ASSEMBLY, No. 1203

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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District 16 (Hunterdon, Mercer, Middlesex and Somerset)
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SYNOPSIS

"Department of Commerce and Innovation Act"; establishes Department of Commerce and Innovation as principal department in Executive Branch of State government; appropriates $1 million.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing the Department of Commerce and Innovation as a principal department in the Executive Branch of the State government, supplementing Title 52 of the Revised Statutes, amending various parts of the statutory law, and making an appropriation.

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

1. (New section) This act shall be known and may be cited as the "Department of Commerce and Innovation Act."

2. (New section) a. The Legislature finds and declares that:

(1) New Jersey has historically been a hub for business and industry in the United States, in sectors that range from textiles and ceramics to pharmaceuticals and scientific innovation, and it is the policy of this State to continue to be an economic leader in this country.

(2) It is also the policy of New Jersey to stimulate economic growth and development in ways that are efficient and coordinated across all sectors, departments, and agencies; however, this State has seen a decrease in coordination and centralization of these efforts, starting with the abolishment of the Department of Commerce and Economic Development (department) in 1998.

(3) With the abolishment of the department, the New Jersey Commerce and Economic Growth Commission, later renamed the New Jersey Commerce Commission (commission), P.L.1998, c.44, s.3 (C.52:27C-63), amended by P.L.2007, c.253, s.26, was established in but not of the Department of Treasury for the purpose of streamlining the coordination of economic development in this State to meet the demands of the 21st Century.

(4) In 2008, the commission was also abolished and its functions, duties, offices, and programs were dispersed among several departments and agencies, with tourism responsibilities transferred to the Department of State, and most other functions and duties being transferred to the New Jersey Economic Development Authority (authority), an authority formerly housed within the department.

(5) Some of the functions and duties of the commission were transferred to the Division of Business Assistance, Marketing, and International Trade, which was established within the authority with the abolishment of the commission, and, in 2011, was itself renamed the Business Action Center and transferred to the Department of State through Executive Reorganization Plan No. 003-2011.

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 <u>thus</u> is new matter.

(6) With the State government's gradual decentralization of economic growth policy and administration, New Jersey has struggled to coordinate a cohesive policy approach to attract and foster business, industry, and innovation in this State, and in recent years has fallen behind other states, particularly in science, technology, and engineering.

b. The Legislature, therefore, determines that it is in the best interest of the citizens of this State to establish a principal department within the Executive Branch to serve as a centralized focus for business and industrial concerns, to serve as a voice and advocate of the interests of the business and innovation community to the Executive Branch and to the Legislature, to realign the functions and duties of several State agencies in a coordinated manner to streamline the administration of business assistance and innovation programs and policy, to eliminate the confusion felt within the business community concerning the myriad State programs and policy objectives that are difficult to navigate or discover due to being spread across several State agencies and departments, and to establish a strong, centralized business-centered State identity that will again put New Jersey at the forefront of business, industry, and innovation in this country.

3. (New section) As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Commissioner" means the Commissioner of the Department of Commerce and Innovation, the office that is established pursuant to section 5 of P.L. , c. (C.) (pending before the Legislature as this bill).

"Department" means the Department of Commerce and Innovation established pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

4. (New section) There is established in the Executive Branch of the State Government a principal department which shall be known as the Department of Commerce and Innovation.

5. (New section) The administrator and chief executive officer of the department shall be a commissioner, who shall be known as the Commissioner of Commerce and Innovation, and who shall be a person qualified by training and experience to perform the duties of the office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. The commissioner shall devote the commissioner's entire time to the duties of the office and shall receive a salary as shall be provided by law. Any vacancy occurring in the office of the

commissioner shall be filled in the same manner as the original appointment.

6. (New section) The commissioner shall:

a. administer the work of the department;

b. appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes, except as otherwise specifically provided;

c. have authority to organize and maintain an administrative division and to employ secretarial, clerical, and other assistants in the department as the commissioner's office and the internal operations of the department may require in accordance with Title 11A of the New Jersey Statutes;

d. perform, exercise, and discharge the functions, powers, and duties of the department through divisions as may be established by P.L. , c. (C.) (pending before the Legislature as this bill) or otherwise by law;

e. organize the work of the department in divisions not inconsistent with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) and in bureaus and other organizational units as the commissioner may determine to be necessary for efficient and effective operation of the department;

f. adopt, issue, and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations as may be authorized by law;

g. formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers, and employees;

h. institute or cause to be instituted legal proceedings or processes as may be necessary to properly enforce and give effect to any of the commissioner's powers or duties;

i. submit an annual report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law;

j. coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions;

k. integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein;

l. have access to all relevant files and records of other State agencies and require any officer or employee therein to provide any information as the commissioner may deem necessary in the performance of the functions of the department;

m. maintain suitable headquarters for the department and any other quarters as the commissioner shall deem necessary to the proper functioning of the department; and

n. perform other functions as may be prescribed in P.L. , c. (C.) (pending before the Legislature as this bill) or by any other law.

7. (New section) The commissioner shall appoint a deputy commissioner, who shall be designated to perform all of the powers, functions, and duties of the commissioner during the absence or disability of the commissioner, and who shall perform other duties as are assigned by the commissioner. The appointment shall be subject to the approval of the Governor and shall be filed with the Secretary of State. The deputy commissioner shall be a person qualified by training and experience to perform the duties of the office.

8. (New section) a. The department and the commissioner shall be responsible for the activities of the State government in the support and development of:

(1) business, industry, and innovation through aid, promotion, and advertising;

(2) domestic and foreign commerce;

(3) business and technological growth; and

(4) any program as determined by the department.

b. The department and commissioner shall be responsible for research and statistics in the fields of commerce, business, and innovation and the maintenance of a business information service.

9. (New section) The department shall, to the maximum practicable extent, collaborate with the Chief Innovation Officer of the State on statistical services and data processing facilities so that unnecessary duplication will be avoided. The commissioner shall collect and distribute relevant statistics in collaboration with the Commissioner of Labor and Workforce Development and the Director of the Office of Management and Budget in the Department of the Treasury and shall, from time to time, cooperatively determine and agree upon the nature and extent of assistance and services to be provided to the department by the Department of Labor and Workforce Development so as to meet the requirements of the department necessary to the reasonable exercise of its powers and the fulfillment of its functions and duties as set forth in P.L. , c. (C.) (pending before the Legislature as this bill).

10. (New section) Within three months of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the commissioner, after consultation with all division directors, the

State Treasurer, and the commissioners of appropriate commissions and executive departments, including but not necessarily limited to the Department of Labor and Workforce Development, the Department of State, the Department of Environmental Protection, and the Office of the Secretary of Higher Education, shall prepare and submit a report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, identifying:

a. those functions and duties currently exercised by other departments, divisions, agencies, commissions, councils, boards, offices, or bureaus of State government relating to commerce, economic development, and innovation that may be appropriately transferred to the department; and

b. those functions and duties transferred to the department pursuant to the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) that may be appropriately transferred to other departments. The transfers may be effectuated by executive order or law, as the case may be.

11. (New section) a. Within six months following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the commissioner of the department, in consultation with the Commissioner of Labor and Workforce Development, the State Treasurer, and the Secretary of State, shall jointly review the operations, personnel, and staff organization of those agencies transferred from the Department of the Treasury and the Department of State to the Department of Commerce and Innovation and, with the approval of the Civil Service Commission and the Office of Management and Budget, establish a plan, if needed, for reorganization and transfer of personnel.

b. Nothing in this section shall be construed to deprive employees of any rights or protections provided by Title 11A of the New Jersey Statutes or the pension and retirement laws of this State.

12. (New section) In addition to the funds transferred to the department by P.L. , c. (C.) (pending before the Legislature as this bill), there is appropriated the sum of $1,000,000, or so much thereof as may be necessary, from the General Fund to be allocated for the implementation of P.L. , c. (C.) (pending before the Legislature as this bill), subject to the approval of the Office of Management and Budget in the Department of the Treasury.

13. (New section) a. The Business Action Center, formerly known as the Division of Business Assistance, Marketing, and International Trade within the New Jersey Economic Development Authority, established pursuant to P.L.2008, c.27 (C.34:1B-210 et seq.) and renamed and transferred to the Department of State pursuant to Executive Reorganization Plan No. 003-2011, together

with all its functions, powers, and duties, is continued and transferred to the department.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Business Action Center, the Division of Business Assistance, Marketing, and International Trade, the New Jersey Commerce Commission, or the Department of Commerce and Economic Development, the same shall mean and refer to the Business Action Center in the Department of Commerce and Innovation. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the commissioner of the department shall appoint the executive director of the Business Action Center.

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

14. Section 22 of P.L.1988, c.44 (C.52:27C-82) is amended to read as follows:

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

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Economic Development Authority, the same shall mean and refer to the New Jersey Economic Development Authority in but not of the Department of **[**the Treasury**]** Commerce and Innovation. Notwithstanding the provisions of any law, rule, regulation or order to the contrary, the **[**Board of Directors**]** members of the **[**commission**]** New Jersey Economic Development Authority shall appoint the executive director of the New Jersey Economic Development Authority.

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

d. The New Jersey Economic Development Authority may 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 New Jersey Economic Development Authority as provided by law. Nothing herein shall alter the provisions of section 1 of P.L.1979, c.303 (C.34:1B-5.1).

e. Regulations adopted by the New Jersey Economic Development Authority shall continue with full force and effect

until amended or repealed pursuant to law.
(cf: P.L.2007, c.253, s.35)

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

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

b. The authority shall consist of the Commissioner of Banking and Insurance, the Commissioner of Labor and Workforce Development, the Commissioner of Environmental Protection, [an officer or employee of the Executive Branch of State government appointed by the Governor,] the Commissioner of Commerce and Innovation, and the State Treasurer, who shall be members ex officio, and eight public members appointed by the Governor as follows: two public members [(] ,who shall not be legislators[)] , shall be appointed by the Governor upon recommendation of the Senate President; two public members [(] ,who shall not be legislators[)] , shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly; and four public members shall be appointed by the Governor, all for terms of three years. In addition, a public member of the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the board, shall serve as a non-voting, ex officio member of the authority. Each member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. In the event the authority shall by resolution determine to accept the declaration of an urban growth zone by any municipality, the mayor or other chief executive officer of such municipality shall ex officio be a member of the authority for the purpose of participating and voting on all matters pertaining to such urban growth zone.

The Governor shall appoint three alternate members of the authority, of which one alternate member [(] ,who shall not be a legislator[)] , shall be appointed by the Governor upon the recommendation of the Senate President, and one alternate member

[(] ,who shall not be a legislator[)] , shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly; and one alternate member shall be appointed by the Governor, all for terms of three years. The chairperson may authorize an alternate member, in order of appointment, to exercise all of the powers, duties and responsibilities of such member, including, but not limited to, the right to vote on matters before the authority.

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

The terms of office of the members and alternate members of the authority appointed by the Governor who are serving on July 18, 2000 shall expire upon the appointment by the Governor of eight public members and three alternate members. The initial appointments of the eight public members shall be as follows: the two members appointed upon the recommendation of the President of the Senate and the two members appointed upon the recommendation of the Speaker of the General Assembly shall serve terms of three years; two members shall serve terms of two years; and two members shall serve terms of one year. The initial appointments of the alternate members shall be as follows: the alternate member appointed upon the recommendation of the President of the Senate shall serve a term of three years; the alternate member appointed upon the recommendation of the Speaker of the General Assembly shall serve a term of two years; and one alternate member shall serve a term of one year. No member shall be appointed who is holding elective office.

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

d. A chairperson shall be appointed by the Governor from the public members. The members of the authority shall elect from their remaining number a vice chairperson and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and seven members of the authority shall constitute a quorum at any

meeting thereof; provided, however, that the public member designated by the State Economic Recovery Board pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least seven members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

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

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

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

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

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

any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect. The powers conferred in this subsection i. upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection i. shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or notes or for the benefit, protection or security of the holders thereof.

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

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

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

(cf: P.L.2008, c.27, s.27)

16. Section 3 of P.L.1985, c.102 (C.52:9X-3) is amended to read as follows:

3. The New Jersey Commission on Science, Innovation and Technology is created and established in the Executive Branch of the State Government. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of **[**the Treasury**]** Commerce and Innovation, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof.

(cf: P.L.2018, c.91, s.4)

17. Section 25 of P.L.1998, c.44 (C.52:27C-85) is amended to read as follows:

25. a. The New Jersey Commission on Science, Innovation and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is transferred in but not of the Department of **[**the Treasury**]** Commerce and Innovation, but notwithstanding this transfer, the New Jersey Commission on Science, Innovation and Technology shall be independent of any supervision and control by the department or by any board or officer thereof. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the members of the New Jersey Commission on Science, Innovation and Technology shall appoint the Executive Director of the New Jersey Commission on Science, Innovation and Technology.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey Commission on Science and Technology, the same shall mean and refer to the New Jersey Commission on Science, Innovation and Technology in but not of the Department of **[**the Treasury**]** Commerce and Innovation.

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

d. The New Jersey Commission on Science, Innovation and Technology 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 New Jersey Commission on Science, Innovation and Technology as provided by law.

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

(cf: P.L.2018, c.91, s.12)

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

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the annual salary for each of the following officers shall be $175,000 in calendar year 2018 and thereafter:

Title
Agriculture Department
Secretary of Agriculture
Children and Families Department
Commissioner of Children and Families
Commerce and Innovation Department
Commissioner of Commerce and Innovation
Community Affairs Department

Commissioner of Community Affairs
Corrections Department
Commissioner of Corrections
Education Department
Commissioner of Education
Environmental Protection Department
Commissioner of Environmental Protection
Health Department
Commissioner of Health
Human Services Department
Commissioner of Human Services
Banking and Insurance Department
Commissioner of Banking and Insurance
Labor and Workforce Development Department
Commissioner of Labor and Workforce Development
Law and Public Safety Department
Attorney General
Military and Veterans' Affairs Department
Adjutant General
State Department
Secretary of State
Transportation Department
Commissioner of Transportation
Treasury Department
State Treasurer
Members, Board of Public Utilities
(cf: P.L.2018, c.14, s.2)

19. This act shall take effect immediately.

STATEMENT

This bill establishes the Department of Commerce and Innovation (department) as a principal department in the Executive Branch of the State government. New Jersey has historically been a hub for business and industry in the United States, in sectors that range from textiles and ceramics to pharmaceuticals and scientific innovation, and it is the policy of this State to continue to be an economic leader in this country. It is also the policy of New Jersey to stimulate economic growth and development in ways that are efficient and coordinated across all sectors, departments, and agencies; however, this State has seen a decrease in coordination and centralization of these efforts, starting with the abolishment of the Department of Commerce and Economic Development (Commerce Department) in 1998.

With the abolishment of the Commerce Department, the New Jersey Commerce and Economic Growth Commission, later

renamed the New Jersey Commerce Commission (commission), was established in but not of the Department of the Treasury for the purpose of streamlining the coordination of economic development in this State to meet the demands of the 21st Century.

Yet, in 2008, the commission was also abolished and its functions, duties, offices, and programs were dispersed among several departments and agencies, with tourism responsibilities transferred to the Department of State, and most other functions and duties being transferred to the New Jersey Economic Development Authority (authority), an authority formerly housed within the Commerce Department.

Some of the functions and duties of the commission were transferred to the Division of Business Assistance, Marketing, and International Trade, which was established within the authority with the abolishment of the commission, and, in 2011, was itself renamed the Business Action Center and transferred to the Department of State through Executive Reorganization Plan No. 003-2011.

With the State government's gradual decentralization of economic growth policy and administration, New Jersey has struggled to coordinate a cohesive policy approach to attract and foster business, industry, and innovation in this State, and in recent years has fallen behind other states, particularly in science, technology, and engineering. It is in the best interest of the citizens of this State to establish a principal department within the Executive Branch to serve as a centralized focus for business and industrial concerns, to serve as a voice and advocate of the interests of the business and innovation community to the Executive Branch and to the Legislature, to realign the functions and duties of several State agencies in a coordinated manner to streamline the administration of business assistance and innovation programs and policy, to eliminate the confusion felt within the business community concerning the myriad State programs and policy objectives that are difficult to navigate or discover due to being spread across several State agencies and departments, and to establish a strong, centralized business-centered State identity that will again put New Jersey at the forefront of business, industry, and innovation in this country.

The administrator and chief executive officer of the department is to be a commissioner, who is to be known as the Commissioner of Commerce and Innovation (commissioner), and who is to be a person qualified by training and experience to perform the duties of the office. The commissioner is to be appointed by the Governor, with the advice and consent of the Senate, and is to serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. The commissioner is to devote the commissioner's entire time to the duties of the office and is to receive a salary as provided

by law. Any vacancy occurring in the office of the commissioner is to be filled in the same manner as the original appointment.

The department and the commissioner are to be responsible for the activities of the State government in the support and development of business, industry, and innovation through aid, promotion, and advertising, domestic and foreign commerce, business and technological growth, and any program as determined by the department. The department and commissioner also are to be responsible for research and statistics in the fields of commerce, business, and innovation and maintenance of a business information service.

The Business Action Center in the Department of State, the Economic Development Authority in but not of the Department of the Treasury, and the New Jersey Commission on Science, Innovation and Technology in but not of the Department of the Treasury, are to be transferred, together with all functions, powers, and duties, to the department. This bill amends existing law to add the commissioner to the board of the authority.

This bill provides that, within three months of the effective date of this bill, after consultation with all division directors, the State Treasurer, and the commissioners of appropriate commissions and executive departments, including but not necessarily limited to the Department of Labor and Workforce Development, the Department of State, the Department of Environmental Protection, and the Office of the Secretary of Higher Education, the commissioner is to prepare and submit a report to the Governor and to the Legislature identifying: those functions and duties currently exercised by other departments, divisions, agencies, commissions, councils, boards, offices, or bureaus of State government relating to commerce, economic development, and innovation that may be appropriately transferred to the department and those functions and duties transferred to the department pursuant to the provisions of this bill that may be appropriately transferred to other departments. The transfers may be effectuated by executive order or law, as the case may be.