

§4 -  
C.34:1A-48.1  
§31 -  
C.52:27C-71.1  
§43 - Repealer

P.L. 2007, CHAPTER 253, *approved January 4, 2008*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 4254 and 4263

1 AN ACT reorganizing certain economic development activities  
2 performed by certain State agencies, amending various parts of  
3 the statutory law, '[and]' 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.)<sup>1</sup>,  
5 and repealing section 12 of P.L.1998, c.44 (52:27C-72)<sup>1</sup>.  
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  
24 optimum of satisfaction and high-quality service to visitors, to  
25 protect the natural beauty of New Jersey, and to sustain, promote,  
26 and expand the economic health of the tourist industry in a manner  
27 and to the 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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAP committee amendments adopted November 19, 2007.

1 State's diverse appeal to prospective national and international  
2 vacationers and travelers as part of its advertising, public relations,  
3 and marketing campaign. In addition, as required pursuant to  
4 section 9 of P.L.1977, c.225 (C.34:1A-53), the Division of Travel  
5 and Tourism shall annually review the 10-year master plan  
6 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52) by  
7 the director of the division with the assistance of the New Jersey  
8 Tourism Policy Council, and submit a report to the Governor and  
9 Legislature containing an evaluation of the preceding year's  
10 activities and developments in tourism and the revisions  
11 recommended in the master plan.

12 e. In the advancement and promotion of New Jersey's tourism  
13 industry, it is necessary to **【change the name of the New Jersey**  
14 **Commerce and Economic Growth Commission to the New Jersey**  
15 **Commerce, Economic Growth and Tourism Commission and to】**  
16 require that the division report semiannually to the Governor and  
17 the Legislature on the efforts of the **【commission】** division to  
18 promote tourism in New Jersey and on the expenditure of funds  
19 allocated to tourism advertising and promotion from hotel and  
20 motel occupancy fees pursuant to section 2 of P.L.2003, c.114  
21 (C.54:32D-2). As tourism may be particularly sensitive to changing  
22 economic conditions, a frequent review of the State's tourism  
23 planning and activities may necessitate revisions in the State's  
24 tourism policy to further encourage tourism promotion and to  
25 otherwise meet the challenges of implementing this policy.  
26 (cf: P.L.2005, c.378, s.1)  
27

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

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

32 **【"Commission" means the New Jersey Commerce, Economic**  
33 **Growth and Tourism Commission established pursuant to section 3**  
34 **of P.L.1998, c.44 (C.52:27C-63).】**

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

36 "Department" means the Department of State.

37 "Director" means the Director of the Division of Travel and  
38 Tourism.

39 "Division" means the Division of Travel and Tourism in the  
40 **【New Jersey Commerce, Economic Growth and Tourism**  
41 **Commission】** Department of State.

42 "Elected local official" means the county executive of any  
43 county wherein that office is established, a member of the  
44 governing body of a county, or a mayor or member of the governing  
45 body of a municipality.

46 "Tourism" means activities involved in providing and marketing  
47 services and products, including accommodations, for nonresidents

1 and residents who travel to and in New Jersey for recreation and  
2 pleasure.

3 "Tourist industry" means the industry consisting of private and  
4 public organizations which directly or indirectly provide services  
5 and products to nonresidents and residents who travel to and in New  
6 Jersey for recreation and pleasure.

7 (cf: P.L.2005, c.378, s.2)

8  
9 3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to  
10 read as follows:

11 4. There is hereby established in the **【New Jersey Commerce,**  
12 **Economic Growth and Tourism Commission ("commission")】**  
13 Department of State the Division of Travel and Tourism. The  
14 division shall be under the supervision of a director, who shall be a  
15 person qualified by training and experience to direct the work of  
16 such division. The director shall be appointed by the Governor  
17 after consultation with the council and with the advice and consent  
18 of the Senate. The director shall serve during the term of office of  
19 the Governor appointing the director and until the director's  
20 successor is appointed and qualified. The director shall receive  
21 such salary as shall be provided by law and shall devote the  
22 director's entire time and attention to the duties of the director's  
23 office and shall not, while in office, engage in any other gainful  
24 pursuit. The Governor may remove the director from office for  
25 cause, upon notice and opportunity to be heard.

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

27  
28 4. (New section) a. All the functions, powers, and duties of the  
29 Division of Travel and Tourism in the New Jersey Commerce,  
30 Economic Growth and Tourism Commission are transferred to the  
31 Department of State.

32 b. All appropriations and other moneys available and to  
33 become available to the division are hereby continued in the  
34 Department of State and shall be available for the objects and  
35 purposes for which such moneys are appropriated subject to any  
36 terms, restrictions, limitations, or other requirements imposed by  
37 State or federal law.

38 c. Whenever, in any law, rule, regulation, order, contract,  
39 document, judicial or administrative proceeding or otherwise,  
40 reference is made to the Division of Travel and Tourism in the New  
41 Jersey Commerce, Economic Growth and Tourism Commission, the  
42 same shall mean and refer to the Division of Travel and Tourism in  
43 the Department of State.

44

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

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

1 (1) Two members of the Senate, who shall serve as ex officio,  
2 non-voting members to be appointed by the President thereof, not  
3 more than one of whom shall be of the same political party, and two  
4 members of the General Assembly, who shall serve as ex officio,  
5 non-voting members to be appointed by the Speaker thereof, not  
6 more than one of whom shall be of the same political party;

7 (2) Nine public members, who shall be residents of this State,  
8 not more than five of whom shall be of the same political party,  
9 who shall be appointed by the Governor with the advice and  
10 consent of the Senate, who shall include persons who by experience  
11 or training represent the areas of the tourist industry as follows:

12 One representative of the lodging sector;

13 One representative of the food service sector;

14 One representative of the eco-tourism sector;

15 One representative of the cultural arts sector;

16 One representative of the convention and visitor bureaus or  
17 tour/receptive services sectors;

18 One representative of the entertainment or amusement sector;

19 One representative of the outdoor recreation sector;

20 One representative of the historical community; and

21 One representative of a Statewide travel and tourism association  
22 representing the various sectors of the tourism industry;

23 (3) The **Chief Executive Officer and Secretary of the**  
24 **commission** Secretary of State, who shall serve ex officio as a  
25 voting member and chair of the council;

26 (4) Six elected local officials, not more than three of whom shall  
27 be of the same political party, who shall be appointed by the  
28 Governor with the advice and consent of the Senate, and of whom  
29 one shall be a resident of Cape May or Cumberland County, one  
30 shall be a resident of Atlantic County, one shall be a resident of  
31 Burlington, Camden, Gloucester, Mercer or Salem County, one  
32 shall be a resident of Monmouth or Ocean County, one shall be a  
33 resident of Bergen, Essex, Hudson, Middlesex, Passaic or Union  
34 County, and one shall be a resident of Hunterdon, Morris, Somerset,  
35 Sussex or Warren County; and

36 (5) The executive directors of the New Jersey Sports and  
37 Exposition Authority, the Casino Reinvestment Development  
38 Authority, and the Atlantic City Convention Center Authority, or  
39 their designees, all of whom shall serve ex officio and as voting  
40 members.

41 b. (1) The public members of the council shall be appointed to  
42 three-year terms, except that public members initially appointed on  
43 or after the effective date of P.L.2005, c.378, representing the  
44 lodging, food service, and eco-tourism sectors shall be appointed to  
45 a two-year term, and public members representing the cultural arts  
46 and outdoor recreation sectors and the historical community shall be  
47 appointed to a one-year term. Public members shall serve until  
48 their successors are appointed and qualified. Vacancies occurring

1 other than by expiration of term shall be filled for the unexpired  
2 term only.

3 (2) The term of appointment, as a member of the council, of an  
4 elected local official appointed pursuant to paragraph 4 of  
5 subsection a. of this section shall be the same as the term of office,  
6 as an elected local official, that the person is serving at the time of  
7 such appointment. In the event that a member of the council  
8 appointed pursuant to that paragraph no longer serves as an elected  
9 local official, the term of appointment for that member shall cease  
10 and the Governor may, with the advice and consent of the Senate,  
11 appoint a replacement to serve for the remainder of the unexpired  
12 term. In the case of a person who, at the time of such appointment,  
13 serves as an elected local official in two different offices, the term  
14 of the person's appointment to the council shall be measured by the  
15 longer of the terms as an elected local official. Nothing in this  
16 paragraph shall preclude the reappointment as an elected local  
17 official member of the council of a person whose term of office as  
18 such elected local official has expired, but who has been reelected  
19 to succeed himself in the same local office.

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

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

22 e. The members of the council shall serve without  
23 compensation but shall be entitled to reimbursement for actual and  
24 necessary expenses incurred in the performance of their duties as  
25 members.

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

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

29 h. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the New Jersey Tourism Advisory Council, the  
32 same shall mean and refer to the New Jersey Tourism Policy  
33 Council in the Division of Travel and Tourism.

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

35

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

38 9. In the pursuance and promotion of a State policy on tourism,  
39 the division, at the direction of the **Chief Executive Officer and**  
40 **Secretary of the commission** Secretary of State, shall:

41 a. Provide and promote adequate opportunities for county and  
42 municipal participation, Federal agency participation, and private  
43 citizens' involvement in the decision-making process of tourism  
44 planning and policy formulation;

45 b. Encourage all State, county, and municipal governmental  
46 and private agencies to do their utmost to assure the personal safety  
47 of residents and tourists both within and without tourist destination  
48 areas;

- 1 c. Take whatever administrative, litigable, and legislative steps
- 2 as are necessary to minimize the problems of tourists in not
- 3 receiving contracted services, including transportation, tours,
- 4 hotels;
- 5 d. Attempt to reconcile and balance the activities and
- 6 accommodations of the tourist with the daily pursuits and lifestyles
- 7 of the residents;
- 8 e. Develop an understanding among all citizens of the role of
- 9 tourism in New Jersey, both in terms of its economic and social
- 10 importance and the problems it presents, through appropriate formal
- 11 and informal learning experiences;
- 12 f. Cooperate with the Department of Education to promote
- 13 throughout the educational system of New Jersey an awareness of
- 14 New Jersey history and culture;
- 15 g. Ensure that the growth of the tourist industry is consistent
- 16 with the attainment of economic, social, physical, and
- 17 environmental objectives in any State plan and county plans that are
- 18 adopted;
- 19 h. Continuously monitor and evaluate the social costs of
- 20 growth of the tourist industry against the social benefits;
- 21 i. Emphasize in the State's tourism promotional efforts the
- 22 high quality of the State's natural and cultural features;
- 23 j. Promote the tourist industry through such activities as
- 24 Visitors Bureaus and similar county and municipal agencies, and
- 25 assure that the tourist industry contributes its fair share of the cost
- 26 of such promotion;
- 27 k. Request and receive from any department, division, board,
- 28 bureau, commission, or other agency of the State, or any political
- 29 subdivision or public authority thereof, such assistance and data as
- 30 may be necessary to enable the division to carry out its
- 31 responsibilities under this act;
- 32 l. In consultation with the council, review annually and, if
- 33 necessary, revise or update the 10-year master plan developed
- 34 pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and submit a
- 35 report to the Governor and the Legislature containing an evaluation
- 36 of the preceding year's activities and developments in tourism and
- 37 the revisions recommended in the master plan;
- 38 m. At the direction of the council, operate the **【commission's】**
- 39 division's Travel and Tourism Cooperative Marketing Campaign
- 40 Program; and
- 41 n. Establish and operate the **【commission's】** division's Travel
- 42 and Tourism Advertising and Promotion Program.
- 43 (cf: P.L.2005, c.378, s.6)
- 44
- 45 7. Section 8 of P.L.2005, c.378 (C.34:1A-53.1) is amended to
- 46 read as follows:
- 47 8. In addition to the powers and duties of the division as
- 48 provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the division
- 49 shall submit a report no later than January 31 and July 31 of every

1 year on the tourism marketing campaigns of the [commission]  
2 division and the expenditure of funds appropriated to the  
3 [commission] division for tourism promotion to the Governor, the  
4 President of the Senate, the Speaker of the General Assembly, the  
5 Senate Wagering, Tourism and Historic Preservation Committee  
6 and the Assembly Tourism and Gaming Committee, or their  
7 successors. The report shall include, but not be limited to, the  
8 following information:

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

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

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

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

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

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

3       10. The council shall:

4       a. Aid the division in the formulation and updating of the 10-  
5 year master plan developed pursuant to section 8 of P.L.1977, c.225  
6 (C.34:1A-52) and the annual review thereof;

7       b. Consider all matters referred to it by the **【Chief Executive**  
8 **Officer and Secretary of the commission】** Secretary of State;

9       c. Make recommendations to the division on any matter  
10 relating to tourism and the tourist industry in New Jersey and to  
11 those objectives and responsibilities specified in sections 8 and 9 of  
12 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);

13       d. Direct the division to review the spending of funds by the  
14 regional tourism councils and provide comments and  
15 recommendations to such councils on the spending of funds when  
16 appropriate;

17       e. Direct the division to encourage the development of local  
18 marketing organizations, including but not limited to destination  
19 marketing organizations and convention and visitor bureaus;

20       f. Direct the division to ensure that a recipient of funding by  
21 the **【commission】** Department of State for tourism promotion is in  
22 compliance with all terms of the funding agreement, and that the  
23 recipient's promotional message is consistent with the promotional  
24 message for the State established by the **【Chief Executive Officer**  
25 **and】** Secretary of **【the commission】** State;

26       g. Direct the division on the operation of the **【commission's】**  
27 division's Travel and Tourism Cooperative Marketing Campaign  
28 Program;

29       h. Commission the New Jersey Center for Hospitality and  
30 Tourism at Richard Stockton College of New Jersey to conduct an  
31 annual survey and analysis of New Jersey's tourism industry for the  
32 purpose of providing data to improve the effectiveness of tourism  
33 promotion. The council shall direct the division to make the survey  
34 and analysis results available to tourism groups throughout the  
35 State. In a year during which the New Jersey Center for Hospitality  
36 and Tourism is unable or unavailable to conduct the survey and  
37 analysis, the council shall choose another entity to conduct the  
38 survey and analysis for that year; and

39       i. Perform other duties as assigned by the **【Chief Executive**  
40 **Officer and Secretary of the commission】** Secretary of State.

41 (cf: P.L.2005, c.378, s.7)

42  
43       9. Section 1 of P.L.1997, c.64 (C.13:1B-15.159) is amended to  
44 read as follows:

45       1. The Department of Environmental Protection, in cooperation  
46 with the Division of Travel and Tourism in the **【New Jersey**  
47 **Commerce and Economic Growth Commission】** Department of  
48 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;

47 (8) **【Office】** Division of Travel and Tourism, **【New Jersey**  
48 **Commerce and Economic Growth Commission】** Department of  
49 State;

1 (9) Department of Community Affairs;  
2 (10) Department of Transportation;  
3 (11) Department of State, Office of Faith-based Initiatives; and  
4 (12) any other State agency or instrumentality partnering,  
5 assisting or supporting the purposes of the foundation.

6 The State partner members of the board of trustees appointed  
7 pursuant to this subsection shall serve at the pleasure of the  
8 Secretary of State.

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

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

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

29 Vacancies shall be filled and replacements made as provided in  
30 the bylaws of the foundation.

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

32

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

35 28. The center shall be managed by a Steering Committee  
36 comprised of the Commissioners of Community Affairs, Education,  
37 Health and Senior Services, Human Services, and Labor and  
38 Workforce Development; the Executive Directors of the  
39 Commission on Higher Education **and**, the State Employment and  
40 Training Commission; the **Secretary and Chief** Executive  
41 Officer Director of the New Jersey Commerce **and**, Economic  
42 Growth and Tourism **Commission**; the Director of the Division of  
43 Vocational Rehabilitation Services; a director or member of a  
44 Workforce Investment Board as designated by the Executive  
45 Director of the State Employment and Training Commission; and a  
46 One-Stop Career Center operator as designated by the  
47 Commissioner of Labor and Workforce Development. The  
48 committee shall set policy for the operation of the center and shall  
49 have the authority to increase membership of the committee, as it

1 deems necessary, to carry out the purposes of sections 25 through  
2 29 of P.L.2005, c.354 (C.34:1A-86 through C.34:1A-88).  
3 (cf: P.L.2005, c.354, s.28)  
4

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

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

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

43 The Governor shall appoint three alternate members of the  
44 authority, of which one alternate member (who shall not be a  
45 legislator) shall be appointed by the Governor upon the  
46 recommendation of the Senate President, and one alternate member  
47 (who shall not be a legislator) shall be appointed by the Governor  
48 upon the recommendation of the Speaker of the General Assembly;  
49 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.  
49 Action may be taken and motions and resolutions adopted by the

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

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

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

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

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

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

1 or officer of the authority to carry out and perform in every detail  
2 each and every covenant, agreement or contract at any time made or  
3 entered into by or on behalf of the authority with respect to its  
4 bonds or notes or for the benefit, protection or security of the  
5 holders thereof.

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

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

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

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

27  
28 14. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to  
29 read as follows:

30 2. As used in this act:

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

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

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

46 "Advanced materials company" means a person with  
47 headquarters or base of operations located in New Jersey and  
48 engaged in the research, development, production, or provision of

1 advanced materials for the purpose of developing or providing  
2 products or processes for specific commercial or public purposes;

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

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

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

27 "Commissioner" means the **Chief Executive Officer and**  
28 **Secretary** Director of the New Jersey Commerce **and Economic**  
29 **Growth** Commission;

30 "Department" means the New Jersey Commerce **and Economic**  
31 **Growth** Commission;

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

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

47 "Designated industry" means a business engaged in the field of  
48 biotechnology, pharmaceuticals, manufacturing, financial services  
49 or transportation and logistics, advanced computing, advanced



1 materials, electronic device technology, environmental technology  
2 or medical device technology;

3 "Designated urban center" means an urban center designated in  
4 the State Development and Redevelopment Plan adopted by the  
5 State Planning Commission;

6 "Electronic device technology" means a technology involving  
7 microelectronics, semiconductors, electronic equipment, and  
8 instrumentation, radio frequency, microwave, and millimeter  
9 electronics, and optical and optic-related electrical devices, or data  
10 and digital communications and imaging devices;

11 "Electronic 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 electronic device technology for the purpose of developing or  
15 providing products or processes for specific commercial or public  
16 purposes;

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

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

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

44 "High-technology business" means an advanced computing  
45 company, advanced materials company, electronic device  
46 technology company, environmental technology company or  
47 medical device technology company;

48 "Medical device technology" means a technology involving any  
49 medical equipment or product (other than a pharmaceutical product)

1 that has therapeutic value, diagnostic value, or both, and is  
2 regulated by the federal Food and Drug Administration;

3 "Medical device technology company" means a person with  
4 headquarters or base of operations located in New Jersey and  
5 engaged in the research, development, production, or provision of  
6 medical device technology for the purpose of developing or  
7 providing products or processes for specific commercial or public  
8 purposes;

9 "New business location" means the premises that the business  
10 has either purchased or built or for which the business has entered  
11 into a purchase agreement or a written lease for a period of no less  
12 than eight years from the date of relocation;

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

19 "Program" means the Business Retention and Relocation  
20 Assistance Grant Program created pursuant to P.L.1996, c.25  
21 (C.34:1B-112 et seq.);

22 "Project agreement" means an agreement between a business and  
23 the department that sets the forecasted schedule for completion and  
24 occupancy of the project, the date the commitment duration shall  
25 commence, the amount of the applicable grant of tax credits, and  
26 other such provisions which further the purposes of P.L.1996, c.25  
27 (C.34:1B-112 et seq.);

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

33 "Retained full-time job" means an eligible position that currently  
34 exists in New Jersey and is filled by a full-time employee but  
35 which, because of a relocation by the business, is at risk of being  
36 lost to another state or country. For the purposes of determining a  
37 number of retained full-time jobs, the eligible positions of the  
38 members of a "controlled group of corporations" as defined  
39 pursuant to section 1563 of the federal Internal Revenue Code of  
40 1986, 26 U.S.C. s.1563, shall be considered the eligible positions of  
41 a single employer; and

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

46 (cf: P.L.2004, c.65, s.2)

47  
48 15. Section 3 of P.L.1996, c.25 (C.34:1B-114) is amended to  
49 read as follows:

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

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

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

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

28       "Headquarters" means the single location that serves as the  
29 national administrative center of a business, at which the primary  
30 office of the chief executive officer or chief operating officer of the  
31 business, as well as the offices of the management officials  
32 responsible for key businesswide functions such as finance, legal,  
33 marketing, and human resources, are located;

34       "Life sciences business" means a business engaged principally in  
35 the production of medical equipment, ophthalmic goods, medical or  
36 dental instruments, diagnostic substances, biopharmaceutical  
37 products; or physical and biological research; or biotechnology;

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

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

1       ["Secretary" means the Chief Executive Officer and Secretary of  
2 the New Jersey Commerce and Economic Growth Commission.]  
3 (cf: P.L.2004, c.65, s.19)  
4

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

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

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

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

28       b. The location for the project shall be situated in designated  
29 Planning Area 1 or 2, as defined in the State Development and  
30 Redevelopment Plan adopted by the State Planning Commission;  
31 provided however, that a business project involving the renovation  
32 or expansion of an existing facility that is not located in designated  
33 Planning Area 1 or 2 may be eligible to participate in the program,  
34 at the determination of the secretary, if all other applicable criteria  
35 are satisfied.

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

46       c. To be eligible to apply for the sales and use tax exemption  
47 certificate program, a business shall have operated continuously in  
48 this State, in whole or in part, in its current form or as a predecessor

1 entity, for at least 10 years prior to filing an application and shall  
2 satisfy at least one of the following criteria:

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

6 (2) the business is a life sciences business or a manufacturing  
7 facility and the project is: constructing one or more new research  
8 and development facilities, constructing one or more new  
9 manufacturing facilities in this State, or relocating to a new  
10 headquarters in this State that will employ 250 or more full-time  
11 employees;

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

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

16 (b) be predominately a new manufacturing facility;

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

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

20 provided, that the new or substantially rehabilitated facility will  
21 house a minimum of 250 full-time employees. For the purposes of  
22 this subparagraph, "predominantly" means a majority of the  
23 employees housed in the new facility are engaged in that activity, or  
24 a majority of the square footage of the new facility is used in that  
25 activity; or a majority of the total value of the investment made will  
26 be employed in that activity; or other measures of activity as may  
27 determined by the secretary that demonstrate that a critical  
28 concentration of research and development, manufacturing, or both,  
29 will occur at the new facility; or

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

33 d. For the purposes of determining a number of full-time  
34 employees pursuant to subsection c. of this section, the full-time  
35 employees of the members of a "controlled group of corporations"  
36 as defined pursuant to section 1563 of the federal Internal Revenue  
37 Code of 1986, 26 U.S.C. s.1563, shall be considered the employees  
38 of a single employer.

39 e. A project may be completed in up to two phases provided  
40 that it will be the national headquarters of a life sciences or  
41 manufacturing company, and will include a significant research and  
42 development, a significant manufacturing facility, or combination  
43 thereof if : (1) the first completed phase will house at least 200 full-  
44 time employees and the second phase will house at least 100  
45 additional employees; and (2) the project is pre-approved for phases  
46 and that all phases are completed within 30 months of project  
47 approval.

48 f. Upon approval of a project, the **【secretary】** Executive  
49 Director of the New Jersey Commerce Commission shall notify the

1 Director of the Division of Taxation in the Department of the  
2 Treasury of the terms and conditions of the project approval and the  
3 director shall issue a certificate of exemption pursuant to the terms  
4 and conditions of the project approval. In general, the sales and use  
5 tax exemption certificate provided by sections 19 through 22 of  
6 P.L.2004, c.65 (C.34:1B-185 through C.34:1B-188) should not  
7 apply to purchases initiated by the business after the date that the  
8 temporary certificate of occupancy is issued, or in cases where no  
9 temporary certificate of occupancy is issued should not apply to  
10 purchases initiated by the business more than one year from the  
11 project commencement date; however, the duration of the certificate  
12 of exemption shall be pursuant to the terms and conditions of the  
13 project approval.

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

15

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

18 22. The **【secretary】** New Jersey Commerce Commission shall,  
19 after consultation with the Director of the Division of Taxation in  
20 the Department of the Treasury, adopt rules and regulations  
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.) necessary to govern the proper conduct and  
23 operation of the program consistent with the provisions of sections  
24 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through C.34:1B-  
25 188).

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

27

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

30 9. The commission shall:

31 a. Issue the New Jersey Unified Workforce Investment Plan  
32 pursuant to the provisions of the Workforce Investment Act of  
33 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of  
34 this act;

35 b. Establish performance standards for workforce investment  
36 programs pursuant to the Workforce Investment Act of 1998,  
37 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of this act;

38 c. Act to ensure the full participation of Workforce Investment  
39 Boards in the planning and supervision of local workforce  
40 investment systems. The commission shall be responsible to  
41 oversee and develop appropriate standards to ensure Workforce  
42 Investment Board compliance with State and federal law, the State  
43 plan, and other relevant requirements regarding membership,  
44 staffing, meetings, and functions;

45 d. Foster and coordinate initiatives of the Department of  
46 Education and Commission on Higher Education to enhance the  
47 contributions of public schools and institutions of higher education  
48 to the implementation of the State workforce investment policy;

1 e. Examine federal and State laws and regulations to assess  
2 whether those laws and regulations present barriers to achieving any  
3 of the goals of this act. The commission shall, from time to time as  
4 it deems appropriate, issue to the Governor and the Legislature  
5 reports on its findings, including recommendations for changes in  
6 State or federal laws or regulations concerning workforce  
7 investment programs or services, including, when appropriate,  
8 recommendations to merge other State advisory structures and  
9 functions into the commission;

10 f. Perform the duties assigned to a State Workforce Investment  
11 Board pursuant to subsection (d) of section 111 of the Workforce  
12 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

13 g. Have the authority to enter into agreements with the head of  
14 each State department or commission which administers or funds  
15 education, employment or training programs, including, but not  
16 limited to, the Departments of Labor and Workforce Development,  
17 Community Affairs, Education, and Human Services and the  
18 Commission on Higher Education, the New Jersey Commerce [,  
19 Economic Growth and Tourism] Commission, and the Juvenile  
20 Justice Commission, which agreements are for the purpose of  
21 assigning planning, policy guidance and oversight functions to each  
22 Workforce Investment Board with respect to any workforce  
23 investment program funded or administered by the State department  
24 or commission within the Workforce Investment Board's respective  
25 labor market area or local area, as the case may be; and

26 h. Establish guidelines to be used by the Workforce Investment  
27 Boards in performing the planning, policy guidance, and oversight  
28 functions assigned to the boards under any agreement reached by  
29 the commission with a department or commission pursuant to  
30 subsection g. of this section. The commission shall approve all  
31 local Workforce Investment Board plans that meet the criteria  
32 established by the commission for the establishment of One-Stop  
33 systems. The Department of Labor and Workforce Development  
34 shall approve the operational portion of the plans for programs  
35 administered by the department.

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

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

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

45

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

48 2. a. There is created within the State Employment and  
49 Training Commission, established pursuant to section 5 of

1 P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and  
2 Workforce Development, a State Council for Adult Literacy  
3 Education Services.

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

35 c. The public members shall serve for terms of three years, but  
36 of the public members first appointed, six shall serve a term of three  
37 years, six shall serve a term of two years and five shall serve a term  
38 of one year. Each member shall hold office for the term of  
39 appointment and until his successor is appointed and qualified. A  
40 member appointed to fill a vacancy occurring in the membership of  
41 the board for any reason other than the expiration of the term shall  
42 have a term of appointment for the unexpired term only. All  
43 vacancies shall be filled in the same manner as the original  
44 appointment. A member may be appointed for any number of  
45 successive terms. A member may be removed from office by the  
46 Governor, for cause, after a hearing and may be suspended by the  
47 Governor pending the completion of the hearing.

48 d. The members shall select annually a chairperson and a vice-  
49 chairperson, who shall be nongovernmental members of the council,



1 and shall appoint an executive director. The executive director  
2 shall report to the chairperson of the council and be responsible for  
3 administering the daily operations of the council. The executive  
4 director shall serve in the State unclassified service. The council  
5 may call to its assistance and avail itself of the services of the  
6 employees of any State, county or municipal department, board,  
7 bureau, commission or agency as it may require and as may be  
8 available to it for its purposes.

9 e. Members of the council shall serve without compensation,  
10 but may be reimbursed for necessary expenses incurred in the  
11 performance of their duties as members, within the limits of funds  
12 appropriated or otherwise made available to the council for its  
13 purposes. Actions may be taken and motions and resolutions may  
14 be adopted by the council by an affirmative vote of a majority of  
15 the members.

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

17  
18 22. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read  
19 as follows:

20 2. The Council on Armed Forces and Veterans' Affairs  
21 established in the Department of Commerce and Economic  
22 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
23 hereby transferred to and established in the Department of Military  
24 and Veterans' Affairs. The council shall consist of 22 members:  
25 two to be appointed by the President of the Senate from the  
26 members thereof, no more than one of whom shall be from the same  
27 political party; two to be appointed by the Speaker of the General  
28 Assembly from the members thereof, no more than one of whom  
29 shall be from the same political party; the Adjutant General of the  
30 Department of Military and Veterans' Affairs, the **【Chief】**  
31 Executive **【Officer and Secretary】** Director of the New Jersey  
32 Commerce **【and Economic Growth】** Commission, the  
33 Commissioner of Education, the Commissioner of Environmental  
34 Protection, the Commissioner of Transportation, the State  
35 Treasurer, the Commissioner of Community Affairs, the  
36 Commissioner of Labor and Workforce Development, and the Chair  
37 of the New Jersey Commission on Higher Education, or their  
38 designees; and nine public members to be appointed by the  
39 Governor, with the advice and consent of the Senate. Eight of the  
40 public members shall be representatives of the community and  
41 business support groups for New Jersey's military installations and  
42 the United States Coast Guard training center. Each public member  
43 shall serve for a term of three years from the date of the member's  
44 appointment and until the member's successor is appointed and  
45 qualified. Vacancies resulting from causes other than by expiration  
46 of term shall be filled for the unexpired term only and shall be filled  
47 in the same manner as the original appointments were made.

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

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

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

9       Title

10      Agriculture Department

11        Secretary of Agriculture

12      Children and Families Department

13        Commissioner of Children and Families

14      Community Affairs Department

15        Commissioner of Community Affairs

16      Corrections Department

17        Commissioner of Corrections

18      Education Department

19        Commissioner of Education

20      Environmental Protection Department

21        Commissioner of Environmental Protection

22      Health and Senior Services Department

23        Commissioner of Health and Senior

24        Services

25      Human Services Department

26        Commissioner of Human Services

27      Banking and Insurance Department

28        Commissioner of Banking and Insurance

29      Labor and Workforce Development Department

30        Commissioner of Labor and Workforce Development

31      Law and Public Safety Department

32        Attorney General

33      Military and Veterans' Affairs Department

34        Adjutant General

35      Personnel Department

36        Commissioner of Personnel

37      State Department

38        Secretary of State

39      Transportation Department

40        Commissioner of Transportation

41      Treasury Department

42        State Treasurer

43      Members, Board of Public Utilities

44      Public Advocate Department

45        Public Advocate

46        【Notwithstanding the provisions of this section to the contrary,  
47 the Chief Executive Officer and Secretary of the New Jersey  
48 Commerce and Economic Growth Commission shall receive such

1 salary as shall be fixed by the Governor pursuant to subsection b. of  
2 section 8 of P.L.1998, c.44 (C.52:27C-68).**】**  
3 (cf: P.L.2006, c.47, s.189)  
4

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

7 1. This act shall be known and may be cited as the "New Jersey  
8 Commerce **【**, Economic Growth and Tourism**】** Commission Act."  
9 (cf: P.L.2005, c.378, s.9)  
10

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

13 2. The Legislature finds and declares that:

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

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

18 c. To attract business, New Jersey must think and act like a  
19 business, by utilizing the best available personnel, without  
20 consideration of political affiliation, selected on the basis of the  
21 skills, ability and experience, needed to provide enhanced customer  
22 service, and by responding to the needs of the business community  
23 with flexibility and agility; and

24 d. Commerce and economic development are priorities for New  
25 Jersey because success in these endeavors means the creation of  
26 jobs for our citizens. As such, commerce and economic  
27 development deserve a unique and dynamic role in our State  
28 government; and

29 e. Because we soon will be entering the 21st century, New  
30 Jersey must now boldly transform its economic development  
31 mission to be market driven, mobile and responsive enough to the  
32 future's challenges to empower New Jersey to undertake new  
33 commercial and economic ventures as the economic engine of the  
34 Northeast; and

35 f. The State and its citizens will benefit from a more sharply  
36 focused economic development vision, in which the State's efforts  
37 are coordinated under one organization, the New Jersey Commerce  
38 **【**, Economic Growth and Tourism**】** Commission, that coordinates  
39 economic development activities for the State with all related  
40 entities, including, but not limited to, the New Jersey Economic  
41 Development Authority, the New Jersey Commission on Science  
42 and Technology, the New Jersey Urban Enterprise Zone Authority,  
43 the Motion Picture and Television Development Commission, and  
44 the New Jersey Development Authority for Small Businesses,  
45 Minorities' and Women's Enterprises; and

46 g. Just as the Legislature 25 years ago could not have predicted  
47 the technological and business changes that have taken place since  
48 then, this Legislature recognizes that it, too, cannot predict the  
49 future and must, therefore, ensure that the New Jersey Commerce **【**,

1 Economic Growth and Tourism] Commission has the agility and  
2 ability to retool its focus and priorities to ensure the State's  
3 capability to respond to the technological and business changes yet  
4 to come; and

5 h. Economic growth and prosperity are still the number one  
6 priorities for our citizens, and by creating an innovative and  
7 independent economic development entity, the New Jersey  
8 Commerce [, Economic Growth and Tourism] Commission, the  
9 Legislature reaffirms that it is also a priority of government; and

10 i. The board of directors of the commission appointed pursuant  
11 to [this act] P.L.1998, c.44 (C.52:27C-61 et seq.) should assist the  
12 [Chief Executive Officer and Secretary] executive director of the  
13 commission appointed pursuant to [this act] P.L. , c. (C. )  
14 (pending before the Legislature as this bill) in assuring that persons  
15 appointed to the staff of the commission, because they will no  
16 longer be in the classified civil service pursuant to Title 11A of the  
17 New Jersey Statutes, will be selected on the basis of qualification  
18 and professional and technical competence, avoiding political  
19 considerations to the maximum extent possible; and

20 j. The New Jersey Commerce [, Economic Growth and  
21 Tourism] Commission promotes economic vitality and builds a  
22 foundation for world economic leadership in the 21st century and  
23 stimulates dynamic economic growth by providing resources and  
24 services to citizens, businesses and institutions, in partnership with  
25 other government agencies and the private sector, to create jobs.  
26 [Because of the crucial importance tourism plays in New Jersey's  
27 economy, the commission is therefore charged with the mandate to  
28 increase tourism through promotional, informational, educational,  
29 and developmental programs. These initiatives are to be designed  
30 to maintain and increase New Jersey's standing as a premier  
31 national and international travel destination by nurturing, expanding  
32 and attracting industry, commerce, and tourism, in order to achieve  
33 the highest quality of life and ensure economic security for all our  
34 citizens.]

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

36  
37 26. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to  
38 read as follows:

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

43 The commission shall be established in the Executive Branch of  
44 the State Government and for the purposes of complying with the  
45 provisions of Article V, Section IV, paragraph 1 of the New Jersey  
46 Constitution, the commission is allocated, in but not of, the  
47 Department of the Treasury, but notwithstanding this allocation, the

1 commission shall be independent of any supervision and control by  
2 the department or by any board or officer thereof.  
3 (cf: P.L.2005, c.378, s.11)  
4

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

7 4. The Department of Commerce and Economic Development  
8 created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is  
9 abolished as a principal department in the Executive Branch of  
10 State government, and all of its powers, functions, and duties  
11 including, but not limited to, the [Division of Travel and Tourism,  
12 and] the Division of International Trade, except as herein otherwise  
13 provided, are continued in the commission.  
14 (cf: P.L.1998, c.44, s.4)  
15

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

18 5. All appropriations and other moneys available and to  
19 become available to any department, division, bureau, board,  
20 commission, or other entity or agency, the functions, powers and  
21 duties of which have been assigned or transferred to the Department  
22 of Commerce and Economic Development, are hereby continued in  
23 the commission, except as herein otherwise provided, and shall be  
24 available for the objects and purposes for which such moneys are  
25 appropriated subject to any terms, restrictions, limitations, or other  
26 requirements imposed by State or federal law. Nothing herein shall  
27 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39).  
28 Whenever, in any law, rule, regulation, order, contract, document,  
29 judicial or administrative proceeding or otherwise, reference is  
30 made to the Department of Commerce and Economic Development  
31 [or], the New Jersey Commerce and Economic Growth  
32 Commission or the New Jersey Commerce, Economic Growth and  
33 Tourism Commission, the same shall mean and refer to the "New  
34 Jersey Commerce [, Economic Growth and Tourism] Commission"  
35 in but not of the Department of the Treasury.  
36 (cf: P.L.2005, c.378, s.12)  
37

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

40 7. The [Chief Executive Officer and Secretary of the]  
41 commission [as designated pursuant to section 8 this act,] shall  
42 have the power to employ consultants and employees as may be  
43 required in the judgment of the commission to carry out the  
44 purposes of this act and to establish job titles and descriptions, and  
45 to fix and pay employees compensation from funds available to the  
46 commission therefor, notwithstanding the provisions of Title 11A of  
47 the New Jersey Statutes. The commission shall establish the terms  
48 and conditions of employment. Employees of the commission shall,  
49 as appropriate, be covered under the State of New Jersey's

1 collective negotiations agreements, provided however that only the  
2 contractual provisions of such agreements which apply to non-  
3 career service employees shall apply to the commission employees.  
4 For contractual purposes, previous State service in the career  
5 service shall be counted toward any contractual provision that  
6 requires unclassified seniority. Employees of the Department of  
7 Commerce and Economic Development who are employed by the  
8 department on the date of enactment of this act, and who are hired  
9 by the commission shall retain their salary and leave time.  
10 Employees of the commission shall be enrolled in the Public  
11 Employees' Retirement System and shall be eligible to participate in  
12 the State Health Benefits Program established pursuant to the "New  
13 Jersey State Health Benefits Program Act," P.L.1961, c.49  
14 (C.52:14-17.25 et seq.). <sup>1</sup>【The commission may elect to provide  
15 health benefits for its employees through private insurance policies,  
16 hospital and medical service corporations, health maintenance  
17 organizations, or any other manner available for the provision of  
18 health benefits, provided that the types of benefits shall not provide  
19 less coverage than those benefits provided to other State  
20 employees.】<sup>1</sup>

21 The commission shall advertise all available positions within the  
22 commission, except under circumstances where there is an emergent  
23 need as specified in the commission's personnel handbook.  
24 (cf: P.L.1998, c.44, s.7)  
25

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

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

30 a. The Governor, who shall be the Chair of the commission.  
31 The Governor may be represented by an official designee, whose  
32 name shall be filed with the commission.

33 b. The 【Chief Executive Officer and Secretary of the  
34 commission, who shall hold cabinet-level rank and who shall be  
35 appointed by the Governor with the advice and consent of the  
36 Senate. The Chief Executive Officer and Secretary of the  
37 commission shall serve at the pleasure of the Governor during the  
38 Governor's term of office and until a successor is appointed and  
39 qualified, and shall receive such salary as shall be fixed by the  
40 Governor. The Chief Executive Officer and Secretary shall serve as  
41 an ex officio voting member of the commission and may be  
42 represented by an official designee, whose name shall be filed with  
43 the commission.

44 The person in office as the Commissioner of the Department of  
45 Commerce and Economic Development on the effective date of this  
46 act shall hold the office of the Chief Executive Officer and  
47 Secretary of the commission without the advice and consent of the  
48 Senate and shall serve at the pleasure of the Governor during the

1 Governor's term of office and until a successor is appointed and  
2 qualified.

3 Whenever, in any law, rule, regulation, order, contract,  
4 document, judicial or administrative proceeding or otherwise,  
5 reference is made to the Commissioner of the Department of  
6 Commerce and Economic Development, the same shall mean and  
7 refer to the Chief Executive Officer and Secretary of the "New  
8 Jersey Commerce and Economic Growth Commission." State  
9 Treasurer who shall serve ex-officio and may be represented by an  
10 official designee, whose name shall be filed with the commission.

11 c. One commissioner from each of the following departments  
12 who shall serve ex-officio: the Department of Environmental  
13 Protection; the Department of Labor and the Department of  
14 Transportation. These commissioners may be represented by an  
15 official designee, whose name shall be filed with the commission.

16 d. The chairman of the New Jersey Commission on Higher  
17 Education, who shall serve ex officio. This chairman may be  
18 represented by an official designee, whose name shall be filed with  
19 the commission.

20 e. Three public members who shall be appointed by the  
21 Governor with the advice and consent of the Senate, not more than  
22 two of whom shall be of the same political party. The three public  
23 members shall serve for a term of five years and shall serve until  
24 their successors are appointed and qualified. Of the three public  
25 members first appointed pursuant to this subsection, two shall serve  
26 for a term of five years and one shall serve for a term of three years.  
27 These members shall be New Jersey residents who shall provide  
28 appropriate geographical representation from throughout the State  
29 and who shall be employed by, owners of, or members of the board  
30 of directors of, a business whose principal operation is located in  
31 New Jersey. Public members shall receive no compensation for  
32 their services but shall be entitled to reimbursement for expenses  
33 incurred in the performance of their official duties.

34 f. Two additional members who shall be appointed by, and  
35 serve at the pleasure of, the Governor. The Governor is authorized  
36 to appoint one member upon the recommendation of the President  
37 of the Senate and one member upon the recommendation of the  
38 Speaker of the General Assembly.

39 g. One member of the Senate, to be appointed by the President  
40 of the Senate, and one member of the General Assembly, to be  
41 appointed by the Speaker of the General Assembly. These members  
42 are non-voting, advisory members, appointed solely for the purpose  
43 of developing and facilitating legislation to assist the commission in  
44 fulfilling its statutory mission, and may not exercise any of the  
45 executive powers delegated to the commission by law.

46 h. Any vacancies in the appointed membership of the  
47 commission occurring other than by expiration of term shall be  
48 filled in the same manner as the original appointment, but for the

1 unexpired term only.  
2 (cf: P.L.1998, c.44, s.8)

3  
4 31. (New section) The commission shall be under the  
5 supervision of an Executive Director, who shall receive such salary  
6 as shall be fixed by the commission and who shall be a person  
7 qualified by training and experience to direct the work of the  
8 commission.

9 Whenever, in any law, rule, regulation, order, contract,  
10 document, judicial or administrative proceeding or otherwise,  
11 reference is made to the Commissioner of the Department of  
12 Commerce and Economic Development or the Chief Executive  
13 Officer and Secretary of the commission, the same shall mean and  
14 refer to the "New Jersey Commerce Commission."

15  
16 32. Section 11 of P.L.1998, c.44 (C.52:27C-71) is amended to  
17 read as follows:

18 11. The **【Chief】 Executive 【Officer and Secretary】** Director of  
19 the commission shall devote full time to the performance of the  
20 duties assigned thereto, and shall:

21 a. Administer the work of the commission;

22 b. Appoint and remove officers and other personnel employed  
23 within the commission, except as herein otherwise specifically  
24 provided;

25 c. Have authority to organize and maintain an administrative  
26 office and to assign to employment therein such secretarial, clerical  
27 and other assistants in the commission as the **【Chief】 Executive**  
28 **【Officer and Secretary】** Director and the internal operations of the  
29 commission may require;

30 d. Perform, exercise and discharge the functions, powers and  
31 duties of the commission through such offices as may be established  
32 by this act or otherwise by law;

33 e. Organize the work of the commission in such organizational  
34 units, not inconsistent with the provisions of this act, as the **【Chief】**  
35 **Executive 【Officer and Secretary】** Director may determine to be  
36 necessary for the efficient and effective operation of the  
37 commission;

38 f. **【Formulate and adopt rules and regulations for the efficient**  
39 **conduct of the work and general administration of the commission,**  
40 **its officers, and employees;】** (Deleted by amendment, P.L. \_\_, c. \_\_)  
41 (pending before the Legislature as this bill)

42 g. **【Institute or cause to be instituted such legal proceedings or**  
43 **processes as may be necessary to properly enforce and give effect to**  
44 **any of the powers or duties of the Chief Executive Officer and**  
45 **Secretary or the commission;】** (Deleted by amendment, P.L. \_\_,  
46 c. \_\_) (pending before the Legislature as this bill)



1 h. Make reports of the commission's operations, and such other  
2 reports, as the Governor shall from time to time request or as may  
3 be required by law;

4 i. Coordinate the activities of the commission and the several  
5 organizational units therein, in a manner designed to eliminate  
6 overlapping and duplicative functions;

7 j. Integrate within the commission, so far as practicable, all  
8 staff services of the commission and of the several organizational  
9 units therein; and

10 k. Have access to all relevant files and records of other State  
11 agencies and require any officer or employee therein to provide  
12 such information as the **【Chief】** Executive **【Officer and Secretary】**  
13 Director may deem necessary to the performance of the functions of  
14 the commission **【;】**.

15 1. **【Lease or purchase suitable headquarters for the commission**  
16 **and such other quarters as the Chief Executive Officer and**  
17 **Secretary shall deem necessary to the proper functioning of the**  
18 **commission;】** (Deleted by amendment, P.L. , c. )(pending before  
19 the Legislature as this bill)

20 m. **【Enter into agreements with any individual, partnership,**  
21 **trust, association, or corporation, or any public agency, under which**  
22 **the commission, and such other entity or entities, shall undertake a**  
23 **project as a joint venture, with the commission providing such**  
24 **assistance or advice as the agreement may provide. Such a joint**  
25 **venture must directly further the statutory mission of the**  
26 **commission. Employees of any joint venture shall not be deemed**  
27 **public employees. A joint venture entered into by the commission**  
28 **shall not be deemed an instrumentality of the State of New Jersey.**  
29 **A joint venture entered into by the commission shall not be deemed**  
30 **or construed to create or constitute a debt, liability, or loan or**  
31 **pledge of the credit, or be payable out of property or funds of the**  
32 **State;】** (Deleted by amendment, P.L. , c. )(pending before the  
33 Legislature as this bill)

34 n. **【Organize or participate in the organization of nonprofit**  
35 **corporations which are exempt from federal taxation under section**  
36 **501(c)(3) of the Internal Revenue Code. Any such nonprofit**  
37 **corporations must directly further the statutory mission of the**  
38 **commission. Expenses incurred by such nonprofit corporations**  
39 **shall be payable from funds raised by the nonprofit corporation, and**  
40 **no liability or obligation, in tort or contract, shall be incurred by the**  
41 **State for the operation of such nonprofit corporations. Any such**  
42 **nonprofit corporations shall obtain private counsel and shall not be**  
43 **represented by the Attorney General or indemnified by the State of**  
44 **New Jersey ;】** (Deleted by amendment, P.L. , c. )(pending before  
45 the Legislature as this bill)

46 o. **【Serve as a member of any board, commission, corporation,**  
47 **or authority which by law designates the Commissioner of the**  
48 **Department of Commerce and Economic Development as an ex**

1 officio member;] (Deleted by amendment, P.L. , c. )(pending  
 2 before the Legislature as this bill)

3 p. **【Develop annually an economic development master plan**  
 4 identifying the commission's objectives, policies and programs  
 5 which will encourage business attraction, expansion, and retention;  
 6 and】 (Deleted by amendment, P.L. , c. )(pending before the  
 7 Legislature as this bill)

8 q. **【Perform such other functions as may be prescribed in this**  
 9 act or by any other law or by the commission.】 (Deleted by  
 10 amendment, P.L. , c. )(pending before the Legislature as this bill)  
 11 (cf: P.L.1998, c.44, s.11)

12  
 13 <sup>1</sup>**【33. Section 12 of P.L.1998, c.44 (C.52:27C-72) is amended to**  
 14 read as follows:

15 12. Notwithstanding any other provision of law, only the records  
 16 of any nonprofit corporation on which the **【Chief】** Executive  
 17 **【Officer and Secretary】** Director serves and which are in the  
 18 possession of the **【Chief】** Executive **【Officer and Secretary】**  
 19 Director in an official capacity shall be deemed public records  
 20 which may be subject to public inspection under the provisions of  
 21 the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).  
 22 (cf: P.L.1998, c.44, s.12】<sup>1</sup>

23  
 24 <sup>1</sup>**【34.】 33.1** Section 13 of P.L.1998, c.44 (C.52:27C-73) is  
 25 amended to read as follows:

26 13. The commission shall have perpetual succession and shall  
 27 have the following powers:

28 a. To make, amend and repeal rules and bylaws for its own  
 29 governance and guidance not inconsistent with State and federal  
 30 law;

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

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

34 d. To contract for, accept, solicit or collect any grants, loans,  
 35 funds, property, or other aid in any form from the United States of  
 36 America or any agency or instrumentality thereof, from the State or  
 37 any agency, instrumentality or political subdivision thereof, or from  
 38 any other public source;

39 e. To set an amount and to charge reasonable fees for special  
 40 projects or services that were not customarily provided by the  
 41 department prior to the effective date of this act to be paid to the  
 42 commission for services rendered to persons, businesses, or other  
 43 entities which fees shall reflect the cost of providing such projects  
 44 or services; notwithstanding the provisions of this subsection, the  
 45 commission is authorized to set an amount and to charge reasonable  
 46 fees for services for which fees were charged by the department  
 47 prior to the effective date of this act;

- 1 f. To exercise all of the powers, functions, and duties  
2 previously exercised by the Department of Commerce and  
3 Economic Development, except as herein provided pursuant to this  
4 act;
- 5 g. To act as the State's representative abroad and within the  
6 United States concerning trade and commerce issues;
- 7 h. To adopt rules and regulations, pursuant to the  
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
9 seq.), necessary for the proper functioning of the commission and  
10 necessary to carry out the provisions of this act;
- 11 i. To do any and all things necessary or convenient to carry out  
12 the purposes of the commission and to exercise the powers given  
13 and granted to the commission under this act;
- 14 j. To coordinate the State's economic development activities  
15 among the commission's organizational units and the New Jersey  
16 Economic Development Authority, the New Jersey Commission on  
17 Science and Technology, the New Jersey Urban Enterprise Zone  
18 Authority, the New Jersey Development Authority for Small  
19 Businesses, Minorities' and Women's Enterprises, and the Motion  
20 Picture and Television Development Commission, and to  
21 recommend economic development policies to the Governor;
- 22 k. To enter into memoranda of understanding or other  
23 cooperative agreements with the New Jersey Economic  
24 Development Authority, the New Jersey Commission on Science  
25 and Technology, the New Jersey Urban Enterprise Zone Authority,  
26 the New Jersey Development Authority for Small Businesses,  
27 Minorities' and Women's Enterprises, the Atlantic City Convention  
28 Center Authority, the Dredging Project Task Force, the Economic  
29 Development Site Task Force, and the Motion Picture and  
30 Television Development Commission, or any other state agency for  
31 the provision of services or other cooperative efforts to effectuate  
32 the purposes of this act and to ensure the coordination of the State's  
33 economic development activities;
- 34 l. To make and enter into contracts, leases, agreements, and  
35 purchases necessary for the use, or incidental to the performance of,  
36 the commission's duties and the exercise of its powers under the act;
- 37 m. To do and perform any acts and things authorized by this act  
38 under, through or by means of its own officers, agents and  
39 employees, or by contract with any person;
- 40 n. To insure against any losses in connection with the  
41 commission's properties, operations or assets; '[and]'
- 42 o. **【To approve annually the economic development master**  
43 **plan submitted by the Chief Executive Officer and Secretary】** To  
44 appoint the Executive Director of the commission and to formulate  
45 and adopt rules and regulations for the efficient conduct of the work  
46 and general administration of the commission, its officers, and  
47 employees;
- 48 p. To institute or cause to be instituted such legal proceedings  
49 or processes as may be necessary to properly enforce and give

effect to any of the powers or duties of the Executive Director or the commission; 'and'

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

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

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

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

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

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

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

b. The commission shall include, in the report required by subsection a. of this section, a description setting forth information concerning the imposition, collection and expenditure of the fees

1 imposed by the commission. Each such report shall also set forth a  
2 complete operating and financial statement covering the operations  
3 of the commission, and any of its related entities, during the year.  
4 The commission shall cause an independent audit of its books and  
5 accounts to be made at least once in each year by certified public  
6 accountants and cause a copy thereof to be filed with the Secretary  
7 of State, the Director of the Division of Budget and Accounting, in  
8 the Department of the Treasury and the State Auditor.  
9 (cf: P.L.1998, c.44, s.19)

10  
11 ' [36.] 35.' Section 22 of P.L.1998, c.44 (C.52:27C-82) is  
12 amended to read as follows:

13 22. a. The New Jersey Economic Development Authority,  
14 established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), is  
15 transferred in but not of the Department of the Treasury, but,  
16 notwithstanding this transfer, the New Jersey Economic  
17 Development Authority shall be independent of any supervision and  
18 control by the department or by any board or officer thereof.

19 b. Whenever, in any law, rule, regulation, order, contract,  
20 document, judicial or administrative proceeding or otherwise,  
21 reference is made to the New Jersey Economic Development  
22 Authority, the same shall mean and refer to the New Jersey  
23 Economic Development Authority in but not of the Department of  
24 the Treasury. Notwithstanding the provisions of any law, rule,  
25 regulation or order to the contrary, the [Chief Executive Officer and  
26 Secretary] Board of Directors of the commission shall appoint the  
27 executive director of the New Jersey Economic Development  
28 Authority.

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

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

39 e. Regulations adopted by the New Jersey Economic  
40 Development Authority shall continue with full force and effect  
41 until amended or repealed pursuant to law.

42 (cf: P.L.1998, c.44, s.22)

43  
44 ' [37.] 36.' Section 25 of P.L.1998, c.44 (C.52:27C-85) is  
45 amended to read as follows:

46 25. a. The New Jersey Commission on Science and Technology,  
47 established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is  
48 transferred in but not of the Department of the Treasury, but  
49 notwithstanding this transfer, the New Jersey Commission on

1 Science and Technology shall be independent of any supervision  
2 and control by the department or by any board or officer thereof.  
3 Notwithstanding the provisions of any law, rule, regulation or order  
4 to the contrary, the **【Chief Executive Officer and Secretary】** Board  
5 of Directors of the New Jersey Commerce Commission shall  
6 appoint the Executive Director of the New Jersey Commission on  
7 Science and Technology.

8 b. Whenever, in any law, rule, regulation, order, contract,  
9 document, judicial or administrative proceeding or otherwise,  
10 reference is made to the New Jersey Commission on Science and  
11 Technology, the same shall mean and refer to the New Jersey  
12 Commission on Science and Technology in but not of the  
13 Department of the Treasury.

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

16 d. The New Jersey Commission on Science and Technology  
17 may, subject to the commission's approval, develop and promulgate  
18 such rules and regulations in accordance with the "Administrative  
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are  
20 necessary to implement the provisions of this act and to effectuate  
21 the purposes of the New Jersey Commission on Science and  
22 Technology as provided by law.

23 e. Regulations adopted by the New Jersey Commission on  
24 Science and Technology shall continue with full force and effect  
25 until amended or repealed pursuant to law.

26 (cf: P.L.1998, c.44, s.25)

27

28 <sup>1</sup>**【38.】 37.** Section 26 of P.L.1998, c.44 (C.52:27C-86) is  
29 amended to read as follows:

30 26. a. The Motion Picture and Television Development  
31 Commission, established pursuant to P.L.1977, c.44 (C.34:1B-22 et  
32 seq.), is transferred in but not of the Department of the Treasury,  
33 but notwithstanding this transfer, the Motion Picture and Television  
34 Development Commission 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 Motion Picture and Television  
40 Development Commission. **【,】**

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

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

d. The Motion Picture and Television Development Commission may, subject to the commission's approval, develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the Motion Picture and Television Development Commission as provided by law.  
(cf: P.L.1998, c.44, s.26)

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

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

a. The **Chief** Executive **Officer and Secretary** Director of the New Jersey Commerce **and Economic Growth** Commission; the Executive Director of the New Jersey Economic Development Authority; the Executive Director of the New Jersey Commission on Science and Technology; and the Chief Technology Officer in the Office of Information Technology; or their designees, all of whom shall serve ex officio;

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

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

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

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

1 The members shall elect a chair and vice chair from the  
2 membership of the board of trustees.  
3 (cf: P.L.2005, c.373, s.2)  
4

5 '【40.】 39.' Section 5 of P.L.2001, c.238 (C.52:27D-456) is  
6 amended to read as follows:

7 5. The Main Street New Jersey Advisory Board is established  
8 for the purposes of providing guidance and advocacy in formulating  
9 policy and assisting with the long-term planning and administration  
10 of the "Main Street New Jersey" program. The Main Street New  
11 Jersey Advisory Board shall consist of 23 members. Sixteen  
12 members shall serve in a voluntary capacity, to be appointed  
13 through a process to be determined by the commissioner and shall  
14 include a representative of the New Jersey State League of  
15 Municipalities. Each voluntary member shall have a demonstrated  
16 commitment to the goals of the "Main Street New Jersey" program.  
17 The voluntary members shall represent all geographic regions of the  
18 State.

19 The remaining seven advisory board members shall serve ex  
20 officio and shall be a representative of the Historic Preservation  
21 Program in the Department of Environmental Protection, to be  
22 appointed by the Commissioner of Environmental Protection, a  
23 representative of the New Jersey Economic Development Authority  
24 to be designated by the executive director, a representative of the  
25 Neighborhood Preservation Program in the Department of  
26 Community Affairs, to be appointed by the Commissioner of  
27 Community Affairs, a representative of the Housing and Mortgage  
28 Finance Agency, to be appointed by the executive director of that  
29 agency, a representative of the New Jersey Commerce [and  
30 Economic Growth] Commission, to be appointed by the [Chief]  
31 Executive [officer and Secretary] Director of that commission, a  
32 representative of the Department of Transportation, to be appointed  
33 by the Commissioner of Transportation, and a representative of the  
34 Office of State Planning, to be appointed by the Director of the  
35 Office of State Planning.

36 The terms of the voluntary members so appointed, after the  
37 initial appointments, shall be three years, and each member may be  
38 reappointed. The terms of initial appointments of the voluntary  
39 members shall be staggered so that the terms of 1/3 of the advisory  
40 board's voluntary members shall expire annually. The advisory  
41 board members who are not State employees shall be entitled to  
42 reimbursement of their expenses incurred in connection with their  
43 duties on the advisory board.

44 (cf: P.L.2005, c.284, s.1)  
45

46 '【41.】 40.' Section 4 of P.L.1983, c.303 (C.52:27H-63) is  
47 amended to read as follows:

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



1 (1) [The Chief Executive Officer and Secretary of the New  
2 Jersey Commerce and Economic Growth Commission, who shall be  
3 chairman of the authority] a person appointed by the Board of  
4 Directors of the New Jersey Commerce Commission, who shall be  
5 the chair of the authority;

6 (2) The Commissioner of the Department of Community  
7 Affairs;

8 (3) The Commissioner of the Department of Labor and  
9 Workforce Development;

10 (4) The State Treasurer; and

11 (5) Five public members not holding any other office, position  
12 or employment in the State Government, nor any local elective  
13 office, who shall be appointed by the Governor with the advice and  
14 consent of the Senate, and who shall be qualified for their  
15 appointments by training and experience in the areas of local  
16 government finance, economic development and redevelopment, or  
17 volunteer civic service and community organization. No more than  
18 three public members shall be of the same political party. At least  
19 one public member of the authority shall reside within an enterprise  
20 zone; however, the provisions of this section shall apply only to  
21 members appointed or reappointed after the effective date of  
22 P.L.2001, c.347 (C.52:27H-66.2 et al.).

23 b. The public members of the authority shall serve for terms of  
24 five years, except that of the members first appointed, one shall  
25 serve for a term of one year, one shall serve for a term of two years,  
26 one shall serve for a term of three years, one shall serve for a term  
27 of four years, and one shall serve for a term of five years. Vacancies  
28 in the public membership shall be filled in the manner of the  
29 original appointments but for the unexpired terms.

30 c. An ex officio member of the authority may, from time to  
31 time, designate in writing to the authority an official within his  
32 respective department to attend and represent the department at the  
33 meetings of the authority from which the ex officio member is  
34 absent, and that designated representative shall be entitled to vote  
35 and otherwise act for the ex officio member at those meetings.

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

37  
38 '[42.] 41.' Section 23 of P.L.2004, c.65 (C.52:27H-87.1) is  
39 amended to read as follows:

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

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

45 (2) a group of two or more persons: (a) each of which is a  
46 qualified business that are all located within a single redevelopment  
47 area adopted pursuant to the "Local Redevelopment and Housing  
48 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.); (b) that collectively  
49 employ at least 250 people within an enterprise zone, at least 50%

1 of whom are directly employed in a manufacturing process; (c) are  
2 each engaged in a vertically integrated business, evidenced by the  
3 manufacture and distribution of a product or family of products  
4 that, when taken together, are primarily used, packaged and sold as  
5 a single product; and (d) collectively use the energy and utility  
6 service for the exclusive use or consumption of each of the persons  
7 that comprise a group within an enterprise zone; are exempt from  
8 the taxes imposed under the "Sales and Use Tax Act," P.L.1966,  
9 c.30 (C.54:32B-1 et seq.).

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

14 b. A business that meets the requirements of subsection a. of  
15 this section shall not be allowed the exemption granted pursuant to  
16 this section until it has complied with such requirements for  
17 obtaining the exemption as may be provided pursuant to P.L.1983,  
18 c.303 (C.52:27H-60 et seq.) and P.L.1966, c.30 (C.54:32B-1 et  
19 seq.). The **Chief Executive Officer and Secretary** Director of  
20 the New Jersey Commerce **[and Economic Growth]** Commission  
21 shall provide prompt notice to the President of the Board of Public  
22 Utilities and to the Director of the Division of Taxation in the  
23 Department of the Treasury, of a qualified business that has  
24 qualified for the exemption under this subsection, shall provide the  
25 president and the director an annual list of all businesses that  
26 qualify.

27 c. (1) Retail sales of energy and utility service to a business  
28 facility located within a county that is designated for the 50% tax  
29 exemption under section 1 of P.L.1993, c.373 (C.54:32B-8.45) are  
30 exempt from the taxes imposed under the "Sales and Use Tax Act,"  
31 P.L.1966, c.30 (C.54:32B-1 et seq.); provided that the business  
32 certifies that it employs at least 50 people at that facility, at least  
33 50% of whom are directly employed in a manufacturing process,  
34 and provided that the energy and utility services are consumed  
35 exclusively at that facility.

36 (2) A business facility that meets the requirements of paragraph  
37 (1) of this subsection may file an application for the energy and  
38 utility service sales tax exemption with the **Chief Executive**  
39 **Officer and Secretary of the** New Jersey Commerce **[, Economic**  
40 **Growth and Tourism]** Commission, **[who]** and the commission  
41 shall promulgate regulations and forms for that purpose. The  
42 **Chief Executive Officer and Secretary of the** New Jersey  
43 Commerce **[, Economic Growth and Tourism]** Commission shall  
44 process an application submitted under this paragraph within 20  
45 business days of receipt thereof. An exemption shall commence for  
46 a business upon notice of approval of its application and shall  
47 expire for any year in which the business fails to meet the  
48 requirements of paragraph (1) of this subsection. Upon approval,

1 the **【Chief】 Executive 【Officer and Secretary】 Director** of the New  
 2 Jersey Commerce **【, Economic Growth and Tourism】 Commission**  
 3 shall provide prompt notice to the applicant and also shall provide  
 4 prompt notice to the President of the Board of Public Utilities and  
 5 to the Director of the Division of Taxation in the Department of the  
 6 Treasury. The **【Chief】 Executive 【Officer and Secretary】 Director**  
 7 of the New Jersey Commerce **【, Economic Growth and Tourism】**  
 8 Commission also shall provide the president and the director with  
 9 an annual list of all businesses that have been approved under this  
 10 subsection.

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

12  
 13 <sup>1</sup>**【43.】 42.** Section 6 of P.L.2006, c.16 (C.52:27I-6) is amended  
 14 to read as follows:

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

17 (1) Four members appointed by the Governor with the advice  
 18 and consent of the Senate, for terms of four years, two of whom  
 19 shall be representatives of the private sector with relevant business  
 20 experience or background; one of whom shall be an individual who  
 21 is knowledgeable in environmental protection, conservation and  
 22 land use issues and one of whom shall be a labor representative  
 23 with appropriate experience in workforce development and job  
 24 training. Preference shall be given to professionals with a  
 25 background in technology, finance, or real estate. At least two of  
 26 the members shall be residents of Monmouth County. Not more  
 27 than two of the members appointed by the Governor shall be  
 28 members of the same political party;

29 (2) **【The Chief Executive Officer and Secretary】 A person**  
 30 appointed by the Board of Directors of the New Jersey Commerce  
 31 **【, Economic Growth and Tourism】 Commission**, ex officio and  
 32 voting;

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

36 (a) a member of the board, or

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

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

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

44 Each member appointed by the Governor and the member  
 45 appointed by the Board of Chosen Freeholders shall hold office for  
 46 the term of that member's appointment and until a successor shall  
 47 have been appointed and qualified. A member shall be eligible for  
 48 reappointment. Any vacancy in the membership occurring other

1 than by expiration of term shall be filled in the same manner as the  
2 original appointment but for the unexpired term only.

3 b. Except for those members designated pursuant to paragraph  
4 (4) of subsection a. of this section and the person appointed by the  
5 Board of Directors of the New Jersey Commerce Commission, each  
6 ex officio member of the authority may designate an employee of  
7 the member's department or office to represent the member at  
8 meetings of the authority. The designee of an ex officio member  
9 may act on behalf of the member. The designation shall be in  
10 writing and shall be delivered to the authority and shall be effective  
11 until revoked or amended in writing to the authority.

12 c. Each member appointed by the Governor may be removed  
13 from office by the Governor for cause, after a public hearing, and  
14 may be suspended by the Governor pending the completion of that  
15 hearing. Each such member, before entering the duties of  
16 membership, shall take and subscribe an oath to perform those  
17 duties faithfully, impartially, and justly to the best of the person's  
18 ability. A record of those oaths shall be filed in the office of the  
19 Secretary of State.

20 d. The members of the authority shall elect a chairperson and  
21 vice-chairperson from among their members. The chairperson shall  
22 appoint a secretary and treasurer. The powers of the authority shall  
23 be vested in the voting members thereof in office from time to time;  
24 five voting members of the authority shall constitute a quorum, and  
25 the affirmative vote of five members shall be necessary for any  
26 action taken by the authority, except as provided under sections 7  
27 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), or unless the  
28 bylaws of the authority shall require a larger number. No vacancy  
29 in the membership of the authority shall impair the right of a  
30 quorum to exercise all the rights and perform all the duties of the  
31 authority.

32 e. The members of the authority shall serve without  
33 compensation, but the authority may, within the limits of funds  
34 appropriated or otherwise made available for such purposes,  
35 reimburse its members for necessary expenses incurred in the  
36 discharge of their official duties.

37 f. No member, officer, employee or agent of the Fort  
38 Monmouth Economic Revitalization Planning Authority shall have  
39 an interest, either directly or indirectly, in any project, employment  
40 agreement or any contract, sale, purchase, lease, or transfer of real  
41 or personal property to which the Fort Monmouth Economic  
42 Revitalization Planning Authority is a party.

43 g. The authority may be dissolved by act of the Legislature on  
44 condition that the authority has no debts or obligations outstanding  
45 or provision has been made for the payment, retirement,  
46 termination, or assumption of its debts and obligations. Upon  
47 dissolution of the authority, all property, funds, and assets thereof  
48 shall be vested in the State.

1       h. A true copy of the minutes of every meeting of the authority  
2 shall be forthwith delivered by and under the certification of the  
3 secretary thereof to the Governor. No action taken at such meeting  
4 by the authority shall have force or effect until 10 days, Saturdays,  
5 Sundays, and public holidays excepted, after the copy of the  
6 minutes shall have been so delivered, unless during such 10-day  
7 period the Governor shall approve the same, in which case such  
8 action shall become effective upon such approval. If, in that 10-day  
9 period, the Governor returns such copy of the minutes with veto of  
10 any action taken by the authority or any member thereof at such  
11 meeting, such action shall be void.

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

16       j. Records of minutes, accounts, bills, vouchers, contracts or  
17 other papers connected with or used or filed with the authority or  
18 with any officer or employee acting for or in its behalf are declared  
19 to be public records, and shall be open to public inspection in  
20 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).  
21 (cf: P.L.2006, c.16, s.6)

22

23       <sup>1</sup>43. Section 12 of P.L.1998, c.44 (C.52:27C-72) is repealed.<sup>1</sup>

24

25       44. This act shall take effect immediately.

26

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29

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