

# SENATE, No. 3010

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 8, 2015

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Bateman and Ruiz**

**SYNOPSIS**

Allows certain businesses to qualify as mega projects under the "Grow New Jersey Assistance Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/18/2015)**

1 AN ACT concerning mega projects under the "Grow New Jersey  
2 Assistance Act" and amending P.L.2011, c.149.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to  
8 read as follows:

9 2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

10 "Affiliate" means an entity that directly or indirectly controls, is  
11 under common control with, or is controlled by the business.  
12 Control exists in all cases in which the entity is a member of a  
13 controlled group of corporations as defined pursuant to section 1563  
14 of the Internal Revenue Code of 1986 (26 U.S.C.s.1563) or the  
15 entity is an organization in a group of organizations under common  
16 control as defined pursuant to subsection (b) or (c) of section 414 of  
17 the Internal Revenue Code of 1986 (26 U.S.C.s.414). A taxpayer  
18 may establish by clear and convincing evidence, as determined by  
19 the Director of the Division of Taxation in the Department of the  
20 Treasury, that control exists in situations involving lesser  
21 percentages of ownership than required by those statutes. An  
22 affiliate of a business may contribute to meeting either the qualified  
23 investment or full-time employee requirements of a business that  
24 applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-  
25 209).

26 "Authority" means the New Jersey Economic Development  
27 Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

28 "Aviation district" means the area within a one-mile radius of the  
29 outermost boundary of the "Atlantic City International Airport,"  
30 established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-  
31 24).

32 "Business" means an applicant proposing to own or lease  
33 premises in a qualified business facility that is:

34 a corporation that is subject to the tax imposed pursuant to  
35 section 5 of P.L.1945, c.162 (C.54:10A-5);

36 a corporation that is subject to the tax imposed pursuant to  
37 sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3),  
38 section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

39 a partnership;

40 an S corporation;

41 a limited liability company; or

42 a non-profit corporation.

43 If the business or tenant is a cooperative or part of a cooperative,  
44 then the cooperative may qualify for credits by counting the full-  
45 time employees and capital investments of its member  
46 organizations, and the cooperative may distribute credits to its

**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.

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1 member organizations. If the business or tenant is a cooperative  
2 that leases to its member organizations, the lease shall be treated as  
3 a lease to an affiliate or affiliates.

4 A business shall include an affiliate of the business if that  
5 business applies for a credit based upon any capital investment  
6 made by or full-time employees of an affiliate.

7 "Capital investment" in a qualified business facility means  
8 expenses by a business or any affiliate of the business incurred after  
9 application for:

10 a. site preparation and construction, repair, renovation,  
11 improvement, equipping, or furnishing on real property or of a  
12 building, structure, facility, or improvement to real property;

13 b. obtaining and installing furnishings and machinery,  
14 apparatus, or equipment, including but not limited to material goods  
15 subject to bonus depreciation under sections 168 and 179 of the  
16 federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the  
17 operation of a business on real property or in a building, structure,  
18 facility, or improvement to real property;

19 c. receiving Highlands Development Credits under the  
20 Highlands Transfer Development Rights Program authorized  
21 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or

22 d. any of the foregoing.

23 In addition to the foregoing, in a Garden State Growth Zone, the  
24 following qualify as a capital investment: any and all development,  
25 redevelopment and relocation costs, including, but not limited to,  
26 site acquisition if made within 24 months of application to the  
27 authority, engineering, legal, accounting, and other professional  
28 services required; and relocation, environmental remediation, and  
29 infrastructure improvements for the project area, including, but not  
30 limited to, on- and off-site utility, road, pier, wharf, bulkhead, or  
31 sidewalk construction or repair.

32 In addition to the foregoing, if a business acquires or leases a  
33 qualified business facility, the capital investment made or acquired  
34 by the seller or owner, as the case may be, if pertaining primarily to  
35 the premises of the qualified business facility, shall be considered a  
36 capital investment by the business and, if pertaining generally to the  
37 qualified business facility being acquired or leased, shall be  
38 allocated to the premises of the qualified business facility on the  
39 basis of the gross leasable area of the premises in relation to the  
40 total gross leasable area in the qualified business facility. The  
41 capital investment described herein may include any capital  
42 investment made or acquired within 24 months prior to the date of  
43 application so long as the amount of capital investment made or  
44 acquired by the business, any affiliate of the business, or any owner  
45 after the date of application equals at least 50 percent of the amount  
46 of capital investment, allocated to the premises of the qualified  
47 business facility being acquired or leased on the basis of the gross  
48 leasable area of such premises in relation to the total gross leasable

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1 area in the qualified business facility made or acquired prior to the  
2 date of application.

3 "Commitment period" means the period of time that is 1.5 times  
4 the eligibility period.

5 "Deep poverty pocket" means a population census tract having a  
6 poverty level of 20 percent or more, and which is located within the  
7 qualified incentive area and has been determined by the authority to  
8 be an area appropriate for development and in need of economic  
9 development incentive assistance.

10 "Disaster recovery project" means a project located on property  
11 that has been wholly or substantially damaged or destroyed as a  
12 result of a federally-declared disaster which, after utilizing all  
13 disaster funds available from federal, State, county, and local  
14 funding sources, demonstrates to the satisfaction of the authority  
15 that access to additional funding authorized pursuant to the "New  
16 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
17 (C.52:27D-489p et al.), is necessary to complete such  
18 redevelopment project, and which is located within the qualified  
19 incentive area and has been determined by the authority to be in an  
20 area appropriate for development and in need of economic  
21 development incentive assistance.

22 "Distressed municipality" means a municipality that is qualified  
23 to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a  
24 municipality under the supervision of the Local Finance Board  
25 pursuant to the provisions of the "Local Government Supervision  
26 Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality  
27 identified by the Director of the Division of Local Government  
28 Services in the Department of Community Affairs to be facing  
29 serious fiscal distress, a SDA municipality, or a municipality in  
30 which a major rail station is located.

31 "Eligibility period" means the period in which a business may  
32 claim a tax credit under the Grow New Jersey Assistance Program,  
33 beginning with the tax period in which the authority accepts  
34 certification of the business that it has met the capital investment  
35 and employment requirements of the Grow New Jersey Assistance  
36 Program and extending thereafter for a term of not more than 10  
37 years, with the term to be determined solely at the discretion of the  
38 applicant.

39 "Eligible position" or "full-time job" means a full-time position  
40 in a business in this State which the business has filled with a full-  
41 time employee.

42 "Full-time employee" means a person:

43 a. who is employed by a business for consideration for at least  
44 35 hours a week, or who renders any other standard of service  
45 generally accepted by custom or practice as full-time employment,  
46 or

47 b. who is employed by a professional employer organization  
48 pursuant to an employee leasing agreement between the business

1 and the professional employer organization, in accordance with  
2 P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or  
3 who renders any other standard of service generally accepted by  
4 custom or practice as full-time employment, and whose wages are  
5 subject to withholding as provided in the "New Jersey Gross  
6 Income Tax Act," N.J.S.54A:1-1 et seq., or

7 c. who is a resident of another State but whose income is not  
8 subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-  
9 1 et seq. or who is a partner of a business who works for the  
10 partnership for at least 35 hours a week, or who renders any other  
11 standard of service generally accepted by custom or practice as full-  
12 time employment, and whose distributive share of income, gain,  
13 loss, or deduction, or whose guaranteed payments, or any  
14 combination thereof, is subject to the payment of estimated taxes, as  
15 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-  
16 1 et seq., and

17 d. who, except for purposes of the Statewide workforce, is  
18 provided, by the business, with employee health benefits under a  
19 health benefits plan authorized pursuant to State or federal law.

20 With respect to a logistics, manufacturing, energy, defense,  
21 aviation, or maritime business, excluding primarily warehouse or  
22 distribution operations, located in a port district having a container  
23 terminal:

24 the requirement that employee health benefits are to be provided  
25 shall be deemed to be satisfied if such benefits are provided in  
26 accordance with industry practice by a third party obligated to  
27 provide such benefits pursuant to a collective bargaining agreement;

28 full-time employment shall include, but not be limited to,  
29 employees that have been hired by way of a labor union hiring hall  
30 or its equivalent;

31 35 hours of employment per week at a qualified business facility  
32 shall constitute one "full-time employee," regardless of whether or  
33 not the hours of work were performed by one or more persons.

34 For any project located in a Garden State Growth Zone which  
35 qualifies under the "Municipal Rehabilitation and Economic  
36 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any  
37 project located in the Atlantic City Tourism District as established  
38 pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated  
39 by the Casino Reinvestment Development Authority, and which  
40 will include a retail facility of at least 150,000 square feet, of which  
41 at least 50 percent will be occupied by either a full-service  
42 supermarket or grocery store, 30 hours of employment per week at a  
43 qualified business facility shall constitute one "full-time employee,"  
44 regardless of whether or not the hours of work were performed by  
45 one or more persons, and the requirement that employee health  
46 benefits are to be provided shall be deemed to be satisfied if the  
47 employees of the business are covered by a collective bargaining  
48 agreement.

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1 "Full-time employee" shall not include any person who works as  
2 an independent contractor or on a consulting basis for the business.  
3 Full-time employee shall also not include any person who at the  
4 time of project application works in New Jersey for consideration  
5 for at least 35 hours per week, or who renders any other standard of  
6 service generally accepted by custom or practice as full-time  
7 employment but who prior to project application was not provided,  
8 by the business, with employee health benefits under a health  
9 benefits plan authorized pursuant to State or federal law.

10 "Garden State Growth Zone" or "growth zone" means the four  
11 New Jersey cities with the lowest median family income based on  
12 the 2009 American Community Survey from the US Census, (Table  
13 708. Household, Family, and Per Capita Income and Individuals,  
14 and Families Below Poverty Level by City: 2009); or a municipality  
15 which contains a Tourism District as established pursuant to section  
16 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino  
17 Reinvestment Development Authority.

18 "Highlands development credit receiving area or redevelopment  
19 area" means an area located within a qualified incentive area and  
20 designated by the Highlands Water Protection and Planning Council  
21 for the receipt of Highlands Development Credits under the  
22 Highlands Transfer Development Rights Program authorized  
23 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

24 "Incentive agreement" means the contract between the business  
25 and the authority, which sets forth the terms and conditions under  
26 which the business shall be eligible to receive the incentives  
27 authorized pursuant to the program.

28 "Incentive effective date" means the date the authority issues a  
29 tax credit based on documentation submitted by a business pursuant  
30 to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149  
31 (C.34:1B-247).

32 "Major rail station" means a railroad station located within a  
33 qualified incentive area which provides access to the public to a  
34 minimum of six rail passenger service lines operated by the New  
35 Jersey Transit Corporation.

36 "Mega project" means:

37 a. a qualified business facility located in a port district housing  
38 a business in the logistics, manufacturing, energy, defense, or  
39 maritime industries, either:

40 (1) having a capital investment in excess of \$20,000,000, and at  
41 which more than 250 full-time employees of such business are  
42 created or retained, or

43 (2) at which more than 1,000 full-time employees of such  
44 business are created or retained;

45 b. a qualified business facility located in an aviation district  
46 housing a business in the aviation industry, in a Garden State  
47 Growth Zone, or in a priority area housing the United States

1 headquarters and related facilities of an automobile manufacturer,  
2 either:

3 (1) having a capital investment in excess of \$20,000,000, and at  
4 which more than 250 full-time employees of such business are  
5 created or retained, or

6 (2) at which more than 1,000 full-time employees of such  
7 business are created or retained;

8 c. a qualified business facility located in an urban transit hub  
9 housing a business of any kind, having a capital investment in  
10 excess of \$50,000,000, and at which more than 250 full-time  
11 employees of a business are created or retained; **[or]**

12 d. a project located in an area designated in need of  
13 redevelopment", pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.)  
14 prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within  
15 Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,  
16 Ocean, or Salem counties having a capital investment in excess of  
17 \$20,000,000, and at which more than 150 full-time employees of a  
18 business are created or retained; or

19 e. a qualified business facility primarily used by a business  
20 principally engaged in research, development, or manufacture of a  
21 drug or device, as defined in R.S.24:1-1, or primarily used by a  
22 business licensed to conduct a clinical laboratory and business  
23 facility pursuant to the "New Jersey Clinical Laboratory  
24 Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), either:

25 (1) having a capital investment in excess of \$20,000,000, and at  
26 which more than 250 full-time employees of such business are  
27 created or retained, or

28 (2) at which more than 1,000 full-time employees of such  
29 business are created or retained.

30 "Minimum environmental and sustainability standards" means  
31 standards established by the authority in accordance with the green  
32 building manual prepared by the Commissioner of Community  
33 Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6),  
34 regarding the use of renewable energy, energy-efficient technology,  
35 and non-renewable resources in order to reduce environmental  
36 degradation and encourage long-term cost reduction.

37 "Moderate-income housing" means housing affordable,  
38 according to United States Department of Housing and Urban  
39 Development or other recognized standards for home ownership  
40 and rental costs, and occupied or reserved for occupancy by  
41 households with a gross household income equal to more than 50  
42 percent but less than 80 percent of the median gross household  
43 income for households of the same size within the housing region in  
44 which the housing is located.

45 "Municipal Revitalization Index" means the 2007 index by the  
46 Office for Planning Advocacy within the Department of State  
47 measuring or ranking municipal distress.

1 "New full-time job" means an eligible position created by the  
2 business at the qualified business facility that did not previously  
3 exist in this State. For the purposes of determining a number of  
4 new full-time jobs, the eligible positions of an affiliate shall be  
5 considered eligible positions of the business.

6 "Other eligible area" means the portions of the qualified  
7 incentive area that are not located within a distressed municipality,  
8 or the priority area.

9 "Partnership" means an entity classified as a partnership for  
10 federal income tax purposes.

11 "Port district" means the portions of a qualified incentive area  
12 that are located within:

13 a. the "Port of New York District" of the Port Authority of  
14 New York and New Jersey, as defined in Article II of the Compact  
15 Between the States of New York and New Jersey of 1921; or

16 b. a 15-mile radius of the outermost boundary of each marine  
17 terminal facility established, acquired, constructed, rehabilitated, or  
18 improved by the South Jersey Port District established pursuant to  
19 "The South Jersey Port Corporation Act," P.L.1968, c.60  
20 (C.12:11A-1 et seq.).

21 "Priority area" means the portions of the qualified incentive area  
22 that are not located within a distressed municipality and which:

23 a. are designated pursuant to the "State Planning Act,"  
24 P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1  
25 (Metropolitan), Planning Area 2 (Suburban), a designated center  
26 under the State Development and Redevelopment Plan, or a  
27 designated growth center in an endorsed plan until June 30, 2013, or  
28 until the State Planning Commission revises and readopts New  
29 Jersey's State Strategic Plan and adopts regulations to revise this  
30 definition;

31 b. intersect with portions of: a deep poverty pocket, a port  
32 district, or federally-owned land approved for closure under a  
33 federal Commission on Base Realignment and Closure action;

34 c. are the proposed site of a disaster recovery project, a  
35 qualified incubator facility, a highlands development credit  
36 receiving area or redevelopment area, a tourism destination project,  
37 or transit oriented development; or

38 d. contain: a vacant commercial building having over 400,000  
39 square feet of office, laboratory, or industrial space available for  
40 occupancy for a period of over one year; or a site that has been  
41 negatively impacted by the approval of a "qualified business  
42 facility," as defined pursuant to section 2 of P.L.2007, c.346  
43 (C.34:1B-208).

44 "Professional employer organization" means an employee leasing  
45 company registered with the Department of Labor and Workforce  
46 Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

47 "Program" means the "Grow New Jersey Assistance Program"  
48 established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).



1 "Qualified business facility" means any building, complex of  
2 buildings or structural components of buildings, and all machinery  
3 and equipment located within a qualified incentive area, used in  
4 connection with the operation of a business that is not engaged in  
5 final point of sale retail business at that location unless the building,  
6 complex of buildings or structural components of buildings, and all  
7 machinery and equipment located within a qualified incentive area,  
8 are used in connection with the operation of:

9 a. a final point of sale retail business located in a Garden State  
10 Growth Zone that will include a retail facility of at least 150,000  
11 square feet, of which at least 50 percent is occupied by either a full-  
12 service supermarket or grocery store; or

13 b. a tourism destination project located in the Atlantic City  
14 Tourism District as established pursuant to section 5 of P.L.2011,  
15 c.18 (C.5:12-219).

16 "Qualified incentive area" means:

17 a. an aviation district;

18 b. a port district;

19 c. a distressed municipality or urban transit hub municipality;

20 d. an area (1) designated pursuant to the "State Planning Act,"  
21 P.L.1985, c.398 (C.52:18A-196 et seq.), as:

22 (a) Planning Area 1 (Metropolitan);

23 (b) Planning Area 2 (Suburban); or

24 (c) Planning Area 3 (Fringe Planning Area);

25 (2) located within a smart growth area and planning area  
26 designated in a master plan adopted by the New Jersey  
27 Meadowlands Commission pursuant to subsection (i) of section 6 of  
28 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan  
29 adopted by the New Jersey Meadowlands Commission pursuant to  
30 section 20 of P.L.1968, c.404 (C.13:17-21);

31 (3) located within any land owned by the New Jersey Sports and  
32 Exposition Authority, established pursuant to P.L.1971, c.137  
33 (C.5:10-1 et seq.), within the boundaries of the Hackensack  
34 Meadowlands District as delineated in section 4 of P.L.1968, c.404  
35 (C.13:17-4);

36 (4) located within a regional growth area, town, village, or a  
37 military and federal installation area designated in the  
38 comprehensive management plan prepared and adopted by the  
39 Pinelands Commission pursuant to the "Pinelands Protection Act,"  
40 P.L.1979, c.111 (C.13:18A-1 et seq.);

41 (5) located within the planning area of the Highlands Region as  
42 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands  
43 development credit receiving area or redevelopment area;

44 (6) located within a Garden State Growth Zone;

45 (7) located within land approved for closure under any federal  
46 Commission on Base Realignment and Closure action; or

47 (8) located only within the following portions of the areas  
48 designated pursuant to the "State Planning Act," P.L.1985, c.398

1 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area),  
2 Planning Area 4B (Rural/Environmentally Sensitive) or Planning  
3 Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural  
4 Planning Area), Planning Area 4B (Rural/Environmentally  
5 Sensitive) or Planning Area 5 (Environmentally Sensitive) is  
6 located within:

7 (a) a designated center under the State Development and  
8 Redevelopment Plan;

9 (b) a designated growth center in an endorsed plan until the  
10 State Planning Commission revises and readopts New Jersey's State  
11 Strategic Plan and adopts regulations to revise this definition as it  
12 pertains to Statewide planning areas;

13 (c) any area determined to be in need of redevelopment pursuant  
14 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-  
15 6) or in need of rehabilitation pursuant to section 14 of P.L.1992,  
16 c.79 (C.40A:12A-14);

17 (d) any area on which a structure exists or previously existed  
18 including any desired expansion of the footprint of the existing or  
19 previously existing structure provided such expansion otherwise  
20 complies with all applicable federal, State, county, and local  
21 permits and approvals;

22 (e) the planning area of the Highlands Region as defined in  
23 section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands  
24 development credit receiving area or redevelopment area; or

25 (f) any area on which an existing tourism destination project is  
26 located.

27 "Qualified incentive area" shall not include any property located  
28 within the preservation area of the Highlands Region as defined in  
29 section 3 of P.L.2004, c.120 (C.13:20-3).

30 "Qualified incubator facility" means a commercial building  
31 located within a qualified incentive area: which contains 50,000 or  
32 more square feet of office, laboratory, or industrial space; which is  
33 located near, and presents opportunities for collaboration with, a  
34 research institution, teaching hospital, college, or university; and  
35 within which, at least 50 percent of the gross leasable area is  
36 restricted for use by one or more technology startup companies  
37 during the commitment period.

38 "Retained full-time job" means an eligible position that currently  
39 exists in New Jersey and is filled by a full-time employee but  
40 which, because of a potential relocation by the business, is at risk of  
41 being lost to another state or country, or eliminated. For the  
42 purposes of determining a number of retained full-time jobs, the  
43 eligible positions of an affiliate shall be considered eligible  
44 positions of the business. For the purposes of the certifications and  
45 annual reports required in the incentive agreement pursuant to  
46 subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the  
47 extent an eligible position that was the basis of the award no longer  
48 exists, a business shall include as a retained full-time job a new

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1 eligible position that is filled by a full-time employee provided that  
2 the position is included in the order of date of hire and is not the  
3 basis for any other incentive award. For a project located in a  
4 Garden State Growth Zone which qualified for the "Municipal  
5 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
6 (C.52:27BBB-1 et al.), retained full-time job shall include any  
7 employee previously employed in New Jersey and transferred to the  
8 new location in the Garden State Growth Zone which qualified for  
9 the "Municipal Rehabilitation and Economic Recovery Act,"  
10 P.L.2002, c.43 (C.52:27BBB-1 et al.).

11 "SDA district" means an SDA district as defined in section 3 of  
12 P.L.2000, c.72 (C.18A:7G-3).

13 "SDA municipality" means a municipality in which an SDA  
14 district is situate.

15 "Targeted industry" means any industry identified from time to  
16 time by the authority including initially, a transportation,  
17 manufacturing, defense, energy, logistics, life sciences, technology,  
18 health, and finance business, but excluding a primarily warehouse  
19 or distribution business.

20 "Technology startup company" means a for profit business that  
21 has been in operation fewer than five years and is developing or  
22 possesses a proprietary technology or business method of a high-  
23 technology or life science-related product, process, or service which  
24 the business intends to move to commercialization.

25 "Tourism destination project" means a qualified non-gaming  
26 business facility that will be among the most visited privately  
27 owned or operated tourism or recreation sites in the State, and  
28 which is located within the qualified incentive area and has been  
29 determined by the authority to be in an area appropriate for  
30 development and in need of economic development incentive  
31 assistance, including a non-gaming business within an established  
32 Tourism District with a significant impact on the economic viability  
33 of that District.

34 "Transit oriented development" means a qualified business  
35 facility located within a 1/2-mile radius, or one-mile radius for  
36 projects located in a Garden State Growth Zone, surrounding the  
37 mid-point of a New Jersey Transit Corporation, Port Authority  
38 Transit Corporation, or Port Authority Trans-Hudson Corporation  
39 rail, bus, or ferry station platform area, including all light rail  
40 stations.

41 "Urban transit hub" means an urban transit hub, as defined in  
42 section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within  
43 an eligible municipality, as defined in section 2 of P.L.2007, c.346  
44 (C.34:1B-208) and also located within a qualified incentive area.

45 "Urban transit hub municipality" means a municipality: a. which  
46 qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et  
47 seq.), or which has continued to be a qualified municipality  
48 thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent

1 or more of the value of real property was exempt from local  
2 property taxation during tax year 2006. The percentage of exempt  
3 property shall be calculated by dividing the total exempt value by  
4 the sum of the net valuation which is taxable and that which is tax  
5 exempt.

6 (cf: P.L.2014, c.63, s.2)

7

8 2. This act shall take effect immediately and apply to program  
9 applications submitted on or after the first July 1 occurring on or  
10 after the date of enactment.

11

12

13

STATEMENT

14

15 This bill would allow certain large development projects which  
16 involve either a business engaged in research, development or  
17 manufacture of drugs and medical devices or a business licensed to  
18 provide clinical laboratory services to qualify as mega projects  
19 under the Grow New Jersey Assistance Act (GROW NJ). If a  
20 project qualifies for mega project status, the value of the GROW NJ  
21 tax credits increases.

22 Under the bill, these types of projects would qualify as mega  
23 projects if they involve either capital investments in excess of  
24 \$20,000,000 and the creation or retention of more than 250 full-  
25 time employees, or the creation or retention of more than 1,000 full-  
26 time employees.

27 The bill incorporates by cross-reference definitions of the terms  
28 drug, device, and clinical laboratory that are used in current law.

- 29 • "Drug" includes articles recognized in the official United States  
30 Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
31 United States, or official National Formulary, or any supplement  
32 to any of them; articles intended for use in the diagnosis, cure,  
33 mitigation, treatment, or prevention of disease; and articles  
34 intended to affect the structure or any function of the body.
- 35 • "Device" means instruments, apparatus, and contrivances,  
36 including their components, parts, and accessories, intended for  
37 use in the diagnosis, cure, mitigation, treatment, or prevention  
38 of disease; or to affect the structure or any function of the body.
- 39 • "Clinical laboratory" includes a facility used for the performance  
40 of certain scientific examinations of materials derived from the  
41 human body for the purpose of yielding information for the  
42 diagnosis, prevention, or treatment of disease or the assessment  
43 of medical condition.

44 Currently, the following types of projects may qualify as a mega  
45 project under the Grow New Jersey Assistance Program:

- 46 • A Logistics, manufacturing, energy, defense, or maritime  
47 business in a port district or a business in the aviation  
48 industry located in an aviation district having:

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- 1       ○       a capital investment in excess of \$20 million at which
- 2       more than 250 jobs will be created or retained; or
- 3       ○       at which more than 1,000 jobs will be created or
- 4       retained.
- 5       •       A qualified business facility located in an urban transit hub,
- 6       having a capital investment in excess of \$50 million and at
- 7       which more than 250 full time employees of a business are
- 8       created or retained; or
- 9       •       A project located in an existing area designated in need of
- 10      redevelopment within Atlantic, Burlington, Camden, Cape
- 11      May, Cumberland, Gloucester, Ocean, or Salem counties
- 12      having a capital investment in excess of \$20 million, and at
- 13      which more than 150 full-time employees are created or
- 14      retained.