the
31 laws of New York of nineteen hundred twenty-seven and acts amendatory
32 thereof and supplemental thereto, discounted, however, in the case of
33 each advance at the rate of four and one-quarter per centum per annum,
34 from the date of the said payment to the state of New York to the date
35 upon which such advance is to be available pursuant to the aforesaid
36 statutes.

37 In computing interest as aforesaid upon the moneys contributed by each
38 of the said two states toward the cost of construction of the said
39 Holland tunnel, such moneys shall be deemed to have been contributed by
40 such state upon the first day of the month following the month during
41 which there were presented to the comptroller of such state for audit
42 and payment, the schedules and vouchers pursuant to which such moneys
43 were paid. In computing interest as aforesaid upon the net revenues
44 received by each of the said two states, such net revenues shall be
45 deemed to have been received by such state upon the date when such
46 revenues were credited to such state or to the commission of such state
47 pursuant to paragraph eleven of article fourteen of the compact of
48 December thirty, nineteen hundred nineteen, between the two said states.

49 4. If the amount paid by the port authority to the state of New Jersey
50 pursuant to subdivision three of this section shall be less than an
51 amount which, together with the moneys then in the sinking fund estab-
52 lished by chapter three hundred and fifty-two of the laws of New Jersey
53 of nineteen hundred twenty and chapter two hundred and sixty-two of the
54 laws of New Jersey of nineteen hundred twenty-four, hereinafter called
55 the New Jersey Camden bridge-Holland tunnel sinking fund (other than
56 moneys set apart to pay interest for the then current year upon the

1 bonds of the state of New Jersey authorized by the aforesaid acts of the
2 state of New Jersey, hereinafter called New Jersey Camden bridge-Holland
3 tunnel bonds), will be equal to the principal amount of the then
4 outstanding New Jersey Camden bridge-Holland tunnel bonds, then and in
5 such event, the port authority shall in addition pay to the state of New
6 Jersey an amount which, together with the amount paid under and pursuant
7 to the preceding section hereof and the moneys then in said New Jersey
8 Camden bridge-Holland tunnel sinking fund, will be equal to the princi-
9 pal amount of the then outstanding New Jersey Camden bridge-Holland
10 tunnel bonds; and shall, moreover, pay to the state of New York a like
11 amount.

12 5. The amount payable by the port authority to the state of New York
13 pursuant to subdivisions three and four of this section shall be paid by
14 the port authority into the treasury of the state of New York upon the
15 thirtieth day of June, nineteen hundred thirty-one, or at an earlier
16 date at the option of the port authority on five days' notice to the
17 comptroller of the state of New York, upon a voucher signed and audited
18 by the said comptroller, who is hereby authorized to consummate the said
19 transaction.

20 6. The amount payable by the port authority to the state of New Jersey
21 pursuant to subdivisions three and four of this section shall be paid by
22 the port authority to the sinking fund commission created by said chap-
23 ter three hundred and fifty-two of the laws of New Jersey of nineteen
24 hundred twenty and said chapter two hundred and sixty-two of the laws of
25 New Jersey of nineteen hundred twenty-four, hereinafter called the New
26 Jersey Camden bridge-Holland tunnel sinking fund commission upon the
27 thirtieth day of June, nineteen hundred thirty-one, or such other date
28 as may be agreed upon by the said sinking fund commission and the port
29 authority, upon a voucher signed and audited by the said sinking fund
30 commission, which said commission is hereby authorized to consummate
31 said transaction; and the said moneys shall be deposited in the said New
32 Jersey Camden bridge-Holland tunnel sinking fund, and shall for all
33 purposes be deemed to be a part thereof and subject to the appropriation
34 of the moneys in the said sinking fund, made by the aforesaid statutes
35 of the state of New Jersey.

36 7. The income and interest received from or accruing upon the moneys
37 in the aforesaid New Jersey Camden bridge-Holland tunnel sinking fund,
38 and from the investment thereof, shall be set apart and held by the said
39 New Jersey Camden bridge-Holland tunnel sinking fund commission for the
40 payment of interest on New Jersey Camden bridge-Holland tunnel bonds,
41 and shall be subject to the appropriation made of moneys so set apart
42 and held, by the aforesaid statutes of the state of New Jersey, and
43 shall be applied to the payment of such interest.

44 8. Upon the making of the foregoing payments by the port authority to
45 the two said states, the provisions of the compact of December thirty,
46 nineteen hundred nineteen, between the said two states, relating to the
47 construction and operation of the said Holland tunnel, as amended, so
48 far as inconsistent herewith or with the rules, practice and procedure
49 or general authority of the port authority, shall be and shall be deemed
50 to be abrogated; and chapter four hundred and twenty-one of the laws of
51 New York of nineteen hundred thirty, and chapter two hundred and forty-
52 seven of the laws of New Jersey of nineteen hundred thirty, making the
53 port authority the agent of the two states in connection with the opera-
54 tion of the said Holland tunnel shall cease to be effective.

55 S 303. Bridges. 1. Except as may be agreed upon between the port
56 authority and the municipality in which they shall be located, the

1 approaches to the George Washington bridge hereafter constructed on the
2 New York side shall be located as follows: between Amsterdam avenue and
3 Pinehurst avenue, the approaches shall be located between West One
4 hundred seventy-eighth street and West One hundred seventy-ninth street;
5 between Pinehurst avenue and Cabrini boulevard, the approaches shall be
6 between West One hundred seventy-eighth street and West One hundred
7 eightieth street; between Cabrini boulevard and Haven avenue, the
8 approaches shall be between West One hundred seventy-seventh street and
9 the line parallel to the northerly side of West One hundred eightieth
10 street and one hundred twenty-five feet north of the building line on
11 the north side thereof; between Haven avenue and Service street north of
12 the George Washington bridge, the approaches shall be between the bridge
13 and an extension of the building line on the northerly side of West One
14 hundred eightieth street. Except as so limited, the port authority may
15 effectuate such approaches, connections, highway extensions or highway
16 improvements as it shall deem necessary or desirable in relation to the
17 George Washington bridge, located in or extending across the counties in
18 which such bridge is located, and, in its discretion, may do so by
19 agreement with any other public agency; such agreement may provide for
20 the construction, ownership, maintenance or operation of such
21 approaches, connections or highway extensions or highway improvements by
22 such other public agency.

23 2. The port authority is hereby authorized and empowered, in its
24 discretion, to construct, own, maintain and operate in Washington
25 Heights in the borough of Manhattan, New York city, as an addition and
26 improvement to the vehicular bridge over the Hudson river at Fort Lee,
27 known as and hereinafter in this section referred to as the George Wash-
28 ington bridge, a bus passenger facility, by which is meant a facility
29 consisting of one or more buildings, structures, improvements, loading
30 or unloading areas, parking areas or other facilities necessary, conven-
31 ient or desirable in the opinion of the port authority for the accommo-
32 dation of omnibuses and other motor vehicles operated by carriers
33 engaged in the transportation of passengers, or for the loading, unload-
34 ing, interchange or transfer of such passengers or their baggage, or
35 otherwise for the accommodation, use or convenience of such passengers
36 or such carriers or their employees and for purposes incidental thereto.

37 3. Nothing herein contained shall be deemed to prevent the port
38 authority from establishing, levying and collecting tolls and other
39 charges in connection with such bus passenger facility in addition to
40 and other than the tolls or charges established, levied and collected in
41 connection with the George Washington bridge or any other bridge or
42 tunnel.

43 S 304. Studies and reporting. The port authority shall from time to
44 time make studies, surveys and investigations to determine the necessity
45 and practicability of vehicular bridges and tunnels over or under inter-
46 state waters within the port of New York district, in addition to the
47 Midtown Hudson tunnel and Holland tunnel and to the George Washington
48 bridge, Goethals bridge, Outerbridge Crossing and Bayonne bridge, and
49 report to the governors and legislatures of the two states thereon. The
50 port authority shall not proceed with the construction of any such addi-
51 tional vehicular bridges and tunnels over or under said interstate
52 waters until hereafter expressly authorized by the two said states, but
53 the second deck of the George Washington bridge shall be considered an
54 addition and improvement to the said bridge and not such an additional
55 vehicular bridge, and the port authority's power and authorization to
56 construct, own, maintain and operate said second deck for highway vehic-

1 ular or rail rapid transit traffic or both is hereby acknowledged and
2 confirmed.

3 S 305. Inspections. The port authority shall inspect bridges located
4 within the state of New York and under the authority's jurisdiction in
5 accordance with criteria established for other publicly-owned bridges
6 within the state.

7 S 306. Construction, maintenance and operation. 1. The port authority
8 shall, so far as it deems it practicable, treat as a single unified
9 operation the construction, maintenance and operation of the said
10 Midtown Hudson tunnel, the Holland tunnel, the two vehicular bridges
11 over the Arthur Kill, the vehicular bridge over the Kill van Kull, the
12 vehicular bridge over the Hudson river at Fort Lee, and any other vehic-
13 ular bridges or tunnels which it may construct or operate, raising
14 moneys for the construction thereof and for the making of additions and
15 improvements thereto in whole or in part upon its own obligations, and
16 establishing and levying such tolls and other charges as it may deem
17 necessary to secure from all of such bridges and tunnels as a group, at
18 least sufficient revenue to meet the expenses of the construction, main-
19 tenance and operation of such bridges and tunnels as a group, and to
20 provide for the payment of the interest upon and amortization and
21 retirement of and the fulfillment of the terms of all bonds and other
22 securities and obligations which it may have issued or incurred in
23 connection therewith.

24 2. The additions and improvements to bridges and tunnels constructed
25 or operated by it which the port authority is hereby authorized to
26 effectuate shall include but not be limited to parking facilities, by
27 which is meant transportation facilities consisting of one or more
28 areas, buildings, structures, improvements, or other accommodations or
29 appurtenances necessary, convenient or desirable in the opinion of the
30 port authority for the parking or storage of motor vehicles of users of
31 such bridges and tunnels and other members of the general public and for
32 the transfer of the operators and passengers of such motor vehicles to
33 and from omnibuses and other motor vehicles operated by carriers over or
34 through such bridges or tunnels, and for purposes incidental thereto.

35 3. Nothing herein contained shall be deemed to prevent the port
36 authority from establishing, levying and collecting tolls and other
37 charges in connection with any parking facility in addition to and other
38 than the tolls or charges established, levied and collected in
39 connection with the bridge or tunnel to which such parking facility is
40 an addition and improvement or any other bridge or tunnel.

41 4. The port authority shall not proceed with the construction of any
42 parking facility as an addition and improvement to any bridge or tunnel
43 other than a parking facility in the township of North Bergen in the
44 state of New Jersey at or in the vicinity of the Midtown Hudson tunnel
45 and its approaches and connections, except as heretofore or hereafter
46 expressly authorized.

47 5. The plans of the connections with state or municipal highways of
48 any vehicular bridge or tunnel which the port authority may hereafter
49 construct (including the plans of any additional connections of existing
50 bridges or tunnels with state or municipal highways), shall be subject
51 to the approval of the governor of the state in which such connections
52 shall be located. Either state may require by appropriate legislation
53 that such connections shall be subject to the approval of the munici-
54 pality of that state in which they shall be located; and in such event,
55 the approval of such municipality shall be given as provided in article

1 one of this chapter. Except as limited herein, the port authority shall
2 determine all matters pertaining to such bridges and tunnels.

3 6. The construction, maintenance and operation of vehicular bridges
4 and tunnels within the said port of New York district (including the
5 said Holland tunnel and the said Midtown Hudson tunnel), are and will be
6 in all respects for the benefit of the people of the states of New York
7 and New Jersey, for the increase of their commerce and prosperity and
8 for the improvement of their health and living conditions; and the port
9 authority shall be regarded as performing an essential governmental
10 function in undertaking the construction, maintenance and operation
11 thereof and in carrying out the provisions of law relating thereto, and
12 shall be required to pay no taxes or assessments upon any of the proper-
13 ty acquired or used by it for such purposes.

14 7. If for any of the purposes of this act (including temporary
15 construction purposes, and the making of additions or improvements to
16 bridges or tunnels already constructed), the port authority shall find
17 it necessary or convenient to acquire any real property as herein
18 defined, whether for immediate or future use, the port authority may
19 find and determine that such property, whether a fee simple absolute or
20 a lesser interest, is required for a public use, and upon such determi-
21 nation, the said property shall be and shall be deemed to be required
22 for such public use until otherwise determined by the port authority;
23 and with the exceptions hereinafter specifically noted, the said deter-
24 mination shall not be affected by the fact that such property has there-
25 tofore been taken for, or is then devoted to, a public use; but the
26 public use in the hands or under the control of the port authority shall
27 be deemed superior to the public use in the hands of any other person,
28 association or corporation.

29 8. The port authority may acquire and is hereby authorized to acquire
30 such property, whether a fee simple absolute or a lesser interest, by
31 the exercise of the right of eminent domain under and pursuant to the
32 provisions of the eminent domain procedure law of the state of New York,
33 in the case of property located in such state, and revised statutes of
34 New Jersey, Title 20:1-1 et seq., in the case of property located in
35 such state, or at the option of the port authority as provided in
36 section fifteen of chapter forty-three of the laws of New Jersey of
37 nineteen hundred forty-seven, as amended, for the condemnation of real
38 property for air terminal purposes, in the case of property located in
39 such state, or pursuant to such other and alternate procedure as may be
40 provided by law.

41 9. Where a person entitled to an award in the proceedings to acquire
42 any real property for any of the purposes of this article, remains in
43 possession of such property after the time of the vesting of title in
44 the port authority, the reasonable value of his use and occupancy of
45 such property subsequent to such time, as fixed by agreement or by the
46 court in such proceedings or by any court of competent jurisdiction,
47 shall be a lien against such award, subject only to liens of record at
48 the time of the vesting of title in the port authority.

49 10. Nothing herein contained shall be construed to prohibit the port
50 authority from bringing any proceedings to remove a cloud on title or
51 such other proceedings as it may, in its discretion, deem proper and
52 necessary, or from acquiring any such property by negotiation or
53 purchase.

54 11. Anything in this act to the contrary notwithstanding, no property
55 now or hereafter vested in or held by any county, city, borough,
56 village, township or other municipality shall be taken by the port

1 authority, without the authority or consent of such county, city,
2 borough, village, township or other municipality as provided in article
3 one of this chapter, provided that the state in which such county, city,
4 borough, village, township or other municipality is located may author-
5 ize such property to be taken by the port authority by condemnation or
6 the exercise of the right of eminent domain without such authority or
7 consent; nor shall anything herein impair or invalidate in any way any
8 bonded indebtedness of the state, or such county, city, borough,
9 village, township or other municipality, nor impair the provisions of
10 law regulating the payment into sinking funds of revenue derived from
11 municipal property, or dedicating the revenues derived from municipal
12 property, to a specific purpose. The port authority is hereby authorized
13 and empowered to acquire from any such county, city, borough, village,
14 township or other municipality, or from any other public agency or
15 commission having jurisdiction in the premises, by agreement therewith,
16 and such county, city, borough, village, township, municipality, public
17 agency or commission, notwithstanding any contrary provision of law, is
18 hereby authorized and empowered to grant and convey upon reasonable
19 terms and conditions, any real property, which may be necessary for the
20 construction, operation and maintenance of such bridges and tunnels,
21 including such real property as has already been devoted to a public
22 use. Each of the two said states hereby consent to the use and occupa-
23 tion of the real property of such state necessary for the construction,
24 operation and maintenance of bridges and tunnels constructed or operated
25 pursuant to the provisions of this act, including lands of the state
26 lying under water.

27 12. The port authority and its duly authorized agents and employees
28 may enter upon any land in this state for the purpose of making such
29 surveys, maps, or other examinations thereof as it may deem necessary or
30 convenient for the purposes of this article.

31 13. The term "real property" as used in this section is defined to
32 include lands, structures, franchises, and interests in land, including
33 lands under water and riparian rights, and any and all things and rights
34 usually included within the said term, and includes not only fees simple
35 absolute but also any and all lesser interests, such as easements,
36 rights of way, uses, leases, licenses and all other incorporeal heredi-
37 taments and every estate, interest or right, legal or equitable, includ-
38 ing terms of years, and liens thereon by way of judgments, mortgages or
39 otherwise, and also claims for damage to real estate.

40 14. Nothing herein contained shall be construed to authorize or permit
41 the port authority to undertake the construction of any vehicular bridge
42 or tunnel over or under the Arthur Kill, unless or until adequate
43 provision has been made by law for the protection of those advancing
44 money upon the obligations of the port authority for the construction of
45 the bridges mentioned in chapter two hundred and ten of the laws of
46 nineteen hundred twenty-five, or the construction of any vehicular
47 bridge or tunnel over or under the Hudson river, at or north of Sixtieth
48 street in the borough of Manhattan, city of New York, unless or until
49 adequate provision has been made by law for the protection of those
50 advancing money upon the obligations of the port authority for the
51 construction of the bridge mentioned in chapter seven hundred and
52 sixty-one of the laws of nineteen hundred twenty-six, or the
53 construction of any vehicular bridge or tunnel over or under the Kill
54 van Kull unless or until adequate provision has been made by law for the
55 protection of those advancing money upon the obligations of the port

1 authority for the construction of the bridge mentioned in chapter three
2 hundred of the laws of nineteen hundred twenty-seven.

3 S 307. Rules and regulations relating to tunnels and bridges. 1. The
4 port authority is hereby authorized to make and enforce such rules and
5 regulations and to establish, levy and collect such tolls and other
6 charges in connection with any vehicular bridges and tunnels which it
7 may now or hereafter be authorized to own, construct, operate or control
8 (including the said Holland tunnel and the said Midtown Hudson tunnel),
9 as it may deem necessary, proper or desirable, which said tolls and
10 charges shall be at least sufficient to meet the expenses of the
11 construction, operation and maintenance thereof, and to provide for the
12 payment of, with interest upon, and the amortization and retirement of
13 bonds or other securities or obligations issued or incurred for bridge
14 or tunnel purposes. There shall be allocated to the cost of the
15 construction, operation and maintenance of such bridges and tunnels,
16 such proportion of the general expenses of the port authority as it
17 shall deem properly chargeable thereto.

18 2. The moneys in the general reserve fund of the port authority
19 (authorized by chapter five of the laws of New Jersey of nineteen
20 hundred thirty-one, as amended, and chapter forty-eight of the laws of
21 New York of nineteen hundred thirty-one, as amended) may be pledged in
22 whole or in part by the port authority as security for or applied by it
23 to the repayment with interest of any moneys which it may raise upon
24 bonds or other securities or obligations issued or incurred from time to
25 time for any of the purposes of this article or secured in whole or in
26 part by the pledge of the revenues of the port authority from any bridge
27 or tunnel or both so issued or incurred and so secured; and the moneys
28 in said general reserve fund may be applied by the port authority to the
29 fulfillment of any other undertakings which it may assume to or for the
30 benefit of the holders of any such bonds, securities or other obli-
31 gations.

32 3. Subject to prior liens and pledges (and to the obligation of the
33 port authority to apply revenues to the maintenance of its general
34 reserve fund in the amount prescribed by the said statutes authorizing
35 said fund), the revenues of the port authority from facilities estab-
36 lished, constructed, acquired or effectuated through the issuance or
37 sale of bonds of the port authority secured by a pledge of its general
38 reserve fund may be pledged in whole or in part as security for or
39 applied by it to the repayment with interest of any moneys which it may
40 raise upon bonds or other securities or obligations issued or incurred
41 from time to time for any of the purposes of this article or secured in
42 whole or in part by the pledge of the revenues of the port authority
43 from any bridge or tunnel or both so issued or incurred and so secured,
44 and said revenues may be applied by the port authority to the fulfill-
45 ment of any other undertakings which it may assume to or for the benefit
46 of the holders of such bonds, securities or other obligations.

47 In the event that at any time the balance of moneys theretofore paid
48 into the general reserve fund and not applied therefrom shall exceed an
49 amount equal to one-tenth of the par value of all bonds legal for
50 investment, as defined and limited in the said statutes authorizing said
51 fund, issued by the port authority and currently outstanding at such
52 time, by reason of the retirement of bonds or other securities or obli-
53 gations issued or incurred from time to time for any of the purposes of
54 this article or secured in whole or in part by the pledge of the reven-
55 ues of the port authority from any bridge or tunnel or both so issued or
56 incurred and so secured, the par value of which had theretofore been

1 included in the computation of said one-tenth, then the port authority
2 may pledge or apply such excess for and only for the purposes for which
3 it is authorized by the said statutes authorizing said fund to pledge
4 the moneys in the general reserve fund and such pledge may be made in
5 advance of the time when such excess may occur.

6 S 308. Bonds. 1. The two said states covenant and agree with each
7 other and with the holders of any bonds or other securities or obli-
8 gations of the port authority, issued or incurred for bridge or tunnel
9 purposes and as security for which there may or shall be pledged the
10 tolls and revenues or any part thereof of any vehicular bridge or tunnel
11 (including the said Holland tunnel and the said Midtown Hudson tunnel),
12 that the two said states will not, so long as any of such bonds or other
13 obligations remain outstanding and unpaid, diminish or impair the power
14 of the port authority to establish, levy and collect tolls and other
15 charges in connection therewith; and that the two said states will not,
16 so long as any of such bonds or other obligations remain outstanding and
17 unpaid, authorize the construction of any vehicular bridges or tunnels
18 over or under interstate waters as herein defined within the said port
19 of New York district, by any person or body other than the port authori-
20 ty, in competition with those whose tolls or other revenues are pledged
21 as aforesaid; provided that nothing herein contained shall be deemed to
22 refer to the bridge authorized by the act of congress of July eleven,
23 eighteen hundred ninety, chapter six hundred and sixty-nine, and acts
24 amendatory thereof and supplemental thereto; and provided further that
25 nothing herein contained shall preclude the authorization of the
26 construction of such competitive tunnels or bridges by other persons or
27 bodies if and when adequate provision shall be made by law for the
28 protection of those advancing money upon such obligations.

29 2. The bonds or other securities or obligations which may be issued or
30 incurred by the port authority pursuant to this article, or as security
31 for which there may be pledged the tolls and other revenues or any part
32 thereof of any vehicular bridge or tunnel (including the said Holland
33 tunnel and the said Midtown Hudson tunnel) now or hereafter authorized
34 by the two said states or both so issued or incurred and so secured, are
35 hereby made securities in which all state and municipal officers and
36 bodies, all banks, bankers, trust companies, savings banks, savings and
37 loan associations, investment companies and other persons carrying on a
38 banking business, all insurance companies, insurance associations and
39 other persons carrying on an insurance business, and all administrators,
40 executors, guardians, trustees and other fiduciaries and all other
41 persons whatsoever who are now or may hereafter be authorized to invest
42 in bonds or other obligations of the state, may properly and legally
43 invest any funds, including capital, belonging to them or within their
44 control; and said bonds or other securities or obligations are hereby
45 made securities which may properly and legally be deposited with and
46 shall be received by any state or municipal officer or agency for any
47 purpose for which the deposit of bonds or other obligations of this
48 state is now or may hereafter be authorized.

49 S 309. Compact. 1. This section and the preceding sections of this
50 article, constitute an agreement between the states of New York and New
51 Jersey supplementary to the compact between the two states dated April
52 thirty, nineteen hundred twenty-one, and amendatory thereof, and shall
53 be liberally construed to effectuate the purposes of said compact and of
54 the comprehensive plan heretofore adopted by the two states, and any
55 powers granted to the port authority by this article shall be deemed to
56 be in aid of and supplementary to and in no case a limitation upon the

1 powers heretofore vested in the port authority by the two said states
2 and/or by congress, except as herein otherwise provided.

3 2. Any declarations contained in this article with respect to the
4 governmental nature of bridges and tunnels and to the exemption of
5 bridge and tunnel property from taxation and to the discretion of the
6 port authority with respect to bridge and tunnel operations shall not be
7 construed to imply that other port authority property and operations are
8 not of a governmental nature, or that they are subject to taxation, or
9 that the determinations of the port authority with respect thereto are
10 not conclusive.

11 3. The powers vested in the port authority herein (including but not
12 limited to the powers to acquire real property by condemnation and to
13 make or effectuate additions, improvements, approaches and connections)
14 shall be continuing powers and no exercise thereof shall be deemed to
15 exhaust them or any of them.

16 4. Nothing herein contained shall be construed to affect, diminish or
17 impair the rights and obligations created by, or to repeal any of the
18 provisions of chapter three hundred and fifty-two of the laws of New
19 Jersey of nineteen hundred twenty and chapter two hundred and sixty-two
20 of the laws of New Jersey of nineteen hundred twenty-four.

21 5. If, however, any loss shall be suffered by or accrue to the said
22 sinking fund, and if, after the making of the payment by the port
23 authority to the state of New Jersey as hereinbefore provided, the
24 moneys in the said sinking fund shall at any time be or become less than
25 an amount equal to the principal amount of the then currently outstand-
26 ing New Jersey Camden bridge-Holland tunnel bonds, or if the income and
27 interest currently received from or currently accruing upon the moneys
28 in the said sinking fund shall be or become insufficient to pay the
29 interest currently accruing upon or currently payable in connection with
30 the aforesaid New Jersey Camden bridge-Holland tunnel bonds, the state
31 of New Jersey represents and agrees that it will make good such deficits
32 out of sources other than revenues from the said Holland tunnel.

33 6. The said payment by the port authority to the state of New Jersey
34 constitutes repayment for all moneys contributed by the said state
35 toward the cost of construction of the said Holland tunnel, including
36 the moneys diverted and appropriated by chapter three hundred and nine-
37 teen of the laws of New Jersey of nineteen hundred twenty-six and chap-
38 ter fifty-eight of the laws of New Jersey of nineteen hundred twenty-
39 seven from the road fund, created by chapter fifteen of the laws of New
40 Jersey of nineteen hundred seventeen. The requirement of chapter fifty-
41 eight of the laws of New Jersey of nineteen hundred twenty-seven that
42 the said moneys diverted and appropriated by the said statutes of the
43 state of New Jersey shall be returned and credited to the said road
44 fund, with interest, shall be and shall be deemed to be satisfied and
45 discharged so far as it relates to the revenues arising from the opera-
46 tion of the said Holland tunnel.

47 7. The provisions of this section shall constitute a covenant and
48 agreement by the state of New York with the state of New Jersey, the
49 port authority and the holders of any bonds or other obligations of the
50 port authority, as security for which the tolls and revenues of said
51 Holland tunnel may be pledged.

52 8. Nothing herein contained shall be construed to impair in any way
53 the obligation of the port authority to repay to the two states any or
54 all advances made by them to the port authority in aid of bridge
55 construction.

ARTICLE IV
THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND
NEW JERSEY COMPACT

Section 400. Compact.

S 400. Compact. The "waterfront and airport commission of New York and New Jersey compact" as first enacted by chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three is hereby continued to read as follows:

PART I

Section 1. Compact. The state of New York hereby agrees with the state of New Jersey, upon the enactment by the state of New Jersey of legislation having the same effect as this section, to the following compact:

ARTICLE I
FINDINGS AND DECLARATIONS

1. The states of New York and New Jersey hereby find and declare that the conditions under which waterfront labor is employed within the port of New York district are depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring are frequently criminals and persons notoriously lacking in moral character and integrity and neither responsive or responsible to the employers nor to the uncoerced will of the majority of the members of the labor organizations of the employees; that as a result waterfront laborers suffer from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment and a loss of respect for the law; that not only does there result a destruction of the dignity of an important segment of American labor, but a direct encouragement of crime which imposes a levy of greatly increased costs on food, fuel and other necessities handled in and through the port of New York district.

2. The states of New York and New Jersey hereby find and declare that many of the evils above described result not only from the causes above described but from the practices of public loaders at piers and other waterfront terminals; that such public loaders serve no valid economic purpose and operate as parasites exacting a high and unwarranted toll on the flow of commerce in and through the port of New York district, and have used force and engaged in discriminatory and coercive practices including extortion against persons not desiring to employ them; and that the function of loading and unloading trucks and other land vehicles at piers and other waterfront terminals can and should be performed, as in every other major American port, without the evils and abuses of the public loader system, and by the carriers of freight by water, stevedores and operators of such piers and other waterfront terminals or the operators of such trucks or other land vehicles.

3. The states of New York and New Jersey hereby find and declare that many of the evils above described result not only from the causes above described but from the lack of regulation of the occupation of stevedores; that such stevedores have engaged in corrupt practices to induce their hire by carriers of freight by water and to induce officers and

representatives of labor organizations to betray their trust to the members of such labor organizations.

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

ARTICLE II DEFINITIONS

As used in this compact:

1. "The port of New York district" shall mean the district created by article II of the compact dated April thirtieth, nineteen hundred twenty-one, between the states of New York and New Jersey, authorized by chapter one hundred fifty-four of the laws of New York of nineteen hundred twenty-one and chapter one hundred fifty-one of the laws of New Jersey of nineteen hundred twenty-one and as continued by article one of this chapter.

2. "Commission" shall mean the waterfront and airport commission of New York and New Jersey established by article III of this compact.

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

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

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

6. "Carrier of freight by water" shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the port of New York district and a point outside said district.

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

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

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

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

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

1 9. "Pier superintendent" shall mean any natural person other than a
2 longshoreman who is employed for work at a pier or other waterfront
3 terminal by a carrier of freight by water or a stevedore and whose work
4 at such pier or other waterfront terminal includes the supervision,
5 directly or indirectly, of the work of longshoremen.

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

11 11. "Longshoremen's register" shall mean the register of eligible
12 longshoremen compiled and maintained by the commission pursuant to arti-
13 cle VIII of this compact.

14 12. "Stevedore" shall mean a contractor (not including an employee)
15 engaged for compensation pursuant to a contract or arrangement with a
16 carrier of freight by water, in moving waterborne freight carried or
17 consigned for carriage by such carrier on vessels of such carrier
18 berthed at piers, on piers at which such vessels are berthed or at other
19 waterfront terminals.

20 13. "Hiring agent" shall mean any natural person, who on behalf of a
21 carrier of freight by water or a stevedore shall select any longshoreman
22 for employment.

23 14. "Compact" shall mean this compact and rules or regulations
24 lawfully promulgated thereunder.

25 ARTICLE III

26 WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

27 1. There is hereby created the waterfront and airport commission of
28 New York and New Jersey, which shall be a body corporate and politic, an
29 instrumentality of the states of New York and New Jersey.

30 2. The commission shall consist of four members, two to be chosen by
31 the state of New Jersey and two to be chosen by the state of New York.
32 The members representing each state shall be appointed by the governor
33 of such state with the advice and consent of the senate thereof, without
34 regard to the state of residence of such members, and shall receive
35 compensation to be fixed by the governor of such state. The term of
36 office of each member shall be for four years; provided, however, that
37 the two present members of the commission heretofore appointed shall
38 continue to serve as members until the expiration of the respective
39 terms for which they were appointed, that the term of the two new
40 members shall expire on June thirtieth, nineteen hundred seventy-three,
41 and that the term of the successors to the present members shall expire
42 on June thirtieth, nineteen hundred seventy-five. Each member shall
43 hold office until his successor has been appointed and qualified.
44 Vacancies in office shall be filled for the balance of the unexpired
45 term in the same manner as original appointments.

46 3. Three members of the commission shall constitute a quorum; but the
47 commission shall act only by a majority vote of all its members. Any
48 member may, by written instrument filed in the office of the commission,
49 designate any officer or employee of the commission to act in his place
50 as a member whenever he shall be unable to attend a meeting of the
51 commission. A vacancy in the office of a member shall not impair such
52 designation until the vacancy shall have been filled. The commission
53 shall elect one of its members to serve as chairman for a term of one
54 year; provided, however, that the term of the first chairman shall

1 expire on June thirtieth, nineteen hundred seventy-one. The chairman
2 shall represent a state other than the state represented by the imme-
3 diately preceding chairman.

4 ARTICLE IV
5 GENERAL POWERS OF COMMISSION

6 In addition to the powers and duties elsewhere prescribed in this
7 compact, the commission shall have the power:

8 1. To sue and be sued;

9 2. To have a seal and alter the same at pleasure;

10 3. To acquire, hold and dispose of real and personal property by gift,
11 purchase, lease, license or other similar manner, for its corporate
12 purposes;

13 4. To determine the location, size and suitability of accommodations
14 necessary and desirable for the establishment and maintenance of the
15 employment information centers provided in article XII of this compact
16 and for administrative offices for the commission;

17 5. To appoint such officers, agents and employees as it may deem
18 necessary, prescribe their powers, duties and qualifications and fix
19 their compensation and retain and employ counsel and private consultants
20 on a contract basis or otherwise;

21 6. To administer and enforce the provisions of this compact;

22 7. To make and enforce such rules and regulations as the commission
23 may deem necessary to effectuate the purposes of this compact or to
24 prevent the circumvention or evasion thereof, to be effective upon
25 publication in the manner which the commission shall prescribe and upon
26 filing in the office of the secretary of state of each state. A certi-
27 fied copy of any such rules and regulations, attested as true and
28 correct by the commission, shall be presumptive evidence of the regular
29 making, adoption, approval and publication thereof;

30 8. By its members and its properly designated officers, agents and
31 employees, to administer oaths and issue subpoenas to compel the attend-
32 ance of witnesses and the giving of testimony and the production of
33 other evidence;

34 9. To have for its members and its properly designated officers,
35 agents and employees, full and free access, ingress and egress to and
36 from all vessels, piers and other waterfront terminals or other places
37 in the port of New York district, for the purposes of making inspection
38 or enforcing the provisions of this compact; and no person shall
39 obstruct or in any way interfere with any such member, officer, employee
40 or agent in the making of such inspection, or in the enforcement of the
41 provisions of this compact or in the performance of any other power or
42 duty under this compact;

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

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

49 12. To advise and consult with representatives of labor and industry
50 and with public officials and agencies concerned with the effectuation
51 of the purposes of this compact, upon all matters which the commission
52 may desire, including but not limited to the form and substance of rules
53 and regulations, the administration of the compact, maintenance of the
54 longshoremen's register, and issuance and revocation of licenses;

13. To make annual and other reports to the governors and legislatures of both states containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district, for the alleviation of the evils described in article I and for the effectuation of the purposes of this compact. Such annual reports shall state the commission's finding and determination as to whether the public necessity still exists for (a) the continued registration of longshoremen, (b) the continued licensing of any occupation or employment required to be licensed hereunder and (c) the continued public operation of the employment information centers provided for in article XII of this compact;

14. To cooperate with and receive from any department, division, bureau, board, commission, or agency of either or both states, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder; and to request any such department, division, bureau, board, commission, or agency, with the consent thereof, to execute such of its functions and powers, as the public interest may require.

15. The powers and duties of the commission may be exercised by officers, employees and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other.

ARTICLE V

PIER SUPERINTENDENTS AND HIRING AGENTS

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

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

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

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

(c) The present and previous occupations of the prospective licensee, including the places where he was employed and the names of his employers;

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the prospective licensee; and

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

3. No such license shall be granted

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

1 (b) If the prospective licensee has, without subsequent pardon, been
2 convicted by a court of the United States, or any state or territory
3 thereof, of the commission of, or the attempt or conspiracy to commit,
4 treason, murder, manslaughter or any felony or high misdemeanor or any
5 of the following misdemeanors or offenses: illegally using, carrying or
6 possessing a pistol or other dangerous weapon; making or possessing
7 burglar's instruments; buying or receiving stolen property; unlawful
8 entry of a building; aiding an escape from prison; unlawfully possess-
9 ing, possessing with intent to distribute, sale or distribution of a
10 controlled dangerous substance (controlled substance) or, in New Jersey,
11 a controlled dangerous substance analog (controlled substance analog);
12 and violation of this compact. Any such prospective licensee ineligible
13 for a license by reason of any such conviction may submit satisfactory
14 evidence to the commission that he has for a period of not less than
15 five years, measured as hereinafter provided, and up to the time of
16 application, so conducted himself as to warrant the grant of such
17 license, in which event the commission may, in its discretion, issue an
18 order removing such ineligibility. The aforesaid period of five years
19 shall be measured either from the date of payment of any fine imposed
20 upon such person or the suspension of sentence or from the date of his
21 unrevoked release from custody by parole, commutation or termination of
22 his sentence;

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

28 4. When the application shall have been examined and such further
29 inquiry and investigation made as the commission shall deem proper and
30 when the commission shall be satisfied therefrom that the prospective
31 licensee possesses the qualifications and requirements prescribed in
32 this article, the commission shall issue and deliver to the prospective
33 licensee a license to act as pier superintendent or hiring agent for the
34 applicant, as the case may be, and shall inform the applicant of his
35 action. The commission may issue a temporary permit to any prospective
36 licensee for a license under the provisions of this article pending
37 final action on an application made for such a license. Any such permit
38 shall be valid for a period not in excess of thirty days.

39 5. No person shall be licensed to act as a pier superintendent or
40 hiring agent for more than one employer, except at a single pier or
41 other waterfront terminal, but nothing in this article shall be
42 construed to limit in any way the number of pier superintendents or
43 hiring agents any employer may employ.

44 6. A license granted pursuant to this article shall continue through
45 the duration of the licensee's employment by the employer who shall have
46 applied for his license.

47 7. Any license issued pursuant to this article may be revoked or
48 suspended for such period as the commission deems in the public interest
49 or the licensee thereunder may be reprimanded for any of the following
50 offenses:

51 (a) Conviction of a crime or act by the licensee or other cause which
52 would require or permit his disqualification from receiving a license
53 upon original application;

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

56 (c) Violation of any of the provisions of this compact;

(d) Conviction of a crime involving unlawfully possessing, possession with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or, in New Jersey, a controlled dangerous substance analog (controlled substance analog);

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

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

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

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

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

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

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

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

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

ARTICLE VI STEVEDORES

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

2. Any person intending to act as a stevedore within the port of New York district shall file in the office of the commission a written application for a license to engage in such occupation, duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity and identity of each natural person so signing such application.

1 (b) If the applicant is a corporation, the application shall be signed
2 and verified by the president, secretary and treasurer thereof, and
3 shall specify the name of the corporation, the date and place of its
4 incorporation, the location of its principal place of business, the
5 names and addresses of, and the amount of the stock held by stockholders
6 owning 5 per cent or more of any of the stock thereof, and of all offi-
7 cers (including all members of the board of directors). The require-
8 ments of subdivision (a) of this section as to a natural person who is a
9 member of a partnership, and such requirements as may be specified in
10 rules and regulations promulgated by the commission, shall apply to each
11 such officer or stockholder and their successors in office or interest
12 as the case may be.

13 (c) In the event of the death, resignation or removal of any officer,
14 and in the event of any change in the list of stockholders who shall own
15 five per cent or more of the stock of the corporation, the secretary of
16 such corporation shall forthwith give notice of that fact in writing to
17 the commission, certified by said secretary.

18 3. No such license shall be granted

19 (a) If any person whose signature or name appears in the application
20 is not the real party in interest required by section two of this arti-
21 cle to sign or to be identified in the application or if the person so
22 signing or named in the application is an undisclosed agent or trustee
23 for any such real party in interest;

24 (b) Unless the commission shall be satisfied that the applicant and
25 all members, officers and stockholders required by section two of this
26 article to sign or be identified in the application for license possess
27 good character and integrity;

28 (c) Unless the applicant is either a natural person, partnership or
29 corporation;

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

35 (e) If the applicant or any member, officer or stockholder required by
36 section two of this article to sign or be identified in the application
37 for license has, without subsequent pardon, been convicted by a court of
38 the United States or any state or territory thereof of the commission
39 of, or the attempt or conspiracy to commit, treason, murder, manslaught-
40 er or any felony or high misdemeanor or any of the misdemeanors or
41 offenses described in subdivision (b) of section three of article V of
42 this compact. Any applicant ineligible for a license by reason of any
43 such conviction may submit satisfactory evidence to the commission that
44 the person whose conviction was the basis of ineligibility has for a
45 period of not less than five years, measured as hereinafter provided and
46 up to the time of application, so conducted himself as to warrant the
47 grant of such license, in which event the commission may, in its
48 discretion issue an order removing such ineligibility. The aforesaid
49 period of five years shall be measured either from the date of payment
50 of any fine imposed upon such person or the suspension of sentence or
51 from the date of his unrevoked release from custody by parole, commu-
52 tation or termination of his sentence;

53 (f) If, on or after July first, nineteen hundred fifty-three, the
54 applicant has paid, given, caused to have been paid or given or offered
55 to pay or give to any officer or employee of any carrier of freight by
56 water any valuable consideration for an improper or unlawful purpose or

1 to induce such person to procure the employment of the applicant by such
2 carrier for the performance of stevedoring services;

3 (g) If, on or after July first, nineteen hundred fifty-three, the
4 applicant has paid, given, caused to be paid or given or offered to pay
5 or give to any officer or representative of a labor organization any
6 valuable consideration for an improper or unlawful purpose or to induce
7 such officer or representative to subordinate the interests of such
8 labor organization or its members in the management of the affairs of
9 such labor organization to the interests of the applicant.

10 4. When the application shall have been examined and such further
11 inquiry and investigation made as the commission shall deem proper and
12 when the commission shall be satisfied therefrom that the applicant
13 possesses the qualifications and requirements prescribed in this arti-
14 cle, the commission shall issue and deliver a license to such applicant.
15 The commission may issue a temporary permit to any applicant for a
16 license under the provisions of this article pending final action on an
17 application made for such a license. Any such permit shall be valid for
18 a period not in excess of thirty days.

19 5. A license granted pursuant to this article shall be for a term of
20 two years or fraction of such two year period, and shall expire on the
21 first day of December of each odd numbered year. In the event of the
22 death of the licensee, if a natural person, or its termination or
23 dissolution by reason of the death of a partner, if a partnership, or if
24 the licensee shall cease to be a party to any contract of the type
25 required by subdivision (d) of section three of this article, the
26 license shall terminate ninety days after such event or upon its expira-
27 tion date, whichever shall be sooner. A license may be renewed by the
28 commission for successive two year periods upon fulfilling the same
29 requirements as are set forth in this article for an original applica-
30 tion.

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

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

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

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

46 (d) Failure to keep said books and records available during business
47 hours for inspection by the commission and its duly designated represen-
48 tatives until the expiration of the fifth calendar year following the
49 calendar year during which occurred the transactions recorded therein;

50 (e) Any other offense described in subdivisions (c) to (i) inclusive,
51 of section seven of article V of this compact.

52 ARTICLE VII
53 PROHIBITION OF PUBLIC LOADING

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

18 2. It is hereby declared to be against the public policy of the states
19 of New York and New Jersey and to be unlawful for any person to load or
20 unload waterborne freight onto or from vehicles other than railroad cars
21 at piers or at other waterfront terminals within the port of New York
22 district, for a fee or other compensation, other than the following
23 persons and their employees:

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

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

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

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

34 (e) Stevedores licensed under article VI of this compact, whether or
35 not such waterborne freight has been or is to be transported by a carri-
36 er of freight by water with which such stevedore shall have a contract
37 of the type prescribed by subdivision (d) of section 3 of article VI of
38 this compact.

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

45 ARTICLE VIII
46 LONGSHOREMEN

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

1 York district unless at the time such other person is included in the
2 longshoremen's register.

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

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

11 (a) Who has been convicted by a court of the United States or any
12 state or territory thereof, without subsequent pardon, of treason,
13 murder, manslaughter or of any felony or high misdemeanor or of any of
14 the misdemeanors or offenses described in subdivision (b) of section
15 three of article V of this compact or of attempt or conspiracy to commit
16 any of such crimes;

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

21 (c) Whose presence at the piers or other waterfront terminals in the
22 port of New York district is found by the commission on the basis of the
23 facts and evidence before it, to constitute a danger to the public peace
24 or safety.

25 4. Unless the commission shall determine to exclude the applicant from
26 the longshoremen's register on a ground set forth in section three of
27 this article it shall include such person in the longshoremen's regis-
28 ter. The commission may permit temporary registration of any applicant
29 under the provisions of this article pending final action on an applica-
30 tion made for such registration. Any such temporary registration shall
31 be valid for a period not in excess of thirty days.

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

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

39 (b) Fraud, deceit or misrepresentation in securing inclusion in the
40 longshoremen's register;

41 (c) Transfer or surrender of possession to any person either temporar-
42 ily or permanently of any card or other means of identification issued
43 by the commission as evidence of inclusion in the longshoremen's regis-
44 ter, without satisfactory explanation;

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

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

51 (f) Any other offense described in subdivisions (c) to (f) inclusive
52 of section seven of article V of this compact.

53 6. The commission shall have the right to recover possession of any
54 card or other means of identification issued as evidence of inclusion in
55 the longshoremen's register in the event that the holder thereof has
56 been removed from the longshoremen's register.

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

3 ARTICLE IX
4 REGULARIZATION OF LONGSHOREMEN'S EMPLOYMENT

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

14 2. On or before the first day of June, nineteen hundred fifty-four and
15 on or before each succeeding first day of June or December, the commis-
16 sion shall, for the purposes of section one of this article, establish
17 for the six-month period beginning on each such date a minimum number of
18 days and the distribution of such days during such period.

19 3. In establishing any such minimum number of days or period, the
20 commission shall observe the following standards:

21 (a) To encourage as far as practicable the regularization of the
22 employment of longshoremen;

23 (b) To bring the number of eligible longshoremen more closely into
24 balance with the demand for longshoremen's services within the port of
25 New York district without reducing the number of eligible longshoremen
26 below that necessary to meet the requirements of longshoremen in the
27 port of New York district;

28 (c) To eliminate oppressive and evil hiring practices affecting long-
29 shoremen and waterborne commerce in the port of New York district;

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

32 (e) To establish hiring practices and conditions which will permit the
33 termination of governmental regulation and intervention at the earliest
34 opportunity.

35 4. A longshoreman who has been removed from the longshoremen's regis-
36 ter pursuant to this article may seek reinstatement upon fulfilling the
37 same requirements as for initial inclusion in the longshoremen's regis-
38 ter, but not before the expiration of one year from the date of removal,
39 except that immediate reinstatement shall be made upon proper showing
40 that the registrant's failure to work or apply for work the minimum
41 number of days above described was caused by the fact that the regis-
42 trant was engaged in the military service of the United States or was
43 incapacitated by ill health, physical injury, or other good cause.

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

47 ARTICLE X
48 PORT WATCHMEN

49 1. On or after the first day of December, nineteen hundred fifty-
50 three, no person shall act as a port watchman within the port of New
51 York district without first having obtained a license from the commis-
52 sion, and no person shall employ a port watchman who is not so licensed.

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

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

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

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

9 (d) Such further facts and evidence as may be required by the commis-
10 sion to ascertain the character, integrity and identity of the appli-
11 cant.

12 3. No such license shall be granted

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

15 (b) If the applicant has, without subsequent pardon, been convicted by
16 a court of the United States or of any state or territory thereof of the
17 commission of, or the attempt or conspiracy to commit, treason, murder,
18 manslaughter or any felony or high misdemeanor or any of the misdemea-
19 nors or offenses described in subdivision (b) of section three of arti-
20 cle V of this compact;

21 (c) Unless the applicant shall meet such reasonable standards of phys-
22 ical and mental fitness for the discharge of his duties as may from time
23 to time be established by the commission;

24 (d) If the applicant shall be a member of any labor organization which
25 represents longshoremen or pier superintendents or hiring agents; but
26 nothing in this article shall be deemed to prohibit port watchmen from
27 being represented by a labor organization or organizations which do not
28 also represent longshoremen or pier superintendents or hiring agents.
29 The American Federation of Labor, the Congress of Industrial Organiza-
30 tions and any other similar federation, congress or other organization
31 of national or international occupational or industrial labor organiza-
32 tions shall not be considered an organization which represents long-
33 shoremen or pier superintendents or hiring agents within the meaning of
34 this section although one of the federated or constituent labor organ-
35 izations thereof may represent longshoremen or pier superintendents or
36 hiring agents;

37 (e) If the applicant knowingly or wilfully advocates the desirability
38 of overthrowing or destroying the government of the United States by
39 force or violence or shall be a member of a group which advocates such
40 desirability, knowing the purposes of such group include such advocacy.

41 4. When the application shall have been examined and such further
42 inquiry and investigation made as the commission shall deem proper and
43 when the commission shall be satisfied therefrom that the applicant
44 possesses the qualifications and requirements prescribed by this article
45 and regulations issued pursuant thereto, the commission shall issue and
46 deliver a license to the applicant. The commission may issue a tempo-
47 rary permit to any applicant for a license under the provisions of this
48 article pending final action on an application made for such a license.
49 Any such permit shall be valid for a period not in excess of thirty
50 days.

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

55 6. Any license issued pursuant to this article may be revoked or
56 suspended for such period as the commission deems in the public interest

1 or the licensee thereunder may be reprimanded for any of the following
2 offenses:

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

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

6 (c) Any other offense described in subdivisions (c) to (i), inclusive,
7 of section seven of article V of this compact.

8 ARTICLE XI

9 HEARINGS, DETERMINATIONS AND REVIEW

10 1. The commission shall not deny any application for a license or
11 registration without giving the applicant or prospective licensee
12 reasonable prior notice and an opportunity to be heard.

13 2. Any application for a license or for inclusion in the
14 longshoremen's register, and any license issued or registration made,
15 may be denied, revoked, cancelled, suspended as the case may be, only in
16 the manner prescribed in this article.

17 3. The commission may on its own initiative or on complaint of any
18 person, including any public official or agency, institute proceedings
19 to revoke, cancel or suspend any license or registration after a hearing
20 at which the licensee or registrant and any person making such complaint
21 shall be given an opportunity to be heard, provided that any order of
22 the commission revoking, cancelling or suspending any license or regis-
23 tration shall not become effective until fifteen days subsequent to the
24 serving of notice thereof upon the licensee or registrant unless in the
25 opinion of the commission the continuance of the license or registration
26 for such period would be inimicable to the public peace or safety. Such
27 hearings shall be held in such manner and upon such notice as may be
28 prescribed by the rules of the commission, but such notice shall be of
29 not less than ten days and shall state the nature of the complaint.

30 4. Pending the determination of such hearing pursuant to section three
31 of this article the commission may temporarily suspend a license or
32 registration if in the opinion of the commission the continuance of the
33 license or registration for such period is inimicable to the public
34 peace or safety.

35 5. The commission, or such member, officer, employee or agent of the
36 commission as may be designated by the commission for such purpose,
37 shall have the power to issue subpoenas to compel the attendance of
38 witnesses and the giving of testimony or production of other evidence
39 and to administer oaths in connection with any such hearing. It shall be
40 the duty of the commission or of any such member, officer, employee or
41 agent of the commission designated by the commission for such purpose to
42 issue subpoenas at the request of and upon behalf of the licensee,
43 registrant or applicant. The commission or such person conducting the
44 hearing shall not be bound by common law or statutory rules of evidence
45 or by technical or formal rules of procedure in the conduct of such
46 hearing.

47 6. Upon the conclusion of the hearing, the commission shall take such
48 action upon such findings and determination as it deems proper and shall
49 execute an order carrying such findings into effect. The action in the
50 case of an application for a license or registration shall be the grant-
51 ing or denial thereof. The action in the case of a licensee shall be
52 revocation of the license or suspension thereof for a fixed period or
53 reprimand or a dismissal of the charges. The action in the case of a
54 registered longshoreman shall be dismissal of the charges, reprimand or

removal from the longshoremen's register for a fixed period or permanently.

7. The action of the commission in denying any application for a license or in refusing to include any person in the longshoremen's register under this compact or in suspending or revoking such license or removing any person from the longshoremen's register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in either state at the instance of the applicant, licensee or registrant in the manner provided by the law of such state for review of the final decision or action of administrative agencies of such state, provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or removing a longshoreman from the longshoremen's register.

ARTICLE XII
EMPLOYMENT INFORMATION CENTERS

1. The states of New York and New Jersey hereby find and declare that the method of employment of longshoremen and port watchmen in the port of New York district, commonly known as the "shape-up", has resulted in vicious and notorious abuses, of which such employees have been the principal victims. There is compelling evidence that the "shape-up" has permitted and encouraged extortion from employees as the price of securing or retaining employment and has subjected such employees to threats of violence, unwilling joinder in unauthorized labor disturbances and criminal activities on the waterfront. The "shape-up" has thus resulted in a loss of fundamental rights and liberties of labor, has impaired the economic stability of the port of New York district and weakened law enforcement therein. It is the sense of the legislatures of the states of New York and New Jersey that these practices and conditions must be eliminated to prevent grave injury to the welfare of waterfront laborers and of the people at large and that the elimination of the "shape-up" and the establishment of a system of employment information centers are necessary to a solution of these public problems.

2. The commission shall establish and maintain one or more employment information centers in each state within the port of New York district at such locations as it may determine. No person shall, directly or indirectly, hire any person for work as a longshoreman or port watchman within the port of New York district, except through such particular employment information center or centers as may be prescribed by the commission. No person shall accept any employment as a longshoreman or port watchman within the port of New York district, except through such an employment information center. At each such employment information center the commission shall keep and exhibit the longshoremen's register and any other records it shall determine to the end that longshoremen and port watchmen shall have the maximum information as to available employment as such at any time within the port of New York district and to the end that employers shall have an adequate opportunity to fill their requirements of registered longshoremen and port watchmen at all times.

3. Every employer of longshoremen or port watchmen within the port of New York district shall furnish such information as may be required by the rules and regulations prescribed by the commission with regard to the name of each person hired as a longshoreman or port watchman, the

1 time and place of hiring, the time, place and hours of work, and the
2 compensation therefor.

3 4. All wage payments to longshoremen or port watchmen for work as such
4 shall be made by check or cash evidenced by a written voucher receipted
5 by the person to whom such cash is paid. The commission may arrange for
6 the provision of facilities for cashing such checks.

7 ARTICLE XIII
8 EXPENSES OF ADMINISTRATION

9 1. By concurrent legislation enacted by their respective legislatures,
10 the two states may provide from time to time for meeting the commis-
11 sion's expenses. Until other provision shall be made, such expense
12 shall be met as authorized in this article.

13 2. The commission shall annually adopt a budget of its expenses for
14 each year. Each budget shall be submitted to the governors of the two
15 states and shall take effect as submitted provided that either governor
16 may within thirty days disapprove or reduce any item or items, and the
17 budget shall be adjusted accordingly.

18 3. After taking into account such funds as may be available to it from
19 reserves, federal grants or otherwise, the balance of the commission's
20 budgeted expenses shall be assessed upon employers of persons registered
21 or licensed under this compact. Each such employer shall pay to the
22 commission as assessment computed upon the gross payroll payments made
23 by such employer to longshoremen, pier superintendents, hiring agents
24 and port watchmen for work or labor performed within the port of New
25 York district, at a rate, not in excess of two per cent, computed by the
26 commission in the following manner; the commission shall annually esti-
27 mate the gross payroll payments to be made by employers subject to
28 assessment and shall compute a rate thereon which will yield revenues
29 sufficient to finance the commission's budget for each year. Such budg-
30 et may include a reasonable amount for a reserve but such amount shall
31 not exceed ten per cent of the total of all other items of expenditure
32 contained therein. Such reserve shall be used for the stabilization of
33 annual assessments, the payment of operating deficits and for the repay-
34 ment of advances made by the two states.

35 4. The amount required to balance the commission's budget, in excess
36 of the estimated yield of the maximum assessment, shall be certified by
37 the commission, with the approval of the respective governors, to the
38 legislatures of the two states, in proportion to the gross annual wage
39 payments made to longshoremen for work in each state within the port of
40 New York district. The legislatures shall annually appropriate to the
41 commission the amount so certified.

42 5. The commission may provide by regulation for the collection and
43 auditing of assessments. Such assessments hereunder shall be payable
44 pursuant to such provisions for administration, collection and enforce-
45 ment as the states may provide by concurrent legislation. In addition
46 to any other sanction provided by law, the commission may revoke or
47 suspend any license held by any person under this compact, or his privi-
48 lege of employing persons registered or licensed hereunder, for non-pay-
49 ment of any assessment when due.

50 6. The assessment hereunder shall be in lieu of any other charge for
51 the issuance of licenses to stevedores, pier superintendents, hiring
52 agents and pier watchmen or for the registration of longshoremen or the
53 use of an employment information center. The commission shall establish
54 reasonable procedures for the consideration of protests by affected

1 employers concerning the estimates and computation of the rate of
2 assessment.

3 ARTICLE XIV

4 GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

5 1. The failure of any witness, when duly subpoenaed to attend, give
6 testimony or produce other evidence, whether or not at a hearing, shall
7 be punishable by the superior court in New Jersey and the supreme court
8 in New York in the same manner as said failure is punishable by such
9 court in a case therein pending.

10 2. Any person who, having been sworn or affirmed as a witness in any
11 such hearing, shall wilfully give false testimony or who shall wilfully
12 make or file any false or fraudulent report or statement required by
13 this compact to be made or filed under oath, shall be guilty of a misde-
14 meanor, punishable by a fine of not more than one thousand dollars or
15 imprisonment for not more than one year or both.

16 3. Any person who violates or attempts or conspires to violate any
17 other provision of this compact shall be punishable as may be provided
18 by the two states by action of the legislature of either state concurred
19 in by the legislature of the other.

20 4. Any person who interferes with or impedes the orderly registration
21 of longshoremen pursuant to this compact or who conspires to or attempts
22 to interfere with or impede such registration shall be punishable as may
23 be provided by the two states by action of the legislature of either
24 state concurred in by the legislature of the other.

25 5. Any person who directly or indirectly inflicts or threatens to
26 inflict any injury, damage, harm or loss or in any other manner prac-
27 tices intimidation upon or against any person in order to induce or
28 compel such person or any other person to refrain from registering
29 pursuant to this compact shall be punishable as may be provided by the
30 two states by action of the legislature of either state concurred in by
31 the legislature of the other.

32 6. In any prosecution under this compact, it shall be sufficient to
33 prove only a single act (or a single holding out or attempt) prohibited
34 by law, without having to prove a general course of conduct, in order to
35 prove a violation.

36 ARTICLE XV

37 COLLECTIVE BARGAINING SAFEGUARDED

38 1. This compact is not designed and shall not be construed to limit in
39 any way any rights granted or derived from any other statute or any rule
40 of law for employees to organize in labor organizations, to bargain
41 collectively and to act in any other way individually, collectively, and
42 through labor organizations or other representatives of their own choos-
43 ing. Without limiting the generality of the foregoing, nothing
44 contained in this compact shall be construed to limit in any way the
45 right of employees to strike.

46 2. This compact is not designed and shall not be construed to limit in
47 any way any rights of longshoremen, hiring agents, pier superintendents
48 or port watchmen or their employers to bargain collectively and agree
49 upon any method for the selection of such employees by way of seniority,
50 experience, regular gangs or otherwise, provided that such employees
51 shall be licensed or registered hereunder and such longshoremen and port
52 watchmen shall be hired only through the employment information centers

1 established hereunder and that all other provisions of this compact be
2 observed.

3 ARTICLE XVI
4 AMENDMENTS; CONSTRUCTION; SHORT TITLE

5 1. Amendments and supplements to this compact to implement the
6 purposes thereof may be adopted by the action of the legislature of
7 either state concurred in by the legislature of the other.

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

18 3. In accordance with the ordinary rules for construction of inter-
19 state compacts this compact shall be liberally construed to eliminate
20 the evils described therein and to effectuate the purposes thereof.

21 4. This compact shall be known and may be cited as the "Waterfront
22 Commission Compact."
23

PART II

24 S 2. Expenses of administration. 1. Every person subject to the
25 payment of any assessment under the provisions of section three of arti-
26 cle XIII of the compact established by part I of this article shall file
27 on or before the fifteenth day of the first month of each calendar quar-
28 ter-year a separate return, together with the payment of the assessment
29 due, for the preceding calendar quarter-year during which any payroll
30 payments were made to longshoremen, pier superintendents, hiring agents
31 or port watchmen for work performed as such within the district.
32 Returns covering the amount of assessment payable shall be filed with
33 the commission on forms to be furnished for such purpose and shall
34 contain such data, information or matter as the commission may require
35 to be included therein. The commission may grant a reasonable extension
36 of time for filing returns, or for the payment of assessment, whenever
37 good cause exists. Every return shall have annexed thereto a certif-
38 ication to the effect that the statements contained therein are true.

39 2. Every person subject to the payment of assessment hereunder shall
40 keep an accurate record of his employment of longshoremen, pier super-
41 intendents, hiring agents or port watchmen, which shall show the amount
42 of compensation paid and such other information as the commission may
43 require. Such records shall be preserved for a period of three years
44 and be open for inspection at reasonable times. The commission may
45 consent to the destruction of any such records at any time after said
46 period or may require that they be kept longer, but not in excess of six
47 years.

48 3. (a) The commission shall audit and determine the amount of assess-
49 ment due from the return filed and such other information as is avail-
50 able to it. Whenever a deficiency in payment of the assessment is
51 determined the commission shall give notice of any such determination to
52 the person liable therefor. Such determination shall finally and
53 conclusively fix the amount due, unless the person against whom it is

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

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

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

25 5. The employment by a nonresident of a longshoreman, or a licensed
26 pier superintendent, hiring agent or port watchman in either state or
27 the designation by a nonresident of a longshoreman, pier superintendent,
28 hiring agent or port watchman to perform work in such state shall be
29 deemed equivalent to an appointment by such nonresident of the secretary
30 of state of such state to be his true and lawful attorney upon whom may
31 be served the process in any action or proceeding against him growing
32 out of any liability for assessments, penalties or interest, and a
33 consent that any such process against him which is so served shall be of
34 the same legal force and validity as if served on him personally within
35 such state and within the territorial jurisdiction of the court from
36 which the process issues. Service of process within either state shall
37 be made by either (1) personally delivering to and leaving with the
38 secretary of state or a deputy secretary of state of such state dupli-
39 cate copies thereof at the office of the department of state in the
40 capitol city of such state, in which event such secretary of state shall
41 forthwith send by registered mail one of such copies to the person at
42 the last address designated by him to the commission for any purpose
43 under this section or in the last return filed by him under this section
44 with the commission or as shown on the records of the commission, or if
45 no return has been filed, at his last known office address within or
46 without such state, or (2) personally delivering to and leaving with the
47 secretary of state or a deputy secretary of state of such state a copy
48 thereof at the office of the department of state in the capitol city of
49 such state and by delivering a copy thereof to the person, personally
50 without such state. Proof of such personal service without such state
51 shall be filed with the clerk of the court in which the process is pend-
52 ing within thirty days after such service and such service shall be
53 complete ten days after proof thereof is filed.

54 6. Whenever the commission shall determine that any moneys received as
55 assessments were paid in error, it may cause the same to be refunded,

provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

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

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

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

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

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

S 3. The commission shall reimburse each state for any funds advanced to the commission exclusive of sums appropriated pursuant to section four of article XIII of the compact established by part I of of this article.

S 4. Penalties. Any person who shall violate any of the provisions of the compact or of section two of this part for which no other penalty is prescribed shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

S 5. Federal funds. 1. The waterfront commission of New York harbor is hereby designated on its own behalf or as agent of the state of New York and the state of New Jersey, as provided by the act of the congress of the United States, effective June sixth, nineteen hundred thirty-three, entitled "An act to provide for the establishment of a national employment system and for cooperating with the states in the promotion of such system and for other purposes" as amended, for the purpose of obtaining such benefits of such act of congress as are necessary or appropriate to the establishment and operation of employment information centers authorized by section one of this article.

2. The commission shall have all powers necessary to cooperate with appropriate officers or agencies of either state or the United States, to take such steps, to formulate such plans, and to execute such projects (including but not limited to the establishment and operation of employment information centers) as may be necessary to obtain such benefits for the operations of the commission in accomplishing the purposes of this article.

1 3. The officer or agency heretofore designated by each of the two
2 states pursuant to said act of June sixth, nineteen hundred thirty-
3 three, as amended, is authorized and empowered, upon the request of the
4 commission and subject to its direction, to exercise the powers and
5 duties conferred upon the commission by the provisions of this section.

6 S 5-a. Supplementary definitions. As used in the compact established
7 by part I of this article:

8 1. "Stevedore" shall also include (a) contractors engaged for compen-
9 sation pursuant to a contract or arrangement with the United States, any
10 state or territory thereof, or any department, division, board, commis-
11 sion or authority of one or more of the foregoing, in moving freight
12 carried or consigned for carriage between any point in the port of New
13 York district and a point outside said district on vessels of such a
14 public agency berthed at piers, on piers at which such vessels are
15 berthed or at other waterfront terminals, or

16 (b) contractors (not including employees) engaged for compensation
17 pursuant to a contract or arrangement with any person to perform labor
18 or services incidental to the movement of waterborne freight on vessels
19 berthed at piers, on piers or at other waterfront terminals, including,
20 but not limited to, cargo storage, cargo repairing, coopering, general
21 maintenance, mechanical and miscellaneous work, horse and cattle
22 fitting, grain ceiling, and marine carpentry, or

23 (c) contractors (not including employees) engaged for compensation
24 pursuant to a contract or arrangement with any other person to perform
25 labor or services involving, or incidental to, the movement of freight
26 into or out of containers (which have been or which will be carried by a
27 carrier of freight by water) on vessels berthed at piers, on piers or at
28 other waterfront terminals.

29 2. "Waterborne freight" shall also include freight described in para-
30 graphs (a) and (c) of subdivision one of this section and in subdivision
31 ten of this section and ships' stores, baggage and mail carried by or
32 consigned for carriage by carriers of freight by water.

33 3. "Court of the United States" shall mean all courts enumerated in
34 section four hundred fifty-one of title twenty-eight of the United
35 States code and the courts-martial of the armed forces of the United
36 States.

37 4. "Witness" shall mean any person whose testimony is desired in any
38 investigation, interview or other proceeding conducted by the commission
39 pursuant to the provisions of this article.

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

45 6. "Longshoreman" shall also include a natural person, other than a
46 hiring agent, who is employed for work at a pier or other waterfront
47 terminal:

48 (a) either by a carrier of freight by water or by a stevedore phys-
49 ically to perform labor or services incidental to the movement of water-
50 borne freight on vessels berthed at piers, on piers or at other water-
51 front terminals, including, but not limited to, cargo repairmen,
52 coopers, general maintenance men, mechanical and miscellaneous workers,
53 horse and cattle fitters, grain ceilers and marine carpenters, or

54 (b) by any person physically to move waterborne freight to or from a
55 barge, lighter or railroad car for transfer to or from a vessel of a

1 carrier of freight by water which is, shall be, or shall have been
2 berthed at the same pier or other waterfront terminal, or

3 (c) by any person to perform labor or services involving, or inci-
4 dental to, the movement of freight at a waterfront terminal as defined
5 in subdivision ten of this section.

6 7. "Compact" shall also include any amendments or supplements to the
7 waterfront commission compact to implement the purposes thereof adopted
8 by the action of the legislature of either the state of New York or the
9 state of New Jersey concurred in by the legislature of the other and as
10 established by part I of this article.

11 8. The term "select any longshoreman for employment" in the definition
12 of a hiring agent in this act shall include selection of a person for
13 the commencement or continuation of employment as a longshoreman, or the
14 denial or termination of employment as a longshoreman.

15 9. "Hiring agent" shall also include any natural person, who on behalf
16 of any other person shall select any longshoreman for employment.

17 10. "Other waterfront terminal" shall also include any warehouse,
18 depot or other terminal (other than a pier), whether enclosed or open,
19 which is located in a marine terminal in the port of New York district
20 and any part of which is used by any person to perform labor or services
21 involving, or incidental to, the movement of waterborne freight or
22 freight.

23 As used in this section, "marine terminal" means an area which
24 includes piers, which is used primarily for the moving, warehousing,
25 distributing or packing of waterborne freight or freight to or from such
26 piers, and which, inclusive of such piers, is under common ownership or
27 control; "freight" means freight which has been, or will be, carried by
28 or consigned for carriage by a carrier of freight by water; and
29 "container" means any receptacle, box, carton or crate which is specif-
30 ically designed and constructed so that it may be repeatedly used for
31 the carriage of freight by a carrier of freight by water.

32 Whenever, as a result of legislative amendments to this article or of
33 a ruling by the commission, registration as a longshoreman is required
34 for any person to continue in his employment, such person shall be
35 registered as a longshoreman without regard to the provisions of section
36 five-p of this part, provided, however, that such person satisfies all
37 the other requirements of this article for registration as a longshore-
38 man.

39 S 5-b. Additional powers of the commission. In addition to the powers
40 and duties elsewhere described in this article, the commission shall
41 have the following powers:

42 1. To issue temporary permits and permit temporary registrations under
43 such terms and conditions as the commission may prescribe which shall be
44 valid for a period to be fixed by the commission not in excess of six
45 months.

46 2. To require any applicant for a license or registration or any
47 prospective licensee to furnish such facts and evidence as the commis-
48 sion may deem appropriate to enable it to ascertain whether the license
49 or registration should be granted.

50 3. In any case in which the commission has the power to revoke, cancel
51 or suspend any stevedore license the commission shall also have the
52 power to impose as an alternative to such revocation, cancellation or
53 suspension, a penalty, which the licensee may elect to pay to the
54 commission in lieu of the revocation, cancellation or suspension. The
55 maximum penalty shall be five thousand dollars for each separate

1 offense. The commission may, for good cause shown, abate all or part of
2 such penalty.

3 4. To designate any officer, agent or employee of the commission to be
4 an investigator who shall be vested with all the powers of a peace or
5 police officer of the state of New York in that state, and of the state
6 of New Jersey in that state.

7 5. To confer immunity, in the following manner: In any investigation,
8 interview or other proceeding conducted under oath by the commission or
9 any duly authorized officer, employee or agent thereof, if a person
10 refuses to answer a question or produce evidence of any other kind on
11 the ground that he may be incriminated thereby, and, notwithstanding
12 such refusal, an order is made upon twenty-four hours prior written
13 notice to the appropriate attorney general of the state of New York or
14 the state of New Jersey, and to the appropriate district attorney or
15 prosecutor having an official interest therein, by the unanimous vote of
16 both members of the commission or their designees appointed pursuant to
17 the provisions of section three of article III of the compact estab-
18 lished by part I of this article, that such person answer the question
19 or produce the evidence, such person shall comply with the order. If
20 such person complies with the order, and if, but for this subdivision,
21 he would have been privileged to withhold the answer given or the
22 evidence produced by him, then immunity shall be conferred upon him, as
23 provided for herein.

24 "Immunity" as used in this subdivision means that such person shall
25 not be prosecuted or subjected to any penalty or forfeiture for or on
26 account of any transaction, matter or thing concerning which, in accord-
27 ance with the order by the unanimous vote of both members of the commis-
28 sion or their designees appointed pursuant to the provisions of section
29 three of article III of the compact established by part I of this arti-
30 cle, he gave answer or produced evidence, and that no such answer given
31 or evidence produced shall be received against him upon any criminal
32 proceeding. But he may nevertheless be prosecuted or subjected to
33 penalty or forfeiture for any perjury or contempt committed in answer-
34 ing, or failing to answer, or in producing or failing to produce
35 evidence, in accordance with the order, and any such answer given or
36 evidence produced shall be admissible against him upon any criminal
37 proceeding concerning such perjury or contempt.

38 Immunity shall not be conferred upon any person except in accordance
39 with the provisions of this subdivision. If, after compliance with the
40 provisions of this subdivision, a person is ordered to answer a question
41 or produce evidence of any other kind and complies with such order, and
42 it is thereafter determined that the appropriate attorney general or
43 district attorney or prosecutor having an official interest therein was
44 not notified, such failure or neglect shall not deprive such person of
45 any immunity otherwise properly conferred upon him.

46 6. To require any applicant for registration as a longshoreman, any
47 applicant for registration as a checker or any applicant for registra-
48 tion as a telecommunications system controller and any person who is
49 sponsored for a license as a pier superintendent or hiring agent, any
50 person who is an individual owner of an applicant stevedore or any
51 persons who are individual partners of an applicant stevedore, or any
52 officers, directors or stockholders owning five percent or more of any
53 of the stock of an applicant corporate stevedore or any applicant for a
54 license as a port watchman or any other category of applicant for regis-
55 tration or licensing by law within the commission's jurisdiction to be
56 fingerprinted by the commission.

1 6-a. To require any applicant for registration as a longshoreman, any
2 applicant for registration as a checker or any applicant for registra-
3 tion as a telecommunications system controller and any person who is
4 sponsored for a license as a pier superintendent or hiring agent, any
5 person who is an individual owner of an applicant stevedore or any
6 persons who are individual partners of an applicant stevedore, or any
7 officers, directors or stockholders owning five percent or more of any
8 of the stock of an applicant corporate stevedore or any applicant for a
9 license as a port watchman or any other category of applicant for regis-
10 tration or licensing by law within the commission's jurisdiction who
11 has: previously applied and had an application denied upon submission;
12 been removed from registration; or, had a license suspended, or revoked
13 and is reapplying for registration or licensing within the commission's
14 jurisdiction to be fingerprinted by the commission.

15 7. To exchange fingerprint data with and receive state criminal histo-
16 ry record information from the division of criminal justice services, as
17 defined in subdivision one of section three thousand thirty-five of the
18 education law, and federal criminal history record information from the
19 federal bureau of investigation for use in making the determinations
20 required by this article.

21 8. Notwithstanding any other provision of law to the contrary, to
22 require any applicant for employment by the commission or person
23 described in subdivision six-a of this section to be fingerprinted and
24 to exchange fingerprint data with and receive state criminal history
25 record information from the division of criminal justice services, as
26 defined in subdivision one of section three thousand thirty-five of the
27 education law, and federal criminal history information from the federal
28 bureau of investigation for the purposes of this subdivision and subdivi-
29 sions six, six-a and seven of this section.

30 S 5-c. Regularization of longshoremen's employment. 1. Notwithstand-
31 ing any other provisions of article IX of the compact established by
32 part I of this article, the commission shall have the power to remove
33 from the longshoremen's register any person (including those persons
34 registered as longshoremen for less than nine months) who shall have
35 failed to have worked as a longshoreman in the port of New York district
36 for such minimum number of days during a period of time as shall have
37 been established by the commission. In administering this section, the
38 commission, in its discretion, may count applications for employment as
39 a longshoreman at an employment information center established under
40 article XII of the compact established by part I of this article as
41 constituting actual work as a longshoreman, provided, however, that the
42 commission shall count as actual work the compensation received by any
43 longshoreman pursuant to the guaranteed wage provisions of any collec-
44 tive bargaining agreement relating to longshoremen. Prior to the
45 commencement of any period of time established by the commission pursu-
46 ant to this section, the commission shall establish for such period the
47 minimum number of days of work required and the distribution of such
48 days during such period and shall also determine whether or not applica-
49 tion for employment as a longshoreman shall be counted as constituting
50 actual work as a longshoreman. The commission may classify longshoremen
51 according to length of service as a longshoreman and such other criteria
52 as may be reasonable and necessary to carry out the provisions of this
53 article. The commission shall have the power to vary the requirements
54 of this section with respect to their application to the various classi-
55 fications of longshoremen. In administering this section, the commission
56 shall observe the standards set forth in section five-p of this part.

Nothing in this section shall be construed to modify, limit or restrict in any way any of the rights protected by article XV of the compact established by part I of this article.

S 5-d. Additional violations. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this article, shall wilfully give false testimony shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

S 5-g. Hearings. 1. At hearings conducted by the commission pursuant to article XI of the compact established by part I of this article, applicants, prospective licensees, licensees and registrants shall have the right to be accompanied and represented by counsel.

2. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence.

Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed with the commission not later than thirty days after service of such order, unless the commission for good cause shown shall otherwise direct.

The commission may upon its own motion grant a rehearing after the making of an order.

S 5-h. Denial of applications. In addition to the grounds elsewhere set forth in this article, the commission may deny an application for a license or registration for any of the following:

1. Conviction by a court of the United States or any state or territory thereof of coercion;

2. Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses hereinafter set forth, of a misdemeanor or any of the following offenses: assault, malicious injury to property, malicious mischief, unlawful taking of a motor vehicle, corruption of employees or possession of lottery or number slips; or

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

4. Violation of any provision of this article or commission of any offense thereunder.

5. Refusal on the part of any applicant, or prospective licensee, or of any member, officer or stockholder required by section two of article VI of the compact established by part I of this article to sign or be identified in an application for a stevedore license, to answer any material question or produce any material evidence in connection with his application or any application made on his behalf for a license or registration pursuant to this article.

1 6. Association with a person who has been identified by a federal,
2 state, or local law enforcement agency as a member or associate of an
3 organized crime group, a terrorist group, or a career offender cartel,
4 or who is a career offender, under circumstances where such association
5 creates a reasonable belief that the participation of the applicant in
6 any activity required to be licensed under this article would be inimi-
7 cal to the policies of this article. For the purpose of this section,
8 (a) a terrorist group shall mean a group associated, affiliated or fund-
9 ed in whole or in part by a terrorist organization designated by the
10 secretary of state in accordance with section 219 of the immigration and
11 nationality act, as amended from time to time, or any other organization
12 which assists, funds or engages in acts of terrorism as defined in the
13 laws of the United States, or of either of the states of New York (such
14 as subdivision one of section 490.05 of the penal law) or New Jersey;
15 and (b) a career offender shall mean a person whose behavior is pursued
16 in an occupational manner or context for the purpose of economic gain
17 utilizing such methods as are deemed criminal violations against the
18 public policy of the states of New York and New Jersey, and a career
19 offender cartel shall mean a number of career offenders acting in
20 concert, and may include what is commonly referred to as an organized
21 crime group.

22 7. Conviction of a racketeering activity or knowing association with a
23 person who has been convicted of a racketeering activity by a court of
24 the United States or any state or territory thereof under circumstances
25 where such association creates a reasonable belief that the partic-
26 ipation of the applicant in any activity required to be licensed under
27 this article would be inimical to the policies of this article.

28 S 5-i. Revocation of licenses and registrations. In addition to the
29 grounds elsewhere set forth in this article, any license or registration
30 issued or made pursuant thereto may be revoked or suspended for such
31 period as the commission deems in the public interest or the licensee or
32 registrant may be reprimanded, for:

33 1. Conviction of any crime or offense in relation to gambling, book-
34 making, pool selling, lotteries or similar crimes or offenses if the
35 crime or offense was committed at or on a pier or other waterfront
36 terminal or within five hundred feet thereof; or

37 2. Wilful commission of, or wilful attempt to commit at or on a water-
38 front terminal or adjacent highway, any act of physical injury to any
39 other person or of wilful damage to or misappropriation of any other
40 person's property, unless justified or excused by law; or

41 3. Receipt or solicitation of anything of value from any person other
42 than a licensee's or registrant's employer as consideration for the
43 selection or retention for employment of such licensee or registrant;

44 or

45 4. Coercion of a licensee or registrant by threat of discrimination or
46 violence or economic reprisal, to make purchases from or to utilize the
47 services of any person; or

48 5. Refusal to answer any material question or produce any evidence
49 lawfully required to be answered or produced at any investigation,
50 interview or other proceeding conducted by the commission pursuant to
51 the provisions of this article, or, if such refusal is accompanied by a
52 valid plea of privilege against self-incrimination, refusal to obey an
53 order to answer such question or produce such evidence made by the
54 commission pursuant to the provisions of subdivision five of section
55 five-b of this part.

1 6. Association with a person who has been identified by a federal,
2 state, or local law enforcement agency as a member or associate of an
3 organized crime group, a terrorist group, or a career offender cartel,
4 or who is a career offender, under circumstances where such association
5 creates a reasonable belief that the participation of the applicant in
6 any activity required to be licensed under this article would be inimi-
7 cal to the policies of this article. For the purpose of this section,
8 (a) a terrorist group shall mean a group associated, affiliated or fund-
9 ed in whole or in part by a terrorist organization designated by the
10 secretary of state in accordance with section 219 of the immigration and
11 nationality act, as amended from time to time, or any other organization
12 which assists, funds or engages in acts of terrorism as defined in the
13 laws of the United States, or of either of the states of New York (such
14 as subdivision one of section 490.05 of the penal law) or New Jersey;
15 and (b) a career offender shall mean a person whose behavior is pursued
16 in an occupational manner or context for the purpose of economic gain
17 utilizing such methods as are deemed criminal violations against the
18 public policy of the states of New York and New Jersey, and a career
19 offender cartel shall mean a number of career offenders acting in
20 concert, and may include what is commonly referred to as an organized
21 crime group.

22 7. Conviction of a racketeering activity or knowing association with a
23 person who has been convicted of a racketeering activity by a court of
24 the United States or any state or territory thereof under circumstances
25 where such association creates a reasonable belief that the partic-
26 ipation of the applicant in any activity required to be licensed under
27 this article would be inimical to the policies of this article.

28 S 5-j. Removal of port watchmen's ineligibility. Any port watchman
29 ineligible for a license by reason of the provisions of subdivision (b)
30 of section three of article X of the compact established by part I of
31 this article may petition for and the commission may issue an order
32 removing the ineligibility in the manner provided in subdivision (b) of
33 section three of article V of the compact established by part I of this
34 article.

35 S 5-k. Petition for order to remove an ineligibility. A petition for
36 an order to remove an ineligibility under subdivision (b) of section
37 three of article V, subdivision (e) of section three of article VI,
38 subdivision (b) of section three of article X of the compact established
39 by part I of this article, or subdivision three (b) of section five-n of
40 this part may be made to the commission before or after the hearing
41 required by article XI of the compact established by part I of this
42 article.

43 S 5-l. Denial of stevedore applications. In addition to the grounds
44 elsewhere set forth in this article the commission shall not grant an
45 application for a license as stevedore

46 1. If on or after July first, nineteen hundred fifty-six, the appli-
47 cant has paid, given, caused to have been paid or given or offered to
48 pay or give to any agent of any carrier of freight by water any valuable
49 consideration for an improper or unlawful purpose or, without the know-
50 ledge and consent of such carrier, to induce such agent to procure the
51 employment of the applicant by such carrier or its agent for the
52 performance of stevedoring services.

53 S 5-n. Checkers. 1. The commission shall establish within the
54 longshoremen's register a list of all qualified longshoremen eligible,
55 as hereinafter provided, for employment as checkers in the port of New
56 York district. No person shall act as a checker within the port of New

1 York district unless at the time he is included in the longshoremen's
2 register as a checker, and no person shall employ another to work as a
3 checker within the port of New York district unless at the time such
4 other person is included in the longshoremen's register as a checker.

5 2. Any person applying for inclusion in the longshoremen's register as
6 a checker shall file at any such place and in such manner as the commis-
7 sion shall designate a written statement, signed and verified by such
8 person, setting forth the following:

9 (a) The full name, residence, place and date of birth and social secu-
10 rity number of the applicant;

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

13 (c) Such further facts and evidence as may be required by the commis-
14 sion to ascertain the character, integrity and identity of the appli-
15 cant.

16 3. No person shall be included in the longshoremen's register as a
17 checker

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

20 (b) If the applicant has, without subsequent pardon, been convicted by
21 a court of the United States or any state or territory thereof, of the
22 commission of, or the attempt or conspiracy to commit treason, murder,
23 manslaughter or any felony or high misdemeanor or any of the following
24 misdemeanors or offenses: illegally using, carrying or possessing a
25 pistol or other dangerous weapon; making or possessing burglar's instru-
26 ments; buying or receiving stolen property; unlawful entry of a build-
27 ing; aiding an escape from prison; unlawfully possessing, possessing
28 with intent to distribute, sale or distribution of a controlled danger-
29 ous substance (controlled substance) or, in New Jersey, a controlled
30 dangerous substance analog (controlled substance analog); petty larceny,
31 where the evidence shows the property was stolen from a vessel, pier or
32 other waterfront terminal; and violation of the compact. Any such
33 applicant ineligible for inclusion in the longshoremen's register as a
34 checker by reason of any such conviction may submit satisfactory
35 evidence to the commission that he has for a period of not less than
36 five years, measured as hereinafter provided, and up to the time of
37 application, so conducted himself as to warrant inclusion in the
38 longshoremen's register as a checker, in which event the commission may,
39 in its discretion, issue an order removing such ineligibility. The afore-
40 said period of five years shall be measured either from the date of
41 payment of any fine imposed upon such person or the suspension of
42 sentence or from the date of his unrevoked release from custody by
43 parole, commutation or termination of his sentence;

44 (c) If the applicant knowingly or wilfully advocates the desirability
45 of overthrowing or destroying the government of the United States by
46 force or violence or shall be a member of a group which advocates such
47 desirability, knowing the purposes of such group include such advocacy.

48 4. When the application shall have been examined and such further
49 inquiry and investigation made as the commission shall deem proper and
50 when the commission shall be satisfied therefrom that the applicant
51 possesses the qualifications and requirements prescribed by this
52 section, the commission shall include the applicant in the
53 longshoremen's register as a checker. The commission may permit tempo-
54 rary registration as a checker to any applicant under this section pend-
55 ing final action on an application made for such registration, under
56 such terms and conditions as the commission may prescribe, which shall

1 be valid for a period to be fixed by the commission, not in excess of
2 six months.

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

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

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

13 (c) Violation of any of the provisions of the compact established by
14 part I of this article;

15 (d) Conviction of a crime involving unlawfully possessing, possession
16 with intent to distribute, sale or distribution of a controlled danger-
17 ous substance (controlled substance) or, in New Jersey, a controlled
18 dangerous substance analog (controlled substance analog);

19 (e) Inducing or otherwise aiding or abetting any person to violate the
20 terms of the compact established by part I of this article;

21 (f) Paying, giving, causing to be paid or given or offering to pay or
22 give to any person any valuable consideration to induce such other
23 person to violate any provision of the compact or to induce any public
24 officer, agent or employee to fail to perform his duty under the
25 compact;

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

27 (h) Transfer or surrender of possession to any person either temporar-
28 ily or permanently of any card or other means of identification issued
29 by the commission as evidence of inclusion in the longshoremen's regis-
30 ter without satisfactory explanation;

31 (i) False impersonation of another longshoreman or of another person
32 licensed under the compact.

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

37 7. Nothing contained in this section shall be construed to limit in
38 any way any rights of labor reserved by article XV of the compact estab-
39 lished by part I of this article.

40 S 5-o. Supplementary violations. Any person who, without justifica-
41 tion or excuse in law, directly or indirectly intimidates or inflicts
42 any injury, damage, harm, loss or economic reprisal upon any person
43 licensed or registered by the commission, or any other person, or
44 attempts, conspires or threatens so to do, in order to interfere with,
45 impede or influence such licensed or registered person in the perform-
46 ance or discharge of his duties or obligations shall be punishable as
47 provided in section four of this part.

48 S 5-p. Suspension or acceptance of applications for inclusion in
49 longshoremen's register; exceptions. 1. The commission shall have the
50 power to make determinations to suspend the acceptance of application
51 for inclusion in the longshoremen's register for such periods of time as
52 the commission may from time to time establish and, after any such peri-
53 od of suspension, the commission shall have the power to make determi-
54 nations to accept applications for such period of time as the commission
55 may establish or in such number as the commission may determine, or
56 both. Such determinations to suspend or accept applications shall be

1 made by the commission: (a) on its own initiative or (b) upon the joint
2 recommendation in writing of stevedores and other employers of long-
3 shoremen in the port of New York district, acting through their repre-
4 sentative for the purpose of collective bargaining with a labor organ-
5 ization representing such longshoremen in such district and such labor
6 organization or (c) upon the petition in writing of a stevedore or
7 another employer of longshoremen in the port of New York district which
8 does not have a representative for the purpose of collective bargaining
9 with a labor organization representing such longshoremen. The commission
10 shall have the power to accept or reject such joint recommendation or
11 petition.

12 All joint recommendations or petitions filed for the acceptance of
13 applications with the commission for inclusion in the longshoremen's
14 register shall include:

15 (a) the number of employees requested;

16 (b) the category or categories of employees requested;

17 (c) a detailed statement setting forth the reasons for said joint
18 recommendation or petition;

19 (d) in cases where a joint recommendation is made under this section,
20 the collective bargaining representative of stevedores and other employ-
21 ers of longshoremen in the port of New York district and the labor
22 organization representing such longshoremen shall provide the allocation
23 of the number of persons to be sponsored by each employer of longshore-
24 men in the port of New York district; and

25 (e) any other information requested by the commission.

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

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

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

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

37 (d) To protect the job security of the existing work force of long-
38 shoremen by considering the wages and employment benefits of prospective
39 registrants;

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

45 (f) To consider the effect of technological change and automation and
46 such other economic data and facts as are relevant to a proper determi-
47 nation;

48 (g) To protect the public interest of the port of New York district.

49 In observing the foregoing standards and before determining to suspend
50 or accept applications for inclusion in the longshoremen's register, the
51 commission shall consult with and consider the views of, including any
52 statistical data or other factual information concerning the size of the
53 longshoremen's register submitted by, carriers of freight by water,
54 stevedores, waterfront terminal owners and operators, any labor organ-
55 ization representing employees registered by the commission, and any

1 other person whose interests may be affected by the size of the
2 longshoremen's register.

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

5 3. Any determination by the commission pursuant to this section to
6 suspend or accept applications for inclusion in the longshoremen's
7 register shall be made upon a record, shall not become effective until
8 five days after notice thereof to the collective bargaining represen-
9 tative of stevedores and other employers of longshoremen in the port of
10 New York district and to the labor organization representing such long-
11 shoremen and/or the petitioning stevedore or other employer of long-
12 shoremen in the port of New York district and shall be subject to judi-
13 cial review for being arbitrary, capricious, and an abuse of discretion
14 in a proceeding jointly instituted by such representative and such labor
15 organization and/or by the petitioning stevedore or other employer of
16 longshoremen in the port of New York district. Such judicial review
17 proceeding may be instituted in either state in the manner provided by
18 the law of such state for review of the final decision or action of
19 administrative agencies of such state, provided, however, that such
20 proceeding shall be decided directly by the appellate division as the
21 court of first instance (to which the proceeding shall be transferred by
22 order of transfer by the supreme court in the state of New York or in
23 the state of New Jersey by notice of appeal from the commission's deter-
24 mination) and provided further that notwithstanding any other provision
25 of law in either state no court shall have power to stay the commis-
26 sion's determination prior to final judicial decision for more than
27 fifteen days. In the event that the court enters a final order setting
28 aside the determination by the commission to accept applications for
29 inclusion in the longshoremen's register, the registration of any long-
30 shoremen included in the longshoremen's register as a result of such
31 determination by the commission shall be cancelled.

32 This section shall apply, notwithstanding any other provision of this
33 article, provided however, such section shall not in any way limit or
34 restrict the provisions of section five of article IX of the compact
35 established by part I of this article empowering the commission to
36 register longshoremen on a temporary basis to meet special or emergency
37 needs or the provisions of section four of article IX of the compact
38 established by part I of this article relating to the immediate rein-
39 statement of persons removed from the longshoremen's register pursuant
40 to article IX of the compact established by part I of this article.
41 Nothing in this section shall be construed to modify, limit or restrict
42 in any way any of the rights protected by article XV of the compact
43 established by part I of this article.

44 4. Upon the granting of any joint recommendation or petition under
45 this section for the acceptance of applications for inclusion in the
46 longshoremen's register, the commission shall accept applications upon
47 written sponsorship from the prospective employer of longshoremen. The
48 sponsoring employer shall furnish the commission with the name, address
49 and such other identifying or category information as the commission may
50 prescribe for any person so sponsored. The sponsoring employer shall
51 certify that the selection of the persons so sponsored was made in a
52 fair and non-discriminatory basis in accordance with the requirements of
53 the laws of the United States and the states of New York and New Jersey
54 dealing with equal employment opportunities.

55 Notwithstanding any of the foregoing, where the commission determines
56 to accept applications for inclusion in the longshoremen's register on

1 its own initiative, such acceptance shall be accomplished in such manner
2 deemed appropriate by the commission.

3 5. Notwithstanding any other provision of this article, the commission
4 may include in the longshoremen's register under such terms and condi-
5 tions as the commission may prescribe:

6 (a) a person issued registration on a temporary basis to meet special
7 or emergency needs who is still so registered by the commission;

8 (b) a person defined as a longshoreman in subdivision six of section
9 five-a of this part who is employed by a stevedore defined in paragraph
10 (b) or (c) of subdivision one of said section five-a of this part and
11 whose employment is not subject to the guaranteed annual income
12 provisions of any collective bargaining agreement relating to longshore-
13 men;

14 (c) no more than twenty persons issued registration limited to acting
15 as scalemen pursuant to the provisions of chapter 953 of the laws of
16 1969 and chapter 64 of the laws of 1982 who are still so registered by
17 the commission and who are no longer employed as scalemen on the effec-
18 tive date of this subdivision;

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

22 (e) a person issued registration on a temporary basis as a checker to
23 meet special or emergency needs in accordance with a waterfront commis-
24 sion resolution of September 4, 1996 and who is still so registered by
25 the commission;

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

30 (g) a person issued registration on a temporary basis as a longshore-
31 man to meet special or emergency needs in accordance with a waterfront
32 commission resolution of September 4, 1996 and who is still so regis-
33 tered by the commission.

34 6. The commission may include in the longshoremen's register, under
35 such terms and conditions as the commission may prescribe, persons
36 issued registration on a temporary basis as a longshoreman or a checker
37 to meet special or emergency needs and who are still so registered by
38 the commission upon the enactment of this section.

39 S 5-q. Temporary suspension of permits, licenses and registrations. 1.
40 The commission may temporarily suspend a temporary permit or a permanent
41 license or a temporary or permanent registration pursuant to the
42 provisions of subdivision four of article XI of the compact established
43 by part I of this article until further order of the commission or final
44 disposition of the underlying case, only where the permittee, licensee
45 or registrant has been indicted for, or otherwise charged with, a crime
46 which is equivalent to a felony in the state of New York or to a crime
47 of the third, second or first degree in the state of New Jersey or only
48 where the permittee or licensee is a port watchman who is charged by the
49 commission pursuant to article XI of the compact established by part I
50 of this article with misappropriating any other person's property at or
51 on a pier or other waterfront terminal.

52 2. In the case of a permittee, licensee or registrant who has been
53 indicted for, or otherwise charged with, a crime, the temporary suspen-
54 sion shall terminate immediately upon acquittal or upon dismissal of the
55 criminal charge. A person whose permit, license or registration has been
56 temporarily suspended may, at any time, demand that the commission

1 conduct a hearing as provided for in article XI of the compact estab-
2 lished by part I of this article. Within sixty days of such demand, the
3 commission shall commence the hearing and, within thirty days of receipt
4 of the administrative judge's report and recommendation, the commission
5 shall render a final determination thereon; provided, however, that
6 these time requirements, shall not apply for any period of delay caused
7 or requested by the permittee, licensee or registrant. Upon failure of
8 the commission to commence a hearing or render a determination within
9 the time limits prescribed herein, the temporary suspension of the
10 licensee or registrant shall immediately terminate. Notwithstanding any
11 other provision of this subdivision, if a federal, state, or local law
12 enforcement agency or prosecutor's office shall request the suspension
13 or deferment of any hearing on the ground that such a hearing would
14 obstruct or prejudice an investigation or prosecution, the commission
15 may in its discretion, postpone or defer such hearing for a time certain
16 or indefinitely. Any action by the commission to postpone a hearing
17 shall be subject to immediate judicial review as provided in subdivision
18 seven of article XI of the compact established by part I of this arti-
19 cle.

20 3. The commission may in addition, within its discretion, bar any
21 permittee, licensee or registrant whose license or registration has been
22 suspended pursuant to the provisions of subdivision one of this section,
23 from any employment by a licensed stevedore or a carrier of freight by
24 water during the period of such suspension, if the alleged crime that
25 forms the basis of such suspension involves the possession with intent
26 to distribute, sale, or distribution of a controlled dangerous substance
27 (controlled substance) or, in New Jersey, controlled dangerous substance
28 analog (controlled substance analog), racketeering or theft from a pier
29 or waterfront terminal.

30 S 5-r. Continuance of port watchmen's licenses. Notwithstanding any
31 provision of section five of article X of the compact established by
32 part I of this article, a license to act as a port watchman shall
33 continue and need not be renewed, provided the licensee shall, as
34 required by the commission:

35 1. Submit to a medical examination and meet the physical and mental
36 fitness standards established by the commission pursuant to section
37 three of article X of the compact established by part I of this article;

38 2. Complete a refresher course of training; and

39 3. Submit supplementary personal history information.

40 S 5-s. Regularization of port watchmen's employment. The commission
41 shall, at regular intervals, cancel the license or temporary permit of a
42 port watchman who shall have failed during the preceding twelve months
43 to have worked as a port watchman in the port of New York district a
44 minimum number of hours as shall have been established by the commis-
45 sion, except that immediate restoration of such license or temporary
46 permit shall be made upon proper showing that the failure to so work was
47 caused by the fact that the licensee or permittee was engaged in the
48 military service of the United States or was incapacitated by ill
49 health, physical injury or other good cause.

50 S 5-t. Duration of stevedore's license. A stevedore's license granted
51 pursuant to article VI of the compact established by part I of this
52 article shall be for a term of five years or fraction of such five year
53 period, and shall expire on the first day of December. In the event of
54 the death of the licensee, if a natural person, or its termination or
55 dissolution by reason of a death of a partner, if a partnership, or if
56 the licensee shall cease to be a party to any contract of the type

1 required by subdivision (d) of section three of article VI of the
2 compact established by part I of this article, the license shall termi-
3 nate ninety days after such event or upon its expiration date, whichever
4 shall be sooner. A license may be renewed by the commission for succes-
5 sive five year periods upon fulfilling the same requirements as are set
6 forth in article VI of the compact established by part I of this article
7 for an original application for a stevedore's license.

8 S 5-u. Implementation of telecommunications hiring system for long-
9 shoremen and checkers and registration of telecommunications system
10 controller. 1. The commission may designate one of the employment
11 information centers it is authorized to establish and maintain under
12 article XII of the compact established by part I of this article for the
13 implementation of a telecommunications hiring system through which long-
14 shoremen and checkers may be hired and accept employment without any
15 personal appearance at said center. Any such telecommunications hiring
16 system shall incorporate hiring and seniority agreements between the
17 employers of longshoremen and checkers and the labor organization
18 representing longshoremen and checkers in the port of New York district,
19 provided said agreements are not in conflict with the provisions of this
20 article.

21 2. The commission shall permit employees of the association represent-
22 ing employers of longshoremen and checkers and of the labor organization
23 representing longshoremen and checkers in the port of New York district,
24 or of a joint board of such association and labor organization, to
25 participate in the operation of said telecommunications hiring system,
26 provided that any such employee is registered by the commission as a
27 "telecommunications system controller" in accordance with the
28 provisions, standards and grounds set forth in this article with respect
29 to the registration of checkers. No person shall act as a "telecommuni-
30 cations system controller" unless he or she is so registered. Any
31 application for such registration and any registration made or issued
32 may be denied, revoked, cancelled or suspended, as the case may be, only
33 in the manner prescribed in article XI of the compact established by
34 part I of this article. Any and all such participation in the operation
35 of said telecommunications hiring system shall be monitored by the
36 commission.

37 3. Any and all records, documents, tapes, discs and other data
38 compiled, collected or maintained by said association of employers,
39 labor organization and joint board of such association and labor organ-
40 ization pertaining to the telecommunications hiring system shall be
41 available for inspection, investigation and duplication by the commis-
42 sion.

43 PART III

44 S 6. Commission established for New York state. Unless and until the
45 provisions of the compact contained in part I of this article shall have
46 been concurred in by the state of New Jersey, the consent of congress
47 given thereto, and the commission, provided for therein, established:

48 1. The provisions of such compact and sections two, three, four and
49 five of part II of this article shall apply to and be in full force and
50 effect within the state of New York, except as limited by this section,
51 and any violation of such compact or section shall be a violation of the
52 laws of the state of New York, provided, however, that (with respect to
53 the definitions contained in such compact):

54 (a) "The port of New York district" shall mean only that portion of
55 the district within the state of New York;

1 (b) The "commission", hereinafter referred to in this section as the
2 "New York commission", shall mean and consist of the member appointed by
3 the governor of this state by and with the advice and consent of the
4 senate, and he shall possess and exercise all the powers and duties of
5 the commission set forth in part I of this article and any other powers
6 and duties conferred herein;

7 (c) The powers and duties of any other officer or agency of this state
8 prescribed by part I of this article or otherwise by this article shall
9 be effective as if the provisions of the compact were effective as a law
10 of this state; and

11 (d) The New York commission shall not be deemed to be a body corporate
12 and politic and shall be in the executive department of this state.

13 2. The New York commission is authorized to cooperate with a similar
14 commission of the state of New Jersey, to exchange information on any
15 matter pertinent to the purposes of this article, and to enter into
16 reciprocal agreements for the accomplishment of such purposes, including
17 but not limited to the following objectives:

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

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

23 (c) To provide that any act or omission by a licensee or registrant in
24 either state which would be a basis for disciplinary action against such
25 licensee or registrant if it occurred in the state in which the license
26 was issued or the person registered shall be the basis for disciplinary
27 action in both states;

28 (d) To provide that longshoremen registered in either state, who
29 perform work or who apply for work at an employment information center
30 within the other state shall be deemed to have performed work or to have
31 applied for work in the state in which they are registered.

32 3. Notwithstanding any other provision of law, the officers, employees
33 and agents of the commission established by this section may be
34 appointed or employed without regard to their state of residence. Such
35 commission may appoint or employ the same person to a similar office or
36 employment in this state as he holds in a similar commission or agency
37 of the state of New Jersey.

38 Notwithstanding any other provision of this article, for the purpose
39 of providing for the commission's expenses of administration during the
40 remainder of the calendar year following the effective date of this
41 article, and until June thirtieth, nineteen hundred fifty-four the
42 assessment for such expense shall be at the rate of one and one-half per
43 cent. Such assessment shall be made, collected and enforced in accordance
44 with article XIII of the compact established by part I of this
45 article and part II of this article.

46 S 7. Prohibition against loitering. No person shall, without a satisfactory
47 explanation, loiter upon any vessel, dock, wharf, pier, bulkhead, terminal,
48 warehouse, or other waterfront facility or within five
49 hundred feet thereof in that portion of the port of New York district
50 within the state of New York.

51 S 8. Prohibition against unions having officers, agents or employees
52 who have been convicted of certain crimes and offenses. No person shall
53 solicit, collect or receive any dues, assessments, levies, fines or
54 contributions, or other charges within the state for or on behalf of any
55 labor organization which represents employees registered or licensed
56 pursuant to the provisions of this article or which derives its charter

1 from a labor organization representing one hundred or more of such
2 registered or licensed employees, if any officer, agent or employee of
3 such labor organization, or of a welfare fund or trust administered
4 partially or entirely by such labor organization or by trustees or other
5 persons designated by such labor organization, has been convicted by a
6 court of the United States, or any state or territory thereof, of a
7 felony, any misdemeanor involving moral turpitude or any crime or
8 offense enumerated in subdivision three (b) of section five-n of part II
9 of this article, unless he has been subsequently pardoned therefor by
10 the governor or other appropriate authority of the state or jurisdiction
11 in which such conviction was had or has received a certificate of good
12 conduct from the board of parole pursuant to the provisions of the exec-
13 utive law to remove the disability. No person so convicted shall serve
14 as an officer, agent or employee of such labor organization, welfare
15 fund or trust unless such person has been so pardoned or has received a
16 certificate of good conduct. No person, including such labor organiza-
17 tion, welfare fund or trust, shall knowingly permit such convicted
18 person to assume or hold any office, agency, or employment in violation
19 of this section.

20 As used in this section, the term "labor organization" shall mean and
21 include any organization which exists and is constituted for the purpose
22 in whole or in part of collective bargaining, or of dealing with employ-
23 ers concerning grievances, terms and conditions of employment, or of
24 other mutual aid or protection; but it shall not include a federation
25 or congress of labor organizations organized on a national or interna-
26 tional basis even though one of its constituent labor organizations may
27 represent persons so registered or licensed.

28 Any person who shall violate this section shall be guilty of a misde-
29 meanor punishable by a fine of not more than five hundred dollars or
30 imprisonment for not more than one year or both.

31 S 8-a. Exception to section eight for certain employees. If upon
32 application to the commission by an employee who has been convicted of a
33 crime or offense specified in section eight of this part the commission,
34 in its discretion, determines in an order that it would not be contrary
35 to the purposes and objectives of this article for such employee to work
36 in a particular employment for a labor organization, welfare fund or
37 trust within the meaning of section eight of this part, the provisions
38 of section eight of this part shall not apply to the particular employ-
39 ment of such employee with respect to such conviction or convictions as
40 are specified in the commission's order. This section is applicable
41 only to those employees who for wages or salary perform manual, mechan-
42 ical, or physical work of a routine or clerical nature at the premises
43 of the labor organization, welfare fund or trust by which they are
44 employed.

45 PART IV

46 S 10. Compact. The state of New York hereby agrees with the state of
47 New Jersey, upon the enactment by the state of New Jersey of legislation
48 having the same effect as this section, to the following compact:

49 ARTICLE I

50 FINDINGS AND DECLARATIONS

51 1. The states of New York and New Jersey hereby find and declare that
52 the movement of freight through the two states is vital to their econo-
53 mies and prosperity; that ever increasing amounts of such freight are

1 being carried by the air freight industry; that said air freight indus-
2 try in the two states constitutes an inseparable and integral unit of
3 the commerce of the two states; that criminal and racketeer elements
4 have infiltrated the air freight industry; that such criminal infil-
5 tration is threatening the growth of said air freight industry; that
6 one of the means by which such criminal and racketeer elements infil-
7 trate the air freight industry is by posing as labor relations consult-
8 ants and that firms handling air freight are often forced to employ or
9 engage such persons; that the air freight industry is suffering an
10 alarming rise in the amount of pilferage and theft of air freight; and
11 that it is imperative to the continued growth and economic well-being of
12 the states of New York and New Jersey that every possible effective
13 measure be taken to prevent the pilferage and theft of air freight and
14 the criminal infiltration of the air freight industry.

15 2. The states of New York and New Jersey hereby find and declare that
16 many of the evils existing in the air freight industry result not only
17 from the causes above described but from the lack of regulation of the
18 air freight industry in and about the port of New York district; that
19 the air freight industry is affected with a public interest requiring
20 regulation, just as the states of New York and New Jersey have hereto-
21 fore found and declared in respect to the shipping industry; and that
22 such regulation of the air freight industry shall be deemed an exercise
23 of the police power of the two states for the protection of the public
24 safety, welfare, prosperity, health, peace and living conditions of the
25 people of the states.

26 ARTICLE II
27 DEFINITIONS

28 As used in this compact:

29 1. "Commission" shall mean the waterfront and airport commission of
30 New York and New Jersey established by part I, article III, of this
31 compact.

32 2. "Airport" shall mean any area on land, water or building or any
33 other facility located within the states of New York and New Jersey
34 (except a military installation of the United States government) (a)
35 which is located within one hundred miles of any point in the port of
36 New York district, (b) which is used, or intended for use, for the land-
37 ing and take-off of aircraft operated by an air carrier, and any appur-
38 tenant areas which are used or intended for use, for airport buildings
39 or other airport facilities or rights of way, together with all airport
40 buildings, equipment, aircraft, and facilities located thereon, and (c)
41 where the total tonnage of air freight in a calendar year loaded and
42 unloaded on and from aircraft exceeds twenty thousand tons.

43 3. "Air carrier" shall mean any person who may be engaged or who may
44 hold himself out as willing to be engaged, whether as a common carrier,
45 as a contract carrier or otherwise, in the carriage of freight by air.

46 4. "Air freight" shall mean freight (including baggage, aircraft
47 stores and mail) which is, has been, or will be carried by or consigned
48 for carriage by an air carrier.

49 5. "Air freight terminal" shall include any warehouse, depot or other
50 terminal (other than an airport) (a) any part of which is located within
51 an airport and any part of which is used for the storage of air freight,
52 or (b) which is operated by an air carrier or a contractor of an air
53 carrier and any part of which is used for the storage of air freight and
54 any part of which is located within the port of New York district.

1 6. "Air freight terminal operator" shall mean the owner, lessee, or
2 contractor or such other person (other than an employee) who is in
3 direct and immediate charge and control of an air freight terminal, or
4 any portion thereof.

5 7. "Air freight truck carrier" shall mean a contractor (other than an
6 employee) engaged for compensation pursuant to a contract or arrange-
7 ment, directly or indirectly, with an air carrier or air carriers or
8 with an air freight terminal operator or operators in the moving of
9 freight to or from an airport or air freight terminal by a truck or
10 other motor vehicle used primarily for the transportation of property.

11 8. "Air freight security area" shall mean any area located within the
12 airport to which the commission determines that limited ingress and
13 egress is required for the protection and security of any air freight
14 located within the airport.

15 9. "Airfreightman" shall mean a natural person who is employed

16 (a) by any person to physically move or to perform services incidental
17 to the movement of air freight at an airport or in an air freight termi-
18 nal; or

19 (b) by an air carrier or an air freight terminal operator or an air
20 freight truck carrier to transport or to assist in the transportation of
21 air freight to or from an airport or air freight terminal; or

22 (c) by any person to engage in direct and immediate checking of any
23 air freight located in an airport or in an air freight terminal or of
24 the custodial accounting therefor.

25 10. "Airfreightman supervisor" shall mean a natural person who is
26 employed to supervise directly and immediately the work of an airfr-
27 eightman at an airport or at an air freight terminal.

28 11. "Airfreightman labor relations consultant" shall mean any person
29 who, pursuant to any contract or arrangement, advises or represents an
30 air carrier, an air freight terminal operator, or an air freight truck
31 carrier, or an organization of such employers (whether or not incorpo-
32 rated), or a labor organization representing any airfreightmen or airfr-
33 eightman supervisors, concerning the organization or collective bargain-
34 ing activities of airfreightmen or airfreightman supervisors, but shall
35 not include any person designated by any government official or body to
36 so act or any person duly licensed to practice law as an attorney in any
37 jurisdiction. As used in this paragraph, the term "labor organization"
38 shall mean and include any labor organization to which section eleven of
39 part V of this compact is applicable.

40 12. "Person" shall mean not only a natural person but also any part-
41 nership, joint venture, association, corporation or any other legal
42 entity but shall not include the United States, any state or territory
43 thereof or any department, division, board, commission or authority of
44 one or more of the foregoing or any officer or employee thereof while
45 engaged in the performance of his official duties.

46 13. "The port of New York district" shall mean the district created by
47 article II of the compact dated April thirtieth, nineteen hundred twen-
48 ty-one, between the states of New York and New Jersey, authorized by
49 chapter one hundred fifty-four of the laws of New York of nineteen
50 hundred twenty-one and chapter one hundred fifty-one of the laws of New
51 Jersey of nineteen hundred twenty-one, and any amendments thereto.

52 14. "Court of the United States" shall mean all courts enumerated in
53 section four hundred fifty-one of title twenty-eight of the United
54 States code and the courts-martial of the armed forces of the United
55 States.

1 15. "Witness" shall mean any person whose testimony is desired in any
2 investigation, interview or other proceeding conducted by the commission
3 pursuant to the provisions of this compact.

4 16. "Compact" shall mean this compact and rules and regulations
5 lawfully promulgated thereunder and shall also include any amendments or
6 supplements to this compact to implement the purposes thereof adopted by
7 the action of the legislature of either the state of New York or the
8 state of New Jersey concurred in by the legislature of the other.

9 ARTICLE III

10 GENERAL POWERS OF THE COMMISSION

11 In addition to the powers and duties of the commission conferred in
12 parts I, II, III, and V of this article, the commission shall have the
13 power:

14 1. To administer and enforce the provisions of this compact;

15 2. To establish such divisions and departments within the commission
16 as the commission may deem necessary and to appoint such officers,
17 agents and employees as it may deem necessary, prescribe their powers,
18 duties and qualifications and fix their compensation and retain and
19 employ counsel and private consultants on a contract basis or otherwise;

20 3. To make and enforce such rules and regulations as the commission
21 may deem necessary to effectuate the purposes of this compact or to
22 prevent the circumvention or evasion thereof including, but not limited
23 to, rules and regulations (which shall be applicable to any person
24 licensed by the commission, his employer, or any other person within an
25 airport) to provide for the maximum protection of air freight, such as
26 checking and custodial accounting, guarding, storing, fencing, gatehous-
27 es, access to air freight, air freight loss reports, and any other
28 requirements which the commission in its discretion may deem to be
29 necessary and appropriate to provide such maximum protection. The rules
30 and regulations of the commission shall be effective upon publication in
31 the manner which the commission shall prescribe and upon filing in the
32 office of the secretary of state of each state. A certified copy of any
33 such rules and regulations, attested as true and correct by the commis-
34 sion, shall be presumptive evidence of the regular making, adoption,
35 approval and publication thereof;

36 4. To have for its members and its properly designated officers,
37 agents and employees, full and free access, ingress and egress to and
38 from all airports, air freight terminals, all aircraft traveling to or
39 from an airport and all trucks or other motor vehicles or equipment
40 which are carrying air freight to or from any airport or air freight
41 terminal for the purposes of conducting investigations, making
42 inspections or enforcing the provisions of this compact; and no person
43 shall obstruct or in any way interfere with any such member, officer,
44 employee or agent in the making of such investigation or inspection or
45 in the enforcement of the provisions of this compact or in the perform-
46 ance of any other power or duty under this compact;

47 5. To make investigations, collect and compile information concerning
48 airport practices generally, and upon all matters relating to the accom-
49 plishment of the objectives of this compact;

50 6. To advise and consult with representatives of labor and industry
51 and with public officials and agencies concerned with the effectuation
52 of the purposes of this compact, upon all matters which the commission
53 may desire, including but not limited to the form and substance of rules
54 and regulations and the administration of the compact and the expe-

ditionous handling and efficient movement of air freight consistent with the security of such air freight;

7. To make annual and other reports to the governors and legislatures of both states containing recommendations for the effectuation of the purposes of this compact;

8. To issue temporary licenses and temporary permits under such terms and conditions as the commission may prescribe;

9. In any case in which the commission has the power to revoke or suspend any license or permit the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee or permittee may elect to pay the commission in lieu of the revocation or suspension. The maximum penalty shall be five thousand dollars for each separate offense. The commission may, for good cause shown, abate all or part of such penalty;

10. To determine the location, size and suitability of field and administrative offices and any other accommodations necessary and desirable for the performance of the commission's duties under this compact;

11. To acquire, hold and dispose of real and personal property, by gift, purchase, lease, license or other similar manner, for its corporate purposes, and in connection therewith to borrow money;

12. To recover possession of any card or other means of identification issued by the commission as evidence of a license or permit in the event that the holder thereof no longer is a licensee or permittee;

13. To require any licensee or permittee to exhibit upon demand the license or permit issued to him by the commission or to wear such license or permit.

The powers and duties of the commission may be exercised by officers, employees and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other.

ARTICLE IV

AIRFREIGHTMEN AND AIRFREIGHTMAN SUPERVISORS

1. On and after the ninetieth day after the effective date of this compact, no person shall act as an airfreightman or an airfreightman supervisor within the state of New York or the state of New Jersey without having first obtained from the commission a license to act as such airfreightman or airfreightman supervisor, as the case may be, and no person shall employ another person to act as an airfreightman or airfreightman supervisor who is not so licensed.

2. A license to act as an airfreightman or airfreightman supervisor shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such airfreightman or airfreightman supervisor, verified by the prospective licensee as to the matters concerning him, and shall set forth the prospective licensee's full name, residence address, social security number, and such further facts and evidence as may be required by the commission to determine the identity, the existence of a criminal record, if any, and the eligibility of the prospective licensee for a license.

3. The commission may in its discretion deny the application for such license submitted on behalf of a prospective licensee for any of the following causes:

1 (a) Conviction by a court of the United States or any state or terri-
2 tory thereof, without subsequent pardon, of the commission of, or the
3 attempt or conspiracy to commit, treason, murder, manslaughter, coercion
4 or any felony or high misdemeanor or any of the following misdemeanors
5 or offenses (excluding, however, any conviction for a misdemeanor or
6 lesser offense arising out of physical misconduct committed during the
7 course of lawful organizational or collective bargaining activities of
8 any labor organization): illegally using, carrying or possessing a
9 pistol or other dangerous weapon; making, manufacturing or possessing
10 burglar's instruments; buying or receiving stolen property; criminal
11 possession of stolen property; unlawful entry of a building; criminal
12 trespass; aiding an escape from prison; and unlawfully possessing,
13 selling or distributing a dangerous drug;

14 (b) Conviction by any such court, after having been previously
15 convicted by any such court of any crime or of the offenses hereinafter
16 set forth, of a misdemeanor or any of the following offenses (excluding,
17 however, any conviction for a misdemeanor or lesser offense arising out
18 of physical misconduct committed during the course of lawful organiza-
19 tional or collective bargaining activities of any labor organization):
20 assault, malicious injury to property, criminal mischief, malicious
21 mischief, criminal tampering, unlawful use or taking of a motor vehicle,
22 corruption of employees, promoting gambling, possession of gambling
23 records or devices, or possession of lottery or number slips;

24 (c) Fraud, deceit or misrepresentation in connection with any applica-
25 tion or petition submitted to, or any interview, hearing or proceeding
26 conducted by the commission;

27 (d) Violation of any provision of this act or the commission of any
28 offense thereunder;

29 (e) Refusal on the part of the applicant, or prospective licensee, to
30 answer any material question or produce any material evidence in
31 connection with the application;

32 (f) As to an airfreightman, his presence at the airports or air
33 freight terminals is found by the commission on the basis of the facts
34 and evidence before it to constitute a danger to the public peace or
35 safety;

36 (g) As to an airfreightman supervisor, failure to satisfy the commis-
37 sion that the prospective licensee possesses good character and integri-
38 ty;

39 (h) Conviction of a crime or other cause which would permit reprimand
40 of such prospective licensee or the suspension or revocation of his
41 license if such person were already licensed.

42 4. When the application shall have been examined and such further
43 inquiry and investigation made as the commission shall deem proper and
44 when the commission shall be satisfied therefrom that the prospective
45 licensee possesses the qualifications and requirements prescribed in
46 this article, the commission shall issue and deliver to the prospective
47 licensee a license to act as an airfreightman or as an airfreightman
48 supervisor, as the case may be, and shall inform the applicant of its
49 action.

50 5. The commission shall have the power to reprimand any airfreightman
51 or airfreightman supervisor licensed under this article or to revoke or
52 suspend his license for such period as the commission deems in the
53 public interest for any of the following causes:

54 (a) Conviction of a crime or other cause which would permit the denial
55 of a license upon original application;

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

3 (c) Transfer or surrender of possession to any person either temporar-
4 ily or permanently of any card or other means of identification issued
5 by the commission as evidence of a license, without satisfactory expla-
6 nation;

7 (d) False impersonation of another person who is a licensee or permit-
8 tee of the commission under this compact;

9 (e) Wilful commission of, or wilful attempt to commit at an airport or
10 at an air freight terminal or adjacent highway any act of physical inju-
11 ry to any other person or of wilful damage to or misappropriation of any
12 other person's property, unless justified or excused by law.

13 (f) Violation of any of the provisions of this compact or inducing or
14 otherwise aiding or abetting any person to violate the terms of this
15 compact;

16 (g) Addiction to the use of, or unlawful possession, sale or distrib-
17 ution of a dangerous drug;

18 (h) Paying, giving, causing to be paid or given or offering to pay or
19 give to any person any valid consideration to induce such other person
20 to violate any provision of this compact or to induce any public offi-
21 cer, agent or employee to fail to perform his duty under this compact;

22 (i) Consorting with known criminals for unlawful purposes;

23 (j) Receipt or solicitation of anything of value from any person other
24 than the licensee's or permittee's employer as consideration for the
25 selection or retention for employment of any person who is a licensee or
26 permittee of the commission under this compact;

27 (k) Coercion of any person who is a licensee or permittee of the
28 commission under this compact by threat of discrimination or violence or
29 economic reprisal to make purchases from or to utilize the services of
30 any person;

31 (l) Lending any money to or borrowing any money from any person who is
32 a licensee or permittee of the commission under this compact for which
33 there is a charge of interest or other consideration which is usurious;

34 (m) Conviction of any criminal offense in relation to gambling, book-
35 making, pool selling, lotteries or similar crimes or offenses if the
36 crime or offense was committed at an airport or air freight terminal or
37 within five hundred feet thereof;

38 (n) Refusal to answer any material question or produce any material
39 evidence lawfully required to be answered or produced at any investi-
40 gation, interview or other proceeding conducted by the commission pursu-
41 ant to the provisions of this compact, or, if such refusal is accompa-
42 nied by a valid plea of privilege against self-incrimination, refusal to
43 obey an order to answer such question or produce such evidence made by
44 the commission pursuant to the power of the commission under this
45 compact to grant immunity from prosecution;

46 (o) Refusal to exhibit his license or permit upon the demand of any
47 officer, agent or employee of the commission or failure to wear such
48 license or permit when required.

49 6. A license granted pursuant to this article shall expire on the
50 expiration date (which shall be at least one year from the date of its
51 issuance) set forth by the commission on the card or other means of
52 identification issued by the commission as evidence of a license or upon
53 the termination of employment with the employer who applied for the
54 license. Upon expiration thereof, a license may be renewed by the
55 commission upon fulfilling the same requirements as are set forth in
56 this compact for an original application.

ARTICLE V
AIR FREIGHT TERMINAL OPERATORS,
AIR FREIGHT TRUCK CARRIERS
AND AIRFREIGHTMAN
LABOR RELATIONS CONSULTANTS

1. On and after the ninetieth day after the effective date of this compact, no person, except an air carrier, shall act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the state of New York or the state of New Jersey without having first obtained a license from the commission to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant, as the case may be, and no person shall employ or engage another person to perform services as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant who is not so licensed.

2. Any person intending to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the state of New York or the state of New Jersey shall file in the office of the commission a written application for a license to engage in such occupation duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, identity and criminal record, if any, of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning ten per cent or more of any of the stock thereof, and of all the officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own ten per cent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by said secretary.

3. No such license shall be granted

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

1 (b) Unless the commission shall be satisfied that the applicant and
2 all members, officers and stockholders required by section two of this
3 article to sign or be identified in the application for license possess
4 good character and integrity;

5 (c) If the applicant or any member, officer or stockholder required by
6 section two of this article to sign or be identified in the application
7 for license has, without subsequent pardon, been convicted by a court of
8 the United States or any state or territory thereof of the commission
9 of, or the attempt or conspiracy to commit any crime or offense
10 described in subdivision (a) of section three of article IV of this
11 compact. Any applicant ineligible for a license by reason of any such
12 conviction may submit satisfactory evidence to the commission that the
13 person whose conviction was the basis of ineligibility has for a period
14 of not less than five years, measured as hereinafter provided and up to
15 the time of application, so conducted himself as to warrant the grant of
16 such license, in which event the commission may, in its discretion issue
17 an order removing such ineligibility. The aforesaid period of five
18 years shall be measured either from the date of payment of any fine
19 imposed upon such person or the suspension of sentence or from the date
20 of his unrevoked release from custody by parole, commutation or termi-
21 nation of his sentence. Such petition may be made to the commission
22 before or after the hearing on the application;

23 (d) If, on or after the effective date of this compact, the applicant
24 has paid, given, caused to have been paid or given or offered to pay or
25 give to any officer or employee of any other person employing or engag-
26 ing him in his licensed activity any valuable consideration for an
27 improper or unlawful purpose or to induce such officer or employee to
28 procure the employment of the applicant in his licensed activity by such
29 other person;

30 (e) If, on or after the effective date of this compact, the applicant
31 has paid, given, caused to have been paid, or given or offered to pay or
32 give to any officer or representative of a labor organization any valu-
33 able consideration for an improper or unlawful purpose or to induce such
34 officer or representative to subordinate the interest of such labor
35 organization or its members in the management of the affairs of such
36 labor organization to the interests of the applicant or any other
37 person;

38 (f) If, on or after the effective date of this compact, the applicant
39 has paid, given, caused to have been paid or given or offered to pay or
40 give to any agent of any other person any valuable consideration for an
41 improper or unlawful purpose or, without the knowledge and consent of
42 such other person, to induce such agent to procure the employment of the
43 applicant in his licensed activity by such other person.

44 4. When the application shall have been examined and such further
45 inquiry and investigation made as the commission shall deem proper and
46 when the commission shall be satisfied therefrom that the applicant
47 possess the qualifications and requirements prescribed in this article,
48 the commission shall issue and deliver a license to the applicant.

49 5. The commission shall have the power to reprimand any person
50 licensed under this article or to revoke or suspend his license for such
51 period as the commission deems in the public interest for any of the
52 following causes on the part of the licensee or of any person required
53 by section two of this article to sign or be identified in an original
54 application for a license:

55 (a) Any cause set forth in section five of article IV of this compact;

1 (b) Failure by the licensee to maintain a complete set of books and
2 records containing a true and accurate account of the licensee's
3 receipts and disbursements arising out of his licensed activities;

4 (c) Failure to keep said books and records available during business
5 hours for inspection by the commission and its duly designated represen-
6 tatives until the expiration of the fifth calendar year following the
7 calendar year during which occurred the transactions recorded therein;

8 (d) Failure to pay any assessment or fee payable to the commission
9 under this compact when due.

10 6. A license granted pursuant to this article shall expire on the
11 expiration date (which shall be at least one year from the date of its
12 issuance) set forth by the commission on the card or other means of
13 identification issued by the commission as evidence of a license. Upon
14 expiration thereof, a license may be renewed by the commission upon
15 fulfilling the same requirements as are set forth in this article for an
16 original application.

17 ARTICLE VI
18 AIR FREIGHT SECURITY AREA

19 1. On or after the effective date of this compact, the commission
20 shall have the power to designate any area located within an airport as
21 an air freight security area. No person who is not licensed by the
22 commission pursuant to this compact shall have ingress to an air freight
23 security area unless issued a permit by the commission.

24 2. Any person who is not licensed by the commission pursuant to this
25 compact and who desires upon any occasion ingress to an air freight
26 security area shall apply at the entrance to such area for a permit for
27 ingress for that particular occasion. In order to secure a permit, a
28 prospective permittee must show identification establishing his name and
29 address and he may be required by the commission to sign a consent to
30 the surrender of his permit upon egress from such area and, if he is
31 driving a motor vehicle, to an inspection of his motor vehicle upon
32 egress from such area. Any person desiring a permit to enter an air
33 freight security area may be denied such permit by the commission in its
34 discretion if the commission determines that the presence of such person
35 in such area would constitute a danger to the public peace or safety.

36 3. Any person whose business, employment or occupation requires him to
37 have ingress upon a regular basis to an air freight security area shall
38 be required, in order to obtain ingress to such area, to apply to the
39 commission for a permit for a fixed period of duration to be determined
40 by the commission. Such applicant for a permit of a fixed period of
41 duration shall fulfill the same requirements as the prospective licensee
42 for an airfreightman's license. The commission may in the exercise of
43 its discretion suspend or revoke such permit of a fixed period of dura-
44 tion for the same causes which would permit the commission to revoke the
45 license of an airfreightman.

46 4. The commission shall have the power to inspect any truck or any
47 other motor vehicle within an air freight security area.

48 5. The provisions of this article shall not be applicable to any
49 person who is a member of the flight crew or flight personnel of an
50 aircraft which is operated by an air carrier and which is located within
51 an air freight security area upon a showing of such identification as
52 may be required by the commission.

ARTICLE VII
HEARINGS, DETERMINATIONS AND REVIEW

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

2. Any application for a license or permit, and any license or permit issued, may be denied, revoked or suspended, as the case may be, only in the manner prescribed in this article.

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or permit after a hearing at which the licensee or permittee and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or permit shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or permittee unless in the opinion of the commission the continuance of the license or permit for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

4. Pending the determination of such hearing pursuant to section three of this article the commission may temporarily suspend a license or permit if in the opinion of the commission the continuance of the license or permit for such period is inimical to the public peace or safety.

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

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determinations as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or permit shall be the granting or denial thereof. The action in the case of a licensee or permittee shall be revocation of the license or permit or suspension thereof for a fixed period or reprimand or a dismissal of the charges.

7. The action of the commission in denying any application for a license or permit or in suspending or revoking such license or permit or in reprimanding a licensee or permittee shall be subject to judicial review by a proceeding instituted in either state at the instance of the applicant, licensee or permittee in the manner provided by the law of such state for review of the final decision or action of administrative agencies of such state, provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or permit.

1 8. At hearings conducted by the commission pursuant to this article,
2 applicants, prospective licensees and permittees, licensees and permit-
3 tees shall have the right to be accompanied and represented by counsel.

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

22 ARTICLE VIII

23 EXPENSES OF ADMINISTRATION

24 1. In addition to the budget of its expenses under the waterfront
25 commission compact, the commission shall annually adopt a budget of its
26 expenses under this compact for each year. The annual budget shall be
27 submitted to the governors of the two states and shall take effect as
28 submitted provided that either governor may within thirty days disap-
29 prove or reduce any item or items, and the budget shall be adjusted
30 accordingly.

31 2. After taking into account such funds as may be available to it from
32 reserves in excess of ten per cent of such budget under this compact,
33 federal grants, or otherwise, the balance of the commission's budgeted
34 expenses shall be obtained by fees payable under this article and by
35 assessments upon employers of persons licensed under this compact as
36 provided in this article.

37 3. With respect to airfreightmen and airfreightman supervisors who are
38 employed by an air freight truck carrier regularly to move freight to or
39 from an airport, the employers shall pay to the commission for each such
40 airfreightman and airfreightman supervisor a license fee to be deter-
41 mined by the commission, not in excess of one hundred dollars for each
42 year, commencing with the first day of April. The employer of every
43 person who is issued a permit of fixed duration by the commission for
44 ingress to an air freight security area, or the permittee himself if he
45 is self-employed, shall pay to the commission a fee to be determined by
46 the commission, not in excess of seventy-five dollars for each year,
47 commencing with the first day of April. The commission shall reduce the
48 maximum fees payable under this section proportionately with any
49 reduction in the maximum assessment rate of two per cent provided for by
50 this article.

51 4. Every employer of airfreightmen and airfreightman supervisors
52 licensed by the commission, except as otherwise provided in section
53 three of this article, shall pay to the commission an assessment
54 computed upon the gross payroll payments made by such employer to airfr-

1 eightmen and airfreightman supervisors for work performed as such, at a
2 rate, not in excess of two per cent, computed by the commission, in the
3 following manner: the commission shall annually estimate the fees paya-
4 ble under this article and the gross payroll payments to be made by
5 employers subject to assessment and shall compute the fees and a rate of
6 assessment which will yield revenues sufficient to finance the balance
7 of the commission's budget for each year as provided in section two of
8 this article. The commission may hold in reserve an amount not to exceed
9 ten per cent of its total budgeted expenses for the year, which reserve
10 shall not be included as part of the budget. Such reserve shall be held
11 for the stabilization of annual assessments, the payment of operating
12 deficits and for the repayment of any advances made by the two states.

13 5. The amount required to balance the commission's budget in excess of
14 the estimated yield of the maximum fees and assessment, shall be certi-
15 fied by the commission, with the approval of the respective governors,
16 to the legislatures of the two states, in proportion to the respective
17 totals of the assessments and fees paid to the commission by persons in
18 each of the two states. The legislatures shall annually appropriate to
19 the commission the amount so certified.

20 6. The assessments and fees hereunder shall be in lieu of any other
21 charge for the issuance of licenses or permits by the commission pursu-
22 ant to this compact.

23 7. In addition to any other sanction provided by law, the commission
24 may revoke or suspend any license or permit held by any employer under
25 this compact and/or the license or permit held under this compact by any
26 employees of such employer, or the permit held under this compact by any
27 permittee who is self-employed, and in addition the commission may deny
28 ingress to such employers, employees or permittees to air freight secu-
29 rity areas, for nonpayment of any assessment or fee when due.

30 8. Every person subject to the payment of any assessment under this
31 compact shall file on or before the twentieth day of the first month of
32 each calendar quarter-year a separate return, together with the payment
33 of the assessment due, for the preceding calendar quarter-year during
34 which any payroll payments were made to licensed persons for whom
35 assessments are payable for work performed as such. Returns covering the
36 amount of assessment payable shall be filed with the commission on forms
37 to be furnished for such purpose and shall contain such data, informa-
38 tion or matter as the commission may require to be included therein.
39 The commission may grant a reasonable extension of time for filing
40 returns, or for payment of assessment, whenever good cause exists.
41 Every return shall have annexed thereto a certification to the effect
42 that the statements contained therein are true.

43 9. Every person subject to the payment of assessment hereunder shall
44 keep an accurate record of his employment of licensed persons for whom
45 assessments are payable, which shall show the amount of compensation
46 paid and such other information as the commission may require. Such
47 records shall be preserved for a period of three years and be open for
48 inspection at reasonable times. The commission may consent to the
49 destruction of any such records at any time after said period or may
50 require that they be kept longer but not in excess of six years.

51 10. (a) The commission shall audit and determine the amount of assess-
52 ment due from the return filed and such other information as is avail-
53 able to it. Whenever a deficiency in payment of the assessment is
54 determined the commission shall give notice of any such determination to
55 the person liable therefor. Such determination shall finally and
56 conclusively fix the amount due, unless the person against whom it is

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

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

20 11. Every person required to pay a fee for a license or a permit under
21 this article shall pay the same upon filing of the application with the
22 commission for such license or permit. The fee for such license or
23 permit shall be prorated for the fiscal year for which the same is paya-
24 ble as of the date the application for such license or permit is filed
25 with the commission. The commission shall prorate and make a refund of
26 such fee for the period between the date of application and the date of
27 the issuance of such license or permit. Upon surrender of such license
28 or permit or upon the revocation of any such license or permit issued to
29 an employee before the expiration of the fiscal year, the commission
30 shall make a refund prorated for the unexpired portion of the year, less
31 ten per cent of such refund. In the event of denial of any application
32 for a license or permit, the commission shall refund the fee paid upon
33 application, less ten per cent of such refund.

34 12. Whenever any person shall fail to pay, within the time limited
35 herein, any assessment or fee which he is required to pay to the commis-
36 sion under the provisions of this article the commission may enforce
37 payment of such assessment or fee by civil action for the amount of such
38 assessment or fee with interest and penalties.

39 13. The employment by a nonresident of a licensed person or permittee
40 for whom assessments or fees are payable in either state or the desig-
41 nation by a nonresident of a licensed person or permittee to perform
42 work in such state shall be deemed equivalent to an appointment by such
43 nonresident of the secretary of state of such state to be his true and
44 lawful attorney upon whom may be served the process in any action or
45 proceeding against him growing out of any liability for assessments or
46 fees, penalties or interest, and a consent that any such process against
47 him which is so served shall be of the same legal force and validity as
48 if served on him personally within such state and within the territorial
49 jurisdiction of the court from which the process issues. Service of
50 process within either state shall be made by either (1) personally
51 delivering to and leaving with the secretary of state or a deputy secre-
52 tary of state of such state duplicate copies thereof at the office of
53 the department of state in the capital city of such state, in which
54 event such secretary of state shall forthwith send by registered mail
55 one of such copies to the person at the last address designated by him
56 to the commission for any purpose under this article or in the last

1 return filed by him under this article with the commission or as shown
2 on the records of the commission, or if no return has been filed, at his
3 last known office address within or without such state, or (2)
4 personally delivering to and leaving with the secretary of state or a
5 deputy secretary of state of such state a copy thereof at the office of
6 the department of state in the capital city of such state and by deliv-
7 ering a copy thereof to the person, personally without such state.
8 Proof of such personal service without such state shall be filed with
9 the clerk of the court in which the process is pending within thirty
10 days after such service and such service shall be complete ten days
11 after proof thereof is filed.

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

16 15. In addition to any other powers authorized hereunder, the commis-
17 sion shall have power to make reasonable rules and regulations to effec-
18 tuate the purposes of this article.

19 16. When any person shall wilfully fail to pay any assessment or fee
20 due hereunder he shall be assessed interest at a rate of one per cent
21 per month on the amount due and unpaid and penalties of five per cent of
22 the amount due for each thirty days or part thereof that the assessment
23 remains unpaid. The commission may, for good cause shown, abate all or
24 part of such penalty.

25 17. Any person who shall wilfully furnish false or fraudulent infor-
26 mation or shall wilfully fail to furnish pertinent information as
27 required, with respect to the amount of any assessment or fee due, shall
28 be guilty of a misdemeanor, punishable by a fine of not more than one
29 thousand dollars, or imprisonment for not more than one year, or both.

30 18. All funds of the commission shall be deposited with such responsi-
31 ble banks or trust companies as may be designated by the commission.
32 The commission may require that all such deposits be secured by obli-
33 gations of the United States or of the states of New York or New Jersey
34 of a market value equal at all times to the amount of the deposits, and
35 all banks and trust companies are authorized to give such security for
36 such deposits. The moneys so deposited shall be withdrawn only by check
37 signed by two members of the commission or by such other officers or
38 employees of the commission as it may from time to time designate.

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

44 20. The commission shall reimburse each state for any funds advanced
45 to the commission exclusive of sums appropriated pursuant to section
46 five of this article.

47 ARTICLE IX

48 GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

49 1. The failure of any witness, when duly subpoenaed to attend, to give
50 testimony or produce other evidence in any investigation, interview or
51 other proceeding conducted by the commission pursuant to the provisions
52 of this compact, shall be punishable by the superior court in New Jersey
53 and the supreme court in New York in the same manner as said failure is
54 punishable by such court in a case therein pending.

1 2. Any person who, having been duly sworn or affirmed as a witness in
2 any investigation, interview or other proceeding conducted by the
3 commission pursuant to the provisions of this compact, shall wilfully
4 give false testimony shall be guilty of a misdemeanor punishable by a
5 fine of not more than one thousand dollars or imprisonment for not more
6 than one year or both.

7 3. Any person who interferes with or impedes the orderly licensing of
8 or orderly granting of any permits to any other person pursuant to this
9 compact, or who attempts, conspires, or threatens so to do, shall be
10 guilty of a misdemeanor punishable by a fine of not more than one thou-
11 sand dollars or imprisonment for not more than one year or both.

12 4. Any person who directly or indirectly inflicts or threatens to
13 inflict any injury, damage, harm or loss or in any other manner prac-
14 tices intimidation upon or against any person in order to induce or
15 compel such person or any other person to refrain from obtaining a
16 license or permit pursuant to this compact shall be guilty of a misde-
17 meanor punishable by a fine of not more than one thousand dollars or
18 imprisonment for not more than one year or both.

19 5. Any person who, without justification or excuse in law, directly or
20 indirectly, intimidates or inflicts any injury, damage, harm, loss or
21 economic reprisal upon any person who holds a license or permit issued
22 by the commission pursuant to this compact, or any other person, or
23 attempts, conspires or threatens so to do, in order to interfere with,
24 impede or influence such licensee or permittee in the performance or
25 discharge of his duties or obligations shall be guilty of a misdemeanor,
26 punishable by a fine of not more than one thousand dollars or imprison-
27 ment of not more than one year or both.

28 6. Any person who shall violate any of the provisions of this compact,
29 for which no other penalty is prescribed, shall be guilty of a misdemea-
30 nor, punishable by a fine of not more than one thousand dollars or by
31 imprisonment for not more than one year or both.

32 7. In any prosecution under this compact, it shall be sufficient to
33 prove only a single act (or a single holding out or attempt) prohibited
34 by law without having to prove a general course of conduct, in order to
35 prove a violation.

36 ARTICLE X

37 AMENDMENTS; CONSTRUCTION; SHORT TITLE

38 1. Amendments and supplements to this compact to implement the
39 purposes thereof may be adopted by the action of the legislature of
40 either state concurred in by the legislature of the other.

41 2. If any part or provision of this compact or the application there-
42 of to any person or circumstances be adjudged invalid by any court of
43 competent jurisdiction, such judgment shall be confined in its operation
44 to the part, provision or application directly involved in the contro-
45 versy in which such judgment shall have been rendered and shall not
46 affect or impair the validity of the remainder of this compact or the
47 application thereof to other persons or circumstances and the two states
48 hereby declare that they would have entered into this compact or the
49 remainder thereof had the invalidity of such provision or application
50 thereof been apparent.

51 3. In accordance with the ordinary rules for construction of inter-
52 state compacts this compact shall be liberally construed to eliminate
53 the evils described therein and to effectuate the purposes thereof.

1 4. This compact shall be known and may be cited as the "Airport
2 Commission Compact".

3 PART V

4 S 11. Prohibition against unions having officers, agents or employees
5 who have been convicted of certain crimes and offenses. No person shall
6 solicit, collect or receive any dues, assessments, levies, fines or
7 contributions, or other charges within the state for or on behalf of any
8 labor organization which receives, directly or indirectly, twenty per
9 cent or more of its dues, assessments, levies, fines or contributions,
10 or other charges from persons who hold licenses issued by the commission
11 pursuant to the airport commission compact, or for or on behalf of a
12 labor organization which derives its charter from a labor organization
13 which receives, directly or indirectly, twenty per cent or more of its
14 dues, assessments, levies, fines or contributions, or other charges from
15 persons who hold licenses issued by the commission pursuant to the
16 airport commission compact, if any officer, agent or employee of such
17 labor organization, or of a welfare fund or trust administered partially
18 or entirely by such labor organization or by trustees or other persons
19 designated by such labor organization, has been convicted by a court of
20 the United States, or any state or territory thereof, of a felony, any
21 misdemeanor involving moral turpitude or any crime or offense enumerated
22 in subdivision (a) of section three of article IV of the compact estab-
23 lished pursuant to part IV of this article, unless he has been subse-
24 quently pardoned therefor by the governor or other appropriate authority
25 of the state or jurisdiction in which such conviction was had or has
26 received a certificate of good conduct or other relief from disabili-
27 ties arising from the fact of conviction from a board of parole or simi-
28 lar authority. No person so convicted shall serve as an officer, agent
29 or employee of such labor organization, welfare fund or trust unless
30 such person has been so pardoned or has received such a certificate of
31 good conduct. No person, including such labor organization, welfare
32 fund or trust, shall knowingly permit such convicted person to assume or
33 hold any office, agency or employment in violation of this section.

34 As used in this section, the term "labor organization" shall mean and
35 include any organization which exists and is constituted for the purpose
36 in whole or in part of collective bargaining, or of dealing with employ-
37 ers concerning grievances, terms and conditions of employment, or of
38 other mutual aid or protection; but it shall not include a federation
39 or congress of labor organizations organized on a national or interna-
40 tional basis even though one of its constituent labor organizations may
41 represent persons who hold licenses issued by the commission pursuant to
42 the airport commission compact.

43 S 11-a. Prohibition against employer organizations having officers,
44 agents or employees who have been convicted of certain crimes and
45 offenses. No person shall solicit, collect or receive any dues, assess-
46 ments, levies, fines or contributions, or other charges within the state
47 for or on behalf of any organization of employers (whether incorporated
48 or not) twenty per cent or more of whose members have in their employ-
49 ment any employees who are members of a labor organization to which the
50 prohibition of section eleven of this part is applicable, if any offi-
51 cer, agent or employee of such employer organization or of a welfare
52 fund or trust administered partially or entirely by such employer organ-
53 ization or by trustees or other persons designated by such employer
54 organization, has been convicted by a court of the United States, or any

1 state or territory thereof, of a felony, any misdemeanor involving moral
2 turpitude or any crime or offense enumerated in subdivision (a) of
3 section three of article IV of the compact established pursuant to part
4 IV of this article, unless he has been subsequently pardoned therefor by
5 the governor or other appropriate authority of the state or jurisdiction
6 in which such conviction was had or has received a certificate of good
7 conduct or other relief from disabilities arising from the fact of
8 conviction from a board of parole or similar authority. No person so
9 convicted shall serve as an officer, agent or employee of such employer
10 organization, welfare fund or trust unless such person has been so
11 pardoned or has received such a certificate of good conduct. No
12 person, including such employer organization, welfare fund or trust,
13 shall knowingly permit such convicted person to assume or hold any
14 office, agency or employment in violation of this section.

15 S 11-b. Exceptions to sections eleven and eleven-a for certain employ-
16 ees. If upon application to the commission by an employee who has been
17 convicted of a crime or offense specified in section eleven or section
18 eleven-a of this part the commission, in its discretion, determines in
19 an order that it would not be contrary to the purposes and objectives of
20 the airport commission compact for such employee to work in a particular
21 employment otherwise prohibited by section eleven or section eleven-a,
22 the provisions of section eleven or section eleven-a, as the case may
23 be, shall not apply to the particular employment of such employee with
24 respect to such conviction or convictions as are specified in the
25 commission's order. This section is applicable only to those employees
26 who for wages or salary perform manual, mechanical or physical work of a
27 routine or clerical nature at the premises of the labor organization,
28 employer organization, welfare fund or trust by which they are employed.

29 S 12. Civil penalties. The commission may maintain a civil action on
30 behalf of the state against any person who violates or attempts or
31 conspires to violate any provision of this act or who fails, omits or
32 neglects to obey, observe or comply with any order or direction of the
33 commission issued under this article, to recover a judgment for a money
34 penalty not exceeding five hundred dollars for each and every offense.
35 Every violation of any such provision, order or direction shall be a
36 separate and distinct offense and, in case of a continuing violation,
37 every day's continuance shall be and be deemed to be a separate and
38 distinct offense. Any such action may be settled or discontinued on
39 application of the commission upon such terms as the court may approve
40 and a judgment may be rendered for an amount less than the amount
41 demanded in the complaint as justice may require.

42 S 13. Civil enforcement. The commission may maintain a civil action
43 against any person to compel compliance with any of the provisions of
44 this compact or any order or direction of the commission issued under
45 this compact or to prevent violations, attempts or conspiracies to
46 violate any such provisions, or interference, attempts or conspiracies
47 to interfere with or impede the enforcement of any such provisions or
48 the exercise or performance of any power or duty thereunder, either by
49 mandamus, injunction or action or proceeding in lieu of prerogative
50 writ.

51 S 14. Exemption from arrest and service of process. If a person in
52 obedience to a subpoena, issued pursuant to this article directing him
53 to attend and testify comes into either state party to this article from
54 the other state, he shall not, while in that state pursuant to such
55 subpoena, be subject to arrest or the service of process, civil or crim-

1 inal, in connection with matters which arose before his entrance into
2 such state under the subpoena.

3 S 15. Nonresident witnesses. Any investigation, interview or other
4 proceeding conducted by the commission pursuant to the provisions of
5 this compact shall be deemed to be a civil action pending in the supreme
6 court in New York or in the superior court in New Jersey so as to permit
7 the commission to obtain disclosure, in accordance with the provisions
8 governing disclosure in such civil actions, from any person who may be
9 outside the states.

10 S 16. Officers and employees. Any officer or employee in the state,
11 county or municipal civil service in either state who shall transfer to
12 service with the commission may be given one or more leaves of absence
13 without pay and may, before the expiration of such leave or leaves of
14 absence, and without further examination or qualification, return to his
15 former position or be certified by the appropriate civil service agency
16 for retransfer to a comparable position in such state, county, or munic-
17 ipal civil service if such a position is then available.

18 The commission may, by agreement with any federal agency from which
19 any officer or employee may transfer to service with the commission,
20 make similar provision for the retransfer of such officer or employee to
21 such federal agency.

22 Notwithstanding the provisions of any other law in either state, any
23 officer or employee in the state, county or municipal service in either
24 state who shall transfer to service with the commission and who is a
25 member of any existing state, county or municipal pension or retirement
26 system in New Jersey or New York, shall continue to have all rights,
27 privileges, obligations and status with respect to such fund, system or
28 systems as if he had continued in his state, county or municipal office
29 or employment, but during the period of his service as a member, officer
30 or employee of the commission, all contributions to any pension or
31 retirement fund or system to be paid by the employer on account of such
32 member, officer or employee, shall be paid by the commission. The
33 commission may, by agreement with the appropriate federal agency, make
34 similar provisions relating to continuance of retirement system member-
35 ship for any federal officer or employee so transferred.

36 S 17. Penalties. Any person who shall violate any of the provisions
37 of this compact, for which no other penalty is prescribed, shall be
38 guilty of a misdemeanor, punishable by a fine of not more than one thou-
39 sand dollars or imprisonment for not more than one year or both.

40 S 18. Short title. This act shall be known and may be cited as the
41 "Waterfront and Airport Commission Act".

42 S 6. Chapter 40-A of the consolidated laws constituting the port
43 authority of New York and New Jersey created by section five of this act
44 shall be deemed for all purposes to be a continuation of the port
45 authority of New York and New Jersey as it was constituted immediately
46 preceding the effective date of this act and shall not be construed as a
47 newly created authority. All unexpended balances of appropriations of
48 monies heretofore made or allocated to the port authority of New York
49 and New Jersey as such authority was constituted immediately preceding
50 the effective date of this act, whether obligated or unobligated, are
51 hereby transferred to and made available to the port authority of New
52 York and New Jersey as created in section three of this act. All rules,
53 regulations, orders, determinations, and decisions of the port authority
54 of New York and New Jersey, as it was constituted immediately preceding
55 the effective date of this act, shall continue in full force and effect
56 as rules, regulations, orders, determinations and decisions of the port

1 authority of New York and New Jersey created by section five of this
2 act.

3 S 7. Severability clause. If any clause, sentence, paragraph, subdivi-
4 sion, section or part of this act shall be adjudged by any court of
5 competent jurisdiction to be invalid, such judgment shall not affect,
6 impair, or invalidate the remainder thereof, but shall be confined in
7 its operation to the clause, sentence, paragraph, subdivision, section
8 or part thereof directly involved in the controversy in which such judg-
9 ment shall have been rendered. It is hereby declared to be the intent of
10 the legislature that this act would have been enacted even if such
11 invalid provisions had not been included herein.

12 S 8. This act shall take effect upon the enactment into law by the
13 state of New Jersey of legislation having an identical effect with this
14 act, but if the state of New Jersey shall have already enacted such
15 legislation this act shall take effect immediately. The chairman of the
16 port authority shall notify the legislative bill drafting commission
17 upon the enactment into law of such legislation by both such states in
18 order that the commission may maintain an accurate and timely effective
19 data base of the official text of the laws of the state of New York in
20 furtherance of effecting the provision of section 44 of the legislative
21 law and section 70-b of the public officers law.