

[First Reprint]
SENATE, No. 3232

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED NOVEMBER 5, 2015

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SYNOPSIS

Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 10, 2015, with amendments.

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

1 AN ACT authorizing certain tax credits under the Business
 2 Employment Incentive Program and amending ¹and
 3 supplementing¹ P.L.1996, c.26.

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

7
 8 1. Section 2 of P.L.1996, c.26 (C.34:1B-125) is amended to
 9 read as follows:

10 2. As used in sections 1 through 17 of P.L.1996, c.26
 11 (C.34:1B-124 et seq.) and in sections 9 through 11 of P.L.2003,
 12 c.166 (C.34:1B-139.1 through C.34:1B-139.3), unless a different
 13 meaning clearly appears from the context:

14 "Advanced computing" means a technology used in the
 15 designing and developing of computing hardware and software,
 16 including innovations in designing the full spectrum of hardware
 17 from hand-held calculators to super computers, and peripheral
 18 equipment **[:]**.

19 "Advanced computing company" means a person, whose
 20 headquarters or base of operations is located in New Jersey,
 21 engaged in the research, development, production, or provision of
 22 advanced computing for the purpose of developing or providing
 23 products or processes for specific commercial or public purposes
 24 **[:]**.

25 "Advanced materials" means materials with engineered
 26 properties created through the development of specialized
 27 processing and synthesis technology, including ceramics, high
 28 value-added metals, electronic materials, composites, polymers, and
 29 biomaterials **[:]**.

30 "Advanced materials company" means a person, whose
 31 headquarters or base of operations is located in New Jersey,
 32 engaged in the research, development, production, or provision of
 33 advanced materials for the purpose of developing or providing
 34 products or processes for specific commercial or public purposes
 35 **[:]**.

36 "Application year" means the grant year for which an eligible
 37 partnership submits the information required under section 8 of
 38 P.L.1996, c.26 (C.34:1B-131);

39 "Authority" means the New Jersey Economic Development
 40 Authority created pursuant to section 4 of P.L.1974, c.80
 41 **[(C.34:1B-1 et seq.);] (C.34:1B-4).**

42 "Base years" means the first two complete calendar years
 43 following the effective date of an agreement **[:]**.

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:

¹Senate SBA committee amendments adopted December 10, 2015.

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

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

17 "Bonds means bonds, notes, or other obligations issued by the
18 authority pursuant to **【this act;】** P.L.1996, c.26 (C.34:1B-124 et
19 seq.).

20 "Business" means a corporation; sole proprietorship; partnership;
21 corporation that has made an election under Subchapter S of
22 Chapter One of Subtitle A of the Internal Revenue Code of 1986, or
23 any other business entity through which income flows as a
24 distributive share to its owners; limited liability company; nonprofit
25 corporation; or any other form of business organization located
26 either within or outside this State. A grant received under **【this act】**
27 P.L.1996, c.26 (C.34:1B-124 et seq.) by a partnership, Subchapter
28 S-Corporation, or other **【such】** business entity shall be apportioned
29 among the persons to whom the income or profit of the partnership,
30 Subchapter S-Corporation, or other entity is distributed, in the same
31 proportions as those in which the income or profit is distributed **【;】**.

32 "Business employment incentive agreement" or "agreement"
33 means the written agreement between the authority and a business
34 proposing a project in this State in accordance with the provisions
35 of **【this act】** P.L.1996, c.26 (C.34:1B-124 et seq.) which establishes
36 the terms and conditions of a grant to be awarded pursuant to **【this**
37 **act;】** P.L.1996, c.26 (C.34:1B-124 et seq.).

38 **【"Department" means the New Jersey Commerce and Economic**
39 **Growth Commission;】**

40 "Designated industry" means a business engaged in the field of
41 biotechnology, pharmaceuticals, financial services **【or】**,
42 transportation and logistics, advanced computing, advanced
43 materials, electronic device technology, environmental technology,
44 or medical device technology **【;】**.

45 "Director" means the Director of the Division of Taxation **【;】**.

1 "Division" means the Division of Taxation in the Department of
2 the Treasury **[;]**.

3 "Electronic device technology" means a technology involving
4 microelectronics, semiconductors, electronic equipment, and
5 instrumentation, radio frequency, microwave, and millimeter
6 electronics, and optical and optic-electrical devices, or data and
7 digital communications and imaging devices **[;]**.

8 "Electronic device technology company" means a person, whose
9 headquarters or base of operations is located in New Jersey,
10 engaged in the research, development, production, or provision of
11 electronic device technology for the purpose of developing or
12 providing products or processes for specific commercial or public
13 purposes **[;]**.

14 "Eligible partnership" means a partnership or limited liability
15 company that is qualified to receive a grant as established in **[this**
16 **act;]** P.L.1996, c.26 (C.34:1B-124 et seq.).

17 "Eligible position" is a new full-time position created by a
18 business in New Jersey or transferred from another state by the
19 business under the terms and conditions set forth in **[this act]**
20 P.L.1996, c.26 (C.34:1B-124 et seq.) during the base years or in
21 subsequent years of a grant. In determining if positions are eligible
22 positions, the authority shall give greater consideration to positions
23 that average at least 1.5 times the minimum hourly wage during the
24 term of an agreement authorized pursuant to **[this act]** P.L.1996,
25 c.26 (C.34:1B-124 et seq.). For grants awarded on or after July 1,
26 2003, eligible position includes only a position for which a business
27 provides employee health benefits under a group health plan as
28 defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health
29 benefits plan as defined under section 1 of P.L.1992, c.162
30 (C.17B:27A-17), or a policy or contract of health insurance
31 covering more than one person issued pursuant to Article 2 of Title
32 17B of the New Jersey Statutes. **["Eligible]** An "eligible position"
33 shall also [includes] include all current and future partners or
34 members of a partnership or limited liability company created by a
35 business in New Jersey or transferred from another state by the
36 business pursuant to the conditions set forth in **[this act]** P.L.1996,
37 c.26 (C.34:1B-124 et seq.) during the base years or in subsequent
38 years of a grant. An "eligible position" shall also include a position
39 occupied by a resident of this State whose position is relocated to
40 this State from another state but who does not qualify as a "new
41 employee" because prior to relocation **[his]** the resident's wages or
42 **[his]** the resident's distributive share of income from a gain, from a
43 loss or deduction, or **[his]** the resident's guaranteed payments or
44 any combination thereof, prior to the relocation, were not subject to
45 income taxes imposed by the state or municipality in which the
46 position was previously located. An "eligible position" shall also
47 include a position occupied by a resident of another State whose

1 position is relocated to this State but whose income is not subject to
2 the New Jersey gross income tax pursuant to the "New Jersey Gross
3 Income Tax Act," N.J.S.54A:1-1 et seq. An "eligible position" shall
4 not include any position located within New Jersey, which, within a
5 period either three months prior to the business' application for a
6 grant under **[this act]** P.L.1996, c.26 (C.34:1B-124 et seq.) or six
7 months after the date of application, ceases to exist or be located
8 within New Jersey **[:]**.

9 "Employment incentive" means the amount of a grant, either in
10 cash or in tax credits, determined pursuant to subsection a. of
11 section 6 of **[this act;]** P.L.1996, c.26 (C.34:1B-129).

12 "Environmental technology" means assessment and prevention of
13 threats or damage to human health or the environment,
14 environmental cleanup, or the development of alternative energy
15 sources **[:]**.

16 "Environmental technology company" means a person, whose
17 headquarters or base of operations is located in New Jersey,
18 engaged in the research, development, production, or provision of
19 environmental technology for the purpose of developing or
20 providing products or processes for specific commercial or public
21 purposes **[:]**.

22 "Estimated tax" means an amount calculated for a partner in an
23 eligible position equal to **[6.37%]** 6.37 percent of the lesser of
24 **[(i)]:** a. the amount of the partner's net income from the eligible
25 partnership that is sourced to New Jersey as reflected in Column B
26 of the partner's Schedule NJK-1 of the application year less the
27 amount of the partner's net income from the eligible partnership that
28 is sourced to New Jersey as reflected in column B of the partner's
29 Schedule NJK-1 in the foundation year **[,]**; or **[(ii)]** b. the net of all
30 items of partnership income upon which tax has been paid as
31 reflected on the partner's New Jersey Gross Income Tax return in
32 the application year **[:]**.

33 "Foundation year" means the year immediately prior to the
34 creation of the eligible position **[:]**.

35 "Full-time employee" means a person who is employed for
36 consideration for at least 35 hours a week, or who renders any other
37 standard of service generally accepted by custom or practice as full-
38 time employment, whose wages are subject to withholding as
39 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1
40 et seq., and who is determined by the authority to be employed in a
41 permanent position according to criteria it develops, or who is a
42 partner of an eligible partnership, who works for the partnership for
43 at least 35 hours a week, or who renders any other standard of
44 service generally accepted by custom or practice as full-time
45 employment, and whose distributive share of income, gain, loss,
46 deduction, or whose guaranteed payments, or any combination
47 thereof, is subject to the payment of estimated taxes, as provided in

1 the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.
2 "Full-time employee" shall not include any person who works as an
3 independent contractor or on a consulting basis for the business **[:]**.

4 "Grant" means a business employment incentive grant as
5 established in **[this act;]** P.L.1996, c.26 (C.34:1B-124 et seq.).

6 "Medical device technology" means a technology involving any
7 medical equipment or product **[(other)]**, other than a pharmaceutical
8 **[product)]** product, that has therapeutic value, diagnostic value, or
9 both, and is regulated by the federal Food and Drug Administration
10 **[:]**.

11 "Medical device technology company" means a person, whose
12 headquarters or base of operations is located in New Jersey,
13 engaged in the research, development, production, or provision of
14 medical device technology for the purpose of developing or
15 providing products or processes for specific commercial or public
16 purposes **[:]**.

17 "Net income from the eligible partnership" means the net
18 combination of a partner's distributive share of the eligible
19 partnership's income, gain, loss, deduction, or guaranteed payments
20 **[:]**.

21 "New employee" means a full-time employee first employed in
22 an eligible position on the project which is the subject of an
23 agreement or who is a partner of an eligible partnership, who works
24 for the partnership for at least 35 hours a week, or who renders any
25 other standard of service generally accepted by custom or practice
26 as full-time employment, and whose distributive share of income,
27 gain, loss or deduction, or whose guaranteed payments, or any
28 combination thereof, is subject to the payment of estimated taxes, as
29 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1
30 et seq.; except that **[such]** a New Jersey resident whose position is
31 relocated to this State shall not be classified as a "new employee"
32 unless **[his]** the employee's wages, or **[his]** the employee's
33 distributive share of income from a gain, from a loss or deduction,
34 or **[his]** the employee's guaranteed payments or any combination
35 thereof, prior to the relocation, were subject to income taxes
36 imposed by the state or municipality in which the position was
37 previously located. "New employee" may also include an employee
38 rehired or called back from a layoff during or following the base
39 years to a vacant position previously held by that employee or to a
40 new position established during or following the base years. "New
41 employee" shall not include any employee who was previously
42 employed in New Jersey by the business or by a related person as
43 defined in section 2 of P.L.1993, c.170 (C.54:10A-5.5) if the
44 employee is transferred to the business, which is the subject of an
45 agreement, unless the employee's position at **[his]** the employee's
46 previous employer is filled by a new employee. "New employee"
47 also shall not include a child, grandchild, parent, or spouse of an

individual associated with the business who has direct or indirect ownership of at least **[15%]** 15 percent of the profits, capital, or value of the business. New employee shall also include an employee whose position is relocated to this State but whose income is not subject to the New Jersey gross income tax pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. **[:]**

"Partner" means a person who is entitled to either a distributive share of a partnership's income, gain, loss, or deduction, or guaranteed payments, or any combination thereof, by virtue of holding an interest in the partnership. "Partner" also includes a person who is a member of a limited liability company which is treated as a partnership, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. **[:]**

"Refunding Bonds" means bonds, notes or other obligations issued to refinance bonds, notes or other obligations previously issued by the authority pursuant to the provision of **[this act;]** P.L.1996, c.26 (C.34:1B-124 et seq.).

"Residual withholdings" means for any period of time, the excess of the estimated cumulative withholdings for all executed agreements eligible for payments under **[this act]** P.L.1996, c.26 (C.34:1B-124 et seq.) over the cumulative anticipated grant amounts **[:]**.

"Schedule NJK-1" means Schedule NJK-1 as the form existed for taxable year 1997 **[:]**.

"Withholdings" means the amount withheld by a business from the wages of new employees or estimated taxes paid by, or on behalf of, partners that are new employees, or any combination thereof, pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and, if the new employee is an employee whose position has moved to New Jersey but whose income is not subject to the New Jersey gross income tax pursuant to N.J.S.54A:1-1 et seq., the amount of withholding that would occur if the employee were to move to New Jersey.

(cf: P.L.2003, c.166, s.1)

2. Section 6 of P.L.1996, c.26 (C.34:1B-129) is amended to read as follows:

6. a. The amount of the employment incentive awarded as a grant **[in]** by the authority shall either be awarded in cash or as a tax credit. In each case, the amount of the grant shall be not less than **[10%]** 10 percent and not more than **[50%]** 50 percent of the withholdings of the business, or not less than **[10%]** 10 percent and not more than **[30%]** 30 percent of the estimated tax of the partners of an eligible partnership whether paid directly by the partner or by the eligible partnership on behalf of **[such]** the partner's account, or any combination thereof, and shall be subject to the provisions of

1 sections 10 and 11 of **【this act】** P.L.1996, c.26 (C.34:1B-133 and
2 C.34:1B-134). In no case shall the aggregate amount of the
3 employment incentive grant awarded pursuant to a business
4 employment incentive agreement entered into on or after July 1,
5 2003 exceed an average of \$50,000 for all new employees over the
6 term of the grant. The employment incentive shall be based on
7 criteria developed by the authority after considering the following:

8 (1) The number of eligible positions to be created;

9 (2) The expected duration of those positions;

10 (3) The type of contribution the business can make to the long-
11 term growth of the State's economy;

12 (4) The amount of other financial assistance the business will
13 receive from the State for the project;

14 (5) The total dollar investment the business is making in the
15 project;

16 (6) Whether the business is a designated industry;

17 (7) Impact of the business on State tax revenues; and

18 (8) Such other related factors determined by the authority.

19 b. A business may be eligible to be awarded a grant, either in
20 cash or in tax credits, of up to **【80%】** 80 percent of the
21 withholdings of the business or up to **【50%】** 50 percent of the
22 estimated tax of the partners of an eligible partnership if the grant
23 promotes smart growth and the goals, strategies, and policies of the
24 State Development and Redevelopment Plan, established pursuant
25 to section 5 of P.L.1985, c.398 (C.52:18A-200), as determined by
26 and based upon criteria promulgated by the authority following
27 consultation with the **【Department of Community Affairs,】** Office
28 of **【Smart Growth】** State Planning in the Department of State.

29 c. The term of the grant shall not exceed 10 years.

30 d. At the discretion of the authority, the grant may apply to
31 new employees or partners in eligible positions created during the
32 base years, and during the remainder of the term of the grant.

33 e. Within 180 days of the date of enactment of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), a
35 business that was approved for a grant prior to the enactment of the
36 P.L. , c. (C.) (pending before the Legislature as this bill),
37 may direct the authority to convert the grant to a tax credit against
38 the tax liability otherwise due pursuant to section 5 of P.L.1945,
39 c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-
40 2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or
41 N.J.S.17B:23-5. The direction to convert the grant to a tax credit
42 shall be irrevocable. An approved tax credit shall be issued in the
43 manner and for the amounts as follows and may only be applied in
44 the tax period for which they are issued and shall not be carried
45 forward:

46 (1) For grants accrued but not paid during calendar years 2008
47 through 2013, the tax credit shall be equal to an approved amount

1 and shall be issued in five installments over a five year period
2 beginning in the 2017 tax accounting or privilege period of the
3 business or tax credit transferee in the following percentages: in
4 year one, 30 percent of the accrued amount; in year two, 30 percent
5 of the accrued amount; in year three, 20 percent of the accrued
6 amount; in year four, 10 percent of the accrued amount; in year
7 five, 10 percent of the accrued amount. To the extent any amount
8 in this paragraph has not been approved by the authority by the
9 commencement of State fiscal year 2017, the aggregate tax credit
10 that would have been issued in State fiscal year 2017 shall be issued
11 in the year the amount is approved and the five-year period shall
12 commence in that fiscal year;

13 (2) For a grant accrued but not paid during calendar year 2014,
14 the tax credit shall be equal to any approved amount and shall be
15 issued in four equal installments over a four-year period beginning
16 in the 2019 tax accounting or privilege period of the business or tax
17 credit transferee;

18 (3) For a grant accrued but not paid during calendar year 2015,
19 the tax credit shall be equal to any approved amount and shall be
20 issued in four equal installments over a four-year period beginning
21 in the 2019 tax accounting or privilege period of the business or tax
22 credit transferee;

23 (4) For a grant accrued but not paid during calendar year 2016,
24 the tax credit shall be equal to any approved amount and shall be
25 issued in three equal installments over a three-year period
26 beginning in the 2020 tax accounting or privilege period of the
27 business or tax credit transferee;

28 (5) For a grant accrued but not paid during calendar year 2017,
29 the tax credit shall be equal to any approved amount and shall be
30 issued in three equal installments over a three-year period
31 beginning in the 2020 tax accounting or privilege period of the
32 business or tax credit transferee;

33 (6) For a grant accrued but not paid during calendar year 2018,
34 the tax credit shall be equal to any approved amount and shall be
35 issued in two equal installments over a two-year period beginning
36 in the 2022 tax accounting or privilege period of the business or tax
37 credit transferee;

38 (7) For a grant accrued but not paid during calendar year 2019,
39 the tax credit shall be equal to any approved amount and shall be
40 issued in two equal installments over a two-year period beginning
41 in the 2022 tax accounting or privilege period of the business or tax
42 credit transferee;

43 (8) For a grant accrued but not paid during calendar year 2020,
44 the tax credit shall be equal to any approved amount and shall be
45 issued in two equal installments over a two-year period beginning
46 in the 2023 tax accounting or privilege period of the business or tax
47 credit transferee;

1 (9) For a grant accrued but not paid during calendar year 2021,
2 the tax credit shall be equal to any approved amount and shall be
3 issued in two equal installments over a two-year period beginning
4 in the 2023 tax accounting or privilege period of the business or tax
5 credit transferee;

6 (10) For a grant accrued but not paid during calendar year 2022,
7 the tax credit shall be equal to any approved amount and shall be
8 paid in two equal installments over a two-year period beginning in
9 the 2023 tax accounting or privilege period of the business or tax
10 credit transferee;

11 (11) For a grant accrued but not paid during calendar year 2023,
12 the tax credit shall be equal to any approved amount and shall be
13 issued in two equal installments over a two-year period beginning
14 in the 2023 tax accounting or privilege period of the business or tax
15 credit transferee;

16 (12) For a grant accrued but not paid during calendar year 2024,
17 the tax credit shall be equal to any approved amount and shall be
18 issued in the 2025 tax accounting or privilege period of the business
19 or tax credit transferee; and

20 (13) For a grant accrued but not paid during calendar year 2025,
21 the tax credit shall be equal to any approved amount and shall be
22 issued in the 2025 tax accounting or privilege period of the business
23 or tax credit transferee.

24 f. The amount of the credit allowed pursuant to this section
25 shall be applied against the tax otherwise due under section 5 of
26 P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132
27 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231
28 (C.17:32-15), or N.J.S.17B:23-5, prior to all other credits and
29 payments. If the credit exceeds the amount of tax liability
30 otherwise due from a business that pays taxes under section 5 of
31 P.L.1945, c.162 (C.54:10A-5), that amount of excess shall be an
32 overpayment for the purposes of R.S.54:49-15, provided, however,
33 that section 7 of P.L.1992, c.175 (C.54:49-15.1) shall not apply.

34 g. A business that does not pay taxes under section 5 of
35 P.L.1945, c.162 (C.54:10A-5) sections 2 and 3 of P.L.1945, c.132
36 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-
37 15), or N.J.S.17B:23-5 may apply to the executive director of the
38 authority for a tax credit transfer certificate, covering one or more
39 years. The tax credit transfer certificate, upon receipt thereof by the
40 business from the '1[director and the]' executive director of the
41 authority, may be sold or assigned, in full or in part, in an amount
42 not less than \$100,000, or the amount of the refundable tax credit
43 issued if less than \$100,000, of tax credits to any other person that
44 may have a tax liability pursuant to section 5 of P.L.1945, c.162
45 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and
46 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or
47 N.J.S.17B:23-5. The tax credit transfer certificate provided to the
48 business shall include a statement waiving the business's right to

1 claim that amount of the credit against the taxes that the business
2 has elected to sell or assign. The sale or assignment of any amount
3 of a tax credit transfer certificate allowed under this section shall
4 not be exchanged for consideration received by the business of less
5 than '【90】 75¹ percent of the transferred credit amount before
6 considering any further discounting to present value which shall be
7 permitted. Any amount of a tax credit transfer certificate used by a
8 purchaser or assignee against a tax liability shall be subject to the
9 same privileges, limitations, and conditions that apply to the use of
10 the credit by the business that originally applied for and was
11 allowed the tax credit, including treating the amount of excess as an
12 overpayment under subsection f. of this section. The tax credit
13 transferee may not transfer its tax credit to any other party.

14 (cf: P.L.2003, c.166, s.4)

15
16 3. Section 15 of P.L.1996, c.26 (C.34:1B-138) is amended to
17 read as follows:

18 15. The **【New Jersey Commerce and Economic Growth**
19 **Commission】** authority shall submit a report on the Business
20 Employment Incentive Program to the Governor **【**, President of the
21 Senate, and Speaker of the General Assembly**】** and, pursuant to
22 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on or
23 before October 31 of each year. The report shall include
24 information on the number of agreements entered into during the
25 preceding fiscal year, a description of the project under each
26 agreement, the number of jobs created, new income tax revenue
27 received from withholdings, amounts awarded as grants and an
28 update on the status of projects under agreement before the
29 preceding fiscal year.

30 (cf: P.L.2003, c.166, s.8)

31
32 ¹4. Notwithstanding any provisions of the “Administrative
33 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
34 contrary, the Executive Director of the New Jersey Economic
35 Development Authority may adopt immediately upon filing with the
36 Office of Administrative Law such rules and regulations as the
37 executive director determines to be necessary and appropriate to
38 effectuate the purposes of P.L. , c. (C.) (pending before the
39 Legislature as this bill), which rules and regulations shall be
40 effective for a period not to exceed 360 calendar days following the
41 effective date of P.L. , c. (C.) (pending before the
42 Legislature as this bill) and may thereafter be amended, adopted, or
43 readopted by the executive director in accordance with the
44 requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).¹

45
46 ¹**【4.】 5¹.** This act shall take effect immediately ¹**【and be**
47 **operative as of January 1, 2016】¹.**