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P.L. 2023, CHAPTER 118, *approved July 20, 2023*
Senate, No. 3783 (*First Reprint*)

1 AN ACT concerning the "New Jersey Innovation Evergreen Act"
2 ¹and the "Food Desert Relief Act"¹ and amending P.L.2020,
3 c.156.

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

7
8 1. Section 21 of P.L.2020, c.156 (C.34:1B-289) is amended to
9 read as follows:

10 21. As used in sections 20 through 34 of P.L.2020, c.156
11 (C.34:1B-288 through C.34:1B-302):

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

14 "Director" means the Director of the Division of Taxation in the
15 Department of the Treasury.

16 "Follow-on investment" means a subsequent investment made by
17 an investor who has a previous investment in a New Jersey high-
18 growth business.

19 ¹**"Full-time employee" means a person employed by a business**
20 **for consideration for at least 35 hours a week, or who renders any**
21 **other standard of service generally accepted by custom or practice,**
22 **as determined by the authority, as full-time employment.**

23 **"Full-time employee filling a position in the State" means a full-**
24 **time employee having a primary office in the State and spending at**
25 **least 60 percent of the employee's work hours at that primary**
26 **office.**¹

27 "Fund" means the "New Jersey Innovation Evergreen Fund"
28 established by section 23 of P.L.2020, c.156 (C.34:1B-291).

29 "High-growth business" means a business that is growing
30 significantly faster than the average growth rate of the economy or
31 is a start-up company that is investing in developing a product or
32 new business model that will allow it to grow significantly faster
33 than the average growth rate of the economy within the next three
34 to five years.

35 "Incentive area" means an area in this State: (1) designated
36 pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-
37 196 et seq.), as Planning Area 1 (Metropolitan); or (2) that has been
38 designated as a qualified opportunity zone pursuant to 26 U.S.C.
39 s.1400Z-1.

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 SEG committee amendments adopted June 8, 2023.

1 "Innovation ecosystem" means funding, programs, and events
2 that support the establishment and expansion of high-growth
3 companies in targeted sectors. Examples of such funding, programs,
4 and events include: mentoring programs for start-ups, meet-up or
5 networking events, funding for locating a business in a
6 collaborative workspace, programs that provide business services,
7 and entrepreneurial education to companies.

8 "Opportunity zone" means a federal population census tract in
9 this State that was eligible to be designated as a qualified
10 opportunity zone pursuant to 26 U.S.C. s.1400Z-1 as may be
11 amended.

12 "Principal business operations" means any of the following: (1)
13 at least 50 percent of the business's employees **[, who are]** not
14 primarily engaged in retail sales **[,]** reside in the State **[, or]** ; (2) at
15 least 50 percent of the business's payroll for employees not
16 primarily engaged in retail sales is paid to individuals living in
17 **[this] the State**; (3) at least 50 percent of the business's full-time
18 employees not primarily engaged in retail sales are filling a position
19 in the State; or (4) at least 50 percent of the business's payroll for
20 employees not primarily engaged in retail sales is paid to full-time
21 employees filling a position in the State.

22 "Program" means the New Jersey Innovation Evergreen Program
23 established by section 22 of P.L.2020, c.156 (C.34:1B-290).

24 "Purchaser" means an entity registered to do business in this
25 State with the Director of the Division of Revenue and Enterprise
26 Services in the Department of the Treasury that purchases an
27 allocation of tax credits under the program.

28 "Qualified business" means a business that, at the time of the
29 first qualified investment in the business and throughout the period
30 of the qualified investment under the program, is registered to do
31 business in this State with the Director of the Division of Revenue
32 and Enterprise Services in the Department of the Treasury; has its
33 principal business operations located in the State and intends to
34 maintain its principal business operations in the State after
35 receiving a qualified investment under the program; is engaged in a
36 targeted industry; and employs fewer than 250 persons at the time
37 of the qualified investment.

38 "Qualified investment" means the direct investment of money by
39 the fund in a qualified business for the purchase of shares of stock,
40 with an option to make an additional investment in an option or
41 warrant or a follow-on investment, in the discretion of the authority,
42 all of which is matched by an investment by a qualified venture
43 firm.

44 "Qualified venture firm" means a venture firm that is approved
45 by the authority as a qualified venture firm pursuant to section 29 of
46 P.L.2020, c.156 (C.34:1B-297).

1 "Special purpose vehicle" means an entity controlled by or under
2 common control with a venture firm that is formed solely for the
3 purpose of investing in a New Jersey high-growth business
4 alongside the venture firm.

5 "Targeted industry" means any industry identified from time to
6 time by the authority which shall initially include advanced
7 transportation and logistics, advanced manufacturing, aviation,
8 autonomous vehicle and zero-emission vehicle research or
9 development, clean energy, life sciences, hemp processing,
10 information and high technology, finance and insurance,
11 professional services, film and digital media, non-retail food and
12 beverage businesses including food innovation, and other
13 innovative industries that disrupt current technologies or business
14 models.

15 "Venture firm" means a partnership, corporation, trust, or limited
16 liability company that invests cash in a business during the early or
17 expansion stages of a business in exchange for an equity stake in
18 the business in which the investment is made. Venture firm may
19 include a venture capital fund, a family office fund, or a corporate
20 investor fund, provided that a professional manager administers the
21 venture firm.

22 (cf: P.L.2020, c.156, s.21)

23
24 2. Section 24 of P.L.2020, c.156 (C.34:1B-292) is amended to
25 read as follows:

26 24. a. The authority shall sell the tax credits authorized pursuant
27 to section 22 of P.L.2020, c.156 (C.34:1B-290) to purchasers
28 through a competitive auction process.

29 b. The authority shall determine the form and manner in which
30 potential purchasers may bid for tax credits available under the
31 program. To be awarded a tax credit under the program, a potential
32 purchaser shall:

33 (1) specify the requested amount of tax credits, which shall not
34 be less than \$500,000;

35 (2) specify the amount the potential purchaser will pay in
36 exchange for the requested amount of tax credits, which shall be set
37 by the authority at an amount not **【be】** less than 75 percent of the
38 requested dollar amount of tax credits;

39 (3) commit to serve on the New Jersey Innovation Evergreen
40 Advisory Board, established pursuant to section 32 of P.L.2020,
41 c.156 (C.34:1B-300), and to otherwise provide mentorship,
42 networking, and collaboration opportunities to qualified businesses
43 that receive funding under the program; and

44 (4) provide any other information that the chief executive
45 officer of the authority determines is necessary.

46 c. Prior to an auction, the authority shall establish and disclose
47 to bidders the weighted criteria the authority will utilize, which the

1 authority shall base on the price offered to purchase the tax credits
2 and the quality of the mentorship and networking opportunities and
3 other support of the State's innovation ecosystem offered by a
4 purchaser in its bid. The authority may pro rate the amount of tax
5 credits allocated to each purchaser. A potential purchaser that
6 submits a bid for tax credits under this section shall receive a
7 written notice from the authority indicating whether the authority
8 has approved it as a purchaser of tax credits and, if so, the amount
9 of tax credits approved.

10 d. Except as provided in section 22 of P.L.2020, c.156
11 (C.34:1B-290), the authority shall hold one competitive auction per
12 calendar year.

13 e. The authority may contract with an independent third party
14 to conduct the competitive bidding process through which State tax
15 credits issued by the authority may be sold.

16 (cf: P.L.2021, c.160, s.11)

17

18 3. Section 26 of P.L.2020, c.156 (C.34:1B-294) is amended to
19 read as follows:

20 26. a. A purchaser shall apply a credit awarded pursuant to
21 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
22 C.34:1B-302) against the purchaser's State tax liability due
23 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) **【of the**
24 **purchaser】**, sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and
25 C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or
26 N.J.S.17B:23-5 for the current privilege period as of the date of the
27 credit's approval. A purchaser may carry forward an unused credit
28 resulting from the limitations of subsection b. of this section, if
29 necessary, for use in the seven privilege periods next following the
30 privilege period for which the credit is awarded.

31 b. The director shall prescribe the order of priority of the
32 application of the credits awarded under sections 20 through 34 of
33 P.L.2020, c.156 (C.34:1B-288 through C.34:1B-302) and any other
34 credits allowed by law. The amount of a credit applied under
35 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
36 C.34:1B-302) against the tax imposed pursuant to section 5 of
37 P.L.1945, c.162 (C.54:10A-5) for a privilege period, together with
38 any other credits allowed by law, shall not reduce the tax liability of
39 the purchaser to an amount less than the statutory minimum
40 provided in subsection (e) of section 5 of P.L.1945, c.162
41 (C.54:10A-5).

42 (cf: P.L.2020, c.156, s.26)

43

44 4. Section 27 of P.L.2020, c.156 (C.34:1B-295) is amended to
45 read as follows:

46 27. a. A purchaser may apply to the authority and the director
47 for a tax credit transfer certificate **【**, in the privilege period during

1 which the director allows the purchaser a tax credit pursuant to
2 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
3 C.34:1B-302),¹ in lieu of the purchaser being allowed to apply any
4 amount of the tax credit against the purchaser's State tax liability. A
5 tax credit may be sold or assigned, in full or in part, to another
6 person that may have a tax liability pursuant to section 5 of
7 P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132
8 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231
9 (C.17:32-15), or N.J.S.17B:23-5. The tax credit transfer certificate
10 provided to the purchaser shall include a statement waiving the
11 purchaser's right to claim the credit that the purchaser has elected to
12 sell or assign.

13 b. The purchaser shall not sell or assign a tax credit transfer
14 certificate allowed under this section for consideration received by
15 the purchaser of less than 85 percent of the transferred credit
16 amount before considering any further discounting to present value
17 which shall be permitted. The tax credit transfer certificate issued to
18 a purchaser by the director shall be subject to any limitations and
19 conditions imposed on the application of State tax credits pursuant
20 to section 26 of P.L.2020, c.156 (C.34:1B-294) and any other terms
21 and conditions that the director may prescribe.

22 c. A buyer or assignee of a tax credit transfer certificate
23 pursuant to this section shall not make any subsequent transfers,
24 assignments, or sales of the tax credit transfer certificate.

25 d. Ten percent of the consideration received by a purchaser
26 from the sale or assignment of a tax credit transfer certificate
27 pursuant to this section shall be remitted to the director and
28 deposited in the General Fund of the State.

29 e. The authority shall publish on its Internet website the
30 following information concerning each tax credit transfer certificate
31 approved by the authority and the director pursuant to this section:

- 32 (1) the name of the transferor;
- 33 (2) the name of the transferee;
- 34 (3) the value of the tax credit transfer certificate;
- 35 (4) the State tax against which the transferee may apply the tax
36 credit; and
- 37 (5) the consideration received by the transferor.

38 (cf: P.L.2020, c.156, s.27)

39

40 ¹5. Section 38 of P.L.2020, c.156 (C.34:1B-306) is amended to
41 read as follows:

42 38. a. (1) There is established the Food Desert Relief Program
43 to be administered by the New Jersey Economic Development
44 Authority. The program shall include tax credit components, as
45 provided in sections 39 and 40 of P.L.2020, c.156 (C.34:1B-307
46 and C.34:1B-308), in order to incentivize businesses to establish

1 and retain new supermarkets and grocery stores in food desert
2 communities.

3 (2) The total value of tax credits approved by the authority
4 pursuant to sections 39 and 40 of P.L.2020, c.156 (C.34:1B-307 and
5 C.34:1B-308) shall not exceed the limitations set forth in section 98
6 of P.L.2020, c.156 (C.34:1B-362).

7 b. The authority, in consultation with the Department of
8 Agriculture and the Department of Community Affairs, shall
9 initially designate not more than 50 separate geographic areas that
10 have limited access to nutritious foods as food desert communities
11 in this State. The authority, in consultation with the Department of
12 Agriculture and the Department of Community Affairs, shall
13 develop criteria for the designation of food desert communities, but
14 each separate food desert community shall consist of a distinct
15 geographic area with a single defined border. The criteria shall, at a
16 minimum, incorporate analysis of municipal or census tract poverty
17 statistics, food desert information from the Economic Research
18 Service of the United States Department of Agriculture, healthier
19 food retail tract information from the federal Centers for Disease
20 Control and Prevention, and residents' access to nutritious foods,
21 such as fresh fruits and vegetables, through supermarkets and
22 grocery stores. The authority, in consultation with the departments,
23 may also consider in making food desert community designations
24 pursuant to this subsection, data related to municipal or census tract
25 population size and population density, the number of residents who
26 receive Supplemental Nutrition Assistance Program (SNAP)
27 benefits within a municipality, the extent to which a municipality's
28 residents have access to a personal vehicle, and a municipality's
29 Municipal Revitalization Index distress score, obesity rate, and
30 unemployment rate. The authority, in consultation with the
31 departments, shall continuously evaluate areas previously
32 designated as food desert communities and assess whether they still
33 meet the criteria for designation as a food desert community and
34 may designate additional food desert communities once every three
35 years following the effective date of sections 35 through 42 of
36 P.L.2020, c.156 (C.34:1B-303 through C.34:1B-310).

37 c. To receive a tax credit under section 39 or 40 of P.L.2020,
38 c.156 (C.34:1B-307 or C.34:1B-308), a taxpayer shall submit an
39 application to the authority in the form and manner prescribed by
40 the authority and in accordance with criteria established by the
41 authority, which at minimum will include a commitment to accept
42 benefits from federal nutrition assistance programs, such as the
43 Supplemental Nutrition Assistance Program (SNAP) and the
44 Special Supplemental Nutrition Program for Women, Infants, and
45 Children (WIC). Following the approval of an application, the
46 authority may, pursuant to an award agreement, award tax credits to
47 an eligible taxpayer that:

1 (1) develops and opens for business to the public the first or
2 second supermarket or grocery store in a designated food desert
3 community; or
4 (2) owns, leases, or subleases, and operates the first or second
5 new supermarket or grocery store in a designated food desert
6 community.

7 d. (1) The authority may sell all or a portion of the tax credits
8 made available in a fiscal year pursuant to subsection a. of this
9 section through a competitive auction process or a publicly
10 advertised solicitation for offers and dedicate the proceeds from
11 such sale to provide grants and loans to qualifying supermarkets,
12 grocery stores, mid-sized food retailers, small food retailers, and
13 any other eligible entity. The amount of any grant or loan provided
14 pursuant to this subsection shall be in accordance with the need of
15 the supermarket, grocery store, mid-sized food retailer, small food
16 retailer, or any other eligible entity, as determined by the authority.
17 The authority shall sell tax credits pursuant to this section in the
18 manner determined by the authority; provided, however, the
19 authority shall not sell tax credits for less than 85 percent of the tax
20 credit amount. Any credit sold shall be valid in the privilege period
21 in which the sale is **【completed】** approved, and any unused portion
22 thereof may be carried forward into the next seven privilege periods
23 or until exhausted, whichever is earlier. Grants and loans made
24 available pursuant to this subsection shall be awarded to entities
25 that:

26 (a) operate a supermarket or grocery store that meets criteria
27 established by the authority, which criteria shall, at minimum,
28 include a commitment to accept benefits from federal nutrition
29 assistance programs, including, but not limited to, the Supplemental
30 Nutrition Assistance Program (SNAP) and the Special
31 Supplemental Nutrition Program for Women, Infants, and Children
32 (WIC), in a designated food desert community;

33 (b) own, lease, or sublease, and operate a mid-sized food retailer
34 or small food retailer that commits to selling nutritious foods,
35 including fresh fruits and vegetables, in a designated food desert
36 community; or

37 (c) at the discretion of the authority, support initiatives to
38 strengthen food security of residents in food desert communities.

39 (2) A supermarket, grocery store, mid-sized food retailer, small
40 food retailer, or other eligible entity shall submit an application to
41 the authority to receive a grant or loan pursuant to this subsection.
42 The application shall be submitted in the form and manner
43 prescribed by the authority and in accordance with criteria
44 established by the authority. An entity eligible for a grant or loan
45 under subparagraph (a) of paragraph (1) of this subsection shall not
46 be required to submit a separate application to the authority for the

1 grant or loan, provided that the entity has submitted an application
2 to the authority pursuant to subsection c. of this section.

3 (3) Prior to awarding a grant or loan to an applicant
4 supermarket, grocery store, mid-sized food retailer, small food
5 retailer, or other eligible entity pursuant to this subsection, the
6 authority shall confirm with the Department of Labor and
7 Workforce Development, the Department of Environmental
8 Protection, and the Department of the Treasury whether the
9 applicant is in substantial good standing with the respective
10 department, or has entered into an agreement with the respective
11 department that includes a practical corrective action plan for the
12 applicant. The applicant shall certify that any contractors or
13 subcontractors that perform work at the qualifying supermarket or
14 grocery store: (a) are registered as required by "The Public Works
15 Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et
16 seq.); (b) have not been debarred by the Department of Labor and
17 Workforce Development from engaging in or bidding on Public
18 Works Contracts in the State; and (c) possess a tax clearance
19 certificate issued by the Division of Taxation in the Department of
20 the Treasury. The authority may also contract with an independent
21 third party to perform a background check on the entity.

22 (4) An applicant supermarket, grocery store, mid-sized food
23 retailer, small food retailer, or other eligible entity shall, as required
24 at the discretion of the authority, submit to the authority satisfactory
25 information pertaining to the eligible equipment costs and eligible
26 technology costs, as certified by a certified public accountant,
27 certifications that all information provided by the applicant to the
28 authority is true, including information contained in the application,
29 any agreement pertaining to the award of grants or loans under the
30 program, any amendment to such an agreement, and any other
31 information submitted by the applicant to the authority pursuant to
32 sections 35 through 42 of P.L.2020, c.156 (C.34:1B-303 through
33 C.34:1B-310), and evidence of the eligible equipment costs and
34 eligible technology costs of the applicant. The applicant, or an
35 authorized agent of the applicant, shall certify under the penalty of
36 perjury that the information provided pursuant to this subsection is
37 true.

38 e. The authority may establish a technical assistance fund to
39 assist any entity that is eligible for a tax credit, grant, or loan under
40 this section. The authority, through the technical assistance fund,
41 may make grants to entities to assist qualifying supermarkets,
42 grocery stores, mid-sized food retailers, small food retailers, or
43 other eligible entities in implementation of best practices for
44 increasing the accessibility of nutritious foods in food desert
45 communities. Technical assistance shall be provided either directly
46 by the authority or through a not-for-profit or for-profit entity and
47 made available in English as well as the two most commonly

1 spoken languages in New Jersey other than English. At the
2 discretion of the authority, funds to support technical assistance
3 may be provided in addition to, or in lieu of, any tax credit, grant,
4 or loan awarded under sections 35 through 42 of P.L.2020, c.156
5 (C.34:1B-303 through C.34:1B-310).

6 f. (1) The authority shall require that any tax credits, grants, or
7 loans awarded by the authority under the program be utilized by the
8 recipient for one or more of the following purposes, which shall be
9 set forth in the award agreement:

10 (a) to mitigate a project financing gap;

11 (b) to mitigate the initial operating costs of the supermarket or
12 grocery store;

13 (c) to mitigate the eligible equipment costs or eligible
14 technology costs of the supermarket, grocery store, mid-sized food
15 retailer, small food retailer, or other eligible entity in order to make
16 nutritious foods more accessible and affordable to residents within
17 food desert communities; or

18 (d) to support initiatives to ensure the food security of residents
19 in food desert communities.

20 (2) The value of tax credits, grants, or loans awarded to
21 individual entities under the program shall not exceed:

22 (a) in the case of an entity eligible under paragraph (1) of
23 subsection c. of this section, 40 percent of the total project cost for
24 the first supermarket or grocery store in a designated food desert
25 community, and 20 percent of the total project cost for the second
26 supermarket or grocery store in the food desert community; and

27 (b) in the case of an entity eligible under paragraph (2) of
28 subsection c. of this section, the initial operating costs of the first
29 supermarket or grocery store in a designated food desert
30 community, and one-half of the initial operating costs of the second
31 supermarket or grocery store in the food desert community;

32 (c) in the case of an entity eligible for a grant or loan under
33 subparagraph (b) of paragraph (1) of subsection d. of this section,
34 the eligible equipment costs and eligible technology costs of the
35 supermarket, grocery store, mid-sized food retailer, small food
36 retailer, or other eligible entity; and

37 (d) in the case of an entity eligible for a grant or loan under
38 subparagraph (c) of paragraph (1) of subsection d. of this section,
39 the costs of initiatives to ensure the food security of residents in
40 food desert communities.

41 g. An entity that develops and opens the first or second new
42 supermarket or grocery store in a designated food desert community
43 shall be eligible for a tax credit only if the entity demonstrates to
44 the authority at the time of application that: (1) each worker
45 employed to perform construction at the project shall be paid not
46 less than the prevailing wage rate for the worker's craft or trade, as
47 determined by the Commissioner of Labor and Workforce

1 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)
2 and P.L.2005, c.379 (C.34:11-56.58 et seq.); (2) without the tax
3 credit award, the project is not economically feasible; (3) a project
4 financing gap exists; and (4) except for demolition and site
5 remediation activities, the entity has not commenced any
6 construction at the site of the project before submitting an
7 application, unless the authority determines that the project would
8 not be completed otherwise.

9 h. (1) Except as provided in paragraph (2) of this subsection, a
10 labor harmony agreement shall be required if the State has a
11 proprietary interest in a supermarket or grocery store and the
12 agreement shall remain in effect for as long as the State acts as a
13 market participant in the project. The provisions of this paragraph
14 shall apply to a supermarket or grocery store that will have more
15 than 10 employees.

16 (2) A labor harmony agreement under paragraph (1) of this
17 subsection shall not be required if the authority determines that the
18 supermarket or grocery store would not be feasible if a labor
19 harmony agreement is required. The authority shall support the
20 determination by a written finding, which provides the specific
21 basis for the determination.

22 (3) As used in this subsection, "labor harmony agreement"
23 means an agreement between a business that serves as the owner or
24 operator of a supermarket or grocery store and one or more labor
25 organizations, which requires, for the duration of the agreement:
26 that any participating labor organization and its members agree to
27 refrain from picketing, work stoppages, boycotts, or other economic
28 interference against the business; and that the business agrees to
29 maintain a neutral posture with respect to efforts of any
30 participating labor organization to represent employees at a
31 supermarket or grocery store, agrees to permit the labor
32 organization to have access to the employees, and agrees to
33 guarantee to the labor organization the right to obtain recognition as
34 the exclusive collective bargaining representatives of the employees
35 at a supermarket or grocery store by demonstrating to the New
36 Jersey State Board of Mediation, Division of Private Employment
37 Dispute Settlement, or a mutually agreed-upon, neutral, third-party,
38 that a majority of workers in the unit have shown their preference
39 for the labor organization to be their representative by signing
40 authorization cards indicating that preference. The labor
41 organization or organizations shall be from a list of labor
42 organizations that have requested to be on the list and that the
43 Commissioner of Labor and Workforce Development has
44 determined represent substantial numbers of supermarket or grocery
45 store employees in the State.

46 i. A recipient shall certify that all factual representations made
47 by the recipient in the application or award agreement are true

1 under the penalty of perjury. A material misrepresentation of fact in
2 either the application or award agreement may result in recession
3 and recapture of any grants or tax credits awarded, or acceleration
4 of any loans made, under sections 35 through 42 of P.L.2020, c.156
5 (C.34:1B-303 through C.34:1B-310).¹
6 (cf: P.L.2022, c.47, s.2)

7

8 ¹**[5.]** 6.¹ This act shall take effect immediately.

9

10

11

12 Modifies certain provisions of "New Jersey Innovation
13 Evergreen Act" and "Food Desert Relief Act."

SENATE, No. 3783

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Modifies certain provisions of "New Jersey Innovation Evergreen Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2023)

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20 other standard of service generally accepted by custom or practice,
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24 least 60 percent of the employee's work hours at that primary
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32 than the average growth rate of the economy within the next three
33 to five years.

34 "Incentive area" means an area in this State: (1) designated
35 pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-
36 196 et seq.), as Planning Area 1 (Metropolitan); or (2) that has been
37 designated as a qualified opportunity zone pursuant to 26 U.S.C.
38 s.1400Z-1.

39 "Innovation ecosystem" means funding, programs, and events
40 that support the establishment and expansion of high-growth
41 companies in targeted sectors. Examples of such funding, programs,
42 and events include: mentoring programs for start-ups, meet-up or
43 networking events, funding for locating a business in a
44 collaborative workspace, programs that provide business services,
45 and entrepreneurial education to companies.

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.

1 "Opportunity zone" means a federal population census tract in
2 this State that was eligible to be designated as a qualified
3 opportunity zone pursuant to 26 U.S.C. s.1400Z-1 as may be
4 amended.

5 "Principal business operations" means any of the following: (1)
6 at least 50 percent of the business's employees [, who are] not
7 primarily engaged in retail sales [,] reside in the State [, or] ; (2) at
8 least 50 percent of the business's payroll for employees not
9 primarily engaged in retail sales is paid to individuals living in
10 [this] the State; (3) at least 50 percent of the business's full-time
11 employees not primarily engaged in retail sales are filling a position
12 in the State; or (4) at least 50 percent of the business's payroll for
13 employees not primarily engaged in retail sales is paid to full-time
14 employees filling a position in the State.

15 "Program" means the New Jersey Innovation Evergreen Program
16 established by section 22 of P.L.2020, c.156 (C.34:1B-290).

17 "Purchaser" means an entity registered to do business in this
18 State with the Director of the Division of Revenue and Enterprise
19 Services in the Department of the Treasury that purchases an
20 allocation of tax credits under the program.

21 "Qualified business" means a business that, at the time of the
22 first qualified investment in the business and throughout the period
23 of the qualified investment under the program, is registered to do
24 business in this State with the Director of the Division of Revenue
25 and Enterprise Services in the Department of the Treasury; has its
26 principal business operations located in the State and intends to
27 maintain its principal business operations in the State after
28 receiving a qualified investment under the program; is engaged in a
29 targeted industry; and employs fewer than 250 persons at the time
30 of the qualified investment.

31 "Qualified investment" means the direct investment of money by
32 the fund in a qualified business for the purchase of shares of stock,
33 with an option to make an additional investment in an option or
34 warrant or a follow-on investment, in the discretion of the authority,
35 all of which is matched by an investment by a qualified venture
36 firm.

37 "Qualified venture firm" means a venture firm that is approved
38 by the authority as a qualified venture firm pursuant to section 29 of
39 P.L.2020, c.156 (C.34:1B-297).

40 "Special purpose vehicle" means an entity controlled by or under
41 common control with a venture firm that is formed solely for the
42 purpose of investing in a New Jersey high-growth business
43 alongside the venture firm.

44 "Targeted industry" means any industry identified from time to
45 time by the authority which shall initially include advanced
46 transportation and logistics, advanced manufacturing, aviation,
47 autonomous vehicle and zero-emission vehicle research or
48 development, clean energy, life sciences, hemp processing,

1 information and high technology, finance and insurance,
2 professional services, film and digital media, non-retail food and
3 beverage businesses including food innovation, and other
4 innovative industries that disrupt current technologies or business
5 models.

6 "Venture firm" means a partnership, corporation, trust, or limited
7 liability company that invests cash in a business during the early or
8 expansion stages of a business in exchange for an equity stake in
9 the business in which the investment is made. Venture firm may
10 include a venture capital fund, a family office fund, or a corporate
11 investor fund, provided that a professional manager administers the
12 venture firm.

13 (cf: P.L.2020, c.156, s.21)

14

15 2. Section 24 of P.L.2020, c.156 (C.34:1B-292) is amended to
16 read as follows:

17 24. a. The authority shall sell the tax credits authorized pursuant
18 to section 22 of P.L.2020, c.156 (C.34:1B-290) to purchasers
19 through a competitive auction process.

20 b. The authority shall determine the form and manner in which
21 potential purchasers may bid for tax credits available under the
22 program. To be awarded a tax credit under the program, a potential
23 purchaser shall:

24 (1) specify the requested amount of tax credits, which shall not
25 be less than \$500,000;

26 (2) specify the amount the potential purchaser will pay in
27 exchange for the requested amount of tax credits, which shall be set
28 by the authority at an amount not **【be】** less than 75 percent of the
29 requested dollar amount of tax credits;

30 (3) commit to serve on the New Jersey Innovation Evergreen
31 Advisory Board, established pursuant to section 32 of P.L.2020,
32 c.156 (C.34:1B-300), and to otherwise provide mentorship,
33 networking, and collaboration opportunities to qualified businesses
34 that receive funding under the program; and

35 (4) provide any other information that the chief executive
36 officer of the authority determines is necessary.

37 c. Prior to an auction, the authority shall establish and disclose
38 to bidders the weighted criteria the authority will utilize, which the
39 authority shall base on the price offered to purchase the tax credits
40 and the quality of the mentorship and networking opportunities and
41 other support of the State's innovation ecosystem offered by a
42 purchaser in its bid. The authority may pro rate the amount of tax
43 credits allocated to each purchaser. A potential purchaser that
44 submits a bid for tax credits under this section shall receive a
45 written notice from the authority indicating whether the authority
46 has approved it as a purchaser of tax credits and, if so, the amount
47 of tax credits approved.

1 d. Except as provided in section 22 of P.L.2020, c.156
2 (C.34:1B-290), the authority shall hold one competitive auction per
3 calendar year.

4 e. The authority may contract with an independent third party
5 to conduct the competitive bidding process through which State tax
6 credits issued by the authority may be sold.
7 (cf: P.L.2021, c.160, s.11)

8
9 3. Section 26 of P.L.2020, c.156 (C.34:1B-294) is amended to
10 read as follows:

11 26. a. A purchaser shall apply a credit awarded pursuant to
12 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
13 C.34:1B-302) against the purchaser's State tax liability due
14 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) **【**of the
15 purchaser**】**, sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and
16 C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or
17 N.J.S.17B:23-5 for the current privilege period as of the date of the
18 credit's approval. A purchaser may carry forward an unused credit
19 resulting from the limitations of subsection b. of this section, if
20 necessary, for use in the seven privilege periods next following the
21 privilege period for which the credit is awarded.

22 b. The director shall prescribe the order of priority of the
23 application of the credits awarded under sections 20 through 34 of
24 P.L.2020, c.156 (C.34:1B-288 through C.34:1B-302) and any other
25 credits allowed by law. The amount of a credit applied under
26 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
27 C.34:1B-302) against the tax imposed pursuant to section 5 of
28 P.L.1945, c.162 (C.54:10A-5) for a privilege period, together with
29 any other credits allowed by law, shall not reduce the tax liability of
30 the purchaser to an amount less than the statutory minimum
31 provided in subsection (e) of section 5 of P.L.1945, c.162
32 (C.54:10A-5).

33 (cf: P.L.2020, c.156, s.26)

34
35 4. Section 27 of P.L.2020, c.156 (C.34:1B-295) is amended to
36 read as follows:

37 27. a. A purchaser may apply to the authority and the director
38 for a tax credit transfer certificate **【**, in the privilege period during
39 which the director allows the purchaser a tax credit pursuant to
40 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
41 C.34:1B-302),**】** in lieu of the purchaser being allowed to apply any
42 amount of the tax credit against the purchaser's State tax liability. A
43 tax credit may be sold or assigned, in full or in part, to another
44 person that may have a tax liability pursuant to section 5 of
45 P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132
46 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231
47 (C.17:32-15), or N.J.S.17B:23-5. The tax credit transfer certificate
48 provided to the purchaser shall include a statement waiving the

1 purchaser's right to claim the credit that the purchaser has elected to
2 sell or assign.

3 b. The purchaser shall not sell or assign a tax credit transfer
4 certificate allowed under this section for consideration received by
5 the purchaser of less than 85 percent of the transferred credit
6 amount before considering any further discounting to present value
7 which shall be permitted. The tax credit transfer certificate issued to
8 a purchaser by the director shall be subject to any limitations and
9 conditions imposed on the application of State tax credits pursuant
10 to section 26 of P.L.2020, c.156 (C.34:1B-294) and any other terms
11 and conditions that the director may prescribe.

12 c. A buyer or assignee of a tax credit transfer certificate
13 pursuant to this section shall not make any subsequent transfers,
14 assignments, or sales of the tax credit transfer certificate.

15 d. Ten percent of the consideration received by a purchaser
16 from the sale or assignment of a tax credit transfer certificate
17 pursuant to this section shall be remitted to the director and
18 deposited in the General Fund of the State.

19 e. The authority shall publish on its Internet website the
20 following information concerning each tax credit transfer certificate
21 approved by the authority and the director pursuant to this section:

- 22 (1) the name of the transferor;
23 (2) the name of the transferee;
24 (3) the value of the tax credit transfer certificate;
25 (4) the State tax against which the transferee may apply the tax
26 credit; and
27 (5) the consideration received by the transferor.

28 (cf: P.L.2020, c.156, s.27)

29

30 5. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill modifies certain provisions of State law concerning the
36 New Jersey Innovation Evergreen Program (program), which is an
37 economic development program that sells discounted tax credits to
38 raise capital for qualified businesses in New Jersey. This program
39 is administered by the Economic Development Authority.

40 Under the program, a qualified business is one that: is registered
41 to do business in the State with the Director of the Division of
42 Revenue and Enterprise Services in the Department of the Treasury;
43 has its principal business operations located in the State and intends
44 to maintain its principal business operations in the State after
45 receiving a qualified investment under the program; is engaged in a
46 targeted industry, and employs fewer than 250 persons at the time
47 of the qualified investment. Under current law, the “principal
48 business operations” requirement is satisfied under either of the

1 following circumstances: (1) at least 50 percent of the business's
2 employees, who are not primarily engaged in retail sales, reside in
3 the State; or (2) at least 50 percent of the business's payroll for
4 employees not primarily engaged in retail sales is paid to
5 individuals living in the State.

6 The bill revises these criteria by providing that a business may
7 satisfy the "principal business operations" requirement in any of the
8 following circumstances: (1) at least 50 percent of the business's
9 employees not primarily engaged in retail sales reside in the State;
10 (2) at least 50 percent of the business's payroll for employees not
11 primarily engaged in retail sales is paid to individuals living in the
12 State; (3) at least 50 percent of the business's full-time employees
13 not primarily engaged in retail sales are filling a position in the
14 State; or (4) at least 50 percent of the business's payroll for
15 employees not primarily engaged in retail sales is paid to full-time
16 employees filling a position in the State. The bill creates
17 definitions for the terms "full-time employee" and "full-time
18 employee filling a position in the State."

19 In addition, the bill modifies one of the requirements for
20 purchasers of tax credits under the program. Under current law, to
21 be awarded a tax credit under the program, a potential purchaser is
22 required to specify the amount the potential purchaser will pay in
23 exchange for the requested amount of tax credits, which shall not be
24 less than 75 percent of the requested dollar amount of tax credits.
25 The bill revises this requirement to provide that the authority will
26 set the amount that a potential purchaser will pay in exchange for
27 the requested amount of tax credits. The payment amount set by the
28 authority will not be less than 75 percent of the requested dollar
29 amount of tax credits.

30 Current law allows a purchaser to apply a credit or tax credit
31 transfer certificate awarded under the program against the
32 purchaser's corporate business tax liability due under the
33 Corporation Business Tax Act (1945). The bill allows a purchaser
34 to apply a credit or tax credit transfer certificate awarded under the
35 program to the purchaser's corporate business tax liability or, in the
36 case of a purchaser that is an insurance company, to the purchaser's
37 insurance premiums tax liability.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 3783

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2023

The Senate Economic Growth Committee reports favorably Senate Bill No. 3783, with committee amendments.

As amended and reported, the bill modifies certain provisions of State law concerning the New Jersey Innovation Evergreen Program and the Food Desert Relief Program.

Changes to the New Jersey Innovation Evergreen Program

The bill modifies certain provisions of the New Jersey Innovation Evergreen Program, which is an economic development program that sells discounted tax credits to raise capital for qualified businesses in New Jersey. Under the program, a qualified business is one that: is registered to do business in the State with the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury; has its principal business operations located in the State and intends to maintain its principal business operations in the State after receiving a qualified investment under the program; is engaged in a targeted industry, and employs fewer than 250 persons at the time of the qualified investment. Under current law, the “principal business operations” requirement is satisfied under either of the following circumstances: (1) at least 50 percent of the business’s employees, who are not primarily engaged in retail sales, reside in the State; or (2) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to individuals living in the State.

The bill revises these criteria by providing that a business may satisfy the “principal business operations” requirement in any of the following circumstances: (1) at least 50 percent of the business's employees not primarily engaged in retail sales reside in the State; (2) at least 50 percent of the business's payroll for employees not primarily engaged in retail sales is paid to individuals living in the State; (3) at least 50 percent of the business’s full-time employees not primarily engaged in retail sales are filling a position in the State; or (4) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to full-time employees filling a position in the State.

In addition, the bill modifies one of the requirements for purchasers of tax credits under the New Jersey Innovation Evergreen Program. Under current law, to be awarded a tax credit under the program, a potential purchaser is required to specify the amount the potential purchaser will pay in exchange for the requested amount of tax credits, which may not be less than 75 percent of the requested dollar amount of tax credits. The bill revises this requirement to provide that the authority will set the amount that a potential purchaser will pay in exchange for the requested amount of tax credits. The payment amount set by the authority may not be less than 75 percent of the requested dollar amount of tax credits.

Current law allows a purchaser to apply a credit or tax credit transfer certificate awarded under the New Jersey Innovation Evergreen Program against the purchaser's corporate business tax liability due under the Corporation Business Tax Act (1945). The bill allows a purchaser to apply a credit or tax credit transfer certificate awarded under the program to the purchaser's corporate business tax liability or, in the case of a purchaser that is an insurance company, to the purchaser's insurance premiums tax liability.

Change to the Food Desert Relief Program

As amended, the bill modifies a provision of the Food Desert Relief Program, which is an economic development program that provides tax credits to eligible businesses to incentivize those businesses to establish and retain new supermarkets and grocery stores in "food desert communities." A "food desert community" is a community where residents are unable to obtain reasonable and adequate access to nutritious foods such as fresh fruits and vegetables. Taxpayers who receive tax credits under the program may sell all or a portion of those credits. Current law provides that any credit sold is valid in the privilege period in which the sale is completed. The bill, as amended, modifies this provision to provide that any credit sold is valid in the privilege period in which the sale is approved.

COMMITTEE AMENDMENTS:

The committee amendments remove the previously proposed definitions for "full-time employee" and "full-time employee filling a position in the State." As introduced, the bill would have amended State law governing the New Jersey Innovation Evergreen Program to include definitions of "full-time employee" and "full-time employee filling a position in the State."

The committee amendments also modify a provision of the Food Desert Relief Program to provide that any credit sold under the program is valid in the privilege period in which the sale is approved. Current law provides that any credit sold under the program is valid in the privilege period in which the sale is completed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3783

STATE OF NEW JERSEY

DATED: JUNE 20, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3783 (1R).

The bill modifies certain provisions of State law concerning the New Jersey Innovation Evergreen Program and the Food Desert Relief Program.

Changes to the New Jersey Innovation Evergreen Program

The bill modifies certain provisions of the New Jersey Innovation Evergreen Program, which is an economic development program that sells discounted tax credits to raise capital for qualified businesses in New Jersey. Under the program, a qualified business is one that: is registered to do business in the State with the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury; has its principal business operations located in the State and intends to maintain its principal business operations in the State after receiving a qualified investment under the program; is engaged in a targeted industry, and employs fewer than 250 persons at the time of the qualified investment. Under current law, the “principal business operations” requirement is satisfied under either of the following circumstances: (1) at least 50 percent of the business’s employees, who are not primarily engaged in retail sales, reside in the State; or (2) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to individuals living in the State.

The bill revises these criteria by providing that a business may satisfy the “principal business operations” requirement in any of the following circumstances: (1) at least 50 percent of the business's employees not primarily engaged in retail sales reside in the State; (2) at least 50 percent of the business's payroll for employees not primarily engaged in retail sales is paid to individuals living in the State; (3) at least 50 percent of the business’s full-time employees not primarily engaged in retail sales are filling a position in the State; or (4) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to full-time employees filling a position in the State.

In addition, the bill modifies one of the requirements for purchasers of tax credits under the New Jersey Innovation Evergreen Program. Under current law, to be awarded a tax credit under the program, a potential purchaser is required to specify the amount the potential purchaser will pay in exchange for the requested amount of tax credits, which may not be less than 75 percent of the requested dollar amount of tax credits. The bill revises this requirement to provide that the authority will set the amount that a potential purchaser will pay in exchange for the requested amount of tax credits. The payment amount set by the authority may not be less than 75 percent of the requested dollar amount of tax credits.

Current law allows a purchaser to apply a credit or tax credit transfer certificate awarded under the New Jersey Innovation Evergreen Program against the purchaser's corporate business tax liability due under the Corporation Business Tax Act (1945). The bill allows a purchaser to apply a credit or tax credit transfer certificate awarded under the program to the purchaser's corporate business tax liability or, in the case of a purchaser that is an insurance company, to the purchaser's insurance premiums tax liability.

Change to the Food Desert Relief Program

The bill modifies a provision of the Food Desert Relief Program, which is an economic development program that provides tax credits to eligible businesses to incentivize those businesses to establish and retain new supermarkets and grocery stores in "food desert communities." A "food desert community" is a community where residents are unable to obtain reasonable and adequate access to nutritious foods such as fresh fruits and vegetables. Taxpayers who receive tax credits under the program may sell all or a portion of those credits. Current law provides that any credit sold is valid in the privilege period in which the sale is completed. The bill modifies this provision to provide that any credit sold is valid in the privilege period in which the sale is approved.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3783

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 22, 2023

SUMMARY

- Synopsis:** Modifies certain provisions of "New Jersey Innovation Evergreen Act" and "Food Desert Relief Act."
- Type of Impact:** Annually reduced insurance premiums tax collections. Potential State revenue loss shift to earlier fiscal years.
- Agencies Affected:** New Jersey Economic Development Authority. Department of the Treasury.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Insurance Premiums Tax Collections	
Decrease	Indeterminate
Potential State Revenue Loss Shift	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill will result in decreased insurance premiums tax collections due to the bill's provisions that would permit a purchaser of tax credits under the New Jersey Innovation Evergreen Program to apply a tax credit or tax credit transfer certificate to the purchaser's insurance premiums tax liability. The magnitude of the reduced insurance premiums tax collections is indeterminate because which companies will purchase tax credits, and the insurance premiums tax liabilities of those companies, cannot be credibly projected.
- The bill may also result in the State incurring revenue losses sooner than it otherwise would under current law. This stems from a provision of the bill providing that any tax credit sold under the Food Desert Relief Program would be valid in the privilege period in which the sale is approved, as opposed to the year in which the sale is completed.
- The OLS notes that overall, direct State revenue losses stemming from the award of tax credits will remain unchanged compared to current law as the bill does not change the amount of tax credits that may be awarded under the New Jersey Innovation Evergreen Program or the Food Desert Relief Program.

BILL DESCRIPTION

This bill modifies certain provisions of the New Jersey Innovation Evergreen Program, which is an economic development program that sells discounted tax credits to raise capital for qualified businesses in New Jersey. Among other changes, the bill allows a purchaser to apply a credit or tax credit transfer certificate awarded under the program to the purchaser's insurance premiums tax liability, in the case of a purchaser that is an insurance company. Under current law, a purchaser may apply a credit or tax credit transfer certificate awarded under the program against the purchaser's corporate business tax liability.

The bill also modifies a provision of the Food Desert Relief Program, which is an economic development program that provides tax credits to eligible businesses to incentivize those businesses to establish and retain new supermarkets and grocery stores in "food desert communities." The bill provides that any tax credit sold by the New Jersey Economic Development Authority under the program is valid in the privilege period in which the sale is approved. Under current law, the credit is valid under in the privilege period in which the sale is completed.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill will result in decreased insurance premiums tax collections due to the bill's provisions that would permit a purchaser of tax credits under the New Jersey Innovation Evergreen Program to apply a tax credit or tax credit transfer certificate to the purchaser's insurance premiums tax liability. The magnitude of the reduced insurance premiums tax collections resulting from the enactment of the bill is indeterminate because which companies will purchase tax credits, and the insurance premiums tax liabilities of those companies, cannot be credibly projected.

Under current law governing the Innovation Evergreen Program, the State is authorized to sell up to \$300 million in tax credits via annual competitive auctions to eligible corporations over a seven-year period. Purchasers of tax credits under the program purchase the credits for a minimum of 75 percent of the face value of their requested tax credit award to offset their corporation business tax liability by up to 25 percent. On December 21, 2022, the Economic Development Authority board approved tax credit awards to eight qualified applicants at a total purchase price of approximately \$41 million.

While current law only permits the credit to be applied to corporate business tax liabilities, this bill would allow credits to be applied to insurance premiums tax liability. The insurance premiums tax applies to premiums collected on insurance risks by every insurance company transacting business in the State. In general, insurance companies that are subject to the insurance premiums tax are exempt from paying corporation business tax.

The bill may also result in the State incurring revenue losses sooner than it otherwise would under current law. This stems from a provision of the bill providing that any tax credit sold under the Food Desert Relief Program would be valid in the privilege period in which the sale is approved, as opposed to the year in which the sale is completed. Under current law, the State is

authorized to sell up to \$240 million annually over a six-year period through competitive auctions. In April 2023, the Economic Development Authority's board approved the sale of up to \$50 million to fund future grant, loan, and technical assistance programs administered by the authority to strengthen food security in designated food desert communities. The auction of these credits is expected to take place in July 2023.

Section: Revenue, Finance & Appropriations
Analyst: Christopher Myles
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5541

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Modifies certain provisions of "New Jersey Innovation Evergreen Act."

CURRENT VERSION OF TEXT

As introduced.



A5541 QUIJANO

2

1 AN ACT concerning the "New Jersey Innovation Evergreen Act" and
2 amending P.L.2020, c.156.

3

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

6

7 1. Section 21 of P.L.2020, c.156 (C.34:1B-289) is amended to
8 read as follows:

9 21. As used in sections 20 through 34 of P.L.2020, c.156
10 (C.34:1B-288 through C.34:1B-302):

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

13 "Director" means the Director of the Division of Taxation in the
14 Department of the Treasury.

15 "Follow-on investment" means a subsequent investment made by
16 an investor who has a previous investment in a New Jersey high-
17 growth business.

18 "Full-time employee" means a person employed by a business for
19 consideration for at least 35 hours a week, or who renders any other
20 standard of service generally accepted by custom or practice, as
21 determined by the authority, as full-time employment.

22 "Full-time employee filling a position in the State" means a full-
23 time employee having a primary office in the State and spending at
24 least 60 percent of the employee's work hours at that primary office.

25 "Fund" means the "New Jersey Innovation Evergreen Fund"
26 established by section 23 of P.L.2020, c.156 (C.34:1B-291).

27 "High-growth business" means a business that is growing
28 significantly faster than the average growth rate of the economy or is
29 a start-up company that is investing in developing a product or new
30 business model that will allow it to grow significantly faster than the
31 average growth rate of the economy within the next three to five
32 years.

33 "Incentive area" means an area in this State: (1) designated
34 pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196
35 et seq.), as Planning Area 1 (Metropolitan); or (2) that has been
36 designated as a qualified opportunity zone pursuant to 26 U.S.C.
37 s.1400Z-1.

38 "Innovation ecosystem" means funding, programs, and events that
39 support the establishment and expansion of high-growth companies
40 in targeted sectors. Examples of such funding, programs, and events
41 include: mentoring programs for start-ups, meet-up or networking
42 events, funding for locating a business in a collaborative workspace,
43 programs that provide business services, and entrepreneurial
44 education to companies.

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.

1 "Opportunity zone" means a federal population census tract in this
2 State that was eligible to be designated as a qualified opportunity
3 zone pursuant to 26 U.S.C. s.1400Z-1 as may be amended.

4 "Principal business operations" means any of the following: (1) at
5 least 50 percent of the business's employees [, who are] not primarily
6 engaged in retail sales [,] reside in the State [, or] ; (2) at least 50
7 percent of the business's payroll for employees not primarily engaged
8 in retail sales is paid to individuals living in [this] the State; (3) at
9 least 50 percent of the business's full-time employees not primarily
10 engaged in retail sales are filling a position in the State; or (4) at least
11 50 percent of the business's payroll for employees not primarily
12 engaged in retail sales is paid to full-time employees filling a position
13 in the State.

14 "Program" means the New Jersey Innovation Evergreen Program
15 established by section 22 of P.L.2020, c.156 (C.34:1B-290).

16 "Purchaser" means an entity registered to do business in this State
17 with the Director of the Division of Revenue and Enterprise Services
18 in the Department of the Treasury that purchases an allocation of tax
19 credits under the program.

20 "Qualified business" means a business that, at the time of the first
21 qualified investment in the business and throughout the period of the
22 qualified investment under the program, is registered to do business
23 in this State with the Director of the Division of Revenue and
24 Enterprise Services in the Department of the Treasury; has its
25 principal business operations located in the State and intends to
26 maintain its principal business operations in the State after receiving
27 a qualified investment under the program; is engaged in a targeted
28 industry; and employs fewer than 250 persons at the time of the
29 qualified investment.

30 "Qualified investment" means the direct investment of money by
31 the fund in a qualified business for the purchase of shares of stock,
32 with an option to make an additional investment in an option or
33 warrant or a follow-on investment, in the discretion of the authority,
34 all of which is matched by an investment by a qualified venture firm.

35 "Qualified venture firm" means a venture firm that is approved by
36 the authority as a qualified venture firm pursuant to section 29 of
37 P.L.2020, c.156 (C.34:1B-297).

38 "Special purpose vehicle" means an entity controlled by or under
39 common control with a venture firm that is formed solely for the
40 purpose of investing in a New Jersey high-growth business alongside
41 the venture firm.

42 "Targeted industry" means any industry identified from time to
43 time by the authority which shall initially include advanced
44 transportation and logistics, advanced manufacturing, aviation,
45 autonomous vehicle and zero-emission vehicle research or
46 development, clean energy, life sciences, hemp processing,
47 information and high technology, finance and insurance, professional
48 services, film and digital media, non-retail food and beverage

1 businesses including food innovation, and other innovative industries
2 that disrupt current technologies or business models.

3 "Venture firm" means a partnership, corporation, trust, or limited
4 liability company that invests cash in a business during the early or
5 expansion stages of a business in exchange for an equity stake in the
6 business in which the investment is made. Venture firm may include
7 a venture capital fund, a family office fund, or a corporate investor
8 fund, provided that a professional manager administers the venture
9 firm.

10 (cf: P.L.2020, c.156, s.21)

11

12 2. Section 24 of P.L.2020, c.156 (C.34:1B-292) is amended to
13 read as follows:

14 24. a. The authority shall sell the tax credits authorized pursuant
15 to section 22 of P.L.2020, c.156 (C.34:1B-290) to purchasers through
16 a competitive auction process.

17 b. The authority shall determine the form and manner in which
18 potential purchasers may bid for tax credits available under the
19 program. To be awarded a tax credit under the program, a potential
20 purchaser shall:

21 (1) specify the requested amount of tax credits, which shall not
22 be less than \$500,000;

23 (2) specify the amount the potential purchaser will pay in
24 exchange for the requested amount of tax credits, which shall be set
25 by the authority at an amount not **【be】** less than 75 percent of the
26 requested dollar amount of tax credits;

27 (3) commit to serve on the New Jersey Innovation Evergreen
28 Advisory Board, established pursuant to section 32 of P.L.2020,
29 c.156 (C.34:1B-300), and to otherwise provide mentorship,
30 networking, and collaboration opportunities to qualified businesses
31 that receive funding under the program; and

32 (4) provide any other information that the chief executive officer
33 of the authority determines is necessary.

34 c. Prior to an auction, the authority shall establish and disclose
35 to bidders the weighted criteria the authority will utilize, which the
36 authority shall base on the price offered to purchase the tax credits
37 and the quality of the mentorship and networking opportunities and
38 other support of the State's innovation ecosystem offered by a
39 purchaser in its bid. The authority may pro rate the amount of tax
40 credits allocated to each purchaser. A potential purchaser that
41 submits a bid for tax credits under this section shall receive a written
42 notice from the authority indicating whether the authority has
43 approved it as a purchaser of tax credits and, if so, the amount of tax
44 credits approved.

45 d. Except as provided in section 22 of P.L.2020, c.156 (C.34:1B-
46 290), the authority shall hold one competitive auction per calendar
47 year.

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5

1 e. The authority may contract with an independent third party to
2 conduct the competitive bidding process through which State tax
3 credits issued by the authority may be sold.
4 (cf: P.L.2021, c.160, s.11)

5
6 3. Section 26 of P.L.2020, c.156 (C.34:1B-294) is amended to
7 read as follows:

8 26. a. A purchaser shall apply a credit awarded pursuant to
9 sections 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through
10 C.34:1B-302) against the purchaser's State tax liability due pursuant
11 to section 5 of P.L.1945, c.162 (C.54:10A-5) **of the purchaser** ,
12 sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3),
13 section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5 for the
14 current privilege period as of the date of the credit's approval. A
15 purchaser may carry forward an unused credit resulting from the
16 limitations of subsection b. of this section, if necessary, for use in the
17 seven privilege periods next following the privilege period for which
18 the credit is awarded.

19 b. The director shall prescribe the order of priority of the
20 application of the credits awarded under sections 20 through 34 of
21 P.L.2020, c.156 (C.34:1B-288 through C.34:1B-302) and any other
22 credits allowed by law. The amount of a credit applied under sections
23 20 through 34 of P.L.2020, c.156 (C.34:1B-288 through C.34:1B-
24 302) against the tax imposed pursuant to section 5 of P.L.1945, c.162
25 (C.54:10A-5) for a privilege period, together with any other credits
26 allowed by law, shall not reduce the tax liability of the purchaser to
27 an amount less than the statutory minimum provided in subsection
28 (e) of section 5 of P.L.1945, c.162 (C.54:10A-5).

29 (cf: P.L.2020, c.156, s.26)

30
31 4. Section 27 of P.L.2020, c.156 (C.34:1B-295) is amended to
32 read as follows:

33 27. a. A purchaser may apply to the authority and the director for
34 a tax credit transfer certificate **],** in the privilege period during which
35 the director allows the purchaser a tax credit pursuant to sections 20
36 through 34 of P.L.2020, c.156 (C.34:1B-288 through C.34:1B-302),**]**
37 in lieu of the purchaser being allowed to apply any amount of the tax
38 credit against the purchaser's State tax liability. A tax credit may be
39 sold or assigned, in full or in part, to another person that may have a
40 tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5),
41 sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3),
42 section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The
43 tax credit transfer certificate provided to the purchaser shall include
44 a statement waiving the purchaser's right to claim the credit that the
45 purchaser has elected to sell or assign.

46 b. The purchaser shall not sell or assign a tax credit transfer
47 certificate allowed under this section for consideration received by
48 the purchaser of less than 85 percent of the transferred credit amount

1 before considering any further discounting to present value which
2 shall be permitted. The tax credit transfer certificate issued to a
3 purchaser by the director shall be subject to any limitations and
4 conditions imposed on the application of State tax credits pursuant to
5 section 26 of P.L.2020, c.156 (C.34:1B-294) and any other terms and
6 conditions that the director may prescribe.

7 c. A buyer or assignee of a tax credit transfer certificate pursuant
8 to this section shall not make any subsequent transfers, assignments,
9 or sales of the tax credit transfer certificate.

10 d. Ten percent of the consideration received by a purchaser from
11 the sale or assignment of a tax credit transfer certificate pursuant to
12 this section shall be remitted to the director and deposited in the
13 General Fund of the State.

14 e. The authority shall publish on its Internet website the
15 following information concerning each tax credit transfer certificate
16 approved by the authority and the director pursuant to this section:

- 17 (1) the name of the transferor;
18 (2) the name of the transferee;
19 (3) the value of the tax credit transfer certificate;
20 (4) the State tax against which the transferee may apply the tax
21 credit; and
22 (5) the consideration received by the transferor.

23 (cf: P.L.2020, c.156, s.27)

24

25 5. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill modifies certain provisions of State law concerning the
31 New Jersey Innovation Evergreen Program (program), which is an
32 economic development program that sells discounted tax credits to
33 raise capital for qualified businesses in New Jersey. This program is
34 administered by the Economic Development Authority.

35 Under the program, a qualified business is one that: is registered
36 to do business in the State with the Director of the Division of
37 Revenue and Enterprise Services in the Department of the Treasury;
38 has its principal business operations located in the State and intends
39 to maintain its principal business operations in the State after
40 receiving a qualified investment under the program; is engaged in a
41 targeted industry, and employs fewer than 250 persons at the time of
42 the qualified investment. Under current law, the “principal business
43 operations” requirement is satisfied under either of the following
44 circumstances: (1) at least 50 percent of the business’s employees,
45 who are not primarily engaged in retail sales, reside in the State; or
46 (2) at least 50 percent of the business’s payroll for employees not
47 primarily engaged in retail sales is paid to individuals living in the
48 State.

1 The bill revises these criteria by providing that a business may
2 satisfy the “principal business operations” requirement in any of the
3 following circumstances: (1) at least 50 percent of the business's
4 employees not primarily engaged in retail sales reside in the State;
5 (2) at least 50 percent of the business's payroll for employees not
6 primarily engaged in retail sales is paid to individuals living in the
7 State; (3) at least 50 percent of the business’s full-time employees
8 not primarily engaged in retail sales are filling a position in the State;
9 or (4) at least 50 percent of the business’s payroll for employees not
10 primarily engaged in retail sales is paid to full-time employees filling
11 a position in the State. The bill creates definitions for the terms “full-
12 time employee” and “full-time employee filling a position in the
13 State.”

14 In addition, the bill modifies one of the requirements for
15 purchasers of tax credits under the program. Under current law, to
16 be awarded a tax credit under the program, a potential purchaser is
17 required to specify the amount the potential purchaser will pay in
18 exchange for the requested amount of tax credits, which shall not be
19 less than 75 percent of the requested dollar amount of tax credits.
20 The bill revises this requirement to provide that the authority will set
21 the amount that a potential purchaser will pay in exchange for the
22 requested amount of tax credits. The payment amount set by the
23 authority will not be less than 75 percent of the requested dollar
24 amount of tax credits.

25 Current law allows a purchaser to apply a credit or tax credit
26 transfer certificate awarded under the program against the
27 purchaser’s corporate business tax liability due under the
28 Corporation Business Tax Act (1945). The bill allows a purchaser to
29 apply a credit or tax credit transfer certificate awarded under the
30 program to the purchaser’s corporate business tax liability or, in the
31 case of a purchaser that is an insurance company, to the purchaser’s
32 insurance premiums tax liability.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5541

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5541.

As reported by the committee with amendments, the bill modifies certain provisions of State law concerning the New Jersey Innovation Evergreen Program and the Food Desert Relief Program.

Changes to the New Jersey Innovation Evergreen Program

The bill modifies certain provisions of the New Jersey Innovation Evergreen Program, which is an economic development program that sells discounted tax credits to raise capital for qualified businesses in New Jersey. Under the program, a qualified business is one that: is registered to do business in the State with the Director of the Division of Revenue and Enterprise Services in the Department of the Treasury; has its principal business operations located in the State and intends to maintain its principal business operations in the State after receiving a qualified investment under the program; is engaged in a targeted industry, and employs fewer than 250 persons at the time of the qualified investment. Under current law, the “principal business operations” requirement is satisfied under either of the following circumstances: (1) at least 50 percent of the business’s employees, who are not primarily engaged in retail sales, reside in the State; or (2) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to individuals living in the State.

The bill revises these criteria by providing that a business may satisfy the “principal business operations” requirement in any of the following circumstances: (1) at least 50 percent of the business's employees not primarily engaged in retail sales reside in the State; (2) at least 50 percent of the business's payroll for employees not primarily engaged in retail sales is paid to individuals living in the State; (3) at least 50 percent of the business’s full-time employees not primarily engaged in retail sales are filling a position in the State; or (4) at least 50 percent of the business’s payroll for employees not primarily engaged in retail sales is paid to full-time employees filling a position in the State.

In addition, the bill modifies one of the requirements for purchasers of tax credits under the New Jersey Innovation Evergreen Program. Under current law, to be awarded a tax credit under the program, a potential purchaser is required to specify the amount the potential purchaser will pay in exchange for the requested amount of tax credits, which shall not be less than 75 percent of the requested dollar amount of tax credits. The bill revises this requirement to provide that the authority will set the amount that a potential purchaser will pay in exchange for the requested amount of tax credits. The payment amount set by the authority will not be less than 75 percent of the requested dollar amount of tax credits.

Current law allows a purchaser to apply a credit or tax credit transfer certificate awarded under the New Jersey Innovation Evergreen Program against the purchaser's corporate business tax liability due under the Corporation Business Tax Act (1945). The bill allows a purchaser to apply a credit or tax credit transfer certificate awarded under the program to the purchaser's corporate business tax liability or, in the case of a purchaser that is an insurance company, to the purchaser's insurance premiums tax liability.

Change to the Food Desert Relief Program

The bill, as amended, modifies a provision of the Food Desert Relief Program, which is an economic development program that provides tax credits to eligible businesses to incentivize those businesses to establish and retain new supermarkets and grocery stores in "food desert communities." A "food desert community" is a community where residents are unable to obtain reasonable and adequate access to nutritious foods such as fresh fruits and vegetables. Taxpayers who receive tax credits under the program may sell all or a portion of those credits. Current law provides that any credit sold is valid in the privilege period in which the sale is completed. The bill, as amended, modifies this provision to provide that any credit sold is valid in the privilege period in which the sale is approved.

COMMITTEE AMENDMENTS:

The committee amendments remove the previously proposed definitions for "full-time employee" and "full-time employee filling a position in the State." The bill, as introduced, amended State law governing the New Jersey Innovation Evergreen Program to include definitions of "full-time employee" and "full-time employee filling a position in the State."

The committee amendments also modify a provision of the "Food Desert Relief Program" to provide that any credit sold under the program is valid in the privilege period in which the sale is approved. Current law provides that any credit sold under the program is valid in the privilege period in which the sale is completed.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that this bill will result in decreased insurance premiums tax collections due to the bill's provisions that would permit a purchaser of tax credits under the New Jersey Innovation Evergreen Program to apply a tax credit or tax credit transfer certificate to the purchaser's insurance premiums tax liability. The magnitude of the reduced insurance premiums tax collections is indeterminate because which companies will purchase tax credits, and the insurance premiums tax liabilities of those companies, cannot be credibly projected.

The bill may also result in the State incurring revenue losses sooner than it otherwise would under current law. This stems from a provision of the bill providing that any tax credit sold under the Food Desert Relief Program would be valid in the privilege period in which the sale is approved, as opposed to the year in which the sale is completed.

The OLS notes that overall, direct State revenue losses stemming from the award of tax credits will remain unchanged compared to current law as the bill does not change the amount of tax credits that may be awarded under the New Jersey Innovation Evergreen Program or the Food Desert Relief Program.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5541

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 29, 2023

SUMMARY

- Synopsis:** Modifies certain provisions of "New Jersey Innovation Evergreen Act" and "Food Desert Relief Act."
- Type of Impact:** Annually reduced insurance premiums tax collections. Potential State revenue loss shift to earlier fiscal years.
- Agencies Affected:** New Jersey Economic Development Authority. Department of the Treasury.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Insurance Premiums Tax Collections	
Decrease	Indeterminate
Potential State Revenue Loss Shift	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill will result in decreased insurance premiums tax collections due to the bill's provisions that would permit a purchaser of tax credits under the New Jersey Innovation Evergreen Program to apply a tax credit or tax credit transfer certificate to the purchaser's insurance premiums tax liability. The magnitude of the reduced insurance premiums tax collections is indeterminate because which companies will purchase tax credits, and the insurance premiums tax liabilities of those companies, cannot be credibly projected.
- The bill may also result in the State incurring revenue losses sooner than it otherwise would under current law. This stems from a provision of the bill providing that any tax credit sold under the Food Desert Relief Program would be valid in the privilege period in which the sale is approved, as opposed to the year in which the sale is completed.

- The OLS notes that overall, direct State revenue losses stemming from the award of tax credits will remain unchanged compared to current law as the bill does not change the amount of tax credits that may be awarded under the New Jersey Innovation Evergreen Program or the Food Desert Relief Program.

BILL DESCRIPTION

This bill modifies certain provisions of the New Jersey Innovation Evergreen Program, which is an economic development program that sells discounted tax credits to raise capital for qualified businesses in New Jersey. Among other changes, the bill allows a purchaser to apply a credit or tax credit transfer certificate awarded under the program to the purchaser's insurance premiums tax liability, in the case of a purchaser that is an insurance company. Under current law, a purchaser may apply a credit or tax credit transfer certificate awarded under the program against the purchaser's corporate business tax liability.

The bill also modifies a provision of the Food Desert Relief Program, which is an economic development program that provides tax credits to eligible businesses to incentivize those businesses to establish and retain new supermarkets and grocery stores in "food desert communities." The bill provides that any tax credit sold by the New Jersey Economic Development Authority under the program is valid in the privilege period in which the sale is approved. Under current law, the credit is valid under in the privilege period in which the sale is completed.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill will result in decreased insurance premiums tax collections due to the bill's provisions that would permit a purchaser of tax credits under the New Jersey Innovation Evergreen Program to apply a tax credit or tax credit transfer certificate to the purchaser's insurance premiums tax liability. The magnitude of the reduced insurance premiums tax collections resulting from the enactment of the bill is indeterminate because which companies will purchase tax credits, and the insurance premiums tax liabilities of those companies, cannot be credibly projected.

Under current law governing the Innovation Evergreen Program, the State is authorized to sell up to \$300 million in tax credits via annual competitive auctions to eligible corporations over a seven-year period. Purchasers of tax credits under the program purchase the credits for a minimum of 75 percent of the face value of their requested tax credit award to offset their corporation business tax liability by up to 25 percent. On December 21, 2022, the Economic Development Authority board approved tax credit awards to eight qualified applicants at a total purchase price of approximately \$41 million.

While current law only permits the credit to be applied to corporate business tax liabilities, this bill would allow credits to be applied to insurance premiums tax liability. The insurance premiums tax applies to premiums collected on insurance risks by every insurance company transacting

business in the State. In general, insurance companies that are subject to the insurance premiums tax are exempt from paying corporation business tax.

The bill may also result in the State incurring revenue losses sooner than it otherwise would under current law. This stems from a provision of the bill providing that any tax credit sold under the Food Desert Relief Program would be valid in the privilege period in which the sale is approved, as opposed to the year in which the sale is completed. Under current law, the State is authorized to sell up to \$240 million annually over a six-year period through competitive auctions. In April 2023, the Economic Development Authority's board approved the sale of up to \$50 million to fund future grant, loan, and technical assistance programs administered by the authority to strengthen food security in designated food desert communities. The auction of these credits is expected to take place in July 2023.

Section: Revenue, Finance & Appropriations

Analyst: Christopher Myles
Senior Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

07/20/2023

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-528/A-2815 (Ruiz, Pou/Murphy, Wimberly, McKnight) - Requires certain additional school district personnel to complete training program on suicide prevention

S-3089/A-4722 (Gopal, A.M. Bucco/McKeon) - Permits certain school districts to establish State military impact aid reserve account

S-3125/A-4947 (Cryan, Gopal/Lopez, Quijano, Atkins) - Expands "Daniel's Law" to prohibit disclosure of personal information concerning child protective investigators

S-3309/A-4832 (Stack, Scutari/Mukherji, Speight) - Raises maximum workers' compensation fees for evaluating physicians; expands circumstances for which physician legal fee permitted

S3406/A-4970 (Gopal, Cryan/Jasey, Carter, McKeon) - Requires public institutions of higher education to submit annual fiscal monitoring report; authorizes Secretary of Higher Education to appoint State monitor of certain institutions; requires higher education chief financial officers complete training; annually appropriates \$100,000

S-3444/A-5211 (Schepisi, Lagana/Karabinchak, Stanley) - Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities

S-3753/A-5299 (Madden, Turner/Murphy) - Designates State Office of Emergency Management as State Agency for Surplus Property

S-3783/A-5541 (Zwicker, Cruz-Perez/Quijano) - Modifies certain provisions of "New Jersey Innovation Evergreen Act" and "Food Desert Relief Act"

S-3796/A-5559 (Greenstein, Stanfield/Mejia, Reynolds-Jackson, Atkins) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY 2024

S-3797/A-5558 (Codey, Greenstein/Lampitt, Swain, Stanley) - Appropriates funds to DEP for environmental infrastructure projects for FY 2024

S-3798/A-5422 (Ruiz, Corrado, Turner/Jasey, Lampitt, Mukherji) - Permits teacher, and professional staff member who provides special services, who retired from TPAF to return employment for up to two years without reenrollment in TPAF if employment commences during the 2023-2024 school year

S-3873/A-5507 (Zwicker, Johnson/Benson, Pintor Marin) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for transportation infrastructure projects for FY2024; makes appropriation

A-4864/S-3795 (Mosquera, Sampson, Quijano/Lagana, Burgess) - Expands scope of Foreclosure Mediation Assistance Program during State of Emergency to allow use of program funds for payment to counselors who help disaster victims process applications for assistance

A-5175/SCS for S-3519 and 3593 (Verrelli, McKnight, Moen/Beach, Turner, Zwicker) - Changes certain General Election deadlines