

40:55D-10

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:55D-10 (Industrial Commissions-municipalities may appropriate more than \$25,000.)

Laws of 1977 Chapter 195

Bill No. A762

Sponsor(s) Burgio and Newman

Date Introduced Pre-filed

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage Yes No

Date of passage: Assembly June 28, 1976

Senate June 20, 1977

Date of approval August 29, 1977

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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10/4/76

ASSEMBLY, No. 762

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblywoman BURGIO and Assemblyman NEWMAN

AN ACT concerning municipal industrial commissions and amending  
R. S. 40:55B-10.

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

1 1. R. S. 40:55B-10 is amended to read as follows:

2 40:55B-10. No commission created under the authority of this  
3 chapter shall have any power of condemnation or eminent domain.

4 No commission created under the authority of this chapter shall  
5 have power to pledge the credit of the municipality by which it is  
6 created, or of any other municipality, or of the State of New Jersey,  
7 or to create any debt against or in any manner act as the agent of  
8 such municipality, or of the State of New Jersey.

9 Such commission shall have power and authority to make an  
10 economic survey, analyzing the present and potential possibilities  
11 of the municipality, with a view to ascertaining its industrial needs,  
12 determining its resources for efficient manufacture and exploring its  
13 probable sphere in the future development of the State and Nation.  
14 In carrying out such a survey, the commission shall study the needs  
15 of existing local industries so that means may be evolved to enable  
16 them to compete more successfully with competitors in other states;  
17 and more particularly how they might successfully round out and  
18 enlarge the products manufactured within the municipality with a  
19 view to diversifying local industry and stabilizing employment con-  
20 ditions. The commission may make any investigation deemed neces-  
21 sary to enable it effectually to carry out the provisions of this chap-  
22 ter and for that purpose the commission may take and hear proofs  
23 and testimony and compel the attendance of witnesses and the  
24 production of books, papers, records and documents, including  
25 public records, and its authorized agents may enter upon any lands

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

26 as in its judgment may be necessary for the purpose of making  
27 surveys and examinations to accomplish any purpose authorized  
28 by this chapter.

29 Each commission shall make an annual report to the municipality  
30 by which it has been created, setting forth in detail its operations  
31 and transactions for the preceding 12 months.

32 Nothing in this chapter provided and no authority given to or  
33 exercised by any commission created under this chapter shall impair  
34 or invalidate in any way any funded indebtedness of the municipal-  
35 ity by which it has been created, nor impair the provisions of law  
36 regulating the payment into sinking funds of revenues derived from  
37 municipal property, or dedicating the revenues derived from any  
38 municipal property to a specific purpose.

39 The creation of a commission by a municipality shall not be  
40 deemed to limit in any manner the municipality's right to deal with  
41 its vacant lands, or to sell or lease the same, independently of such  
42 commission, as heretofore, but the powers conferred upon such  
43 municipality and commission by this chapter shall be in addition to  
44 any rights or powers now possessed by such municipality with  
45 reference to its vacant lands or other properties.

46 The governing body of such municipality creating a commission  
47 under this chapter may appropriate annually, during the life of its  
48 commission, such sums as may be reasonably necessary to conduct  
49 the normal operations of the commission, but no moneys so appro-  
50 priated shall be used by a commission for the construction of any  
51 building or to finance such construction. The commission shall  
52 annually present to the chief financial officer of the municipality its  
53 budget for operations for the ensuing year, reflecting therein all  
54 unexpended balances on hand from previous appropriations re-  
55 ceived from the municipality, at the same time and in the same  
56 manner and form as is required by several departments of the  
57 municipality's government, and the budget so submitted shall be  
58 acted upon as in the case of the budgets of such several municipal  
59 departments, and, being so acted upon, shall be made a part of the  
60 municipality's budget. [No more than \$25,000.00 shall be appro-  
61 priated for any commission for any year.] Each commission shall  
62 keep complete and accurate records of its accounts, and separate  
63 accounts shall be kept for its normal functions. No commission  
64 shall exceed its budget, and moneys received from the municipality  
65 by which it has been created shall be expended only for the purposes  
66 for which they have been appropriated.

1 2. This act shall take effect immediately.

## STATEMENT

It would seem to be a matter of local option as to whether or not a municipality wanted to spend more than \$25,000.00 for an industrial commission. Each community should be able to make up its own mind. Also, as a matter of practice, numerous communities are exceeding the \$25,000.00 limitation through various accounting practices.

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**STATEMENT**

It would seem to be a matter of local option as to whether or not a municipality wanted to spend more than \$25,000.00 for an industrial commission. Each community should be able to make up its own mind. Also, as a matter of practice, numerous communities are exceeding the \$25,000.00 limitation through various accounting practices.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 762

STATE OF NEW JERSEY

DATED: MAY 24, 1976

Assembly Bill No. 762 would amend R. S. 40:55B-10 to remove the \$25,000.00 limitation on the amount a municipality may appropriate in its annual budget to an industrial commission. The present \$25,000.00 limitation has been in effect since R. S. 40:55B-10 was enacted in 1936. Industrial commissions spend money to perform functions such as:

1. Conducting studies, issuing reports and making surveys concerning industry in the municipality and lands available for industrial location;
2. Advertising the availability of land and the advantages of the municipality to industries; and
3. Acquiring title to vacant land owned by the municipality for the purpose of resale or lease to industries.

Members of industrial commissions receive no salaries.

The League of Municipalities opposed the bill, stating:

“We believe that some limitation of appropriations to industrial commissions is necessary and we urge that the \$25,000.00 limit remain in the statute.”

The committee felt that the decision as to how much to spend on an industrial commission should be left to the local governing body. Many municipalities in the State have suffered badly as a result of the economic recession recently, and are taking steps to attract new industries. With unemployment in the State as high as it is, local units should be encouraged in these efforts.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 29, 1977

ANNE BURNS

Governor Brendan Byrne today signed the following bills into law:

S-1733, sponsored by Senator Wayne Dumont, (R-Warren), which extends the deadline for the submission of the report by the Task Force on Business Efficiency of the Public Schools to January 31, 1978.

The original deadline was December 31, 1977.

A-762, sponsored by Assemblywoman Jane Burgio (R-Essex) and Assemblyman Daniel F. Newman (D-Monmouth), which removes the \$25,000 limit on the amount of funds a municipality may appropriate to its industrial commission.

The money is used by the Commissions to conduct studies and issue reports involving lands available for industrial location, advertising of available municipal lands, and the acquisition of title to vacant lands owned by the municipality for the purpose of resale or lease to industries.

A-2378, sponsored by Assemblyman Michale Esposito, D-Hudson, which allows panel vans, pickup trucks and similar vehicles weighing up to 6,999 pounds to travel on the northern portion of the Garden State Parkway.

The bill will assist commercial and retail interests as well as provide fuel savings by allowing these vehicles to use the parkway rather than using a more circuitous and fuel consuming route on local roads.

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