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ASSEMBLY COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
212th LEGISLATURE

ADOPTED MAY 17, 2007

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**Assemblywoman Lampitt, Assemblyman Thompson, Assemblywoman
Handlin, Assemblymen Gusciora, Fisher and Senator Sweeney**

SYNOPSIS

Reorganizes and renames NJ Commerce, Economic Growth and Tourism Commission as NJ Commerce Commission; transfers Division of Travel and Tourism to Department of State.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 19, 2007, with amendments.

(Sponsorship Updated As Of: 12/18/2007)

1 AN ACT reorganizing certain economic development activities
2 performed by certain State agencies, amending various parts of
3 the statutory law, ¹[and]¹ supplementing P.L.1977, c.225
4 (C.34:1A-45 et seq.) and P.L.1998, c.44 (C.52:27C-61 et seq.) ¹,
5 and repealing section 12 of P.L.1998, c.44 (52:27C-72)¹.
6

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

10 1. Section 2 of P.L.1977, c.225 (C.34:1A-46) is amended to
11 read as follows:

12 2. The Legislature hereby finds and declares that:

13 a. Increased revenues for this State and more employment
14 opportunities for its citizens will result from the proper promotion
15 throughout the United States and the world of the many tourist
16 attractions which New Jersey has to offer to vacationers and
17 travelers.

18 b. Such proper promotion--and the desired expansion of
19 tourism in New Jersey--will be enhanced by the formulation of a
20 master plan for the development of the tourist industry throughout
21 New Jersey.

22 c. [The] It is an objective of State [policy through its]
23 programs, agencies, and resources [shall be] to provide an optimum
24 of satisfaction and high-quality service to visitors, to protect the
25 natural beauty of New Jersey, and to sustain, promote, and expand
26 the economic health of the tourist industry in a manner and to the
27 extent compatible with such goals.

28 d. Because of the crucial importance tourism plays in New
29 Jersey's economy, the Department of State is therefore charged with
30 the mandate to increase tourism through promotional,
31 informational, educational, and developmental programs. These
32 initiatives are to be designed to support a State policy of
33 maintaining and increasing New Jersey's standing as a premier
34 national and international travel destination. To implement this
35 policy, the [Commerce, Economic Growth and Tourism
36 Commission] Department of State shall create advertisements for
37 use on television, radio, the Internet and in print, to promote the
38 State's diverse appeal to prospective national and international
39 vacationers and travelers as part of its advertising, public relations,
40 and marketing campaign. In addition, as required pursuant to
41 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel
42 and Tourism shall annually review the 10-year master plan
43 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted November 19, 2007.

1 the director of the division with the assistance of the New Jersey
2 Tourism Policy Council, and submit a report to the Governor and
3 Legislature containing an evaluation of the preceding year's
4 activities and developments in tourism and the revisions
5 recommended in the master plan.

6 e. In the advancement and promotion of New Jersey's tourism
7 industry, it is necessary to [change the name of the New Jersey
8 Commerce and Economic Growth Commission to the New Jersey
9 Commerce, Economic Growth and Tourism Commission and to]
10 require that the division report semiannually to the Governor and
11 the Legislature on the efforts of the [commission] division to
12 promote tourism in New Jersey and on the expenditure of funds
13 allocated to tourism advertising and promotion from hotel and
14 motel occupancy fees pursuant to section 2 of P.L.2003, c.114
15 (C.54:32D-2). As tourism may be particularly sensitive to changing
16 economic conditions, a frequent review of the State's tourism
17 planning and activities may necessitate revisions in the State's
18 tourism policy to further encourage tourism promotion and to
19 otherwise meet the challenges of implementing this policy.
20 (cf: P.L.2005, c.378, s.1)

21
22 2. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to
23 read as follows:

24 3. As used in this act, unless a different meaning appears from
25 the context:

26 ["Commission" means the New Jersey Commerce, Economic
27 Growth and Tourism Commission established pursuant to section 3
28 of P.L.1998, c.44 (C.52:27C-63).]

29 "Council" means the New Jersey Tourism Policy Council.

30 "Department" means the Department of State.

31 "Director" means the Director of the Division of Travel and
32 Tourism.

33 "Division" means the Division of Travel and Tourism in the
34 [New Jersey Commerce, Economic Growth and Tourism
35 Commission] Department of State.

36 "Elected local official" means the county executive of any
37 county wherein that office is established, a member of the
38 governing body of a county, or a mayor or member of the governing
39 body of a municipality.

40 "Tourism" means activities involved in providing and marketing
41 services and products, including accommodations, for nonresidents
42 and residents who travel to and in New Jersey for recreation and
43 pleasure.

44 "Tourist industry" means the industry consisting of private and
45 public organizations which directly or indirectly provide services

- 1 and products to nonresidents and residents who travel to and in New
- 2 Jersey for recreation and pleasure.
- 3 (cf: P.L.2005, c.378, s.2)

1 3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to
2 read as follows:

3 4. There is hereby established in the [New Jersey Commerce,
4 Economic Growth and Tourism Commission ("commission")]
5 Department of State the Division of Travel and Tourism. The
6 division shall be under the supervision of a director, who shall be a
7 person qualified by training and experience to direct the work of
8 such division. The director shall be appointed by the Governor
9 after consultation with the council and with the advice and consent
10 of the Senate. The director shall serve during the term of office of
11 the Governor appointing the director and until the director's
12 successor is appointed and qualified. The director shall receive
13 such salary as shall be provided by law and shall devote the
14 director's entire time and attention to the duties of the director's
15 office and shall not, while in office, engage in any other gainful
16 pursuit. The Governor may remove the director from office for
17 cause, upon notice and opportunity to be heard.
18 (cf: P.L.2005, c.378, s.3)
19

20 4. (New section) a. All the functions, powers, and duties of the
21 Division of Travel and Tourism in the New Jersey Commerce,
22 Economic Growth and Tourism Commission are transferred to the
23 Department of State.

24 b. All appropriations and other moneys available and to
25 become available to the division are hereby continued in the
26 Department of State and shall be available for the objects and
27 purposes for which such moneys are appropriated subject to any
28 terms, restrictions, limitations, or other requirements imposed by
29 State or federal law.

30 c. Whenever, in any law, rule, regulation, order, contract,
31 document, judicial or administrative proceeding or otherwise,
32 reference is made to the Division of Travel and Tourism in the New
33 Jersey Commerce, Economic Growth and Tourism Commission, the
34 same shall mean and refer to the Division of Travel and Tourism in
35 the Department of State.
36

37 5. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to
38 read as follows:

39 7. a. There is created in the division the New Jersey Tourism
40 Policy Council which shall consist of 23 members:

41 (1) Two members of the Senate, who shall serve as ex officio,
42 non-voting members to be appointed by the President thereof, not
43 more than one of whom shall be of the same political party, and two
44 members of the General Assembly, who shall serve as ex officio,
45 non-voting members to be appointed by the Speaker thereof, not
46 more than one of whom shall be of the same political party;

47 (2) Nine public members, who shall be residents of this State,
48 not more than five of whom shall be of the same political party,

1 who shall be appointed by the Governor with the advice and
2 consent of the Senate, who shall include persons who by experience
3 or training represent the areas of the tourist industry as follows:

4 One representative of the lodging sector;

5 One representative of the food service sector;

6 One representative of the eco-tourism sector;

7 One representative of the cultural arts sector;

8 One representative of the convention and visitor bureaus or
9 tour/receptive services sectors;

10 One representative of the entertainment or amusement sector;

11 One representative of the outdoor recreation sector;

12 One representative of the historical community; and

13 One representative of a Statewide travel and tourism association
14 representing the various sectors of the tourism industry;

15 (3) The [Chief Executive Officer and Secretary of the
16 commission] Secretary of State, who shall serve ex officio as a
17 voting member and chair of the council;

18 (4) Six elected local officials, not more than three of whom shall
19 be of the same political party, who shall be appointed by the
20 Governor with the advice and consent of the Senate, and of whom
21 one shall be a resident of Cape May or Cumberland County, one
22 shall be a resident of Atlantic County, one shall be a resident of
23 Burlington, Camden, Gloucester, Mercer or Salem County, one
24 shall be a resident of Monmouth or Ocean County, one shall be a
25 resident of Bergen, Essex, Hudson, Middlesex, Passaic or Union
26 County, and one shall be a resident of Hunterdon, Morris, Somerset,
27 Sussex or Warren County; and

28 (5) The executive directors of the New Jersey Sports and
29 Exposition Authority, the Casino Reinvestment Development
30 Authority, and the Atlantic City Convention Center Authority, or
31 their designees, all of whom shall serve ex officio and as voting
32 members.

33 b. (1) The public members of the council shall be appointed to
34 three-year terms, except that public members initially appointed on
35 or after the effective date of P.L.2005, c.378, representing the
36 lodging, food service, and eco-tourism sectors shall be appointed to
37 a two-year term, and public members representing the cultural arts
38 and outdoor recreation sectors and the historical community shall be
39 appointed to a one-year term. Public members shall serve until
40 their successors are appointed and qualified. Vacancies occurring
41 other than by expiration of term shall be filled for the unexpired
42 term only.

43 (2) The term of appointment, as a member of the council, of an
44 elected local official appointed pursuant to paragraph 4 of
45 subsection a. of this section shall be the same as the term of office,
46 as an elected local official, that the person is serving at the time of
47 such appointment. In the event that a member of the council
48 appointed pursuant to that paragraph no longer serves as an elected

1 local official, the term of appointment for that member shall cease
2 and the Governor may, with the advice and consent of the Senate,
3 appoint a replacement to serve for the remainder of the unexpired
4 term. In the case of a person who, at the time of such appointment,
5 serves as an elected local official in two different offices, the term
6 of the person's appointment to the council shall be measured by the
7 longer of the terms as an elected local official. Nothing in this
8 paragraph shall preclude the reappointment as an elected local
9 official member of the council of a person whose term of office as
10 such elected local official has expired, but who has been reelected
11 to succeed himself in the same local office.

12 c. (Deleted by amendment, P.L.1991, c.280).

13 d. (Deleted by amendment, P.L.1991, c.280).

14 e. The members of the council shall serve without
15 compensation but shall be entitled to reimbursement for actual and
16 necessary expenses incurred in the performance of their duties as
17 members.

18 f. (Deleted by amendment, P.L.1991, c.280).

19 g. The council shall meet at the call of the chair and not less
20 than once every month.

21 h. Whenever, in any law, rule, regulation, order, contract,
22 document, judicial or administrative proceeding or otherwise,
23 reference is made to the New Jersey Tourism Advisory Council, the
24 same shall mean and refer to the New Jersey Tourism Policy
25 Council in the Division of Travel and Tourism.

26 (cf: P.L.2005, c.378, s.4)

27

28 6. Section 9 of P.L.1977, c.225 (C.34:1A-53) is amended to
29 read as follows:

30 9. In the pursuance and promotion of a State policy on tourism,
31 the division, at the direction of the [Chief Executive Officer and
32 Secretary of the commission] Secretary of State, shall:

33 a. Provide and promote adequate opportunities for county and
34 municipal participation, Federal agency participation, and private
35 citizens' involvement in the decision-making process of tourism
36 planning and policy formulation;

37 b. Encourage all State, county, and municipal governmental
38 and private agencies to do their utmost to assure the personal safety
39 of residents and tourists both within and without tourist destination
40 areas;

41 c. Take whatever administrative, litigable, and legislative steps
42 as are necessary to minimize the problems of tourists in not
43 receiving contracted services, including transportation, tours,
44 hotels;

45 d. Attempt to reconcile and balance the activities and
46 accommodations of the tourist with the daily pursuits and lifestyles
47 of the residents;

- 1 e. Develop an understanding among all citizens of the role of
- 2 tourism in New Jersey, both in terms of its economic and social
- 3 importance and the problems it presents, through appropriate formal
- 4 and informal learning experiences;
- 5 f. Cooperate with the Department of Education to promote
- 6 throughout the educational system of New Jersey an awareness of
- 7 New Jersey history and culture;
- 8 g. Ensure that the growth of the tourist industry is consistent
- 9 with the attainment of economic, social, physical, and
- 10 environmental objectives in any State plan and county plans that are
- 11 adopted;
- 12 h. Continuously monitor and evaluate the social costs of
- 13 growth of the tourist industry against the social benefits;
- 14 i. Emphasize in the State's tourism promotional efforts the
- 15 high quality of the State's natural and cultural features;
- 16 j. Promote the tourist industry through such activities as
- 17 Visitors Bureaus and similar county and municipal agencies, and
- 18 assure that the tourist industry contributes its fair share of the cost
- 19 of such promotion;
- 20 k. Request and receive from any department, division, board,
- 21 bureau, commission, or other agency of the State, or any political
- 22 subdivision or public authority thereof, such assistance and data as
- 23 may be necessary to enable the division to carry out its
- 24 responsibilities under this act;
- 25 l. In consultation with the council, review annually and, if
- 26 necessary, revise or update the 10-year master plan developed
- 27 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a
- 28 report to the Governor and the Legislature containing an evaluation
- 29 of the preceding year's activities and developments in tourism and
- 30 the revisions recommended in the master plan;
- 31 m. At the direction of the council, operate the [commission's]
- 32 division's Travel and Tourism Cooperative Marketing Campaign
- 33 Program; and
- 34 n. Establish and operate the [commission's] division's Travel
- 35 and Tourism Advertising and Promotion Program.
- 36 (cf: P.L.2005, c.378, s.6)
- 37
- 38 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to
- 39 read as follows:
- 40 8. In addition to the powers and duties of the division as
- 41 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division
- 42 shall submit a report no later than January 31 and July 31 of every
- 43 year on the tourism marketing campaigns of the [commission]
- 44 division and the expenditure of funds appropriated to the
- 45 [commission] division for tourism promotion to the Governor, the
- 46 President of the Senate, the Speaker of the General Assembly, the
- 47 Senate Wagering, Tourism and Historic Preservation Committee

1 and the Assembly Tourism and Gaming Committee, or their
2 successors. The report shall include, but not be limited to, the
3 following information:

4 a. A description of the efforts of the [commission] division to
5 promote New Jersey tourism in the six-month period ending on
6 December 31 and June 30 preceding the respective dates on which
7 the report is due. The report shall list: (1) the type of each
8 promotion made, including but not limited to, promotions in the
9 form of print, radio, Internet or television advertisements, tourism
10 information or reference guides, tourism event calendars or the
11 attendance by [commission] employees of the division at
12 conferences relevant to tourism promotion, (2) the content of each
13 such advertisement, guide, calendar or other promotional aid made,
14 or conference attended, (3) the dates and locations where tourism
15 advertisements were shown, when such guides, calendars or other
16 promotional aids were made available, or when such conferences
17 took place, and (4) the aggregate amount of money expended on
18 each advertisement, guide, calendar, promotional aid or conference
19 listed;

20 b. A list of entities that received, in the six-month period
21 ending on December 31 and June 30 preceding the respective dates
22 on which the report is due, State matching funds under the
23 [commission's] division's Travel and Tourism Cooperative
24 Marketing Campaign Program and the [commission's] division's
25 Advertising and Promotion Program, the amount of funds each
26 entity received from either program, and the amount of each of the
27 recipient entity's expenditures made from the funds of either
28 program; and

29 c. A general description of the potential tourism promotion
30 efforts the [commission] division is considering for the six-month
31 period beginning on January 1 and July 1 preceding the respective
32 dates on which the report is due. Such description shall be
33 distributed to the members of the council. A member of the public
34 may receive a copy of such description upon request.

35 The report shall identify whether or not each of the efforts to
36 promote tourism listed in the report is consistent with the provisions
37 of the 10-year master plan developed pursuant to section 8 of
38 P.L.1977, c.225 (C.34:1A-52), identify the relevant provisions of
39 the master plan with which the effort to promote tourism is
40 consistent or inconsistent, and provide an explanation of the
41 consistency or inconsistency.

42 (cf: P.L.2005, c.378, s.8)

43

44 8. Section 10 of P.L.1977, c.225 (C.34:1A-54) is amended to
45 read as follows:

46 10. The council shall:

- 1 a. Aid the division in the formulation and updating of the 10-
2 year master plan developed pursuant to section 8 of P.L.1977, c.225
3 (C.34:1A-52) and the annual review thereof;
- 4 b. Consider all matters referred to it by the [Chief Executive
5 Officer and Secretary of the commission] Secretary of State;
- 6 c. Make recommendations to the division on any matter
7 relating to tourism and the tourist industry in New Jersey and to
8 those objectives and responsibilities specified in sections 8 and 9 of
9 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);
- 10 d. Direct the division to review the spending of funds by the
11 regional tourism councils and provide comments and
12 recommendations to such councils on the spending of funds when
13 appropriate;
- 14 e. Direct the division to encourage the development of local
15 marketing organizations, including but not limited to destination
16 marketing organizations and convention and visitor bureaus;
- 17 f. Direct the division to ensure that a recipient of funding by
18 the [commission] Department of State for tourism promotion is in
19 compliance with all terms of the funding agreement, and that the
20 recipient's promotional message is consistent with the promotional
21 message for the State established by the [Chief Executive Officer
22 and] Secretary of [the commission] State;
- 23 g. Direct the division on the operation of the [commission's]
24 division's Travel and Tourism Cooperative Marketing Campaign
25 Program;
- 26 h. Commission the New Jersey Center for Hospitality and
27 Tourism at Richard Stockton College of New Jersey to conduct an
28 annual survey and analysis of New Jersey's tourism industry for the
29 purpose of providing data to improve the effectiveness of tourism
30 promotion. The council shall direct the division to make the survey
31 and analysis results available to tourism groups throughout the
32 State. In a year during which the New Jersey Center for Hospitality
33 and Tourism is unable or unavailable to conduct the survey and
34 analysis, the council shall choose another entity to conduct the
35 survey and analysis for that year; and
- 36 i. Perform other duties as assigned by the [Chief Executive
37 Officer and Secretary of the commission] Secretary of State.
38 (cf: P.L.2005, c.378, s.7)
- 39
- 40 9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to
41 read as follows:
42 1. The Department of Environmental Protection, in cooperation
43 with the Division of Travel and Tourism in the [New Jersey
44 Commerce and Economic Growth Commission] Department of
45 State, in consultation with the Pinelands Commission as it affects

1 the pinelands area designated pursuant to section 10 of P.L.1979,
 2 c.111 (C.13:18A-11), and in consultation with the Highlands Water
 3 Protection and Planning Council as it affects the Highlands Region
 4 designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7),
 5 shall establish a natural resources inventory, using the Geographic
 6 Information System, for the purpose of encouraging ecologically
 7 based tourism and recreation in New Jersey. This inventory shall
 8 contain information on New Jersey's natural, historic, and
 9 recreational resources, and shall include, to the greatest extent
 10 possible, but need not be limited to, federal, State, county and local
 11 parks, wildlife management areas, hatcheries, natural areas, historic
 12 sites, State forests, recreational areas, ecological and biological
 13 study sites, reservoirs, marinas, boat launches, campgrounds,
 14 waterfront access points, winter sports recreation areas, and national
 15 wildlife refuges.
 16 (cf: P.L.2004, c.120, s.48)

17
 18 10. Section 3 of P.L. 1993, c.57 (C.32:34-3) is amended to read
 19 as follows:

20 3. a. There is created the Clean Ocean and Shore Trust
 21 (COAST) Committee, which shall comprise 18 members, nine of
 22 whom shall be residents of the State of New Jersey and nine of
 23 whom shall be residents of the State of New York. The New Jersey
 24 members shall be as follows: two members of the Senate, from
 25 different political parties, to be appointed by the President thereof;
 26 two members of the General Assembly, from different political
 27 parties, to be appointed by the Speaker thereof; the Director of the
 28 Division of Science and Research of the New Jersey Department of
 29 Environmental Protection; the Director of the Division of Travel
 30 and Tourism in the [New Jersey] Department of [Commerce,
 31 Energy and Economic Development] State; the Director of the
 32 Institute of Marine and Coastal Sciences at Rutgers, The State
 33 University of New Jersey; the Director of the Center for
 34 Environmental Engineering at the Stevens Institute of Technology;
 35 and one private citizen with expertise in marine pollution, coastal
 36 resource preservation, marine fisheries, or coastal tourism, to be
 37 appointed by the Governor, with the advice and consent of the
 38 Senate.

39 b. The New Jersey legislative and administrative agency
 40 members of the committee, and the members from Rutgers
 41 University and the Stevens Institute of Technology, or their
 42 designees, shall serve ex officio. The private citizen member of the
 43 committee appointed by the Governor of New Jersey shall serve at
 44 the pleasure of the Governor. Vacancies in the appointed positions
 45 on the committee shall be filled in the same manner as the original
 46 appointments were made.

47 c. New Jersey members of the committee shall serve without
 48 compensation, but may, within the limits of funds appropriated or

1 otherwise made available to it, be reimbursed for actual expenses
2 necessarily incurred in the discharge of their official duties.

3 d. The committee shall organize as soon as may be practicable
4 after the appointment of its members, and shall select two co-
5 chairpersons from its members, one from each state, and a secretary
6 who need not be a member. Meetings of the committee shall be at
7 such times and places as the co-chairpersons of the committee deem
8 appropriate.

9 e. The committee may call to its assistance, and avail itself of
10 the services of, such employees of the two states, or any political
11 instrumentalities thereof, as it may require and as may be made
12 available to it for the purpose of carrying out its duties under this
13 act. If requested by the committee, the New Jersey Department of
14 Environmental Protection and the New York Department of
15 Environmental Conservation, or their successors, shall provide
16 primary staff support.

17 f. The committee may, within the limits of funds appropriated
18 or otherwise made available to it for those purposes, employ such
19 professional, stenographic, and clerical staff and incur such
20 traveling and other miscellaneous expenses as it may deem
21 necessary in order to perform its duties.

22 g. The committee may, within the limits of funds appropriated
23 or otherwise made available to it for those purposes, establish an
24 advisory panel comprised of scientists and technical experts from
25 the profit and nonprofit sectors. This panel would identify and
26 define problems and priority issues of the Hudson - Raritan estuary
27 and the New York - New Jersey Bight area, and provide the
28 committee with scientific and technical advice.

29 (cf: P.L.1993, c.57, s.3)

30

31 11. Section 2 of P.L.2005, c.47 (C.52:16A-91) is amended to
32 read as follows:

33 2. The New Jersey Black Cultural and Heritage Initiative
34 Foundation shall be governed by a board of trustees consisting of
35 the following 25 members:

36 a. the Secretary of State or designee;

37 b. Five State employees or special State officers, who shall be
38 selected from, and appointed by the Secretary of State to represent
39 any or all, of the following State partner organizations:

40 (1) New Jersey State Council on the Arts;

41 (2) New Jersey Historical Commission;

42 (3) New Jersey Council of the Humanities;

43 (4) New Jersey Public Broadcasting Commission;

44 (5) Martin Luther King Commemorative Commission;

45 (6) Amistad Commission;

46 (7) Department of Education;

1 (8) [Office] Division of Travel and Tourism, [New Jersey
2 Commerce and Economic Growth Commission] Department of
3 State;

4 (9) Department of Community Affairs;

5 (10) Department of Transportation;

6 (11) Department of State, Office of Faith-based Initiatives; and

7 (12) any other State agency or instrumentality partnering,
8 assisting or supporting the purposes of the foundation.

9 The State partner members of the board of trustees appointed
10 pursuant to this subsection shall serve at the pleasure of the
11 Secretary of State.

12 c. Nineteen public members shall be selected from a broad
13 cross-section of the views and interests of the community and the
14 member organizations of the foundation, including educators,
15 clergy, civic and business leaders; philanthropists; visual, creative
16 and performing artists; representatives of Black arts, history and
17 cultural organizations; and persons having knowledge of, expertise
18 in, or commitment to preserving New Jersey's Black cultural
19 heritage.

20 Five of the public members shall be appointed by the Secretary
21 of State upon formation and incorporation of the foundation.
22 Thereafter, at least four more public members shall be elected by
23 the nonprofit cultural organizations which become members of the
24 foundation, and the remaining public members shall be nominated
25 by a nominating committee of the board of trustees and appointed
26 by the board of trustees.

27 The term of office of each public member shall be three years,
28 with each member continuing to serve upon expiration of the term
29 until replaced. Three of the initial public members appointed by the
30 Secretary of State and two of the public members initially elected
31 by member organizations shall serve initial terms of two years.

32 Vacancies shall be filled and replacements made as provided in
33 the bylaws of the foundation.

34 (cf: P.L.2005, c.47, s.2)

35

36 12. Section 28 of P.L.2005, c.354 (C.34:1A-87) is amended to
37 read as follows:

38 28. The center shall be managed by a Steering Committee
39 comprised of the Commissioners of Community Affairs, Education,
40 Health and Senior Services, Human Services, and Labor and
41 Workforce Development; the Executive Directors of the
42 Commission on Higher Education [and], the State Employment and
43 Training Commission; the [Secretary and Chief] Executive Officer]
44 Director of the New Jersey Commerce [, Economic Growth and
45 Tourism] Commission; the Director of the Division of Vocational
46 Rehabilitation Services; a director or member of a Workforce

1 Investment Board as designated by the Executive Director of the
2 State Employment and Training Commission; and a One-Stop
3 Career Center operator as designated by the Commissioner of Labor
4 and Workforce Development. The committee shall set policy for
5 the operation of the center and shall have the authority to increase
6 membership of the committee, as it deems necessary, to carry out
7 the purposes of sections 25 through

1 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).
2 (cf: P.L.2005, c.354, s.28)
3

4 13. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read
5 as follows:

6 4. a. There is hereby established in, but not of, the Department
7 of the Treasury a public body corporate and politic, with corporate
8 succession, to be known as the "New Jersey Economic
9 Development Authority." The authority is hereby constituted as an
10 instrumentality of the State exercising public and essential
11 governmental functions, and the exercise by the authority of the
12 powers conferred by the provisions of P.L.1974, c.80 (C.34:1B-1 et
13 seq.) or section 6 of P.L.2001, c.401 (C.34:1B-4.1) shall be deemed
14 and held to be an essential governmental function of the State.

15 b. The authority shall consist of the Commissioner of Banking
16 and Insurance, the [Chief] Executive [Officer and Secretary]
17 Director of the New Jersey Commerce [and Economic Growth]
18 Commission, the Commissioner of Labor and Workforce
19 Development, the Commissioner of Education, and the State
20 Treasurer, who shall be members ex officio, and eight public
21 members appointed by the Governor as follows: two public
22 members (who shall not be legislators) shall be appointed by the
23 Governor upon recommendation of the Senate President; two public
24 members (who shall not be legislators) shall be appointed by the
25 Governor upon recommendation of the Speaker of the General
26 Assembly; and four public members shall be appointed by the
27 Governor, all for terms of three years. In addition, a public member
28 of the State Economic Recovery Board established pursuant to
29 section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the
30 board, shall serve as a non-voting, ex officio member of the
31 authority. Each member shall hold office for the term of the
32 member's appointment and until the member's successor shall have
33 been appointed and qualified. A member shall be eligible for
34 reappointment. Any vacancy in the membership occurring other
35 than by expiration of term shall be filled in the same manner as the
36 original appointment but for the unexpired term only. In the event
37 the authority shall by resolution determine to accept the declaration
38 of an urban growth zone by any municipality, the mayor or other
39 chief executive officer of such municipality shall ex officio be a
40 member of the authority for the purpose of participating and voting
41 on all matters pertaining to such urban growth zone.

42 The Governor shall appoint three alternate members of the
43 authority, of which one alternate member (who shall not be a
44 legislator) shall be appointed by the Governor upon the
45 recommendation of the Senate President, and one alternate member
46 (who shall not be a legislator) shall be appointed by the Governor
47 upon the recommendation of the Speaker of the General Assembly;
48 and one alternate member shall be appointed by the Governor, all

1 for terms of three years. The chairperson may authorize an
2 alternate member, in order of appointment, to exercise all of the
3 powers, duties and responsibilities of such member, including, but
4 not limited to, the right to vote on matters before the authority.

5 Each alternate member shall hold office for the term of the
6 member's appointment and until the member's successor shall have
7 been appointed and qualified. An alternate member shall be eligible
8 for reappointment. Any vacancy in the alternate membership
9 occurring other than by the expiration of a term shall be filled in the
10 same manner as the original appointment but for the unexpired term
11 only. Any reference to a member of the authority in this act shall
12 be deemed to include alternate members unless the context indicates
13 otherwise.

14 The terms of office of the members and alternate members of the
15 authority appointed by the Governor who are serving on July 18,
16 2000 shall expire upon the appointment by the Governor of eight
17 public members and three alternate members. The initial
18 appointments of the eight public members shall be as follows: the
19 two members appointed upon the recommendation of the President
20 of the Senate and the two members appointed upon the
21 recommendation of the Speaker of the General Assembly shall
22 serve terms of three years; two members shall serve terms of two
23 years; and two members shall serve terms of one year. The initial
24 appointments of the alternate members shall be as follows: the
25 alternate member appointed upon the recommendation of the
26 President of the Senate shall serve a term of three years; the
27 alternate member appointed upon the recommendation of the
28 Speaker of the General Assembly shall serve a term of two years;
29 and one alternate member shall serve a term of one year. No
30 member shall be appointed who is holding elective office.

31 c. Each member appointed by the Governor may be removed
32 from office by the Governor, for cause, after a public hearing, and
33 may be suspended by the Governor pending the completion of such
34 hearing. Each member before entering upon his duties shall take
35 and subscribe an oath to perform the duties of the office faithfully,
36 impartially and justly to the best of his ability. A record of such
37 oaths shall be filed in the office of the Secretary of State.

38 d. A chairperson shall be appointed by the Governor from the
39 public members. The members of the authority shall elect from
40 their remaining number a vice chairperson and a treasurer thereof.
41 The authority shall employ an executive director who shall be its
42 secretary and chief executive officer. The powers of the authority
43 shall be vested in the members thereof in office from time to time
44 and seven members of the authority shall constitute a quorum at any
45 meeting thereof; provided, however, that the public member
46 designated by the State Economic Recovery Board pursuant to the
47 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,
48 c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum.

1 Action may be taken and motions and resolutions adopted by the
2 authority at any meeting thereof by the affirmative vote of at least
3 seven members of the authority. No vacancy in the membership of
4 the authority shall impair the right of a quorum of the members to
5 exercise all the powers and perform all the duties of the authority.

6 e. Each member of the authority shall execute a bond to be
7 conditioned upon the faithful performance of the duties of such
8 member in such form and amount as may be prescribed by the
9 Director of the Division of Budget and Accounting in the
10 Department of the Treasury. Such bonds shall be filed in the office
11 of the Secretary of State. At all times thereafter the members and
12 treasurer of the authority shall maintain such bonds in full force and
13 effect. All costs of such bonds shall be borne by the authority.

14 f. The members of the authority shall serve without
15 compensation, but the authority shall reimburse its members for
16 actual expenses necessarily incurred in the discharge of their duties.
17 Notwithstanding the provisions of any other law, no officer or
18 employee of the State shall be deemed to have forfeited or shall
19 forfeit any office or employment or any benefits or emoluments
20 thereof by reason of the acceptance of the office of ex officio
21 member of the authority or any services therein.

22 g. Each ex officio member of the authority may designate an
23 officer or employee of the member's department to represent the
24 member at meetings of the authority, and each such designee may
25 lawfully vote and otherwise act on behalf of the member for whom
26 the person constitutes the designee. Any such designation shall be
27 in writing delivered to the authority and shall continue in effect
28 until revoked or amended by writing delivered to the authority.

29 h. The authority may be dissolved by act of the Legislature on
30 condition that the authority has no debts or obligations outstanding
31 or that provision has been made for the payment or retirement of
32 such debts or obligations. Upon any such dissolution of the
33 authority, all property, funds and assets thereof shall be vested in
34 the State.

35 i. A true copy of the minutes of every meeting of the authority
36 shall be forthwith delivered by and under the certification of the
37 secretary thereof to the Governor. No action taken at such meeting
38 by the authority shall have force or effect until 10 days, Saturdays,
39 Sundays, and public holidays excepted, after the copy of the
40 minutes shall have been so delivered, unless during such 10-day
41 period the Governor shall approve the same in which case such
42 action shall become effective upon such approval. If, in that 10-day
43 period, the Governor returns such copy of the minutes with veto of
44 any action taken by the authority or any member thereof at such
45 meeting, such action shall be null and void and of no effect. The
46 powers conferred in this subsection i. upon the Governor shall be
47 exercised with due regard for the rights of the holders of bonds and
48 notes of the authority at any time outstanding, and nothing in, or

1 done pursuant to, this subsection i. shall in any way limit, restrict or
2 alter the obligation or powers of the authority or any representative
3 or officer of the authority to carry out and perform in every detail
4 each and every covenant, agreement or contract at any time made or
5 entered into by or on behalf of the authority with respect to its
6 bonds or notes or for the benefit, protection or security of the
7 holders thereof.

8 j. On or before March 31 in each year, the authority shall make
9 an annual report of its activities for the preceding calendar year to
10 the Governor and the Legislature. Each such report shall set forth a
11 complete operating and financial statement covering the authority's
12 operations during the year. The authority shall cause an audit of its
13 books and accounts to be made at least once in each year by
14 certified public accountants and cause a copy thereof to be filed
15 with the Secretary of State and the Director of the Division of
16 Budget and Accounting in the Department of the Treasury.

17 k. The Director of the Division of Budget and Accounting in
18 the Department of the Treasury and the director's legally authorized
19 representatives are hereby authorized and empowered from time to
20 time to examine the accounts, books and records of the authority
21 including its receipts, disbursements, contracts, sinking funds,
22 investments and any other matters relating thereto and to its
23 financial standing.

24 l. No member, officer, employee or agent of the authority shall
25 be interested, either directly or indirectly, in any project or school
26 facilities project, or in any contract, sale, purchase, lease or transfer
27 of real or personal property to which the authority is a party.

28 (cf: P.L.2002, c.43, s.69)

29
30 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to
31 read as follows:

32 2. As used in this act:

33 "Advanced computing" means a technology used in the
34 designing and developing of computing hardware and software,
35 including innovations in designing the full spectrum of hardware
36 from hand-held calculators to super computers, and peripheral
37 equipment;

38 "Advanced computing company" means a person with
39 headquarters or base of operations located in New Jersey and
40 engaged in the research, development, production, or provision of
41 advanced computing for the purpose of developing or providing
42 products or processes for specific commercial or public purposes;

43 "Advanced materials" means materials with engineered
44 properties created through the development of specialized
45 processing and synthesis technology, including ceramics, high
46 value-added metals, electronic materials, composites, polymers, and
47 biomaterials;

48 "Advanced materials company" means a person with

1 headquarters or base of operations located in New Jersey and
2 engaged in the research, development, production, or provision of
3 advanced materials for the purpose of developing or providing
4 products or processes for specific commercial or public purposes;

5 "Biotechnology" means the continually expanding body of
6 fundamental knowledge about the functioning of biological systems
7 from the macro level to the molecular and sub-atomic levels, as
8 well as novel products, services, technologies and sub-technologies
9 developed as a result of insights gained from research advances
10 which add to that body of fundamental knowledge;

11 "Biotechnology company" means a person with headquarters or
12 base of operations located in New Jersey and engaged in the
13 research, development, production, or provision or biotechnology
14 for the purpose of developing or providing products or processes for
15 specific commercial or public purposes, including, but not limited
16 to, medical, pharmaceutical, nutritional, and other health-related
17 purposes, agricultural purposes, and environmental purposes, or a
18 person with headquarters or base of operations located in New
19 Jersey and engaged in providing services or products necessary for
20 such research, development, production, or provision;

21 "Business retention or relocation grant of tax credits" or "grant of
22 tax credits" means a grant which consists of the value of
23 corporation business tax credits against the liability imposed
24 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) or credits
25 against the taxes imposed on insurers pursuant to P.L.1945, c.132
26 (C.54:18A-1 et seq.), section 1 of P.L.1950, c.231 (C.17:32-15),
27 and N.J.S.17B:23-5, provided to fund a portion of retention and
28 relocation costs pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);

29 "Commissioner" means the [Chief] Executive [Officer and
30 Secretary] Director of the New Jersey Commerce [and Economic
31 Growth] Commission;

32 "Department" means the New Jersey Commerce [and Economic
33 Growth] Commission;

34 "Business" means an employer located in this State that has
35 operated continuously in the State, in whole or in part, in its current
36 form or as a predecessor entity for at least 10 years prior to filing an
37 application pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) and
38 which is subject to the provisions of R.S.43:21-1 et seq. and may
39 include a sole proprietorship, a partnership, or a corporation that
40 has made an election under Subchapter S of Chapter One of Subtitle
41 A of the Internal Revenue Code of 1986, or any other business
42 entity through which income flows as a distributive share to its
43 owners, limited liability company, nonprofit corporation, or any
44 other form of business organization located either within or outside
45 the State;

1 "Commitment duration" means five years from the date specified
2 in the project agreement entered into pursuant to section 5 of
3 P.L.1996, c.25 (C.34:1B-116);

4 "Designated industry" means a business engaged in the field of
5 biotechnology, pharmaceuticals, manufacturing, financial services
6 or transportation and logistics, advanced computing, advanced
7 materials, electronic device technology, environmental technology
8 or medical device technology;

9 "Designated urban center" means an urban center designated in
10 the State Development and Redevelopment Plan adopted by the
11 State Planning Commission;

12 "Electronic device technology" means a technology involving
13 microelectronics, semiconductors, electronic equipment, and
14 instrumentation, radio frequency, microwave, and millimeter
15 electronics, and optical and optic-related electrical devices, or data
16 and digital communications and imaging devices;

17 "Electronic device technology company" means a person with
18 headquarters or base of operations located in New Jersey and
19 engaged in the research, development, production, or provision of
20 electronic device technology for the purpose of developing or
21 providing products or processes for specific commercial or public
22 purposes;

23 "Eligible position" means a full-time position retained by a
24 business in this State for which a business provides employee health
25 benefits under a group health plan as defined under section 14 of
26 P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined
27 under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or
28 contract of health insurance covering more than one person issued
29 pursuant to Article 2 of Title 17B of the New Jersey Statutes;

30 "Full-time employee" means a person who is employed for
31 consideration for at least thirty-five hours a week, or who renders
32 any other standard of service generally accepted by custom or
33 practice as full-time employment, whose wages are subject to
34 withholding as provided in the "New Jersey Gross Income Tax
35 Act," N.J.S.54A:1-1 et seq., and who is determined by the
36 commissioner to be employed in a permanent position according
37 to criteria as the [commissioner] Board of Directors of the
38 New Jersey Commerce Commission may prescribe. "Full-time
39 employee" shall not include any person who works as an
40 independent contractor or on a consulting basis for the business.
41 "Full-time employee" shall not include a child, grandchild, parent,
42 or spouse of an individual who has direct or indirect ownership of at
43 least 5% of the profits, capital, or value of the business;

44 "Headquarters" of a business means the single location that
45 serves as the national administrative center of the business, at which
46 the primary office of the chief executive officer or chief operating
47 officer of the business, as well as the offices of the management

1 officials responsible for key businesswide functions such as
2 finance, legal, marketing, and human resources, are located;
3 "High-technology business" means an advanced computing
4 company, advanced materials company, electronic device
5 technology company, environmental technology company or
6 medical device technology company;
7 "Medical device technology" means a technology involving any
8 medical equipment or product (other than a pharmaceutical product)
9 that has therapeutic value, diagnostic value, or both, and is
10 regulated by the federal Food and Drug Administration;
11 "Medical device technology company" means a person with
12 headquarters or base of operations located in New Jersey and
13 engaged in the research, development, production, or provision of
14 medical device technology for the purpose of developing or
15 providing products or processes for specific commercial or public
16 purposes;
17 "New business location" means the premises that the business
18 has either purchased or built or for which the business has entered
19 into a purchase agreement or a written lease for a period of no less
20 than eight years from the date of relocation;
21 "Manufacturing facility" means a business location at which
22 more than 50% of the business personal property that is housed in
23 the facility is eligible for the sales tax exemption pursuant to
24 subsection a. of section 25 of P.L.1980, c.105 (C.54:32B-8.13) for
25 machinery, apparatus or equipment used in the production of
26 tangible personal property;
27 "Program" means the Business Retention and Relocation
28 Assistance Grant Program created pursuant to P.L.1996, c.25
29 (C.34:1B-112 et seq.);
30 "Project agreement" means an agreement between a business and
31 the department that sets the forecasted schedule for completion and
32 occupancy of the project, the date the commitment duration shall
33 commence, the amount of the applicable grant of tax credits, and
34 other such provisions which further the purposes of P.L.1996, c.25
35 (C.34:1B-112 et seq.);
36 "Research and development facility" means a business location
37 at which more than 50% of the business personal property that is
38 purchased for the facility is eligible for the sales tax exemption
39 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for
40 property used in research and development;
41 "Retained full-time job" means an eligible position that currently
42 exists in New Jersey and is filled by a full-time employee but
43 which, because of a relocation by the business, is at risk of being
44 lost to another state or country. For the purposes of determining a
45 number of retained full-time jobs, the eligible positions of the
46 members of a "controlled group of corporations" as defined
47 pursuant to section 1563 of the federal Internal Revenue Code of

1 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of
2 a single employer; and

3 "Total allowable relocation costs" means \$1,500 times the
4 number of retained full-time jobs. "Total allowable relocation
5 costs" does not include the amount of any bonus award authorized
6 pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1).
7 (cf: P.L.2004, c.65, s.2)

8
9 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to
10 read as follows:

11 3. The Business Retention and Relocation Assistance Grant
12 Program is hereby established as a program under the jurisdiction of
13 the New Jersey Commerce [and Economic Growth] Commission
14 and shall be administered by the [Chief Executive Officer and
15 Secretary of the] New Jersey Commerce [and Economic Growth]
16 Commission. The purpose of the program is to encourage economic
17 development and job creation and to preserve jobs that currently
18 exist in New Jersey but which are in danger of being relocated to
19 premises outside of the State. To implement that purpose, and to
20 the extent that funding for the program is available, the program
21 may provide grants of tax credits but in no case shall the amount of
22 an individual grant of tax credits exceed 80% of the projected State
23 tax revenues from the retained full-time jobs covered by the project
24 agreement of an applicant for a grant of tax credits.
25 (cf: P.L.2004, c.65, s.3)

26
27 16. Section 19 of P.L.2004, c.65 (C.34:1B-185) is amended to
28 read as follows:

29 19. As used in sections 19 through 22 of P.L.2004, c.65
30 (C.34:1B-185 through C.34:1B-188) the following terms shall have
31 the following meanings:

32 "Eligible property" means machinery, equipment, furniture and
33 furnishings, fixtures, and building materials, but "eligible property"
34 shall not include "motor vehicles" as defined pursuant to section 2
35 of P.L.1966, c.30 (C.54:32B-2), parts with a useful life of one year
36 or less, or tools or supplies used in connection with the eligible
37 property;

38 "Headquarters" means the single location that serves as the
39 national administrative center of a business, at which the primary
40 office of the chief executive officer or chief operating officer of the
41 business, as well as the offices of the management officials
42 responsible for key businesswide functions such as finance, legal,
43 marketing, and human resources, are located;

44 "Life sciences business" means a business engaged principally in
45 the production of medical equipment, ophthalmic goods, medical or
46 dental instruments, diagnostic substances, biopharmaceutical
47 products; or physical and biological research; or biotechnology;

1 "Manufacturing facility" means a business location at which
2 more than 50% of the business personal property that is housed in
3 the facility is eligible for the sales tax exemption pursuant to
4 subsection a. of section 25 of P.L.1980, c.105 (C. 54:32B-8.13) for
5 machinery, apparatus or equipment used in the production of
6 tangible personal property;

7 "Research and development facility" means a business location
8 at which more than 50% of the business personal property that is
9 purchased for the facility is eligible for the sales tax exemption
10 pursuant to section 26 of P.L.1980, c.105 (C.54:32B-8.14) for
11 property used in research and development; and

12 ["Secretary" means the Chief Executive Officer and Secretary of
13 the New Jersey Commerce and Economic Growth Commission.]
14 (cf: P.L.2004, c.65, s.19)
15

16 17. Section 20 of P.L.2004, c.65 (C.34:1B-186) is amended to
17 read as follows:

18 20. The [secretary] New Jersey Commerce Commission shall
19 establish and administer a program to approve the issuance of sales
20 and use tax exemption certificates to qualifying businesses as
21 specified in sections 19 through 22 of P.L.2004, c.65 (C.34:1B-185
22 through C.34:1B-188). The receipts from the certificate holder's
23 purchase of eligible property located or placed at the business
24 location covered by the project approval within the period
25 established pursuant to the terms and conditions of the project
26 approval for the approved business location shall be exempt from
27 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30
28 (C.54:32B-1 et seq.).
29 (cf: P.L.2004, c.65, s.20)
30

31 18. Section 21 of P.L.2004, c.65 (C.34:1B-187) is amended to
32 read as follows:

33 21. a. A business seeking to participate in the sales and use tax
34 exemption certificate program established pursuant to sections 19
35 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188)
36 shall submit a project application to the [secretary] New Jersey
37 Commerce Commission in such form as required by the [secretary]
38 New Jersey Commerce Commission.

39 b. The location for the project shall be situated in designated
40 Planning Area 1 or 2, as defined in the State Development and
41 Redevelopment Plan adopted by the State Planning Commission;
42 provided however, that a business project involving the renovation
43 or expansion of an existing facility that is not located in designated
44 Planning Area 1 or 2 may be eligible to participate in the program,
45 at the determination of the secretary, if all other applicable criteria
46 are satisfied.

1 A business located in an urban enterprise zone designated
 2 pursuant to the "New Jersey Urban Enterprise Zones Act,"
 3 P.L.1983, c.303 (C.52:27H-60 et seq.) as of the effective date of
 4 this section shall not be eligible to participate in this program if the
 5 relocation project is from a facility within the urban enterprise zone
 6 to a facility outside an urban enterprise zone; provided however,
 7 that if the relocation is to a facility already owned or leased by the
 8 same business and that business already employs at least the same
 9 number of persons as those being relocated from the urban
 10 enterprise zone, it may be eligible to apply.

11 c. To be eligible to apply for the sales and use tax exemption
 12 certificate program, a business shall have operated continuously in
 13 this State, in whole or in part, in its current form or as a predecessor
 14 entity, for at least 10 years prior to filing an application and shall
 15 satisfy at least one of the following criteria:

16 (1) the business has 1,000 or more full-time employees in the
 17 State and the project involves relocating 500 or more full-time
 18 employees into a new business location or locations;

19 (2) the business is a life sciences business or a manufacturing
 20 facility and the project is: constructing one or more new research
 21 and development facilities, constructing one or more new
 22 manufacturing facilities in this State, or relocating to a new
 23 headquarters in this State that will employ 250 or more full-time
 24 employees;

25 (3) the business is a life sciences business or a manufacturing
 26 business and the project is constructing a new, or substantially
 27 rehabilitating a vacant, property that will separately or collectively:

28 (a) be predominately a new research and development facility;

29 (b) be predominately a new manufacturing facility;

30 (c) house the headquarters of the business; or

31 (d) separately or collectively be a combination of subparagraphs
 32 (a), (b) and (c);

33 provided, that the new or substantially rehabilitated facility will
 34 house a minimum of 250 full-time employees. For the purposes of
 35 this subparagraph, "predominantly" means a majority of the
 36 employees housed in the new facility are engaged in that activity, or
 37 a majority of the square footage of the new facility is used in that
 38 activity; or a majority of the total value of the investment made will
 39 be employed in that activity; or other measures of activity as may
 40 determined by the secretary that demonstrate that a critical
 41 concentration of research and development, manufacturing, or both,
 42 will occur at the new facility; or

43 (4) the business is, at the time of enactment of this section,
 44 currently receiving a structured finance special guarantee pursuant
 45 to N.J.A.C.19:31-2.1(c)3.ii(5) for the project.

46 d. For the purposes of determining a number of full-time
 47 employees pursuant to subsection c. of this section, the full-time
 48 employees of the members of a "controlled group of corporations"

1 as defined pursuant to section 1563 of the federal Internal Revenue
2 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees
3 of a single employer.

4 e. A project may be completed in up to two phases provided
5 that it will be the national headquarters of a life sciences or
6 manufacturing company, and will include a significant research and
7 development, a significant manufacturing facility, or combination
8 thereof if : (1) the first completed phase will house at least 200 full-
9 time employees and the second phase will house at least 100
10 additional employees; and (2) the project is pre-approved for phases
11 and that all phases are completed within 30 months of project
12 approval.

13 f. Upon approval of a project, the [secretary] Executive
14 Director of the New Jersey Commerce Commission shall notify the
15 Director of the Division of Taxation in the Department of the
16 Treasury of the terms and conditions of the project approval and the
17 director shall issue a certificate of exemption pursuant to the terms
18 and conditions of the project approval. In general, the sales and use
19 tax exemption certificate provided by sections 19 through 22 of
20 P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188) should not
21 apply to purchases initiated by the business after the date that the
22 temporary certificate of occupancy is issued, or in cases where no
23 temporary certificate of occupancy is issued should not apply to
24 purchases initiated by the business more than one year from the
25 project commencement date; however, the duration of the certificate
26 of exemption shall be pursuant to the terms and conditions of the
27 project approval.

28 (cf: P.L.2004, c.65, s.21)

29
30 19. Section 22 of P.L.2004, c.65 (C.34:1B-188) is amended to
31 read as follows:

32 22. The [secretary] New Jersey Commerce Commission shall,
33 after consultation with the Director of the Division of Taxation in
34 the Department of the Treasury, adopt rules and regulations
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.) necessary to govern the proper conduct and
37 operation of the program consistent with the provisions of sections
38 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-
39 188).

40 (cf: P.L.2004, c.65, s.22)

41
42 20. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
43 read as follows:

44 9. The commission shall:

45 a. Issue the New Jersey Unified Workforce Investment Plan
46 pursuant to the provisions of the Workforce Investment Act of
47 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
48 this act;

- 1 b. Establish performance standards for workforce investment
2 programs pursuant to the Workforce Investment Act of 1998,
3 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of this act;
- 4 c. Act to ensure the full participation of Workforce Investment
5 Boards in the planning and supervision of local workforce
6 investment systems. The commission shall be responsible to
7 oversee and develop appropriate standards to ensure Workforce
8 Investment Board compliance with State and federal law, the State
9 plan, and other relevant requirements regarding membership,
10 staffing, meetings, and functions;
- 11 d. Foster and coordinate initiatives of the Department of
12 Education and Commission on Higher Education to enhance the
13 contributions of public schools and institutions of higher education
14 to the implementation of the State workforce investment policy;
- 15 e. Examine federal and State laws and regulations to assess
16 whether those laws and regulations present barriers to achieving any
17 of the goals of this act. The commission shall, from time to time as
18 it deems appropriate, issue to the Governor and the Legislature
19 reports on its findings, including recommendations for changes in
20 State or federal laws or regulations concerning workforce
21 investment programs or services, including, when appropriate,
22 recommendations to merge other State advisory structures and
23 functions into the commission;
- 24 f. Perform the duties assigned to a State Workforce Investment
25 Board pursuant to subsection (d) of section 111 of the Workforce
26 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 27 g. Have the authority to enter into agreements with the head of
28 each State department or commission which administers or funds
29 education, employment or training programs, including, but not
30 limited to, the Departments of Labor and Workforce Development,
31 Community Affairs, Education, and Human Services and the
32 Commission on Higher Education, the New Jersey Commerce [,
33 Economic Growth and Tourism] Commission, and the Juvenile
34 Justice Commission, which agreements are for the purpose of
35 assigning planning, policy guidance and oversight functions to each
36 Workforce Investment Board with respect to any workforce
37 investment program funded or administered by the State department
38 or commission within the Workforce Investment Board's respective
39 labor market area or local area, as the case may be; and
- 40 h. Establish guidelines to be used by the Workforce Investment
41 Boards in performing the planning, policy guidance, and oversight
42 functions assigned to the boards under any agreement reached by
43 the commission with a department or commission pursuant to
44 subsection g. of this section. The commission shall approve all
45 local Workforce Investment Board plans that meet the criteria
46 established by the commission for the establishment of One-Stop
47 systems. The Department of Labor and Workforce Development

1 shall approve the operational portion of the plans for programs
2 administered by the department.

3 The commission shall have access to all files and records of
4 other State agencies and may require any officer or employee
5 therein to provide such information as it may deem necessary in the
6 performance of its functions.

7 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
8 construed as affecting the authority of the Commissioner of
9 Personnel to review and approve training programs for State
10 employees pursuant to N.J.S.11A:6-25.

11 (cf: P.L.2005, c.354, s.8)

12

13 21. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to
14 read as follows:

15 2. a. There is created within the State Employment and
16 Training Commission, established pursuant to section 5 of
17 P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and
18 Workforce Development, a State Council for Adult Literacy
19 Education Services.

20 b. The 27-member council shall consist of the following ex
21 officio members: the Commissioners of Labor and Workforce
22 Development, Human Services, Education, Community Affairs and
23 Corrections, the [Secretary and Chief] Executive [Officer] Director
24 of the New Jersey Commerce [, Economic Growth and Tourism]
25 Commission, the Executive Director of the Commission on Higher
26 Education, and the Executive Director of the State Employment and
27 Training Commission. The council shall also include one member
28 of the Senate appointed by the President thereof and one member of
29 the General Assembly appointed by the Speaker thereof, who shall
30 serve during the two-year legislative session in which the
31 appointment is made and who shall not be of the same political
32 party; and 17 public members as follows: five public members
33 appointed by the Governor including a member of a Workforce
34 Investment Board literacy committee, a State or national adult
35 education expert and three representatives of the business
36 community, at least one of whom shall represent a small business;
37 six public members appointed by the President of the Senate
38 including a student or former student who received adult literacy
39 services and a representative from each of the following: a county
40 college, a four-year institution of higher education, the State
41 Library or a local library, a Department of Education-funded adult
42 education provider of adult basic education programs, general
43 educational development programs or English as a second language
44 programs and a community-based organization which is an adult
45 education provider; and six public members appointed by the
46 Speaker of the General Assembly including a representative from
47 each of the following: a vocational school providing adult academic
48 education programs, a trade union, the New Jersey Network, the

1 New Jersey Association of Lifelong Learning, the Literacy
2 Volunteers of America and the New Jersey Education Association.

3 c. The public members shall serve for terms of three years, but
4 of the public members first appointed, six shall serve a term of three
5 years, six shall serve a term of two years and five shall serve a term
6 of one year. Each member shall hold office for the term of
7 appointment and until his successor is appointed and qualified. A
8 member appointed to fill a vacancy occurring in the membership of
9 the board for any reason other than the expiration of the term shall
10 have a term of appointment for the unexpired term only. All
11 vacancies shall be filled in the same manner as the original
12 appointment. A member may be appointed for any number of
13 successive terms. A member may be removed from office by the
14 Governor, for cause, after a hearing and may be suspended by the
15 Governor pending the completion of the hearing.

16 d. The members shall select annually a chairperson and a vice-
17 chairperson, who shall be nongovernmental members of the council,
18 and shall appoint an executive director. The executive director
19 shall report to the chairperson of the council and be responsible for
20 administering the daily operations of the council. The executive
21 director shall serve in the State unclassified service. The council
22 may call to its assistance and avail itself of the services of the
23 employees of any State, county or municipal department, board,
24 bureau, commission or agency as it may require and as may be
25 available to it for its purposes.

26 e. Members of the council shall serve without compensation,
27 but may be reimbursed for necessary expenses incurred in the
28 performance of their duties as members, within the limits of funds
29 appropriated or otherwise made available to the council for its
30 purposes. Actions may be taken and motions and resolutions may
31 be adopted by the council by an affirmative vote of a majority of
32 the members.

33 (cf: P.L.2005, c.354, s.18)

34

35 22. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read
36 as follows:

37 2. The Council on Armed Forces and Veterans' Affairs
38 established in the Department of Commerce and Economic
39 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is
40 hereby transferred to and established in the Department of Military
41 and Veterans' Affairs. The council shall consist of 22 members:
42 two to be appointed by the President of the Senate from the
43 members thereof, no more than one of whom shall be from the same
44 political party; two to be appointed by the Speaker of the General
45 Assembly from the members thereof, no more than one of whom
46 shall be from the same political party; the Adjutant General of the
47 Department of Military and Veterans' Affairs, the [Chief] Executive
48 [Officer and Secretary] Director of the New Jersey Commerce [and

1 Economic Growth] Commission, the Commissioner of Education,
2 the Commissioner of Environmental Protection, the Commissioner
3 of Transportation, the State Treasurer, the Commissioner of
4 Community Affairs, the Commissioner of Labor and Workforce
5 Development, and the Chair of the New Jersey Commission on
6 Higher Education, or their designees; and nine public members to
7 be appointed by the Governor, with the advice and consent of the
8 Senate. Eight of the public members shall be representatives of the
9 community and business support groups for New Jersey's military
10 installations and the United States Coast Guard training center.
11 Each public member shall serve for a term of three years from the
12 date of the member's appointment and until the member's successor
13 is appointed and qualified. Vacancies resulting from causes other
14 than by expiration of term shall be filled for the unexpired term
15 only and shall be filled in the same manner as the original
16 appointments were made.

17 (cf: P.L.2005, c.40, s.1)

18

19 23. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
20 read as follows:

21 1. Notwithstanding the provisions of the annual appropriations
22 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
23 shall fix and establish the annual salary, not to exceed \$133,330 in
24 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
25 in calendar year 2002 and thereafter, for each of the following
26 officers:

27 Title

28 Agriculture Department

29 Secretary of Agriculture

30 Children and Families Department

31 Commissioner of Children and Families

32 Community Affairs Department

33 Commissioner of Community Affairs

34 Corrections Department

35 Commissioner of Corrections

36 Education Department

37 Commissioner of Education

38 Environmental Protection Department

39 Commissioner of Environmental Protection

40 Health and Senior Services Department

41 Commissioner of Health and Senior

42 Services

43 Human Services Department

44 Commissioner of Human Services

45 Banking and Insurance Department

46 Commissioner of Banking and Insurance

47 Labor and Workforce Development Department

48 Commissioner of Labor and Workforce Development

1 Law and Public Safety Department
2 Attorney General
3 Military and Veterans' Affairs Department
4 Adjutant General
5 Personnel Department
6 Commissioner of Personnel
7 State Department
8 Secretary of State
9 Transportation Department
10 Commissioner of Transportation
11 Treasury Department
12 State Treasurer
13 Members, Board of Public Utilities
14 Public Advocate Department
15 Public Advocate

16 [Notwithstanding the provisions of this section to the contrary,
17 the Chief Executive Officer and Secretary of the New Jersey
18 Commerce and Economic Growth Commission shall receive such
19 salary as shall be fixed by the Governor pursuant to subsection b. of
20 section 8 of P.L.1998, c.44 (C.52:27C-68).]
21 (cf: P.L.2006, c.47, s.189)
22

23 24. Section 1 of P.L.1998, c.44 (C.52:27C-61) is amended to
24 read as follows:

25 1. This act shall be known and may be cited as the "New Jersey
26 Commerce [, Economic Growth and Tourism] Commission Act."
27 (cf: P.L.2005, c.378, s.9)
28

29 25. Section 2 of P.L.1998, c.44 (C.52:27C-62) is amended to
30 read as follows:

31 2. The Legislature finds and declares that:

32 a. New Jersey is in a fierce competition for jobs and
33 businesses, not only with other states, but throughout the world; and

34 b. The State must do all it can to increase opportunities for
35 New Jersey citizens to enjoy economic success and prosperity; and

36 c. To attract business, New Jersey must think and act like a
37 business, by utilizing the best available personnel, without
38 consideration of political affiliation, selected on the basis of the
39 skills, ability and experience, needed to provide enhanced customer
40 service, and by responding to the needs of the business community
41 with flexibility and agility; and

42 d. Commerce and economic development are priorities for New
43 Jersey because success in these endeavors means the creation of
44 jobs for our citizens. As such, commerce and economic
45 development deserve a unique and dynamic role in our State
46 government; and

- 1 e. Because we soon will be entering the 21st century, New
2 Jersey must now boldly transform its economic development
3 mission to be market driven, mobile and responsive enough to the
4 future's challenges to empower New Jersey to undertake new
5 commercial and economic ventures as the economic engine of the
6 Northeast; and
- 7 f. The State and its citizens will benefit from a more sharply
8 focused economic development vision, in which the State's efforts
9 are coordinated under one organization, the New Jersey Commerce
10 [, Economic Growth and Tourism] Commission, that coordinates
11 economic development activities for the State with all related
12 entities, including, but not limited to, the New Jersey Economic
13 Development Authority, the New Jersey Commission on Science
14 and Technology, the New Jersey Urban Enterprise Zone Authority,
15 the Motion Picture and Television Development Commission, and
16 the New Jersey Development Authority for Small Businesses,
17 Minorities' and Women's Enterprises; and
- 18 g. Just as the Legislature 25 years ago could not have predicted
19 the technological and business changes that have taken place since
20 then, this Legislature recognizes that it, too, cannot predict the
21 future and must, therefore, ensure that the New Jersey Commerce [,
22 Economic Growth and Tourism] Commission has the agility and
23 ability to retool its focus and priorities to ensure the State's
24 capability to respond to the technological and business changes yet
25 to come; and
- 26 h. Economic growth and prosperity are still the number one
27 priorities for our citizens, and by creating an innovative and
28 independent economic development entity, the New Jersey
29 Commerce [, Economic Growth and Tourism] Commission, the
30 Legislature reaffirms that it is also a priority of government; and
- 31 i. The board of directors of the commission appointed pursuant
32 to [this act] P.L.1998, c.44 (C.52:27C-61 et seq.) should assist the
33 [Chief Executive Officer and Secretary] executive director of the
34 commission appointed pursuant to [this act] P.L. _____, c. (C. _____)
35 (pending before the Legislature as this bill) in assuring that persons
36 appointed to the staff of the commission, because they will no
37 longer be in the classified civil service pursuant to Title 11A of the
38 New Jersey Statutes, will be selected on the basis of qualification
39 and professional and technical competence, avoiding political
40 considerations to the maximum extent possible; and
- 41 j. The New Jersey Commerce [, Economic Growth and
42 Tourism] Commission promotes economic vitality and builds a
43 foundation for world economic leadership in the 21st century and
44 stimulates dynamic economic growth by providing resources and
45 services to citizens, businesses and institutions, in partnership with

1 other government agencies and the private sector, to create jobs.
2 [Because of the crucial importance tourism plays in New Jersey's
3 economy, the commission is therefore charged with the mandate to
4 increase tourism through promotional, informational, educational,
5 and developmental programs. These initiatives are to be designed
6 to maintain and increase New Jersey's standing as a premier
7 national and international travel destination by nurturing, expanding
8 and attracting industry, commerce, and tourism, in order to achieve

1 the highest quality of life and ensure economic security for all our
2 citizens.]

3 (cf: P.L.2005, c.378, s.10)

4

5 26. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to
6 read as follows:

7 3. There is established a body corporate and politic, with
8 corporate succession, to be known as the "New Jersey Commerce [,
9 Economic Growth and Tourism] Commission" (hereinafter "the
10 commission").

11 The commission shall be established in the Executive Branch of
12 the State Government and for the purposes of complying with the
13 provisions of Article V, Section IV, paragraph 1 of the New Jersey
14 Constitution, the commission is allocated, in but not of, the
15 Department of the Treasury, but notwithstanding this allocation, the
16 commission shall be independent of any supervision and control by
17 the department or by any board or officer thereof.

18 (cf: P.L.2005, c.378, s.11)

19

20 27. Section 4 of P.L.1998, c.44 (C.52:27C-64) is amended to
21 read as follows:

22 4. The Department of Commerce and Economic Development
23 created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is
24 abolished as a principal department in the Executive Branch of
25 State government, and all of its powers, functions, and duties
26 including, but not limited to, the [Division of Travel and Tourism,
27 and] the Division of International Trade, except as herein otherwise
28 provided, are continued in the commission.

29 (cf: P.L.1998, c.44, s.4)

30

31 28. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to
32 read as follows:

33 5. All appropriations and other moneys available and to
34 become available to any department, division, bureau, board,
35 commission, or other entity or agency, the functions, powers and
36 duties of which have been assigned or transferred to the Department
37 of Commerce and Economic Development, are hereby continued in
38 the commission, except as herein otherwise provided, and shall be
39 available for the objects and purposes for which such moneys are
40 appropriated subject to any terms, restrictions, limitations, or other
41 requirements imposed by State or federal law. Nothing herein shall
42 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39).
43 Whenever, in any law, rule, regulation, order, contract, document,
44 judicial or administrative proceeding or otherwise, reference is
45 made to the Department of Commerce and Economic Development
46 [or], the New Jersey Commerce and Economic Growth Commission

1 or the New Jersey Commerce, Economic Growth and Tourism
2 Commission, the same shall mean and refer to the "New Jersey
3 Commerce [, Economic Growth and Tourism] Commission" in but
4 not of the Department of the Treasury.
5 (cf: P.L.2005, c.378, s.12)

6
7 29. Section 7 of P.L.1998, c.44 (C.52:27C-67) is amended to
8 read as follows:

9 7. The [Chief Executive Officer and Secretary of the]
10 commission [as designated pursuant to section 8 this act,] shall have
11 the power to employ consultants and employees as may be required
12 in the judgment of the commission to carry out the purposes of this
13 act and to establish job titles and descriptions, and to fix and pay
14 employees compensation from funds available to the commission
15 therefor, notwithstanding the provisions of Title 11A of the New
16 Jersey Statutes. The commission shall establish the terms and
17 conditions of employment. Employees of the commission shall, as
18 appropriate, be covered under the State of New Jersey's collective
19 negotiations agreements, provided however that only the contractual
20 provisions of such agreements which apply to non-career service
21 employees shall apply to the commission employees. For
22 contractual purposes, previous State service in the career service
23 shall be counted toward any contractual provision that requires
24 unclassified seniority. Employees of the Department of Commerce
25 and Economic Development who are employed by the department
26 on the date of enactment of this act, and who are hired by the
27 commission shall retain their salary and leave time. Employees of
28 the commission shall be enrolled in the Public Employees'
29 Retirement System and shall be eligible to participate in the State
30 Health Benefits Program established pursuant to the "New Jersey
31 State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25
32 et seq.). ¹[The commission may elect to provide health benefits for
33 its employees through private insurance policies, hospital and
34 medical service corporations, health maintenance organizations, or
35 any other manner available for the provision of health benefits,
36 provided that the types of benefits shall not provide less coverage
37 than those benefits provided to other State employees.]¹

38 The commission shall advertise all available positions within the
39 commission, except under circumstances where there is an emergent
40 need as specified in the commission's personnel handbook.

41 (cf: P.L.1998, c.44, s.7)

42
43 30. Section 8 of P.L.1998, c.44 (C.52:27C-68) is amended to
44 read as follows:

45 8. The Board of Directors of the commission shall consist of
46 the following 11 voting members and two non-voting members:

- 1 a. The Governor, who shall be the Chair of the commission.
2 The Governor may be represented by an official designee, whose
3 name shall be filed with the commission.
- 4 b. The [Chief Executive Officer and Secretary of the
5 commission, who shall hold cabinet-level rank and who shall be
6 appointed by the Governor with the advice and consent of the
7 Senate. The Chief Executive Officer and Secretary of the
8 commission shall serve at the pleasure of the Governor during the
9 Governor's term of office and until a successor is appointed and
10 qualified, and shall receive such salary as shall be fixed by the
11 Governor. The Chief Executive Officer and Secretary shall serve as
12 an ex officio voting member of the commission and may be
13 represented by an official designee, whose name shall be filed with
14 the commission.
- 15 The person in office as the Commissioner of the Department of
16 Commerce and Economic Development on the effective date of this
17 act shall hold the office of the Chief Executive Officer and
18 Secretary of the commission without the advice and consent of the
19 Senate and shall serve at the pleasure of the Governor during the
20 Governor's term of office and until a successor is appointed and
21 qualified.
- 22 Whenever, in any law, rule, regulation, order, contract,
23 document, judicial or administrative proceeding or otherwise,
24 reference is made to the Commissioner of the Department of
25 Commerce and Economic Development, the same shall mean and
26 refer to the Chief Executive Officer and Secretary of the "New
27 Jersey Commerce and Economic Growth Commission." State
28 Treasurer who shall serve ex-officio and may be represented by an
29 official designee, whose name shall be filed with the commission.
- 30 c. One commissioner from each of the following departments
31 who shall serve ex-officio: the Department of Environmental
32 Protection; the Department of Labor and the Department of
33 Transportation. These commissioners may be represented by an
34 official designee, whose name shall be filed with the commission.
- 35 d. The chairman of the New Jersey Commission on Higher
36 Education, who shall serve ex officio. This chairman may be
37 represented by an official designee, whose name shall be filed with
38 the commission.
- 39 e. Three public members who shall be appointed by the
40 Governor with the advice and consent of the Senate, not more than
41 two of whom shall be of the same political party. The three public
42 members shall serve for a term of five years and shall serve until
43 their successors are appointed and qualified. Of the three public
44 members first appointed pursuant to this subsection, two shall serve
45 for a term of five years and one shall serve for a term of three years.
46 These members shall be New Jersey residents who shall provide
47 appropriate geographical representation from throughout the State
48 and who shall be employed by, owners of, or members of the board

1 of directors of, a business whose principal operation is located in
2 New Jersey. Public members shall receive no compensation for
3 their services but shall be entitled to reimbursement for expenses
4 incurred in the performance of their official duties.

5 f. Two additional members who shall be appointed by, and
6 serve at the pleasure of, the Governor. The Governor is authorized
7 to appoint one member upon the recommendation of the President
8 of the Senate and one member upon the recommendation of the
9 Speaker of the General Assembly.

10 g. One member of the Senate, to be appointed by the President
11 of the Senate, and one member of the General Assembly, to be
12 appointed by the Speaker of the General Assembly. These members
13 are non-voting, advisory members, appointed solely for the purpose
14 of developing and facilitating legislation to assist the commission in
15 fulfilling its statutory mission, and may not exercise any of the
16 executive powers delegated to the commission by law.

17 h. Any vacancies in the appointed membership of the
18 commission occurring other than by expiration of term shall be
19 filled in the same manner as the original appointment, but for the
20 unexpired term only.

21 (cf: P.L.1998, c.44, s.8)

22

23 31. (New section) The commission shall be under the
24 supervision of an Executive Director, who shall receive such salary
25 as shall be fixed by the commission and who shall be a person
26 qualified by training and experience to direct the work of the
27 commission.

28 Whenever, in any law, rule, regulation, order, contract,
29 document, judicial or administrative proceeding or otherwise,
30 reference is made to the Commissioner of the Department of
31 Commerce and Economic Development or the Chief Executive
32 Officer and Secretary of the commission, the same shall mean and
33 refer to the "New Jersey Commerce Commission."

34

35 32. Section 11 of P.L.1998, c.44 (C.52:27C-71) is amended to
36 read as follows:

37 11. The [Chief] Executive [Officer and Secretary] Director of
38 the commission shall devote full time to the performance of the
39 duties assigned thereto, and shall:

40 a. Administer the work of the commission;

41 b. Appoint and remove officers and other personnel employed
42 within the commission, except as herein otherwise specifically
43 provided;

44 c. Have authority to organize and maintain an administrative
45 office and to assign to employment therein such secretarial, clerical
46 and other assistants in the commission as the [Chief] Executive

- 1 [Officer and Secretary] Director and the internal operations of the
2 commission may require;
- 3 d. Perform, exercise and discharge the functions, powers and
4 duties of the commission through such offices as may be established
5 by this act or otherwise by law;
- 6 e. Organize the work of the commission in such organizational
7 units, not inconsistent with the provisions of this act, as the [Chief]
8 Executive [Officer and Secretary] Director may determine to be
9 necessary for the efficient and effective operation of the
10 commission;
- 11 f. [Formulate and adopt rules and regulations for the efficient
12 conduct of the work and general administration of the commission,
13 its officers, and employees;] (Deleted by amendment, P.L. , c.)
14 (pending before the Legislature as this bill)
- 15 g. [Institute or cause to be instituted such legal proceedings or
16 processes as may be necessary to properly enforce and give effect to
17 any of the powers or duties of the Chief Executive Officer and
18 Secretary or the commission;] (Deleted by amendment, P.L. , c.)
19 (pending before the Legislature as this bill)
- 20 h. Make reports of the commission's operations, and such other
21 reports, as the Governor shall from time to time request or as may
22 be required by law;
- 23 i. Coordinate the activities of the commission and the several
24 organizational units therein, in a manner designed to eliminate
25 overlapping and duplicative functions;
- 26 j. Integrate within the commission, so far as practicable, all
27 staff services of the commission and of the several organizational
28 units therein; and
- 29 k. Have access to all relevant files and records of other State
30 agencies and require any officer or employee therein to provide
31 such information as the [Chief] Executive [Officer and Secretary]
32 Director may deem necessary to the performance of the functions of
33 the commission [;].
- 34 1. [Lease or purchase suitable headquarters for the commission
35 and such other quarters as the Chief Executive Officer and
36 Secretary shall deem necessary to the proper functioning of the
37 commission;] (Deleted by amendment, P.L. , c.)(pending before
38 the Legislature as this bill)
- 39 m. [Enter into agreements with any individual, partnership,
40 trust, association, or corporation, or any public agency, under which
41 the commission, and such other entity or entities, shall undertake a
42 project as a joint venture, with the commission providing such
43 assistance or advice as the agreement may provide. Such a joint
44 venture must directly further the statutory mission of the

1 commission. Employees of any joint venture shall not be deemed
2 public employees. A joint venture entered into by the commission
3 shall not be deemed an instrumentality of the State of New Jersey.
4 A joint venture entered into by the commission shall not be deemed
5 or construed to create or constitute a debt, liability, or loan or
6 pledge of the credit, or be payable out of property or funds of the
7 State;] (Deleted by amendment, P.L. , c.)(pending before the
8 Legislature as this bill)

9 n. [Organize or participate in the organization of nonprofit
10 corporations which are exempt from federal taxation under section
11 501(c)(3) of the Internal Revenue Code. Any such nonprofit
12 corporations must directly further the statutory mission of the
13 commission. Expenses incurred by such nonprofit corporations
14 shall be payable from funds raised by the nonprofit corporation, and
15 no liability or obligation, in tort or contract, shall be incurred by the
16 State for the operation of such nonprofit corporations. Any such
17 nonprofit corporations shall obtain private counsel and shall not be
18 represented by the Attorney General or indemnified by the State of
19 New Jersey ;] (Deleted by amendment, P.L. , c.)(pending before
20 the Legislature as this bill)

21 o. [Serve as a member of any board, commission, corporation,
22 or authority which by law designates the Commissioner of the
23 Department of Commerce and Economic Development as an ex
24 officio member;] (Deleted by amendment, P.L. , c.)(pending
25 before the Legislature as this bill)

26 p. [Develop annually an economic development master plan
27 identifying the commission's objectives, policies and programs
28 which will encourage business attraction, expansion, and retention;
29 and] (Deleted by amendment, P.L. , c.)(pending before the
30 Legislature as this bill)

31 q. [Perform such other functions as may be prescribed in this
32 act or by any other law or by the commission.] (Deleted by
33 amendment, P.L. , c.)(pending before the Legislature as this bill)
34 (cf: P.L.1998, c.44, s.11)
35

36 ¹[33. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to
37 read as follows:

38 12. Notwithstanding any other provision of law, only the records
39 of any nonprofit corporation on which the [Chief] Executive
40 [Officer and Secretary] Director serves and which are in the
41 possession of the [Chief] Executive [Officer and Secretary] Director
42 in an official capacity shall be deemed public records which may be
43 subject to public inspection under the provisions of the "Right to
44 Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).

1 (cf: P.L.1998, c.44, s.12]¹

2

3 ¹[34.] 33.¹ Section 13 of P.L.1998, c.44 (C.52:27C-73) is
4 amended to read as follows:

5 13. The commission shall have perpetual succession and shall
6 have the following powers:

7 a. To make, amend and repeal rules and bylaws for its own
8 governance and guidance not inconsistent with State and federal
9 law;

10 b. To adopt an official seal and alter the same at its pleasure;

11 c. To maintain an office at such place or places within the State
12 as it may designate;

13 d. To contract for, accept, solicit or collect any grants, loans,
14 funds, property, or other aid in any form from the United States of
15 America or any agency or instrumentality thereof, from the State or
16 any agency, instrumentality or political subdivision thereof, or from
17 any other public source;

18 e. To set an amount and to charge reasonable fees for special
19 projects or services that were not customarily provided by the
20 department prior to the effective date of this act to be paid to the
21 commission for services rendered to persons, businesses, or other
22 entities which fees shall reflect the cost of providing such projects
23 or services; notwithstanding the provisions of this subsection, the
24 commission is authorized to set an amount and to charge reasonable
25 fees for services for which fees were charged by the department
26 prior to the effective date of this act;

27 f. To exercise all of the powers, functions, and duties
28 previously exercised by the Department of Commerce and
29 Economic Development, except as herein provided pursuant to this
30 act;

31 g. To act as the State's representative abroad and within the
32 United States concerning trade and commerce issues;

33 h. To adopt rules and regulations, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), necessary for the proper functioning of the commission and
36 necessary to carry out the provisions of this act;

37 i. To do any and all things necessary or convenient to carry out
38 the purposes of the commission and to exercise the powers given
39 and granted to the commission under this act;

40 j. To coordinate the State's economic development activities
41 among the commission's organizational units and the New Jersey
42 Economic Development Authority, the New Jersey Commission on
43 Science and Technology, the New Jersey Urban Enterprise Zone
44 Authority, the New Jersey Development Authority for Small
45 Businesses, Minorities' and Women's Enterprises, and the Motion
46 Picture and Television Development Commission, and to
47 recommend economic development policies to the Governor;

1 k. To enter into memoranda of understanding or other
2 cooperative agreements with the New Jersey Economic
3 Development Authority, the New Jersey Commission on Science
4 and Technology, the New Jersey Urban Enterprise Zone Authority,
5 the New Jersey Development Authority for Small Businesses,
6 Minorities' and Women's Enterprises, the Atlantic City Convention
7 Center Authority, the Dredging Project Task Force, the Economic
8 Development Site Task Force, and the Motion Picture and
9 Television Development Commission, or any other state agency for
10 the provision of services or other cooperative efforts to effectuate
11 the purposes of this act and to ensure the coordination of the State's
12 economic development activities;

13 1. To make and enter into contracts, leases, agreements, and
14 purchases necessary for the use, or incidental to the performance of,
15 the commission's duties and the exercise of its powers under the act;

16 m. To do and perform any acts and things authorized by this act
17 under, through or by means of its own officers, agents and
18 employees, or by contract with any person;

19 n. To insure against any losses in connection with the
20 commission's properties, operations or assets; ¹[and]¹

21 o. [To approve annually the economic development master plan
22 submitted by the Chief Executive Officer and Secretary] To appoint
23 the Executive Director of the commission and to formulate and
24 adopt rules and regulations for the efficient conduct of the work and
25 general administration of the commission, its officers, and
26 employees;

27 p. To institute or cause to be instituted such legal proceedings
28 or processes as may be necessary to properly enforce and give
29 effect to any of the powers or duties of the Executive Director or
30 the commission; ¹and¹

31 q. ¹[To lease or purchase suitable headquarters for the
32 commission and such other quarters as the Executive Director shall
33 deem necessary to the proper functioning of the commission;

34 r. To enter into agreements with any individual, partnership,
35 trust, association, or corporation, or any public agency, under which
36 the commission, and such other entity or entities, shall undertake a
37 project as a joint venture, with the commission providing such
38 assistance or advice as the agreement may provide. Such a joint
39 venture must directly further the statutory mission of the
40 commission. Employees of any joint venture shall not be deemed
41 public employees. A joint venture entered into by the commission
42 shall not be deemed an instrumentality of the State of New Jersey.
43 A joint venture entered into by the commission shall not be deemed
44 or construed to create or constitute a debt, liability, or loan or
45 pledge of the credit, or be payable out of property or funds of the
46 State;

1 s. To organize or participate in the organization of nonprofit
2 corporations which are exempt from federal taxation under section
3 501(c)(3) of the Internal Revenue Code. Any such nonprofit
4 corporations must directly further the statutory mission of the
5 commission. Expenses incurred by such nonprofit corporations
6 shall be payable from funds raised by the nonprofit corporation, and
7 no liability or obligation, in tort or contract, shall be incurred by the
8 State for the operation of such nonprofit corporations. Any such
9 nonprofit corporations shall obtain private counsel and shall not be
10 represented by the Attorney General or indemnified by the State of
11 New Jersey ; and

12 t.]¹ To develop once every five years an economic development
13 master plan identifying the commission's objectives, policies and
14 programs which will encourage business attraction, expansion, and
15 retention.

16 (cf: P.L.1998, c.44, s.13)

18 ¹[35.] 34.¹ Section 19 of P.L.1998, c.44 (C.52:27C-79) is
19 amended to read as follows:

20 19. a. No later than three months after the end of its fiscal year,
21 the commission shall make an annual report of its activities for the
22 preceding fiscal year to the Governor and the Legislature, pursuant
23 to section 2 of P.L.1991, c.164 (C.52:14-19.1). Each report shall
24 include, but not be limited to, a description of the short-term and
25 long-term goals of the commission and an assessment of the
26 effectiveness of the commission in meeting such goals, and any
27 recommendations for legislation to improve the effectiveness of the
28 commission.

29 b. The commission shall include, in the report required by
30 subsection a. of this section, a description setting forth information
31 concerning the imposition, collection and expenditure of the fees
32 imposed by the commission. Each such report shall also set forth a
33 complete operating and financial statement covering the operations
34 of the commission, and any of its related entities, during the year.
35 The commission shall cause an independent audit of its books and
36 accounts to be made at least once in each year by certified public
37 accountants and cause a copy thereof to be filed with the Secretary
38 of State, the Director of the Division of Budget and Accounting, in
39 the Department of the Treasury and the State Auditor.

40 (cf: P.L.1998, c.44, s.19)

42 ¹[36.] 35.¹ Section 22 of P.L.1998, c.44 (C.52:27C-82) is
43 amended to read as follows:

44 22. a. The New Jersey Economic Development Authority,
45 established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), is
46 transferred in but not of the Department of the Treasury, but,
47 notwithstanding this transfer, the New Jersey Economic

1 Development Authority shall be independent of any supervision and
2 control by the department or by any board or officer thereof.

3 b. Whenever, in any law, rule, regulation, order, contract,
4 document, judicial or administrative proceeding or otherwise,
5 reference is made to the New Jersey Economic Development
6 Authority, the same shall mean and refer to the New Jersey
7 Economic Development Authority in but not of the Department of
8 the Treasury. Notwithstanding the provisions of any law, rule,
9 regulation or order to the contrary, the [Chief Executive Officer and
10 Secretary] Board of Directors of the commission shall appoint the
11 executive director of the New Jersey Economic Development
12 Authority.

13 c. This transfer shall be subject to the provisions of the "State
14 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

15 d. The New Jersey Economic Development Authority may
16 develop and promulgate such rules and regulations in accordance
17 with the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.) as are necessary to implement the provisions
19 of this act and to effectuate the purposes of the New Jersey
20 Economic Development Authority as provided by law. Nothing
21 herein shall alter the provisions of section 1 of P.L.1979, c.303
22 (C.34-1B-5.1).

23 e. Regulations adopted by the New Jersey Economic
24 Development Authority shall continue with full force and effect
25 until amended or repealed pursuant to law.
26 (cf: P.L.1998, c.44, s.22)

27

28 ¹[37.] 36.1 Section 25 of P.L.1998, c.44 (C.52:27C-85) is
29 amended to read as follows:

30 25. a. The New Jersey Commission on Science and Technology,
31 established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is
32 transferred in but not of the Department of the Treasury, but
33 notwithstanding this transfer, the New Jersey Commission on
34 Science and Technology shall be independent of any supervision
35 and control by the department or by any board or officer thereof.
36 Notwithstanding the provisions of any law, rule, regulation or order
37 to the contrary, the [Chief Executive Officer and Secretary] Board
38 of Directors of the New Jersey Commerce Commission shall
39 appoint the Executive Director of the New Jersey Commission on
40 Science and Technology.

41 b. Whenever, in any law, rule, regulation, order, contract,
42 document, judicial or administrative proceeding or otherwise,
43 reference is made to the New Jersey Commission on Science and
44 Technology, the same shall mean and refer to the New Jersey
45 Commission on Science and Technology in but not of the
46 Department of the Treasury.

- 1 c. This transfer shall be subject to the provisions of the "State
2 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).
- 3 d. The New Jersey Commission on Science and Technology
4 may, subject to the commission's approval, develop and promulgate
5 such rules and regulations in accordance with the "Administrative
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are
7 necessary to implement the provisions of this act and to effectuate
8 the purposes of the New Jersey Commission on Science and
9 Technology as provided by law.
- 10 e. Regulations adopted by the New Jersey Commission on

1 Science and Technology shall continue with full force and effect
2 until amended or repealed pursuant to law.
3 (cf: P.L.1998, c.44, s.25)
4

5 ¹[38.] 37.1 Section 26 of P.L.1998, c.44 (C.52:27C-86) is
6 amended to read as follows:

7 26. a. The Motion Picture and Television Development
8 Commission, established pursuant to P.L.1977, c.44 (C.34:1B-22 et
9 seq.), is transferred in but not of the Department of the Treasury,
10 but notwithstanding this transfer, the Motion Picture and Television
11 Development Commission shall be independent of any supervision
12 and control by the department or by any board or officer thereof.
13 Notwithstanding the provisions of any law, rule, regulation or order
14 to the contrary, the [Chief Executive Officer and Secretary] Board
15 of Directors of the New Jersey Commerce Commission shall
16 appoint the Executive Director of the Motion Picture and Television
17 Development Commission. [.]

18 b. Whenever, in any law, rule, regulation, order, contract,
19 document, judicial or administrative proceeding or otherwise,
20 reference is made to the Motion Picture and Television
21 Development Commission, the same shall mean and refer to the
22 Motion Picture and Television Development Commission in but not
23 of the Department of the Treasury.

24 c. This transfer shall be subject to the provisions of the "State
25 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

26 d. The Motion Picture and Television Development
27 Commission may, subject to the commission's approval, develop
28 and promulgate such rules and regulations in accordance with the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.) as are necessary to implement the provisions of this act and to
31 effectuate the purposes of the Motion Picture and Television
32 Development Commission as provided by law.

33 (cf: P.L.1998, c.44, s.26)
34

35 ¹[39.] 38.1 Section 2 of P.L.2005, c.373 (C.52:27C-97) is
36 amended to read as follows:

37 2. The Foundation for Technology Advancement shall be
38 governed by a 23 member board of trustees who are appointed as
39 follows:

40 a. The [Chief] Executive [Officer and Secretary] Director of
41 the New Jersey Commerce [and Economic Growth] Commission;
42 the Executive Director of the New Jersey Economic Development
43 Authority; the Executive Director of the New Jersey Commission
44 on Science and Technology; and the Chief Technology Officer in
45 the Office of Information Technology; or their designees, all of
46 whom shall serve ex officio;

1 b. A faculty member appointed by the president of each of the
2 following academic institutions: The New Jersey Institute of
3 Technology; Rutgers, the State University; The University of
4 Medicine and Dentistry of New Jersey; and Princeton University,
5 all of whom shall serve ex officio; and

6 c. Fifteen public members appointed by the Governor as
7 follows: a representative of each of the following organizations: the
8 New Jersey Technology Council, the Biotechnology Council of
9 New Jersey, the Forum for Academicians, Scientists and
10 Technologists of New Jersey, the Strengthening the Mid-Atlantic
11 Region for Tomorrow States Organization, the New Jersey Business
12 and Industry Association, the Commerce and Industry Association
13 of New Jersey, the New Jersey State Chamber of Commerce, the
14 New Jersey Tooling and Manufacturing Association, the Research
15 and Development Council of New Jersey, the American Electronics
16 Association - New Jersey/Pennsylvania Council, and a
17 representative employed by a corporation from each of the
18 following industry sectors: pharmaceuticals, financial services,
19 advanced technology, information technology, and nanotechnology.

20 Of the public members first appointed, four shall serve for a term
21 of two years, four for a term of three years, four for a term of four
22 years, and three for a term of five years.

23 Members appointed thereafter shall serve five-year terms, and
24 any vacancy shall be filled by appointment for the unexpired term
25 only. A member is eligible for reappointment. Vacancies in the
26 membership of the foundation shall be filled in the same manner as
27 the original appointments were made.

28 The members shall elect a chair and vice chair from the
29 membership of the board of trustees.

30 (cf: P.L.2005, c.373, s.2)

31
32 ¹[40.] 39.1 Section 5 of P.L.2001, c.238 (C.52:27D-456) is
33 amended to read as follows:

34 5. The Main Street New Jersey Advisory Board is established
35 for the purposes of providing guidance and advocacy in formulating
36 policy and assisting with the long-term planning and administration
37 of the "Main Street New Jersey" program. The Main Street New
38 Jersey Advisory Board shall consist of 23 members. Sixteen
39 members shall serve in a voluntary capacity, to be appointed
40 through a process to be determined by the commissioner and shall
41 include a representative of the New Jersey State League of
42 Municipalities. Each voluntary member shall have a demonstrated
43 commitment to the goals of the "Main Street New Jersey" program.
44 The voluntary members shall represent all geographic regions of the
45 State.

46 The remaining seven advisory board members shall serve ex
47 officio and shall be a representative of the Historic Preservation
48 Program in the Department of Environmental Protection, to be

1 appointed by the Commissioner of Environmental Protection, a
 2 representative of the New Jersey Economic Development Authority
 3 to be designated by the executive director, a representative of the
 4 Neighborhood Preservation Program in the Department of
 5 Community Affairs, to be appointed by the Commissioner of
 6 Community Affairs, a representative of the Housing and Mortgage
 7 Finance Agency, to be appointed by the executive director of that
 8 agency, a representative of the New Jersey Commerce [and
 9 Economic Growth] Commission, to be appointed by the [Chief]
 10 Executive [officer and Secretary] Director of that commission, a
 11 representative of the Department of Transportation, to be appointed
 12 by the Commissioner of Transportation, and a representative of the
 13 Office of State Planning, to be appointed by the Director of the
 14 Office of State Planning.

15 The terms of the voluntary members so appointed, after the
 16 initial appointments, shall be three years, and each member may be
 17 reappointed. The terms of initial appointments of the voluntary
 18 members shall be staggered so that the terms of 1/3 of the advisory
 19 board's voluntary members shall expire annually. The advisory
 20 board members who are not State employees shall be entitled to
 21 reimbursement of their expenses incurred in connection with their
 22 duties on the advisory board.

23 (cf: P.L.2005, c.284, s.1)
 24

25 ¹[41.] 40.¹ Section 4 of P.L.1983, c.303 (C.52:27H-63) is
 26 amended to read as follows:

27 4. a. There is created the New Jersey Urban Enterprise Zone
 28 Authority, which shall consist of:

29 (1) [The Chief Executive Officer and Secretary of the New
 30 Jersey Commerce and Economic Growth Commission, who shall be
 31 chairman of the authority] a person appointed by the Board of
 32 Directors of the New Jersey Commerce Commission, who shall be
 33 the chair of the authority;

34 (2) The Commissioner of the Department of Community
 35 Affairs;

36 (3) The Commissioner of the Department of Labor and
 37 Workforce Development;

38 (4) The State Treasurer; and

39 (5) Five public members not holding any other office, position
 40 or employment in the State Government, nor any local elective
 41 office, who shall be appointed by the Governor with the advice and
 42 consent of the Senate, and who shall be qualified for their
 43 appointments by training and experience in the areas of local
 44 government finance, economic development and redevelopment, or
 45 volunteer civic service and community organization. No more than
 46 three public members shall be of the same political party. At least

1 one public member of the authority shall reside within an enterprise
2 zone; however, the provisions of this section shall apply only to
3 members appointed or reappointed after the effective date of
4 P.L.2001, c.347 (C.52:27H-66.2 et al.).

5 b. The public members of the authority shall serve for terms of
6 five years, except that of the members first appointed, one shall
7 serve for a term of one year, one shall serve for a term of two years,
8 one shall serve for a term of three years, one shall serve for a term
9 of four years, and one shall serve for a term of five years. Vacancies
10 in the public membership shall be filled in the manner of the
11 original appointments but for the unexpired terms.

12 c. An ex officio member of the authority may, from time to
13 time, designate in writing to the authority an official within his
14 respective department to attend and represent the department at the
15 meetings of the authority from which the ex officio member is
16 absent, and that designated representative shall be entitled to vote
17 and otherwise act for the ex officio member at those meetings.

18 (cf: P.L.2001, c.347, s.7)

19

20 ¹[42.] 41.1 Section 23 of P.L.2004, c.65 (C.52:27H-87.1) is
21 amended to read as follows:

22 23. a. Retail sales of energy and utility service to:

23 (1) a qualified business that employs at least 250 people within
24 an enterprise zone, at least 50% of whom are directly employed in a
25 manufacturing process, for the exclusive use or consumption of
26 such business within an enterprise zone, and

27 (2) a group of two or more persons: (a) each of which is a
28 qualified business that are all located within a single redevelopment
29 area adopted pursuant to the "Local Redevelopment and Housing
30 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.); (b) that collectively
31 employ at least 250 people within an enterprise zone, at least 50%
32 of whom are directly employed in a manufacturing process; (c) are
33 each engaged in a vertically integrated business, evidenced by the
34 manufacture and distribution of a product or family of products
35 that, when taken together, are primarily used, packaged and sold as
36 a single product; and (d) collectively use the energy and utility
37 service for the exclusive use or consumption of each of the persons
38 that comprise a group within an enterprise zone; are exempt from
39 the taxes imposed under the "Sales and Use Tax Act," P.L.1966,
40 c.30 (C.54:32B-1 et seq.).

41 A qualified business will continue to be subject to applicable
42 Board of Public Utilities tariff regulations except that its bills from
43 utility companies and third party suppliers for energy and utility
44 service shall not include charges for sales and use tax.

45 b. A business that meets the requirements of subsection a. of
46 this section shall not be allowed the exemption granted pursuant to
47 this section until it has complied with such requirements for
48 obtaining the exemption as may be provided pursuant to P.L.1983,

1 c.303 (C.52:27H-60 et seq.) and P.L.1966, c.30 (C.54:32B-1 et
2 seq.). The [Chief] Executive [Officer and Secretary] Director of the
3 New Jersey Commerce [and Economic Growth] Commission shall
4 provide prompt notice to the President of the Board of Public
5 Utilities and to the Director of the Division of Taxation in the
6 Department of the Treasury, of a qualified business that has
7 qualified for the exemption under this subsection, shall provide the
8 president and the director an annual list of all businesses that
9 qualify.

10 c. (1) Retail sales of energy and utility service to a business
11 facility located within a county that is designated for the 50% tax
12 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are
13 exempt from the taxes imposed under the "Sales and Use Tax Act,"
14 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business
15 certifies that it employs at least 50 people at that facility, at least
16 50% of whom are directly employed in a manufacturing process,
17 and provided that the energy and utility services are consumed
18 exclusively at that facility.

19 (2) A business facility that meets the requirements of paragraph
20 (1) of this subsection may file an application for the energy and
21 utility service sales tax exemption with the [Chief Executive Officer
22 and Secretary of the] New Jersey Commerce [, Economic Growth
23 and Tourism] Commission, [who] and the commission shall
24 promulgate regulations and forms for that purpose. The [Chief
25 Executive Officer and Secretary of the] New Jersey Commerce [,
26 Economic Growth and Tourism] Commission shall process an
27 application submitted under this paragraph within 20 business days
28 of receipt thereof. An exemption shall commence for a business
29 upon notice of approval of its application and shall expire for any
30 year in which the business fails to meet the requirements of
31 paragraph (1) of this subsection. Upon approval, the [Chief]
32 Executive [Officer and Secretary] Director of the New Jersey
33 Commerce [, Economic Growth and Tourism] Commission shall
34 provide prompt notice to the applicant and also shall provide
35 prompt notice to the President of the Board of Public Utilities and
36 to the Director of the Division of Taxation in the Department of the
37 Treasury. The [Chief] Executive [Officer and Secretary] Director
38 of the New Jersey Commerce [, Economic Growth and Tourism]
39 Commission also shall provide the president and the director with
40 an annual list of all businesses that have been approved under this
41 subsection.

42 (cf: P.L. 2005, c.374, s.1)

43

1 ¹[43.] 42.¹ Section 6 of P.L.2006, c.16 (C.52:27I-6) is amended
2 to read as follows:

3 6. a. The authority shall consist of ten members to be
4 appointed and qualified as follows:

5 (1) Four members appointed by the Governor with the advice
6 and consent of the Senate, for terms of four years, two of whom
7 shall be representatives of the private sector with relevant business
8 experience or background; one of whom shall be an individual who
9 is knowledgeable in environmental protection, conservation and
10 land use issues and one of whom shall be a labor representative
11 with appropriate experience in workforce development and job
12 training. Preference shall be given to professionals with a
13 background in technology, finance, or real estate. At least two of
14 the members shall be residents of Monmouth County. Not more
15 than two of the members appointed by the Governor shall be
16 members of the same political party;

17 (2) [The Chief Executive Officer and Secretary] A person
18 appointed by the Board of Directors of the New Jersey Commerce [,
19 Economic Growth and Tourism] Commission, ex officio and
20 voting;

21 (3) One member, who shall be a resident of Monmouth County,
22 to be appointed by the Monmouth County Board of Chosen
23 Freeholders for a term of four years, who shall be either:

24 (a) a member of the board, or

25 (b) a qualified person, who shall be nominated by the board,
26 with relevant business experience or background;

27 (4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
28 officio and voting; and

29 (5) A representative of Fort Monmouth, to be appointed by the
30 Secretary of the United States Department of Defense, who shall be
31 a non-voting member.

32 Each member appointed by the Governor and the member
33 appointed by the Board of Chosen Freeholders shall hold office for
34 the term of that member's appointment and until a successor shall
35 have been appointed and qualified. A member shall be eligible for
36 reappointment. Any vacancy in the membership occurring other
37 than by expiration of term shall be filled in the same manner as the
38 original appointment but for the unexpired term only.

39 b. Except for those members designated pursuant to paragraph
40 (4) of subsection a. of this section and the person appointed by the
41 Board of Directors of the New Jersey Commerce Commission, each
42 ex officio member of the authority may designate an employee of
43 the member's department or office to represent the member at
44 meetings of the authority. The designee of an ex officio member
45 may act on behalf of the member. The designation shall be in
46 writing and shall be delivered to the authority and shall be effective
47 until revoked or amended in writing to the authority.

- 1 c. Each member appointed by the Governor may be removed
2 from office by the Governor for cause, after a public hearing, and
3 may be suspended by the Governor pending the completion of that
4 hearing. Each such member, before entering the duties of
5 membership, shall take and subscribe an oath to perform those
6 duties faithfully, impartially, and justly to the best of the person's
7 ability. A record of those oaths shall be filed in the office of the
8 Secretary of State.
- 9 d. The members of the authority shall elect a chairperson and
10 vice-chairperson from among their members. The chairperson shall
11 appoint a secretary and treasurer. The powers of the authority shall
12 be vested in the voting members thereof in office from time to time;
13 five voting members of the authority shall constitute a quorum, and
14 the affirmative vote of five members shall be necessary for any
15 action taken by the authority, except as provided under sections 7
16 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the
17 bylaws of the authority shall require a larger number. No vacancy
18 in the membership of the authority shall impair the right of a
19 quorum to exercise all the rights and perform all the duties of the
20 authority.
- 21 e. The members of the authority shall serve without
22 compensation, but the authority may, within the limits of funds
23 appropriated or otherwise made available for such purposes,
24 reimburse its members for necessary expenses incurred in the
25 discharge of their official duties.
- 26 f. No member, officer, employee or agent of the Fort
27 Monmouth Economic Revitalization Planning Authority shall have
28 an interest, either directly or indirectly, in any project, employment
29 agreement or any contract, sale, purchase, lease, or transfer of real
30 or personal property to which the Fort Monmouth Economic
31 Revitalization Planning Authority is a party.
- 32 g. The authority may be dissolved by act of the Legislature on
33 condition that the authority has no debts or obligations outstanding
34 or provision has been made for the payment, retirement,
35 termination, or assumption of its debts and obligations. Upon
36 dissolution of the authority, all property, funds, and assets thereof
37 shall be vested in the State.
- 38 h. A true copy of the minutes of every meeting of the authority
39 shall be forthwith delivered by and under the certification of the
40 secretary thereof to the Governor. No action taken at such meeting
41 by the authority shall have force or effect until 10 days, Saturdays,
42 Sundays, and public holidays excepted, after the copy of the
43 minutes shall have been so delivered, unless during such 10-day
44 period the Governor shall approve the same, in which case such
45 action shall become effective upon such approval. If, in that 10-day
46 period, the Governor returns such copy of the minutes with veto of
47 any action taken by the authority or any member thereof at such
48 meeting, such action shall be void.

1 i. Any and all proceedings, hearings or meetings of the
2 authority or any advisory committees established by the authority
3 shall be conducted in conformance with the "Open Public Meetings
4 Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

5 j. Records of minutes, accounts, bills, vouchers, contracts or
6 other papers connected with or used or filed with the authority or
7 with any officer or employee acting for or in its behalf are declared
8 to be public records, and shall be open to public inspection in
9 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).

10 (cf: P.L.2006, c.16, s.6)

11

12 ¹43. Section 12 of P.L.1998, c.44 (C.52:27C-72) is repealed.¹

13

14 44. This act shall take effect immediately.