



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:44

NJSA: 52:27C-61 to 52:27C-93

"Establishes NJ Commerce & Economic Growth Comm.;
Abolish Dept. of Commerce & Economic Development "

BILL NO: A2159 (Substituted for S1205)

SPONSOR(S): LeFevre and Azzolina

DATE INTRODUCED:June 1, 1998

COMMITTEE:

ASSEMBLY:Commerce; Appropriations

SENATE: ~~~~

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 29, 1998

SENATE: June 29, 1998

DATE OF APPROVAL: June 30, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 2nd reprint
(Amendments during passage denoted by superscript numbers)

A2159

SPONSORS STATEMENT: *Yes* (Begins on page 19 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

[6-15-98](#)

[6-22-98](#)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1205

SPONSORS STATEMENT: *Yes* (Begins on page 19 of original bill)
(Bill and Sponsors Statement identical to A2159)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *No*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at the State Library
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REPORTS: *No*

HEARINGS:

974.90 R424 1998

New Jersey. Legislature. General Assembly. Commerce, Tourism, Gaming, and Military and Veterans' Affairs Committee. New Jersey. Legislature. General Assembly. Task Force on Business Retention, Expansion, and Export Opportunities.

Public hearing before Assembly Commerce, Tourism, Gaming, and Military and Veterans' Affairs Committee and Assembly Task Force on Business Retention, Expansion, and Export Opportunities : to consider the recently proposed plan to restructure the Department of Commerce and Economic Development into a "public-private commission" : [March 12, 1998, Trenton, New Jersey]

NEWSPAPER ARTICLES:

"Commerce department to evolve," 7-1-98, Newark Star Ledger, p. 45.

"Legislators ok change in Commerce Commission," 7-1-98, Trenton Times, p. D1.

[Second Reprint]

ASSEMBLY, No. 2159

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 1, 1998

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

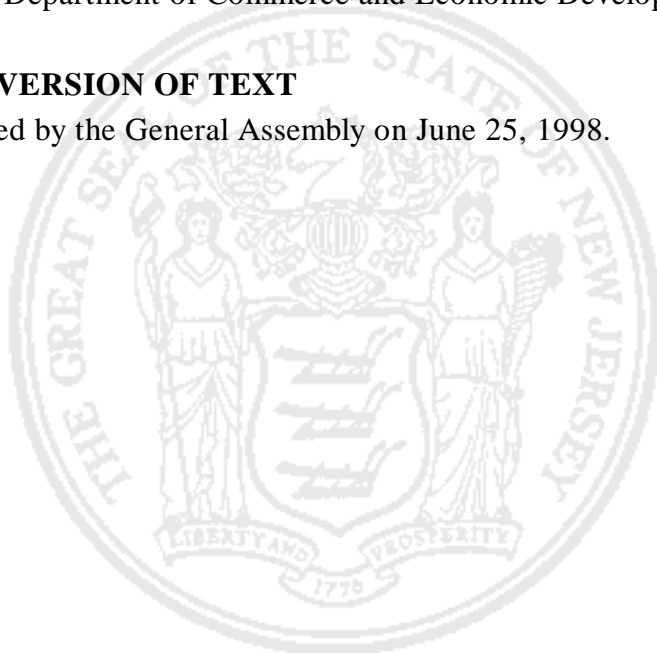
Senators Bark and Bennett

SYNOPSIS

Establishes New Jersey Commerce and Economic Growth Commission;
abolishes the Department of Commerce and Economic Development.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 25, 1998.



(Sponsorship Updated As Of: 6/30/1998)

1 AN ACT establishing the New Jersey Commerce and Economic
2 Growth Commission, abolishing the Department of Commerce and
3 Economic Development and revising parts of the statutory law.

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

7
8 1 . (New section) This act shall be known and may be cited as the
9 "New Jersey Commerce and Economic Growth Commission Act of
10 1998."

11
12 2. (New section) The Legislature finds and declares that:

13 a. New Jersey is in a fierce competition for jobs and businesses, not
14 only with other states, but throughout the world; and

15 b. The State must do all it can to increase opportunities for New
16 Jersey citizens to enjoy economic success and prosperity; and

17 c. To attract business, New Jersey must think and act like a
18 business, by ²**[stressing]** utilizing the best available personnel, without
19 consideration of political affiliation, selected on the basis of the skills,
20 ability and experience, needed to provide enhanced² customer service,
21 and ²by² responding to the needs of the business community with
22 flexibility and agility; and

23 d. Commerce and economic development are priorities for New
24 Jersey because success in these endeavors means the creation of jobs
25 for our citizens. As such, commerce and economic development
26 deserve a unique and dynamic role in our State government; and

27 e. Because we soon will be entering the 21st century, New Jersey
28 must now boldly transform its economic development mission to be
29 market driven, mobile and responsive enough to the future's challenges
30 to empower New Jersey to undertake new commercial and economic
31 ventures as the economic engine of the Northeast; and

32 f. The State and its citizens will benefit from a more sharply
33 focused economic development vision, in which the State's efforts are
34 coordinated under one organization, the New Jersey Commerce and
35 Economic Growth Commission, that coordinates economic
36 development activities for the State with all related entities, including,
37 but not limited to, the New Jersey Economic Development Authority,
38 the New Jersey Commission on Science and Technology, the New
39 Jersey Urban Enterprise Zone Authority, the Motion Picture and
40 Television Development Commission, and the New Jersey
41 Development Authority for Small Businesses, Minorities' and Women's

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACT committee amendments adopted June 15, 1998.

² Assembly floor amendments adopted June 25, 1998.

1 Enterprises; and

2 g. Just as the Legislature 25 years ago could not have predicted the
3 technological and business changes that have taken place since then,
4 this Legislature recognizes that it, too, cannot predict the future and
5 must, therefore, ensure that the New Jersey Commerce and Economic
6 Growth Commission has the agility and ability to retool its focus and
7 priorities to ensure the State's capability to respond to the
8 technological and business changes yet to come; and

9 h. Economic growth and prosperity are still the number one
10 priorities for our citizens, and by creating an innovative and
11 independent economic development entity, the New Jersey Commerce
12 and Economic Growth Commission, the Legislature reaffirms that it
13 is also a priority of government ²[.] ; and

14 i. The board of directors of the commission appointed pursuant to
15 this act should assist the Chief Executive Officer and Secretary of the
16 commission appointed pursuant to this act in assuring that persons
17 appointed to the staff of the commission, because they will no longer
18 be in the classified civil service pursuant to Title 11A of the New
19 Jersey Statutes, will be selected on the basis of qualification and
20 professional and technical competence, avoiding political
21 considerations to the maximum extent possible.²

22

23 3. (New section) There is established a body corporate and politic,
24 with corporate succession, to be known as the "New Jersey Commerce
25 and Economic Growth Commission" (hereinafter "the commission").

26 The commission shall be established in the Executive Branch of the
27 State Government and for the purposes of complying with the
28 provisions of Article V, Section IV, paragraph 1 of the New Jersey
29 Constitution, the commission is allocated, in but not of, the
30 Department of the Treasury, but notwithstanding this allocation, the
31 commission shall be independent of any supervision and control by the
32 department or by any board or officer thereof.

33

34 4. (New section) The Department of Commerce and Economic
35 Development created pursuant to P.L.1981, c.122 (C.52:27H-1 et
36 seq.) is abolished as a principal department in the Executive Branch of
37 State government, and all of its powers, functions, and duties
38 ¹including, but not limited to, the Division of Travel and Tourism, and
39 the Division of International Trade¹, except as herein otherwise
40 provided, are continued in the commission.

41

42 5. (New section) All appropriations and other moneys available
43 and to become available to any department, division, bureau, board,
44 commission, or other entity or agency, the functions, powers and
45 duties of which have been assigned or transferred to the Department
46 of Commerce and Economic Development, are hereby continued in the

1 commission, except as herein otherwise provided, and shall be
2 available for the objects and purposes ¹~~tor~~ for¹ which such monies
3 are appropriated subject to any terms, restrictions, limitations, or other
4 requirements imposed by State or federal law. Nothing herein shall
5 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39).
6 Whenever, in any law, rule, regulation, order, contract, document,
7 judicial or administrative proceeding or otherwise, reference is made
8 to the Department of Commerce and Economic Development, the
9 same shall mean and refer to the "New Jersey Commerce and
10 Economic Growth Commission" in but not of the Department of the
11 Treasury.

12

13 6. (New section) The offices and terms of the commissioner,
14 deputy commissioner, assistant commissioners, directors, deputy
15 directors, executive directors, and all other employees of the
16 Department of Commerce and Economic Development and ²~~of~~² its
17 various divisions and offices, except as herein otherwise provided,
18 shall terminate upon the effective date of this act.

19 ²The Commissioner of Personnel shall exercise all best efforts to
20 find and offer employment within State service for employees of the
21 Department of Commerce and Economic Development who are
22 employed by the department on the date of enactment of this act, and
23 who are not offered positions with the commission or who, having
24 been offered such positions, choose not to accept employment with the
25 commission.²

26 Notwithstanding the requirements of Title 11A of the New Jersey
27 Statutes or the regulations promulgated thereunder, no employee of
28 the commission shall retain career service rights after the effective date
29 of this act.

30

31 7. (New section) The ¹Chief Executive Officer and Secretary of
32 the¹ commission ²as designated pursuant to section 8 this act,² shall
33 have the power to employ consultants and employees as may be
34 required in the judgment of the commission to carry out the purposes
35 of this act and to ²establish job titles and descriptions, and to² fix and
36 pay ²[their] employees² compensation from funds available to the
37 commission therefor, notwithstanding the provisions of Title 11A of
38 the New Jersey Statutes. The commission shall establish the terms and
39 conditions of employment ²[, and such employees]. Employees of the
40 commission shall, as appropriate, be covered under the State of New
41 Jersey's collective negotiations agreements, provided however that
42 only the contractual provisions of such agreements which apply to
43 non-career service employees shall apply to the commission
44 employees. For contractual purposes, previous State service in the
45 career service shall be counted toward any contractual provision that
46 requires unclassified seniority. Employees of the Department of

1 Commerce and Economic Development who are employed by the
2 department on the date of enactment of this act, and who are hired by
3 the commission shall retain their salary and leave time. Employees² of
4 the commission shall be enrolled in the Public Employees' Retirement
5 System and shall be eligible to participate in the State Health Benefits
6 Program established pursuant to the "New Jersey State Health Benefits
7 Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). The
8 commission may elect to provide health benefits for its employees
9 through private insurance policies, hospital and medical service
10 corporations, health maintenance organizations, or any other manner
11 available for the provision of health benefits, provided that the ²[cost
12 of the] types of² benefits shall not ²[exceed the cost of] provide less
13 coverage than² those benefits provided to other State employees.

14 ²The commission shall advertise all available positions within the
15 commission, except under circumstances where there is an emergent
16 need as specified in the commission's personnel handbook.²
17

18 8. (New section) The Board of Directors of the commission shall
19 consist of the following 11 voting members ²and two non-voting
20 members²:

21 a. The Governor, who shall be the Chair of the commission. The
22 Governor may be represented by an official designee, whose name
23 shall be filed with the commission.

24 b. The Chief Executive Officer and Secretary of the commission
25 ¹, who¹ shall ²hold cabinet-level rank and who shall² be appointed by
26 the Governor with the advice and consent of the Senate. The Chief
27 Executive Officer and Secretary of the commission shall serve at the
28 pleasure of the Governor during the Governor's term of office and
29 until a successor is appointed and qualified ², and shall receive such
30 salary as shall be fixed by the Governor². The Chief Executive Officer
31 and Secretary shall serve as an ex officio voting member of the
32 commission and may be represented by an official designee, whose
33 name shall be filed with the commission.

34 The person in office as the Commissioner of the Department of
35 Commerce and Economic Development on the effective date of this
36 act shall hold the office of the Chief Executive Officer and Secretary
37 of the commission without the advice and consent of the Senate and
38 shall serve at the pleasure of the Governor during the Governor's term
39 of office and until a successor is appointed and qualified.

40 Whenever, in any law, rule, regulation, order, contract, document,
41 judicial or administrative proceeding or otherwise, reference is made
42 to the Commissioner of the Department of Commerce and Economic
43 Development, the same shall mean and refer to the Chief Executive
44 Officer and Secretary of the "New Jersey Commerce and Economic
45 Growth Commission."

46 c. One commissioner from each of the following departments who

1 shall serve ex-officio: the Department of Environmental Protection;
2 the Department of Labor and the Department of Transportation.
3 These commissioners may be represented by an official designee,
4 whose name shall be filed with the commission.

5 d. The chairman of the ¹New Jersey¹ Commission on Higher
6 Education, who shall serve ex officio. This chairman may be
7 represented by an official designee, whose name shall be filed with the
8 commission.

9 e. ¹~~Five~~ Three¹ public members who shall be appointed by ¹~~the~~,
10 and serve at the pleasure of, the Governor] the Governor with the
11 advice and consent of the Senate ², not more than two of whom shall
12 be of the same political party². The three public members shall serve
13 for a term of five years and shall serve until their successors are
14 appointed and qualified. Of the three public members first appointed
15 pursuant to this subsection, two shall serve for a term of five years and
16 one shall serve for a term of ²~~four~~ three² years¹. These members
17 shall be New Jersey residents ¹who shall provide appropriate
18 geographical representation from throughout the State and¹ who shall
19 be employed by, owners of, or members of the board of directors of,
20 a business whose principal operation is located in New Jersey. Public
21 members shall receive no compensation for their services but shall be
22 entitled to reimbursement for expenses incurred in the performance of
23 their official duties.

24 ¹f. Two additional members who shall be appointed by, and serve
25 at the pleasure of, the Governor. The Governor is authorized to
26 appoint one member upon the recommendation of the President of the
27 Senate and one member upon the recommendation of the Speaker of
28 the General Assembly.

29 ²g. One member of the Senate, to be appointed by the President
30 of the Senate, and one member of the General Assembly, to be
31 appointed by the Speaker of the General Assembly. These members
32 are non-voting, advisory members, appointed solely for the purpose of
33 developing and facilitating legislation to assist the commission in
34 fulfilling its statutory mission, and may not exercise any of the
35 executive powers delegated to the commission by law.²

36 ²~~g.~~ ²h.² Any vacancies in the appointed membership of the
37 commission occurring other than by expiration of term shall be filled
38 in the same manner as the original appointment, but for the unexpired
39 term only.¹

40
41 9. (New section) a. The powers of the commission shall be
42 vested in the members thereof in office from time to time, and a
43 majority of the total authorized membership of the commission shall
44 constitute a quorum at any meeting thereof. Action may be taken and
45 motions and resolutions adopted by the commission at any meeting
46 thereof by the affirmative vote of a majority of the membership, unless

1 in any case the bylaws of the commission shall require a larger number.
2 No vacancy in the membership of the commission shall impair the right
3 of a quorum to exercise all the rights and perform all the duties of the
4 commission.

5 b. Members of the commission shall be subject to the provisions
6 of the "New Jersey Conflicts of Interest Law," P.L.1971, c.182
7 (C.52:13D-12 et seq.)

8
9 10. (New section) A true copy of the minutes of every meeting of
10 the commission shall be forthwith delivered by and under the
11 certification of the secretary thereof to the Governor. No action taken
12 at such a meeting by the commission shall have force or effect until 10
13 days, Saturday, Sundays, and public holidays excepted, after the copy
14 of the minutes shall have been so delivered, unless during such 10 day
15 period the Governor shall approve the same, in which case such action
16 shall become effective upon such approval. If, in that 10 day period,
17 the Governor returns such copies of the minutes with veto of any
18 action taken by the commission or any member thereof at such
19 meeting, such action shall be null and void and of no effect.

20
21 11. (New section) The Chief Executive Officer and Secretary of
22 the commission shall devote full time to the performance of the duties
23 assigned thereto, and shall:

24 a. Administer the work of the commission;

25 b. Appoint and remove officers and other personnel employed
26 within the commission, except as herein otherwise specifically
27 provided;

28 c. Have authority to organize and maintain an administrative office
29 and to assign to employment therein such secretarial, clerical and other
30 assistants in the commission as the Chief Executive Officer and
31 Secretary and the internal operations of the commission may require;

32 d. Perform, exercise and discharge the functions, powers and
33 duties of the commission through such offices as may be established
34 by this act or otherwise by law;

35 e. Organize the work of the commission in such organizational
36 units, not inconsistent with the provisions of this act, as the Chief
37 Executive Officer and Secretary may determine to be necessary for the
38 efficient and effective operation of the commission;

39 f. Formulate and adopt rules and regulations for the efficient
40 conduct of the work and general administration of the commission, its
41 officers, and employees;

42 g. Institute or cause to be instituted such legal proceedings or
43 processes as may be necessary to properly enforce and give effect to
44 any of the powers or duties of the Chief Executive Officer and
45 Secretary or the commission;

46 h. Make reports of the commission's operations, and such other

- 1 reports, as the Governor shall from time to time request or as may be
2 required by law;
- 3 i. Coordinate the activities of the commission and the several
4 organizational units therein, in a manner designed to eliminate
5 overlapping and duplicative functions;
- 6 j. Integrate within the commission, so far as practicable, all staff
7 services of the commission and of the several organizational units
8 therein;
- 9 k. Have access to all relevant files and records of other State
10 agencies and require any officer or employee therein to provide such
11 information as the Chief Executive Officer and Secretary may deem
12 necessary to the performance of the functions of the commission;
- 13 l. Lease or purchase suitable headquarters for the commission and
14 such other quarters as the Chief Executive Officer and Secretary shall
15 deem necessary to the proper functioning of the commission;
- 16 m. Enter into agreements with any individual, partnership, trust,
17 association, or corporation, or any public agency, under which the
18 commission, and such other entity or entities, shall undertake a project
19 as a joint venture, with the commission providing such assistance or
20 advice as the agreement may provide. Such a joint venture must
21 directly further the statutory mission of the commission. Employees
22 of any joint venture shall not be deemed public employees. A joint
23 venture entered into by the commission shall not be deemed an
24 instrumentality of the State of New Jersey. A joint venture entered
25 into by the commission shall not be deemed or construed to create or
26 constitute a debt, liability, or loan or pledge of the credit, or be
27 payable out of property or funds of the State;
- 28 n. Organize or participate in the organization of nonprofit
29 corporations which are exempt from federal taxation under section
30 501(c)(3) of the Internal Revenue Code. Any such nonprofit
31 corporations must directly further the statutory mission of the
32 commission. Expenses incurred by such nonprofit corporations shall
33 be payable from funds raised by the nonprofit corporation, and no
34 liability or obligation, in tort or contract, shall be incurred by the State
35 for the operation of such nonprofit corporations. Any such nonprofit
36 corporations shall obtain private counsel and shall not be represented
37 by the Attorney General or indemnified by the State of New Jersey;
- 38 o. Serve as a member of any board, commission, corporation, or
39 authority which by law designates the Commissioner of the
40 Department of Commerce and Economic Development as an ex officio
41 member;
- 42 p. Develop annually an economic development master plan
43 identifying the commission's objectives, policies and programs which
44 will encourage business attraction, expansion, and retention; and
- 45 q. Perform such other functions as may be prescribed in this act or
46 by any other law or by the commission.

1 12. (New section) Notwithstanding any other provision of law,
2 only the records of any nonprofit corporation on which the Chief
3 Executive Officer and Secretary serves and which are in the possession
4 of the Chief Executive Officer and Secretary in an official capacity
5 shall be deemed public records which may be subject to public
6 inspection under the provisions of the "Right to Know Law,"
7 P.L.1963, c.73 (C.47:1A-1 et seq.).

8
9 13. (New section) The commission shall have perpetual
10 succession and shall have the following powers:

11 a. To make, amend and repeal rules and by-laws for its own
12 governance and guidance not inconsistent with State and federal law;

13 b. To adopt an official seal and alter the same at its pleasure;

14 c. To maintain an office at such place or places within the State as
15 it may designate;

16 d. To contract for, accept, solicit or collect any grants, loans,
17 funds, property, or other aid in any form from the United States of
18 America or any agency or instrumentality thereof, from the State or
19 any agency, instrumentality or political subdivision thereof, or from
20 any other public source;

21 e. To set an amount and to charge ¹reasonable¹ fees ¹for special
22 projects or services that were not customarily provided by the
23 department prior to the effective date of this act¹ to be paid to the
24 commission for services rendered to persons, businesses, or other
25 entities ¹[, including but not limited to, certifications, business
26 relocation and expansion assistance, strategic investment consulting,
27 international trade services and strategic partnerships] which fees shall
28 reflect the cost of providing such projects or services; notwithstanding
29 the provisions of this subsection, the commission is authorized to set
30 an amount and to charge reasonable fees for services for which fees
31 were charged by the department prior to the effective date of this act¹;

32 f. To exercise all of the powers, functions, and duties previously
33 exercised by the Department of Commerce and Economic
34 Development, except as herein provided pursuant to this act;

35 g. To act as the State's representative abroad and within the
36 United States concerning trade and commerce issues;

37 h. To adopt rules and regulations, pursuant to the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary for
39 the proper functioning of the commission and necessary to carry out
40 the provisions of this act;

41 ¹[I.] i.¹ To do any and all things necessary or convenient to carry
42 out the purposes of the commission and to exercise the powers given
43 and granted to the commission under this act;

44 j. To coordinate the State's economic development activities
45 among the commission's organizational units and the New Jersey
46 Economic Development Authority, the New Jersey Commission on

1 Science and Technology, the New Jersey Urban Enterprise Zone
2 Authority, the New Jersey Development Authority for Small
3 Businesses, Minorities' and Women's Enterprises, and the Motion
4 Picture and Television Development Commission, and to recommend
5 economic development policies to the Governor;

6 k. To enter into memoranda of understanding or other cooperative
7 agreements with the New Jersey Economic Development Authority,
8 the New Jersey Commission on Science and Technology, the New
9 Jersey Urban Enterprise Zone Authority, the New Jersey Development
10 Authority for Small Businesses, Minorities' and Women's Enterprises,
11 the Atlantic City Convention Center Authority, the Dredging Project
12 Task Force, the Economic Development Site Task Force, and the
13 Motion Picture and Television Development Commission, or any other
14 state agency for the provision of services or other cooperative efforts
15 to effectuate the purposes of this act and to ensure the coordination of
16 the State's economic development activities;

17 l. To make and enter into contracts, leases, agreements, and
18 purchases necessary for the use, or incidental to the performance of,
19 the commission's duties and the exercise of its powers under the act;

20 m. To do and perform any acts and things authorized by this act
21 under, through or by means of its own officers, agents and employees,
22 or by contract with any person;

23 n. To insure against any losses in connection with the
24 commission's properties, operations or assets; and

25 o. To approve annually the economic development master plan
26 submitted by the Chief Executive Officer and Secretary.

27

28 14. (New section) The Attorney General shall provide legal
29 representation to the commission.

30

31 15. (New section) The Director of the Division of Budget and
32 Accounting, in the Department of the Treasury, ¹**[and]**¹ the director's
33 legally authorized representatives ¹, and the State Auditor¹ are hereby
34 authorized and empowered from time to time to examine the accounts,
35 books, and records of the commission, and any of its related entities,
36 including its receipts, disbursements, contracts, investments and any
37 other matters relating thereto and to its financial standing.

38

39 16. (New section) a. All purchases, contracts, or agreements,
40 where the cost or contract price exceeds the sum of ²**[\$50,000]**
41 ~~\$25,000~~², or, after January 1, 1999, the amount determined pursuant
42 to subsection b. of this section, shall, except as otherwise provided in
43 this act, be made, negotiated, or awarded only after public
44 advertisement for bids therefor and shall be awarded to that
45 responsible bidder whose bid, conforming to the invitation for bids, is
46 most advantageous to the commission in its judgment, upon

1 consideration of price and other factors. Any bid may be rejected when
2 the commission determines that it is in the public interest to do so.

3 Any purchase, contract, or agreement, where the cost or contract
4 price is less than or equal to ²[\$50,000] ~~\$25,000~~², or the amount
5 determined pursuant to subsection b. of this section, shall be made,
6 negotiated, or awarded by the commission without advertising and in
7 any manner which the commission, in its judgment, deems necessary
8 to serve its unique interests and purposes and which promotes,
9 whenever practicable, full and free competition by the acceptance of
10 quotations or proposals or by the use of other suitable methods.

11 b. Commencing January 1, 1999, the Governor, in consultation
12 with the Department of the Treasury, shall no later than March 1 of
13 each odd numbered-year adjust the threshold amount set forth in
14 subsection a. of this section, or subsequent to 1999 the threshold
15 amount resulting from any adjustment under this subsection, in direct
16 proportion to the rise or fall of the consumer price index for all urban
17 consumers in the New York City and the Philadelphia areas as
18 reported by the United States Department of Labor. The Governor
19 shall, no later than June 1 of each odd-number year, notify the
20 commission of the adjustment. The adjustment shall become effective
21 on July 1 of each odd-numbered year.

22

23 17. (New section) a. Any purchase, contract, or agreement,
24 where the cost or contract price exceeds the amount set forth in
25 subsection a. of section 16 of P.L. , c. (C.) (now
26 before the Legislature as this bill), or, after January 1, 1999, the
27 amount calculated by the Governor pursuant to subsection b. of
28 section 16 of P.L. , c. (C.) (now before the Legislature
29 as this bill) may be made, negotiated, or awarded by the commission
30 without advertisement for bids under the following circumstances:

31 (1) When the subject matter consists of:

32 (a) Items or services supplied by a public utility subject to the
33 jurisdiction of the Board of Public Utilities, and tariffs and schedules
34 of the charges made, charged or extracted by the public utility for
35 those items or services which are filed with the commission; or

36 (b) The purchase, rental, or lease of such office space, office
37 machinery, specialized equipment, buildings or real property as may be
38 necessary for the use, or incidental to the performance, of the
39 commission's duties and the exercise of its powers under this act; or

40 (2) When any one or more of the following circumstances exist:

41 (a) Standardization of equipment and interchange ability of parts
42 is in the public interest;

43 (b) Only one source of supply or service is available;

44 (c) The exigency of the commission's duties and responsibilities
45 will not admit of advertisement;

46 (d) More favorable terms can be obtained from a primary source

1 of supply of an item or service;

2 (e) Bid prices, after advertising, are not reasonable or have not
3 been independently arrived at in open competition, but no negotiated
4 purchase, contract, or agreement may be entered into under this
5 subsection after the rejection of all bids received unless : (i) notification
6 of the intention to negotiate and reasonable opportunity to negotiate
7 is given to each responsible bidder; (ii) the negotiated price is lower
8 than the lowest rejected bid price of a responsible bidder; and (iii) the
9 negotiated price is the lowest negotiated price offered by any
10 responsible bidder;

11 (f) The purchase is to be made from, or the contract is to be made
12 with, any federal or State government or agency or other entity, or any
13 political subdivision thereof; or

14 (g) Purchases are made through or by the Director of the Division
15 of Purchase and Property, in the Department of the Treasury, pursuant
16 to section 1 of P.L.1959, c.40 (C.52:27B-56. 1).

17 b. In any such instances as identified in subsection a. of this
18 section, the commission may make, negotiate, or award the purchase,
19 contract or agreement in any manner which the commission deems
20 necessary to serve its unique interests and purposes and which
21 promotes, whenever practicable, full and free competition by the
22 acceptance of quotations or proposals or by the use of other suitable
23 methods.

24 c. In any case in which the commission shall make, negotiate, or
25 award a purchase, contract, or agreement without public advertisement
26 pursuant to subsection a. of this section, the commission shall, by
27 resolution passed by the affirmative vote of a majority of its members,
28 specify the subject matter or circumstances set forth in subsection a.
29 which permit the commission to take such action.

30

31 18. (New section) The commission shall submit its budget request
32 directly to the Division of Budget and Accounting in the Department
33 of the Treasury in a format to be agreed upon ¹jointly¹ by the
34 commission ¹[and] ¹the Joint Budget Oversight Committee of the
35 Legislature, or its successor, and¹ the Division of Budget and
36 Accounting.

37

38 19. (New section) ¹【Three】 a. No later than three¹ months after
39 the end of its fiscal year, the commission shall make an annual report
40 of its activities for the preceding fiscal year to the Governor and the
41 Legislature. ¹Each report shall include, but not be limited to, a
42 description of the short-term and long-term goals of the commission
43 and an assessment of the effectiveness of the commission in meeting
44 such goals, and any recommendations for legislation to improve the
45 effectiveness of the commission.

46 b. The commission shall include, in the report required by

1 subsection a. of this section, a description setting forth information
2 concerning the imposition, collection and expenditure of the fees
3 imposed by the commission.¹ Each such report shall ¹also¹ set forth
4 a complete operating and financial statement covering the operations
5 of the commission, and any of its related entities, during the year. The
6 commission shall cause an independent audit of its books and accounts
7 to be made at least once in each year by certified public accountants
8 and cause a copy thereof to be filed with the Secretary of State
9 ¹[and],¹ the Director of the Division of Budget and Accounting, in the
10 Department of the Treasury ¹and the State Auditor¹.

11

12 20. (New section) The commission shall organize within 90 days
13 of the effective date of this act and shall be subject to the provisions
14 of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et
15 seq.).

16

17 21. (New section) a. The New Jersey Development Authority for
18 Small Businesses, Minorities' and Women's Enterprises, established
19 pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), is transferred in but
20 not of the Department of the Treasury, but, notwithstanding this
21 transfer, the New Jersey Development Authority for Small Businesses,
22 Minorities' and Women's Enterprise shall be independent of any
23 supervision and control by the department or by any board or officer
24 thereof.

25 b. Whenever, in any law, role, regulation, order, contract,
26 document, judicial or administrative proceeding or otherwise,
27 reference is made to the New Jersey Development Authority for Small
28 Businesses, Minorities' and Women's Enterprise, the same shall mean
29 and refer to the New Jersey Development Authority for Small
30 Businesses, Minorities' and Women's Enterprise in but not of the
31 Department of the Treasury.

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

34 d. The New Jersey Development Authority for Small Businesses,
35 Minorities' and Women's Enterprise may, subject to the commission's
36 approval, develop and promulgate such rules and regulations in
37 accordance with the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.) as are necessary to implement the provisions of
39 this act and to effectuate the purposes of the New Jersey Development
40 Authority for Small Businesses, Minorities' and Women's Enterprise
41 as provided by law.

42 e. Regulations adopted by the New Jersey Development Authority
43 for Small Businesses, Minorities' and Women's Enterprise shall
44 continue with full force and effect until amended or repealed pursuant
45 to law.

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

7 b. Whenever, in any law, rule, regulation, order, contract,
8 document, judicial or administrative proceeding or otherwise,
9 reference is made to the New Jersey Economic Development
10 Authority, the same shall mean and refer to the New Jersey Economic
11 Development Authority in but not of the Department of the Treasury.
12 ¹[The] Notwithstanding the provisions of any law, rule, regulation or
13 order to the contrary, the¹ Chief Executive Officer and Secretary of
14 the commission shall appoint the executive director of the New Jersey
15 Economic Development Authority.

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

18 d. The New Jersey Economic Development Authority may develop
19 and promulgate such rules and regulations in accordance with the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
21 as are necessary to implement the provisions of this act and to
22 effectuate the purposes of the New Jersey Economic Development
23 Authority as provided by law. Nothing herein shall alter the provisions
24 of section 1 of P.L.1979, c.303 (C.34-1B-5.1).

25 e. Regulations adopted by the New Jersey Economic Development
26 Authority shall continue with full force and effect until amended or
27 repealed pursuant to law.

28

29 23. (New section) a. The South Jersey Port Corporation,
30 established pursuant to P.L.1968, c.60 (C.12: 11A-1 et seq.), is
31 transferred in but not of the Department of the Treasury, but,
32 notwithstanding this transfer, the South Jersey Port Corporation shall
33 be independent of any supervision and control by the department or by
34 any board or officer thereof.

35 b. Whenever, in any law, rule, regulation, order, contract,
36 document, judicial or administrative proceeding or otherwise,
37 reference is made to the South Jersey Port Corporation, the same shall
38 mean and refer to the South Jersey Port Corporation in but not of the
39 Department of the Treasury.

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

42 d. Regulations adopted by the South Jersey Port Corporation shall
43 continue with full force and effect until amended or repealed pursuant
44 to law.

45

46 24. (New section) a. The New Jersey Public Broadcasting

1 Authority, established pursuant to P.L.1968, c.405 (C.48:23-1 et
2 seq.), is transferred in but not of the Department of State, but
3 notwithstanding this transfer, New Jersey Public Broadcasting
4 Authority shall be independent of any supervision and control by the
5 department or by any board or officer thereof. The New Jersey Public
6 Broadcasting Authority shall submit its budget request directly to the
7 Division of Budget and Accounting in the Department of the Treasury.

8 b. Whenever, in any law, rule, regulation, order, contract,
9 document, judicial or administrative proceeding or otherwise,
10 reference is made to the New Jersey Public Broadcasting Authority,
11 the same shall mean and refer to the New Jersey Public Broadcasting
12 Authority in but not of the Department of State.

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

15 d. The New Jersey Department of State may render administrative
16 assistance including, but not limited to, personnel and fiscal assistance,
17 upon request of the New Jersey Public Broadcasting Authority. The
18 cost and expense of any services rendered may be paid by the New
19 Jersey Public Broadcasting Authority.

20 e. Regulations adopted by the Public Broadcasting Authority shall
21 continue with full force and effect until amended or repealed pursuant
22 to law.

23

24 25. (New section) a. The New Jersey Commission on Science
25 and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1
26 et seq.), is transferred in but not of the Department of the Treasury,
27 but notwithstanding this transfer, the New Jersey Commission on
28 Science and Technology shall be independent of any supervision and
29 control by the department or by any board or officer thereof. ¹**[The]**
30 Notwithstanding the provisions of any law, rule, regulation or order
31 to the contrary, the¹ Chief Executive Officer and Secretary of the
32 commission shall appoint the Executive Director of the New Jersey
33 Commission on Science and Technology.

34 b. Whenever, in any law, rule, regulation, order, contract,
35 document, judicial or administrative proceeding or otherwise,
36 reference is made to the New Jersey Commission on Science and
37 Technology, the same shall mean and refer to the New Jersey
38 Commission on Science and Technology in but not of the Department
39 of the Treasury.

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

42 d. The New Jersey Commission on Science and Technology may,
43 subject to the commission's approval, develop and promulgate such
44 rules and regulations in accordance with the "Administrative
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
46 to implement the provisions of this act and to effectuate the purposes

1 of the New Jersey Commission on Science and Technology as
2 provided by law.

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

6
7 26. (New section) a. The Motion Picture and Television
8 Development Commission, established pursuant to P.L.1977, c.44
9 (C.34:1B-22 et seq.), is transferred in but not of the Department of the
10 Treasury, but notwithstanding this transfer, the Motion Picture and
11 Television Development Commission shall be independent of any
12 supervision and control by the department or by any board or officer
13 thereof. ¹[The] Notwithstanding the provisions of any law, rule,
14 regulation or order to the contrary, the¹ Chief Executive Officer and
15 Secretary of the commission shall appoint the Executive Director of
16 the Motion Picture and Television Development Commission.,

17 b. Whenever, in any law, rule, regulation, order, contract,
18 document, judicial or administrative proceeding or otherwise,
19 reference is made to the Motion Picture and Television Development
20 Commission, the same shall mean and refer to the Motion Picture and
21 Television Development Commission in but not of the Department of
22 the Treasury.

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

25 d. The Motion Picture and Television Development Commission
26 may, subject to the commission's approval, develop and promulgate
27 such rules and regulations in accordance with the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
29 to implement the provisions of this act and to effectuate the purposes
30 of the Motion Picture and Television Development Commission as
31 provided by law.

32
33 27. (New section) a. The New Jersey Council of Economic
34 Advisors, established pursuant to P.L.1993, c.149 (C.52:9H-34 et
35 seq.), is allocated in but not of the Department of the Treasury, but
36 notwithstanding this allocation, the New Jersey Council of Economic
37 Advisors shall be independent of any supervision and control by the
38 department or by any board or officer thereof.

39 b. Whenever, in any law, rule, regulation, order, contract,
40 document, judicial or administrative proceeding or otherwise,
41 reference is made to the New Jersey Council of Economic Advisors,
42 the same shall mean and refer to the New Jersey Council of Economic
43 Advisors in but not of the Department of the Treasury.

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

46 d. The commission may render administrative assistance including,

1 but not limited to, personnel and fiscal assistance to the New Jersey
2 Council of Economic Advisors. The cost and expense of any services
3 rendered may be paid by the New Jersey Council of Economic
4 Advisors, or as is annually provided for in the State budget.

5
6 28. (New Section) a. The New Jersey Urban Enterprise Zone
7 Authority, established pursuant to P.L.1983, c.303 (C.52:27H-60 ²et
8 seq.²), is transferred in but not of the Department of Treasury, but
9 notwithstanding this transfer, the New Jersey Urban Enterprise Zone
10 Authority shall be independent of any supervision and control by the
11 department or by any board or officer thereof.

12 b. Whenever, in any law, rule, regulation, order, contract,
13 document, judicial or administrative proceeding or otherwise,
14 reference is made to the New Jersey Urban Enterprise Zone Authority
15 the same shall mean and refer to the New Jersey Urban Enterprise
16 Zone Authority in but not of the Department of the Treasury.

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

19 d. All clerical and professional assistants, and all personnel,
20 procurement, budgetary and other administrative services necessary or
21 incidental to the authority's proper functioning shall be provided by
22 and through the commission, and it shall, subject to the availability of
23 funds, reimburse the commission for all administrative services
24 provided to the authority.

25 e. The New Jersey Urban Enterprise Zone Authority may, subject
26 to the commission's approval, develop and promulgate such rules and
27 regulations in accordance with the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement
29 the provisions of this act and to effectuate the purposes of the New
30 Jersey Urban Enterprise Zone Authority as provided by law.

31 f. Regulations adopted by the New Jersey Urban Enterprise Zone
32 Authority shall continue with full force and effect until amended or
33 repealed pursuant to law.

34
35 29. (New section) a. The Atlantic City Convention Center
36 Authority, established pursuant to P.L.1981, c.459 (C.52:27H-29 et
37 seq.), is transferred in but not of the Department of the Treasury, but
38 notwithstanding this transfer, the Atlantic City Convention Center
39 Authority shall be independent of any supervision and control by the
40 department or by any board or officer thereof.

41 b. Whenever, in any law, rule, regulation, order, contract,
42 document, judicial or administrative proceeding or otherwise,
43 reference is made to the Atlantic City Convention Center Authority,
44 the same shall mean and refer to the Atlantic City Convention Center
45 Authority in but not of the Department of the Treasury.

46 c. This transfer shall be subject to the provisions of the "State

1 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

2

3 30. (New section) a. The Dredging Project Facilitation Task
4 Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
5 transferred in but not of the Department of the Treasury, but
6 notwithstanding this transfer, the Dredging Project Task Force shall
7 be independent of any supervision and control by the department or by
8 any board or officer thereof.

9 b. Whenever, in any law, rule, regulation, order, contract,
10 document, judicial or administrative proceeding or otherwise,
11 reference is made to the Dredging Project Task Force, the same shall
12 mean and refer to the Dredging Project Task Force in but not of the
13 Department of the Treasury.

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

16

17 31. (New section) a. The Economic Development Site Task
18 Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
19 transferred in but not of the Department of the Treasury, but
20 notwithstanding this transfer, the Economic Development Site Task
21 Force shall be independent of any supervision and control by the
22 department or by any board or officer thereof.

23 b. Whenever, in any law, rule, regulation, order, contract,
24 document, judicial or administrative proceeding or otherwise,
25 reference is made to the Economic Development Site Task Force, the
26 same shall mean and refer to the Economic Development Site Task
27 Force in but not of the Department of the Treasury.

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

30

31 ¹32. (New section) a. The New Capital Sources Board established
32 pursuant to P.L.1995, c.293 (C.34:1B-107 et seq.), is transferred in
33 but not of the Department of the Treasury, but notwithstanding this
34 transfer, the New Capital Sources Board shall be independent of any
35 supervision and control by the department or by any board or officer
36 thereof.

37 b. Whenever, in any law, rule, regulation, order, contract,
38 document, judicial or administrative proceeding or otherwise,
39 reference is made to the New Capital Sources Board, the same shall
40 mean and refer to the New Capital Sources Board in but not of the
41 Department of the Treasury.

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

44

45 ¹33. (New section) a. The Export Finance Company Advisory
46 Council established pursuant to P.L. 1995, c.209 (C.34:1B-93 et seq.),

1 is transferred in but not of the Department of the Treasury, but
 2 notwithstanding this transfer, the Export Finance Company Advisory
 3 Council shall be independent of any supervision and control by the
 4 department or by any board or officer thereof.

5 b. Whenever, in any law, rule, regulation, order, contract,
 6 document, judicial or administrative proceeding or otherwise reference
 7 is made to the Export Finance Company Advisory Council, the same
 8 shall mean and refer to the Export Finance Company Advisory Council
 9 in but not of the Department of the Treasury.

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

12
 13 ¹**[32.] 34.**¹ Section 1 of P.L.1974, c.55 (C.52:14-15.107) is
 14 amended to read as follows:

15 Notwithstanding the provisions of the annual appropriations act
 16 and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall
 17 fix and establish the annual salaries for the following officers within
 18 the limits as follows:

Title	Salary	Not to Exceed
Agriculture Department		
Secretary of Agriculture.....		\$115,000
Banking Department		
Commissioner of Banking.....		\$115,000
[Commerce, Energy and Economic Development Department		
Commissioner of Commerce, Energy and Economic Development]		
² [Commerce and Economic Growth Commission		
<u>Chief Executive Officer and Secretary.....</u>		<u>\$115,000]</u> ²
Community Affairs Department		
Commissioner of Community Affairs.....		\$115,000
Corrections Department		
Commissioner of Corrections.....		\$115,000
Education Department		
Commissioner of Education.....		\$115,000
Environmental Protection Department		
Commissioner of Environmental Protection.....		\$115,000
Health Department		
Commissioner of Health.....		\$115,000
Higher Education Department		
Chancellor.....		\$115,000
Human Services Department		
Commissioner of Human Services.....		\$115,000
Insurance Department		
Commissioner of Insurance.....		\$115,000
Labor Department		
Commissioner of Labor.....		\$115,000

1	Law and Public Safety Department	
2	Attorney General.....	\$115,000
3	Military and Veterans' Affairs Department	
4	Adjutant General.....	\$115,000
5	Personnel Department	
6	Commissioner of Personnel.....	\$115,000
7	State Department	
8	Secretary of State.....	\$115,000
9	Transportation Department	
10	Commissioner of Transportation	\$115,000
11	Treasury Department	
12	State Treasurer.....	\$115,000
13	Members, Board of Public Utilities.....	\$115,000
14	² <u>Notwithstanding the provisions of this section to the contrary, the</u>	
15	<u>Chief Executive Officer and Secretary of the New Jersey Commerce</u>	
16	<u>and Economic Growth Commission shall receive such salary as shall</u>	
17	<u>be fixed by the Governor pursuant to subsection b. of section 8 of</u>	
18	<u>P.L. , c. (C.)(now before the Legislature as this bill).</u> ²	
19	(cf. P.L. 1994, c. 58, s. 53)	

20

21 ¹[33] 35¹. Section 5 of P.L.1998, c.278 ~~(C.58:10B-23)~~ ¹is
 22 amended to read as follows:

23 5. a. There is created the "Brownfields Redevelopment Task
 24 Force." The Task Force shall consist of ~~five~~ ¹[~~six~~ five]¹
 25 representatives from State agencies and six public members. The State
 26 agency representatives shall be from each of the following State
 27 agencies: the Office of State Planning in the Department of ¹[the
 28 Treasury, the Office of Neighborhood Empowerment in the
 29 Department of]¹ Community Affairs, the New Jersey Redevelopment
 30 Authority in the Department of ~~Commerce and Economic~~
 31 ~~Development~~ ¹[~~the Treasury~~ Community Affairs]¹, ~~the New Jersey~~
 32 Commerce and Economic Growth Commission, the Department of
 33 Transportation, and the Site Remediation Program in the Department
 34 of Environmental Protection. The six public members shall be
 35 appointed by the Governor with the advice and consent of the Senate.
 36 The public members shall include to the extent practicable: a
 37 representative of commercial or residential development interests, a
 38 representative of the financial community, a representative of a public
 39 interest environmental organization, a representative of a
 40 neighborhood or community redevelopment organization, a
 41 representative of a labor or trade organization, and a representative of
 42 a regional planning entity.

43 The Office of State Planning shall provide staff to implement the
 44 functions and duties of the Task Force. The public members of the
 45 Task Force shall serve without compensation but may be reimbursed
 46 for actual expenses in the performance of their duties. The Governor

1 shall select the chairperson of the Task Force.

2 b. The Task Force shall prepare and update an inventory of
3 brownfield sites in the State. In preparing the inventory, priority shall
4 be given to those areas of the State that receive assistance from the
5 Urban Coordinating Council ¹ [or from the Office of Neighborhood
6 Empowerment] ¹. To the extent practicable, the inventory shall
7 include an assessment of the contaminants known or suspected to have
8 been discharged or that are currently stored on the site, the extent of
9 any remediation performed on the site, the site's proximity to
10 transportation networks, and the availability of infrastructure to
11 support the redevelopment of the site. The information gathered for
12 the inventory shall, to the extent practicable, be made available to the
13 public by entering it into the Department of Environmental
14 Protection's existing geographic information system, by making this
15 information available on the system and by making copies of any maps
16 and data available to the public. The department may charge a
17 reasonable fee for the reproduction of maps and data which fee shall
18 reflect the cost of their reproduction.

19 c. In addition to its functions pursuant to subsection b. of this
20 section, the Task Force shall:

21 (1) coordinate State policy on brownfields redevelopment,
22 including incentives, regulatory programs, provision of infrastructure,
23 and redevelopment planning assistance to local governments;

24 (2) use the inventory to prioritize sites based on their immediate
25 economic development potential;

26 (3) prepare a plan of action to return these sites to productive
27 economic use on an expedited basis;

28 (4) actively market sites on the inventory to prospective
29 developers;

30 (5) use the inventory to provide a targeted environmental
31 assessment of the sites, or of areas containing several brownfield sites,
32 by the Department of Environmental Protection;

33 (6) consult with the Pinelands Commission concerning the
34 remediation and redevelopment of brownfield sites located in the
35 pinelands area as designated pursuant to section 10 of P.L.1979, c.111
36 (C.13:18A-11);

37 (7) evaluate the performance of current public incentives in
38 encouraging the remediation of and redevelopment of brownfields; and

39 (8) make recommendations to the Governor and the Legislature on
40 means to better promote the redevelopment of brownfields, including
41 the provision of necessary public infrastructure and methods to attract
42 private investment in redevelopment.

43 d. As used in this section, "brownfield" means any former or
44 current commercial or industrial site that is currently vacant or
45 underutilized and on which there has been, or there is suspected to

1 have been, a discharge of a contaminant.

2 (cf: P.L.1997,c.278,s.5.)

3

4 ¹~~[34.]~~¹~~36.~~ This act shall take effect sixty days after enactment,
5 except that any appointment or any personnel activity consistent with
6 the purposes of this act may be made prior to that date.

ASSEMBLY, No. 2159

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 1, 1998

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

SYNOPSIS

Establishes New Jersey Commerce and Economic Growth Commission;
abolishes the Department of Commerce and Economic Development.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the New Jersey Commerce and Economic
2 Growth Commission, abolishing the Department of Commerce and
3 Economic Development and revising parts of the statutory law.

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

7
8 1 . (New section) This act shall be known and may be cited as the
9 "New Jersey Commerce and Economic Growth Commission Act of
10 1998."

11
12 2. (New section) The Legislature finds and declares that:

13 a. New Jersey is in a fierce competition for jobs and businesses, not
14 only with other states, but throughout the world; and

15 b. The State must do all it can to increase opportunities for New
16 Jersey citizens to enjoy economic success and prosperity; and

17 c. To attract business, New Jersey must think and act like a
18 business, by stressing customer service, and responding to the needs
19 of the business community with flexibility and agility; and

20 d. Commerce and economic development are priorities for New
21 Jersey because success in these endeavors means the creation of jobs
22 for our citizens. As such, commerce and economic development
23 deserve a unique and dynamic role in our State government; and

24 e. Because we soon will be entering the 21st century, New Jersey
25 must now boldly transform its economic development mission to be
26 market driven, mobile and responsive enough to the future's challenges
27 to empower New Jersey to undertake new commercial and economic
28 ventures as the economic engine of the Northeast; and

29 f. The State and its citizens will benefit from a more sharply
30 focused economic development vision, in which the State's efforts are
31 coordinated under one organization, the New Jersey Commerce and
32 Economic Growth Commission, that coordinates economic
33 development activities for the State with all related entities, including,
34 but not limited to, the New Jersey Economic Development Authority,
35 the New Jersey Commission on Science and Technology, the New
36 Jersey Urban Enterprise Zone Authority, the Motion Picture and
37 Television Development Commission, and the New Jersey
38 Development Authority for Small Businesses, Minorities' and Women's
39 Enterprises; and

40 g. Just as the Legislature 25 years ago could not have predicted the
41 technological and business changes that have taken place since then,
42 this Legislature recognizes that it, too, cannot predict the future and
43 must, therefore, ensure that the New Jersey Commerce and Economic

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

Matter underlined thus is new matter.

1 Growth Commission has the agility and ability to retool its focus and
2 priorities to ensure the State's capability to respond to the
3 technological and business changes yet to come; and

4 h. Economic growth and prosperity are still the number one
5 priorities for our citizens, and by creating an innovative and
6 independent economic development entity, the New Jersey Commerce
7 and Economic Growth Commission, the Legislature reaffirms that it
8 is also a priority of government.

9
10 3. (New section) There is established a body corporate and politic,
11 with corporate succession, to be known as the "New Jersey Commerce
12 and Economic Growth Commission" (hereinafter "the commission").

13 The commission shall be established in the Executive Branch of the
14 State Government and for the purposes of complying with the
15 provisions of Article V, Section IV, paragraph 1 of the New Jersey
16 Constitution, the commission is allocated, in but not of, the
17 Department of the Treasury, but notwithstanding this allocation, the
18 commission shall be independent of any supervision and control by the
19 department or by any board or officer thereof.

20
21 4. (New section) The Department of Commerce and Economic
22 Development created pursuant to P.L.1981, c.122 (C.52:27H-1 et
23 seq.) is abolished as a principal department in the Executive Branch of
24 State government, and all of its powers, functions, and duties, except
25 as herein otherwise provided, are continued in the commission.

26
27 5. (New section) All appropriations and other moneys available
28 and to become available to any department, division, bureau, board,
29 commission, or other entity or agency, the functions, powers and
30 duties of which have been assigned or transferred to the Department
31 of Commerce and Economic Development, are hereby continued in the
32 commission, except as herein otherwise provided, and shall be
33 available for the objects and purposes for which such monies are
34 appropriated subject to any terms, restrictions, limitations, or other
35 requirements imposed by State or federal law. Nothing herein shall
36 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1 B-39).
37 Whenever, in any law, rule, regulation, order, contract, document,
38 judicial or administrative proceeding or otherwise, reference is made
39 to the Department of Commerce and Economic Development, the
40 same shall mean and refer to the "New Jersey Commerce and
41 Economic Growth Commission" in but not of the Department of the
42 Treasury.

43
44 6. (New section) The offices and terms of the commissioner,
45 deputy commissioner, assistant commissioners, directors, deputy
46 directors, executive directors, and all other employees of the

1 Department of Commerce and Economic Development and its various
2 divisions and offices, except as herein otherwise provided, shall
3 terminate upon the effective date of this act.

4 Notwithstanding the requirements of Title 11A of the New Jersey
5 Statutes or the regulations promulgated thereunder, no employee of
6 the commission shall retain career service rights after the effective date
7 of this act.

8
9 7. (New section) The commission shall have the power to employ
10 consultants and employees as may be required in the judgment of the
11 commission to carry out the purposes of this act and to fix and pay
12 their compensation from funds available to the commission therefor,
13 notwithstanding the provisions of Title 11A of the New Jersey
14 Statutes. The commission shall establish the terms and conditions of
15 employment, and such employees of the commission shall be enrolled
16 in the Public Employees' Retirement System and shall be eligible to
17 participate in the State Health Benefits Program established pursuant
18 to the "New Jersey State Health Benefits Program Act," P.L.1961,
19 c.49 (C.52:14-17.25 et seq.). The commission may elect to provide
20 health benefits for its employees through private insurance policies,
21 hospital and medical service corporations, health maintenance
22 organizations, or any other manner available for the provision of health
23 benefits, provided that the cost of the benefits shall not exceed the cost
24 of those benefits provided to other State employees.

25
26 8. (New section) The Board of Directors of the commission shall
27 consist of the following 11 voting members:

28 a. The Governor, who shall be the Chair of the commission. The
29 Governor may be represented by an official designee, whose name
30 shall be filed with the commission.

31 b. The Chief Executive Officer and Secretary of the commission
32 shall be appointed by the Governor with the advice and consent of the
33 Senate. The Chief Executive Officer and Secretary of the commission
34 shall serve at the pleasure of the Governor during the Governor's term
35 of office and until a successor is appointed and qualified. The Chief
36 Executive Officer and Secretary shall serve as an ex officio voting
37 member of the commission and may be represented by an official
38 designee, whose name shall be filed with the commission.

39 The person in office as the Commissioner of the Department of
40 Commerce and Economic Development on the effective date of this
41 act shall hold the office of the Chief Executive Officer and Secretary
42 of the commission without the advice and consent of the Senate and
43 shall serve at the pleasure of the Governor during the Governor's term
44 of office and until a successor is appointed and qualified.

45 Whenever, in any law, rule, regulation, order, contract, document,
46 judicial or administrative proceeding or otherwise, reference is made

1 to the Commissioner of the Department of Commerce and Economic
2 Development, the same shall mean and refer to the Chief Executive
3 Officer and Secretary of the "New Jersey Commerce and Economic
4 Growth Commission."

5 c. One commissioner from each of the following departments who
6 shall serve ex-officio: the Department of Environmental Protection;
7 the Department of Labor and the Department of Transportation.
8 These commissioners may be represented by an official designee,
9 whose name shall be filed with the commission.

10 d. The chairman of the Commission on Higher Education, who
11 shall serve ex officio. This chairman may be represented by an official
12 designee, whose name shall be filed with the commission.

13 e. Five public members who shall be appointed by, and serve at the
14 pleasure of, the Governor. These members shall be New Jersey
15 residents who shall be employed by, owners of, or members of the
16 board of directors of, a business whose principal operation is located
17 in New Jersey. Public members shall receive no compensation for their
18 services but shall be entitled to reimbursement for expenses incurred
19 in the performance of their official duties.

20

21 9. (New section) a. The powers of the commission shall be vested
22 in the members thereof in office from time to time, and a majority of
23 the total authorized membership of the commission shall constitute a
24 quorum at any meeting thereof. Action may be taken and motions and
25 resolutions adopted by the commission at any meeting thereof by the
26 affirmative vote of a majority of the membership, unless in any case
27 the bylaws of the commission shall require a larger number. No
28 vacancy in the membership of the commission shall impair the right of
29 a quorum to exercise all the rights and perform all the duties of the
30 commission.

31 b. Members of the commission shall be subject to the provisions of
32 the "New Jersey Conflicts of Interest Law," P.L.1971, c.182
33 (C.52:13D-12 et seq.)

34

35 10. (New section) A true copy of the minutes of every meeting of
36 the commission shall be forthwith delivered by and under the
37 certification of the secretary thereof to the Governor. No action taken
38 at such a meeting by the commission shall have force or effect until 10
39 days, Saturday, Sundays, and public holidays excepted, after the copy
40 of the minutes shall have been so delivered, unless during such 10 day
41 period the Governor shall approve the same, in which case such action
42 shall become effective upon such approval. If, in that 10 day period,
43 the Governor returns such copies of the minutes with veto of any
44 action taken by the commission or any member thereof at such
45 meeting, such action shall be null and void and of no effect.

- 1 11. (New section) The Chief Executive Officer and Secretary of
2 the commission shall devote full time to the performance of the duties
3 assigned thereto, and shall:
- 4 a. Administer the work of the commission;
 - 5 b. Appoint and remove officers and other personnel employed
6 within the commission, except as herein otherwise specifically
7 provided;
 - 8 c. Have authority to organize and maintain an administrative office
9 and to assign to employment therein such secretarial, clerical and other
10 assistants in the commission as the Chief Executive Officer and
11 Secretary and the internal operations of the commission may require;
 - 12 d. Perform, exercise and discharge the functions, powers and duties
13 of the commission through such offices as may be established by this
14 act or otherwise by law;
 - 15 e. Organize the work of the commission in such organizational
16 units, not inconsistent with the provisions of this act, as the Chief
17 Executive Officer and Secretary may determine to be necessary for the
18 efficient and effective operation of the commission;
 - 19 f. Formulate and adopt rules and regulations for the efficient
20 conduct of the work and general administration of the commission, its
21 officers, and employees;
 - 22 g. Institute or cause to be instituted such legal proceedings or
23 processes as may be necessary to properly enforce and give effect to
24 any of the powers or duties of the Chief Executive Officer and
25 Secretary or the commission;
 - 26 h. Make reports of the commission's operations, and such other
27 reports, as the Governor shall from time to time request or as may be
28 required by law;
 - 29 i. Coordinate the activities of the commission and the several
30 organizational units therein, in a manner designed to eliminate
31 overlapping and duplicative functions;
 - 32 j. Integrate within the commission, so far as practicable, all staff
33 services of the commission and of the several organizational units
34 therein;
 - 35 k. Have access to all relevant files and records of other State
36 agencies and require any officer or employee therein to provide such
37 information as the Chief Executive Officer and Secretary may deem
38 necessary to the performance of the functions of the commission;
 - 39 1. Lease or purchase suitable headquarters for the commission and
40 such other quarters as the Chief Executive Officer and Secretary shall
41 deem necessary to the proper functioning of the commission;
 - 42 m. Enter into agreements with any individual, partnership, trust,
43 association, or corporation, or any public agency, under which the
44 commission, and such other entity or entities, shall undertake a project
45 as a joint venture, with the commission providing such assistance or
46 advice as the agreement may provide. Such a joint venture must

1 directly further the statutory mission of the commission. Employees
2 of any joint venture shall not be deemed public employees. A joint
3 venture entered into by the commission shall not be deemed an
4 instrumentality of the State of New Jersey. A joint venture entered
5 into by the commission shall not be deemed or construed to create or
6 constitute a debt, liability, or loan or pledge of the credit, or be
7 payable out of property or funds of the State;

8 n. Organize or participate in the organization of nonprofit
9 corporations which are exempt from federal taxation under section
10 501(c)(3) of the Internal Revenue Code. Any such nonprofit
11 corporations must directly further the statutory mission of the
12 commission. Expenses incurred by such nonprofit corporations shall
13 be payable from funds raised by the nonprofit corporation, and no
14 liability or obligation, in tort or contract, shall be incurred by the State
15 for the operation of such nonprofit corporations. Any such nonprofit
16 corporations shall obtain private counsel and shall not be represented
17 by the Attorney General or indemnified by the State of New Jersey;

18 o. Serve as a member of any board, commission, corporation, or
19 authority which by law designates the Commissioner of the
20 Department of Commerce and Economic Development as an ex officio
21 member;

22 p. Develop annually an economic development master plan
23 identifying the commission's objectives, policies and programs which
24 will encourage business attraction, expansion, and retention; and

25 q. Perform such other functions as may be prescribed in this act or
26 by any other law or by the commission.

27
28 12. (New section) Notwithstanding any other provision of law,
29 only the records of any nonprofit corporation on which the Chief
30 Executive Officer and Secretary serves and which are in the possession
31 of the Chief Executive Officer and Secretary in an official capacity
32 shall be deemed public records which may be subject to public
33 inspection under the provisions of the "Right to Know Law,"
34 P.L.1963, c.73 (C.47:1A-1 et seq.).

35
36 13. (New section) The commission shall have perpetual succession
37 and shall have the following powers:

38 a. To make, amend and repeal rules and by-laws for its own
39 governance and guidance not inconsistent with State and federal law;

40 b. To adopt an official seal and alter the same at its pleasure;

41 c. To maintain an office at such place or places within the State as
42 it may designate;

43 d. To contract for, accept, solicit or collect any grants, loans,
44 funds, property, or other aid in any form from the United States of
45 America or any agency or instrumentality thereof, from the State or
46 any agency, instrumentality or political subdivision thereof, or from

- 1 any other public source;
- 2 e. To set an amount and to charge fees to be paid to the
3 commission for services rendered to persons, businesses, or other
4 entities, including but not limited to, certifications, business relocation
5 and expansion assistance, strategic investment consulting, international
6 trade services and strategic partnerships;
- 7 f. To exercise all of the powers, functions, and duties previously
8 exercised by the Department of Commerce and Economic
9 Development, except as herein provided pursuant to this act;
- 10 g. To act as the State's representative abroad and within the United
11 States concerning trade and commerce issues;
- 12 h. To adopt rules and regulations, pursuant to the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary for
14 the proper functioning of the commission and necessary to carry out
15 the provisions of this act;
- 16 i. To do any and all things necessary or convenient to carry out the
17 purposes of the commission and to exercise the powers given and
18 granted to the commission under this act;
- 19 j. To coordinate the State's economic development activities
20 among the commission's organizational units and the New Jersey
21 Economic Development Authority, the New Jersey Commission on
22 Science and Technology, the New Jersey Urban Enterprise Zone
23 Authority, the New Jersey Development Authority for Small
24 Businesses, Minorities' and Women's Enterprises, and the Motion
25 Picture and Television Development Commission, and to recommend
26 economic development policies to the Governor;
- 27 k. To enter into memoranda of understanding or other cooperative
28 agreements with the New Jersey Economic Development Authority,
29 the New Jersey Commission on Science and Technology, the New
30 Jersey Urban Enterprise Zone Authority, the New Jersey Development
31 Authority for Small Businesses, Minorities' and Women's Enterprises,
32 the Atlantic City Convention Center Authority, the Dredging Project
33 Task Force, the Economic Development Site Task Force, and the
34 Motion Picture and Television Development Commission, or any other
35 state agency for the provision of services or other cooperative efforts
36 to effectuate the purposes of this act and to ensure the coordination of
37 the State's economic development activities;
- 38 l. To make and enter into contracts, leases, agreements, and
39 purchases necessary for the use, or incidental to the performance of,
40 the commission's duties and the exercise of its powers under the act;
- 41 m. To do and perform any acts and things authorized by this act
42 under, through or by means of its own officers, agents and employees,
43 or by contract with any person;
- 44 n. To insure against any losses in connection with the commission's
45 properties, operations or assets; and

1 o. To approve annually the economic development master plan
2 submitted by the Chief Executive Officer and Secretary.

3
4 14. (New section) The Attorney General shall provide legal
5 representation to the commission.

6
7 15. (New section) The Director of the Division of Budget and
8 Accounting, in the Department of the Treasury, and the director's
9 legally authorized representatives are hereby authorized and
10 empowered from time to time to examine the accounts, books, and
11 records of the commission, and any of its related entities, including its
12 receipts, disbursements, contracts, investments and any other matters
13 relating thereto and to its financial standing.

14
15 16. (New section) a. All purchases, contracts, or agreements,
16 where the cost or contract price exceeds the sum of \$50,000, or, after
17 January 1, 1999, the amount determined pursuant to subsection b. of
18 this section, shall, except as otherwise provided in this act, be made,
19 negotiated, or awarded only after public advertisement for bids
20 therefor and shall be awarded to that responsible bidder whose bid,
21 conforming to the invitation for bids, is most advantageous to the
22 commission in its judgment, upon consideration of price and other
23 factors. Any bid may be rejected when the commission determines that
24 it is in the public interest to do so.

25 Any purchase, contract, or agreement, where the cost or contract
26 price is less than or equal to \$50,000, or the amount determined
27 pursuant to subsection b. of this section, shall be made, negotiated, or
28 awarded by the commission without advertising and in any manner
29 which the commission, in its judgment, deems necessary to serve its
30 unique interests and purposes and which promotes, whenever
31 practicable, full and free competition by the acceptance of quotations
32 or proposals or by the use of other suitable methods.

33 b. Commencing January 1, 1999, the Governor, in consultation
34 with the Department of the Treasury, shall no later than March 1 of
35 each odd numbered-year adjust the threshold amount set forth in
36 subsection a. of this section, or subsequent to 1999 the threshold
37 amount resulting from any adjustment under this subsection, in direct
38 proportion to the rise or fall of the consumer price index for all urban
39 consumers in the New York City and the Philadelphia areas as
40 reported by the United States Department of Labor. The Governor
41 shall, no later than June 1 of each odd-number year, notify the
42 commission of the adjustment. The adjustment shall become effective
43 on July 1 of each odd-numbered year.

44
45 17. (New section) a. Any purchase, contract, or agreement, where
46 the cost or contract price exceeds the amount set forth in subsection

1 a. of section 16 of P.L. , c. (C.) (now before the
2 Legislature as this bill), or, after January 1, 1999, the amount
3 calculated by the Governor pursuant to subsection b. of section 16 of
4 P.L. , c. (C.) (now before the Legislature as this bill)
5 may be made, negotiated, or awarded by the commission without
6 advertisement for bids under the following circumstances:

- 7 (1) When the subject matter consists of:
- 8 (a) Items or services supplied by a public utility subject to the
9 jurisdiction of the Board of Public Utilities, and tariffs and schedules
10 of the charges made, charged or extracted by the public utility for
11 those items or services which are filed with the commission; or
 - 12 (b) The purchase, rental, or lease of such office space, office
13 machinery, specialized equipment, buildings or real property as may be
14 necessary for the use, or incidental to the performance, of the
15 commission's duties and the exercise of its powers under this act; or
 - 16 (2) When any one or more of the following circumstances exist:
 - 17 (a) Standardization of equipment and interchange ability of parts
18 is in the public interest;
 - 19 (b) Only one source of supply or service is available;
 - 20 (c) The exigency of the commission's duties and responsibilities
21 will not admit of advertisement;
 - 22 (d) More favorable terms can be obtained from a primary source
23 of supply of an item or service;
 - 24 (e) Bid prices, after advertising, are not reasonable or have not
25 been independently arrived at in open competition, but no negotiated
26 purchase, contract, or agreement may be entered into under this
27 subsection after the rejection of all bids received unless : (i) notification
28 of the intention to negotiate and reasonable opportunity to negotiate
29 is given to each responsible bidder; (ii) the negotiated price is lower
30 than the lowest rejected bid price of a responsible bidder; and (iii) the
31 negotiated price is the lowest negotiated price offered by any
32 responsible bidder;
 - 33 (f) The purchase is to be made from, or the contract is to be made
34 with, any federal or State government or agency or other entity, or any
35 political subdivision thereof; or
 - 36 (g) Purchases are made through or by the Director of the Division
37 of Purchase and Property, in the Department of the Treasury, pursuant
38 to section 1 of P.L.1959, c.40 (C.52:27B-56. 1).

39 b. In any such instances as identified in subsection a. of this
40 section, the commission may make, negotiate, or award the purchase,
41 contract or agreement in any manner which the commission deems
42 necessary to serve its unique interests and purposes and which
43 promotes, whenever practicable, full and free competition by the
44 acceptance of quotations or proposals or by the use of other suitable
45 methods.

46 c. In any case in which the commission shall make, negotiate, or

1 award a purchase, contract, or agreement without public advertisement
2 pursuant to subsection a. of this section, the commission shall, by
3 resolution passed by the affirmative vote of a majority of its members,
4 specify the subject matter or circumstances set forth in subsection a.
5 which permit the commission to take such action.

6
7 18. (New section) The commission shall submit its budget request
8 directly to the Division of Budget and Accounting in the Department
9 of the Treasury in a format to be agreed upon by the commission and
10 the Division of Budget and Accounting.

11
12 19. (New section) Three months after the end of its fiscal year, the
13 commission shall make an annual report of its activities for the
14 preceding fiscal year to the Governor and the Legislature. Each such
15 report shall set forth a complete operating and financial statement
16 covering the operations of the commission, and any of its related
17 entities, during the year. The commission shall cause an independent
18 audit of its books and accounts to be made at least once in each year
19 by certified public accountants and cause a copy thereof to be filed
20 with the Secretary of State and the Director of the Division of Budget
21 and Accounting, in the Department of the Treasury.

22
23 20. (New section) The commission shall organize within 90 days
24 of the effective date of this act and shall be subject to the provisions
25 of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et
26 seq.).

27
28 21. (New section) a. The New Jersey Development Authority for
29 Small Businesses, Minorities' and Women's Enterprises, established
30 pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), is transferred in but
31 not of the Department of the Treasury, but, notwithstanding this
32 transfer, the New Jersey Development Authority for Small Businesses,
33 Minorities' and Women's Enterprise shall be independent of any
34 supervision and control by the department or by any board or officer
35 thereof.

36 b. Whenever, in any law, rule, regulation, order, contract,
37 document, judicial or administrative proceeding or otherwise,
38 reference is made to the New Jersey Development Authority for Small
39 Businesses, Minorities' and Women's Enterprise, the same shall mean
40 and refer to the New Jersey Development Authority for Small
41 Businesses, Minorities' and Women's Enterprise in but not of the
42 Department of the Treasury.

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

45 d. The New Jersey Development Authority for Small Businesses,
46 Minorities' and Women's Enterprise may, subject to the commission's

1 approval, develop and promulgate such rules and regulations in
2 accordance with the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) as are necessary to implement the provisions of
4 this act and to effectuate the purposes of the New Jersey Development
5 Authority for Small Businesses, Minorities' and Women's Enterprise
6 as provided by law.

7 e. Regulations adopted by the New Jersey Development Authority
8 for Small Businesses, Minorities' and Women's Enterprise shall
9 continue with full force and effect until amended or repealed pursuant
10 to law.

11

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

18 b. Whenever, in any law, rule, regulation, order, contract,
19 document, judicial or administrative proceeding or otherwise,
20 reference is made to the New Jersey Economic Development
21 Authority, the same shall mean and refer to the New Jersey Economic
22 Development Authority in but not of the Department of the Treasury.
23 The Chief Executive Officer and Secretary of the commission shall
24 appoint the executive director of the New Jersey Economic
25 Development Authority.

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

28 d. The New Jersey Economic Development Authority may develop
29 and promulgate such rules and regulations in accordance with the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
31 as are necessary to implement the provisions of this act and to
32 effectuate the purposes of the New Jersey Economic Development
33 Authority as provided by law. Nothing herein shall alter the provisions
34 of section 1 of P.L.1979, c.303 (C.34-1B-5.1).

35 e. Regulations adopted by the New Jersey Economic Development
36 Authority shall continue with full force and effect until amended or
37 repealed pursuant to law.

38

39 23. (New section) a. The South Jersey Port Corporation,
40 established pursuant to P.L.1968, c.60 (C.12: 11A-1 et seq.), is
41 transferred in but not of the Department of the Treasury, but,
42 notwithstanding this transfer, the South Jersey Port Corporation shall
43 be independent of any supervision and control by the department or by
44 any board or officer thereof.

45 b. Whenever, in any law, rule, regulation, order, contract,
46 document, judicial or administrative proceeding or otherwise,

1 reference is made to the South Jersey Port Corporation, the same shall
2 mean and refer to the South Jersey Port Corporation in but not of the
3 Department of the Treasury.

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

6 d. Regulations adopted by the South Jersey Port Corporation shall
7 continue with full force and effect until amended or repealed pursuant
8 to law.

9

10 24. (New section) a. The New Jersey Public Broadcasting
11 Authority, established pursuant to P.L.1968, c.405 (C.48:23-1 et
12 seq.), is transferred in but not of the Department of State, but
13 notwithstanding this transfer, New Jersey Public Broadcasting
14 Authority shall be independent of any supervision and control by the
15 department or by any board or officer thereof. The New Jersey Public
16 Broadcasting Authority shall submit its budget request directly to the
17 Division of Budget and Accounting in the Department of the Treasury.

18 b. Whenever, in any law, rule, regulation, order, contract,
19 document, judicial or administrative proceeding or otherwise,
20 reference is made to the New Jersey Public Broadcasting Authority,
21 the same shall mean and refer to the New Jersey Public Broadcasting
22 Authority in but not of the Department of State.

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

25 d. The New Jersey Department of State may render administrative
26 assistance including, but not limited to, personnel and fiscal assistance,
27 upon request of the New Jersey Public Broadcasting Authority. The
28 cost and expense of any services rendered may be paid by the New
29 Jersey Public Broadcasting Authority.

30 e. Regulations adopted by the Public Broadcasting Authority shall
31 continue with full force and effect until amended or repealed pursuant
32 to law.

33

34 25. (New section) a. The New Jersey Commission on Science and
35 Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et
36 seq.), is transferred in but not of the Department of the Treasury, but
37 notwithstanding this transfer, the New Jersey Commission on Science
38 and Technology shall be independent of any supervision and control
39 by the department or by any board or officer thereof. The Chief
40 Executive Officer and Secretary of the commission shall appoint the
41 Executive Director of the New Jersey Commission on Science and
42 Technology.

43 b. Whenever, in any law, rule, regulation, order, contract,
44 document, judicial or administrative proceeding or otherwise,
45 reference is made to the New Jersey Commission on Science and
46 Technology, the same shall mean and refer to the New Jersey

1 Commission on Science and Technology in but not of the Department
2 of the Treasury.

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

5 d. The New Jersey Commission on Science and Technology may,
6 subject to the commission's approval, develop and promulgate such
7 rules and regulations in accordance with the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
9 to implement the provisions of this act and to effectuate the purposes
10 of the New Jersey Commission on Science and Technology as
11 provided by law.

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

15

16 26. (New section) a. The Motion Picture and Television
17 Development Commission, established pursuant to P.L.1977, c.44
18 (C.34:1B-22 et seq.), is transferred in but not of the Department of the
19 Treasury, but notwithstanding this transfer, the Motion Picture and
20 Television Development Commission shall be independent of any
21 supervision and control by the department or by any board or officer
22 thereof. The Chief Executive Officer and Secretary of the commission
23 shall appoint the Executive Director of the Motion Picture and
24 Television Development Commission.,

25 b. Whenever, in any law, rule, regulation, order, contract,
26 document, judicial or administrative proceeding or otherwise,
27 reference is made to the Motion Picture and Television Development
28 Commission, the same shall mean and refer to the Motion Picture and
29 Television Development Commission in but not of the Department of
30 the Treasury.

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

33 d. The Motion Picture and Television Development Commission
34 may, subject to the commission's approval, develop and promulgate
35 such rules and regulations in accordance with the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
37 to implement the provisions of this act and to effectuate the purposes
38 of the Motion Picture and Television Development Commission as
39 provided by law.

40

41 27. (New section) a. The New Jersey Council of Economic
42 Advisors, established pursuant to P.L.1993, c.149 (C.52:9H-34 et
43 seq.), is allocated in but not of the Department of the Treasury, but
44 notwithstanding this allocation, the New Jersey Council of Economic
45 Advisors shall be independent of any supervision and control by the
46 department or by any board or officer thereof.

1 b. Whenever, in any law, rule, regulation, order, contract,
2 document, judicial or administrative proceeding or otherwise,
3 reference is made to the New Jersey Council of Economic Advisors,
4 the same shall mean and refer to the New Jersey Council of Economic
5 Advisors in but not of the Department of the Treasury.

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

8 d. The commission may render administrative assistance including,
9 but not limited to, personnel and fiscal assistance to the New Jersey
10 Council of Economic Advisors. The cost and expense of any services
11 rendered may be paid by the New Jersey Council of Economic
12 Advisors, or as is annually provided for in the State budget.

13
14 28. (New Section) a. The New Jersey Urban Enterprise Zone
15 Authority, established pursuant to P.L.1983, c.303 (C.52:27H-60), is
16 transferred in but not of the Department of Treasury, but
17 notwithstanding this transfer, the New Jersey Urban Enterprise Zone
18 Authority shall be independent of any supervision and control by the
19 department or by any board or officer thereof.

20 b. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the New Jersey Urban Enterprise Zone Authority
23 the same shall mean and refer to the New Jersey Urban Enterprise
24 Zone Authority in but not of the Department of the Treasury.

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

27 d. All clerical and professional assistants, and all personnel,
28 procurement, budgetary and other administrative services necessary or
29 incidental to the authority's proper functioning shall be provided by
30 and through the commission, and it shall, subject to the availability of
31 funds, reimburse the commission for all administrative services
32 provided to the authority.

33 e. The New Jersey Urban Enterprise Zone Authority may, subject
34 to the commission's approval, develop and promulgate such rules and
35 regulations in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement
37 the provisions of this act and to effectuate the purposes of the New
38 Jersey Urban Enterprise Zone Authority as provided by law.

39 f. Regulations adopted by the New Jersey Urban Enterprise Zone
40 Authority shall continue with full force and effect until amended or
41 repealed pursuant to law.

42
43 29. (New section) a. The Atlantic City Convention Center
44 Authority, established pursuant to P.L.1981, c.459 (C.52:27H-29 et
45 seq.), is transferred in but not of the Department of the Treasury, but
46 notwithstanding this transfer, the Atlantic City Convention Center

1 Authority shall be independent of any supervision and control by the
2 department or by any board or officer thereof.

3 b. Whenever, in any law, rule, regulation, order, contract,
4 document, judicial or administrative proceeding or otherwise,
5 reference is made to the Atlantic City Convention Center Authority,
6 the same shall mean and refer to the Atlantic City Convention Center
7 Authority in but not of the Department of the Treasury.

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

10

11 30. (New section) a. The Dredging Project Facilitation Task
12 Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
13 transferred in but not of the Department of the Treasury, but
14 notwithstanding this transfer, the Dredging Project Task Force shall
15 be independent of any supervision and control by the department or by
16 any board or officer thereof.

17 b. Whenever, in any law, rule, regulation, order, contract,
18 document, judicial or administrative proceeding or otherwise,
19 reference is made to the Dredging Project Task Force, the same shall
20 mean and refer to the Dredging Project Task Force in but not of the
21 Department of the Treasury.

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

24

25 31. (New section) a. The Economic Development Site Task Force,
26 established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
27 transferred in but not of the Department of the Treasury, but
28 notwithstanding this transfer, the Economic Development Site Task
29 Force shall be independent of any supervision and control by the
30 department or by any board or officer thereof.

31 b. Whenever, in any law, rule, regulation, order, contract,
32 document, judicial or administrative proceeding or otherwise,
33 reference is made to the Economic Development Site Task Force, the
34 same shall mean and refer to the Economic Development Site Task
35 Force in but not of the Department of the Treasury.

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

38

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

41 Notwithstanding the provisions of the annual appropriations act and
42 section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix
43 and establish the annual salaries for the following officers within the
44 limits as follows:

A2159 LEFEVRE, AZZOLINA

17

	Not to Exceed
1 Title Salary	
2 Agriculture Department	
3 Secretary of Agriculture.....	\$115,000
4 Banking Department	
5 Commissioner of Banking.....	\$115,000
6 【Commerce, Energy and Economic Development Department	
7 Commissioner of Commerce, Energy and Economic Development】	
8 <u>Commerce and Economic Growth Commission</u>	
9 <u>Chief Executive Officer and Secretary.....</u>	\$115,000
10 Community Affairs Department	
11 Commissioner of Community Affairs.....	\$115,000
12 Corrections Department	
13 Commissioner of Corrections.....	\$115,000
14 Education Department	
15 Commissioner of Education.....	\$115,000
16 Environmental Protection Department	
17 Commissioner of Environmental Protection.....	\$115,000
18 Health Department	
19 Commissioner of Health.....	\$115,000
20 Higher Education Department	
21 Chancellor.....	\$115,000
22 Human Services Department	
23 Commissioner of Human Services.....	\$115,000
24 Insurance Department	
25 Commissioner of Insurance.....	\$115,000
26 Labor Department	
27 Commissioner of Labor.....	\$115,000
28 Law and Public Safety Department	
29 Attorney General.....	\$115,000
30 Military and Veterans' Affairs Department	
31 Adjutant General.....	\$115,000
32 Personnel Department	
33 Commissioner of Personnel.....	\$115,000
34 State Department	
35 Secretary of State.....	\$115,000
36 Transportation Department	
37 Commissioner of Transportation	\$115,000
38 Treasury Department	
39 State Treasurer.....	\$115,000
40 Members, Board of Public Utilities.....	\$115,000
41 (cf. P.L. 1994, c. 58, s. 53)	
42	

43 33. Section 5 of P.L.1998, c.278 is amended to read as follows:
44 5. a. There is created the "Brownfields Redevelopment Task
45 Force." The Task Force shall consist of **【five】** six representatives
46 from State agencies and **【five】** six public members. The State agency

1 representatives shall be from each of the following State agencies: the
2 Office of State Planning in the Department of the Treasury, the Office
3 of Neighborhood Empowerment in the Department of Community
4 Affairs, the New Jersey Redevelopment Authority in the Department
5 of ~~Commerce and Economic Development~~ the Treasury, the New
6 Jersey Commerce and Economic Growth Commission, the Department
7 of Transportation, and the Site Remediation Program in the
8 Department of Environmental Protection. The six public members
9 shall be appointed by the Governor with the advice and consent of the
10 Senate. The public members shall include to the extent practicable: a
11 representative of commercial or residential development interests, a
12 representative of the financial community, a representative of a public
13 interest environmental organization, a representative of a
14 neighborhood or community redevelopment organization, a
15 representative of a labor or trade organization, and a representative of
16 a regional planning entity.

17 The Office of State Planning shall provide staff to implement the
18 functions and duties of the Task Force. The public members of the
19 Task Force shall serve without compensation but may be reimbursed
20 for actual expenses in the performance of their duties. The Governor
21 shall select the chairperson of the Task Force.

22 b. The Task Force shall prepare and update an inventory of
23 brownfield sites in the State. In preparing the inventory, priority shall
24 be given to those areas of the State that receive assistance from the
25 Urban Coordinating Council or from the Office of Neighborhood
26 Empowerment. To the extent practicable, the inventory shall include
27 an assessment of the contaminants known or suspected to have been
28 discharged or that are currently stored on the site, the extent of any
29 remediation performed on the site, the site's proximity to
30 transportation networks, and the availability of infrastructure to
31 support the redevelopment of the site. The information gathered for
32 the inventory shall, to the extent practicable, be made available to the
33 public by entering it into the Department of Environmental
34 Protection's existing geographic information system, by making this
35 information available on the system and by making copies of any maps
36 and data available to the public. The department may charge a
37 reasonable fee for the reproduction of maps and data which fee shall
38 reflect the cost of their reproduction.

39 c. In addition to its functions pursuant to subsection b. of this
40 section, the Task Force shall:

41 (1) coordinate State policy on brownfields redevelopment,
42 including incentives, regulatory programs, provision of infrastructure,
43 and redevelopment planning assistance to local governments;

44 (2) use the inventory to prioritize sites based on their immediate
45 economic development potential;

46 (3) prepare a plan of action to return these sites to productive

1 economic use on an expedited basis;

2 (4) actively market sites on the inventory to prospective
3 developers;

4 (5) use the inventory to provide a targeted environmental
5 assessment of the sites, or of areas containing several brownfield sites,
6 by the Department of Environmental Protection;

7 (6) consult with the Pinelands Commission concerning the
8 remediation and redevelopment of brownfield sites located in the
9 pinelands area as designated pursuant to section 10 of P.L.1979, c.111
10 (C.13:18A-11);

11 (7) evaluate the performance of current public incentives in
12 encouraging the remediation of and redevelopment of brownfields; and

13 (8) make recommendations to the Governor and the Legislature on
14 means to better promote the redevelopment of brownfields, including
15 the provision of necessary public infrastructure and methods to attract
16 private investment in redevelopment.

17 d. As used in this section, "brownfield" means any former or
18 current commercial or industrial site that is currently vacant or
19 underutilized and on which there has been, or there is suspected to
20 have been, a discharge of a contaminant.

21 (cf: P.L.1997,c.278,s.5.)

22

23 34. (New section) This act shall take effect sixty days after
24 enactment, except that any appointment or any personnel activity
25 consistent with the purposes of this act may be made prior to that date.

26

27

28

STATEMENT

29

30 This bill abolishes the Department of Commerce and Economic
31 Development (Commerce) and creates the New Jersey Commerce and
32 Economic Growth Commission (Commission).

33 Under the bill, the Commission is established in the Executive
34 Branch of State government and the Chief Executive Officer and
35 Secretary of the Commission is a cabinet level officer. The bill
36 allocates the Commission to the Department of the Treasury
37 (Treasury). The bill provides that notwithstanding that allocation, the
38 Commission shall be independent of any supervision and control by
39 Treasury.

40 The Commission shall have a Board of Directors consisting of 11
41 voting members: six ex officio members and five public members. The
42 Governor is the chair of the Commission and a voting member. The
43 other ex officio voting members are: the Chief Executive Officer and
44 Secretary of the Commission; the Commissioners of Environmental
45 Protection, Labor, Transportation; and the chairman of the
46 Commission on Higher Education. The bill provides that the Chief

1 Executive Officer and Secretary shall be appointed by the Governor
2 with the advice and consent of the Senate. It also provides that the
3 person in office as the Commissioner of Commerce and Economic
4 Development on the effective date of the bill shall hold the office of
5 the Chief Executive Officer and Secretary without the advice and
6 consent of the Senate.

7 The five public voting members shall be appointed by and serve at
8 the pleasure of the Governor. The bill provides that these members
9 shall be New Jersey residents who shall be employed by, owners of, or
10 members of a board of directors of a business whose principal
11 operation is located in New Jersey. Public members shall receive no
12 compensation for their services but shall be entitled to reimbursement
13 for expenses incurred in the performance of their official duties.
14 Members of the Commission shall be subject to the provisions of the
15 New Jersey Conflicts of Interest Law. The Governor will have veto
16 power over the minutes of the Commission. The bill provides that the
17 Commission shall organize within 90 days of the effective date of the
18 bill and shall be subject to the Open Public Meetings Act.

19 The bill identifies the duties of the Chief Executive Officer and
20 Secretary of the Commission and the powers of the Commission.

21 The bill also provides that only the records in the possession of the
22 Chief Executive Officer and Secretary of the Commission of any
23 nonprofit corporation shall be deemed subject to the Right to Know
24 Law.

25 The bill provides that the offices and terms of all employees of
26 Commerce will terminate on the effective date of the bill. The bill
27 further provides that the employees of the Commission shall be
28 employed without regard to Title 11A of the New Jersey Statutes, but
29 employees of the Commission shall be enrolled in the Public
30 Employees' Retirement System. Additionally, it provides that the
31 Commission shall establish the terms and conditions of such
32 employment. Further, the bill provides that employees will be eligible
33 for State health benefits and that the Commission may choose other
34 means to provide health and medical benefits, and dental and
35 prescription drug plans, the costs of which shall not exceed the cost of
36 those benefits provided to other State employees.

37 The bill requires that three months after the end of its fiscal year,
38 the Commission shall make an annual report of its activities for the
39 preceding fiscal year to the Governor and the Legislature. Each such
40 report shall set forth a complete operating and financial statement
41 covering the Commission's, and any of its related entities' operations
42 during the year. The bill also requires that the Commission cause an
43 independent audit of its books and accounts to be made at least once
44 in each year by certified public accountants, the results of which must
45 be filed with the Secretary of State and the Director of the Division of
46 Budget and Accounting in the Department of the Treasury.

1 Additionally, the bill authorizes the Director of the Division of Budget
2 and Accounting in the Department of the Treasury and the director's
3 legally authorized representatives to examine the accounts, books, and
4 records of the Commission, and any of its related entities, including its
5 receipts, disbursements, contracts, investments and any other matters
6 relating to its financial standing.

7 The bill establishes a procedure for the award of contracts. Under
8 the bill, public advertisements for bids are required for contracts
9 whose costs exceed the sum of \$50,000 or, after January 1, 1999, an
10 amount determined by the Governor and based on the rise or fall of the
11 Consumer Price Index. The Commission may award contracts without
12 advertising when the costs of the contract do not exceed \$50,000.
13 The bill provides additional exceptions for when contracts may be
14 awarded without advertising for bids.

15 The bill allocates to other departments certain organizational units
16 which are currently in Commerce and authorizes some of those units
17 to promulgate rules and regulations. The bill also requires the Chief
18 Executive Officer and Secretary of the Commission to appoint the
19 executive directors of the New Jersey Economic Development
20 Authority, the New Jersey Commission on Science and Technology,
21 and the Motion Picture and Television Development Commission.

22 The bill also adds the Commission as an additional member of the
23 Brownfields Redevelopment Task Force.

24 Finally, the bill provides that it shall take effect sixty days after
25 enactment, except that any appointment or any personnel activity
26 consistent with the purposes of this act may be made prior to that date.

ASSEMBLY COMMERCE, TOURISM, GAMING AND
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2159

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2159.

As amended, Assembly Bill No. 2159 abolishes the Department of Commerce and Economic Development (Commerce) and creates the New Jersey Commerce and Economic Growth Commission (Commission).

Under the bill, the Commission is established in the Executive Branch of State government and the Chief Executive Officer and Secretary of the Commission is a cabinet level officer. The bill allocates the Commission in but not of the Department of the Treasury (Treasury). The bill provides that notwithstanding that allocation, the Commission shall be independent of any supervision and control by Treasury.

The Commission shall have a Board of Directors consisting of 11 voting members: six ex officio members, three public members and two additional members to be appointed by the Governor. The Governor is the chair of the Commission and a voting member. The other ex officio voting members are: the Chief Executive Officer and Secretary of the Commission; the Commissioners of Environmental Protection, Labor, and Transportation; and the chairman of the New Jersey Commission on Higher Education. The bill provides that the Chief Executive Officer and Secretary shall be appointed by the Governor with the advice and consent of the Senate. It also provides that the person in office as the Commissioner of Commerce and Economic Development on the effective date of the bill shall hold the office of the Chief Executive Officer and Secretary without the advice and consent of the Senate.

The bill further provides that three public voting members shall be appointed by the Governor with the advice and consent of the Senate.

The bill also provides that the three public members appointed with the advice and consent of the Senate shall be New Jersey residents who shall provide appropriate geographical representation from

throughout the State and shall be employed by, owners of, or members of a board of directors of a business whose principal operation is located in New Jersey. Public members shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties. Members of the Commission shall be subject to the provisions of the New Jersey Conflicts of Interest Law. The bill also provides that two additional members shall be appointed by, and serve at the pleasure of, the Governor. The bill authorizes the Governor to appoint one of the additional members upon recommendation of the President of the Senate and one additional member upon the recommendation of the Speaker of the General Assembly. The Governor will have veto power over the minutes of the Commission. The bill provides that the Commission shall organize within 90 days of the effective date of the bill and shall be subject to the Open Public Meetings Act.

The bill identifies the duties of the Chief Executive Officer and Secretary of the Commission and the powers of the Commission.

Essentially, the commission's primary policy responsibilities would include: exercising all of the powers, duties and responsibilities previously exercised by Commerce; acting as the State's representative abroad and within the United States concerning trade and commerce issues; and coordinating the State's economic activities among the divisions within the commission and various other State entities. The bill requires the Chief Executive Officer and Secretary to annually develop an economic development master plan for approval by the commissioner.

The bill also provides that only the records of any nonprofit corporation on which the Chief Executive Officer and Secretary serves and which are in the possession of the Chief Executive Officer and Secretary shall be deemed subject to the Right to Know Law.

The bill provides that the offices and terms of all employees of Commerce will terminate on the effective date of the bill. The bill further provides that the employees of the Commission shall be employed without regard to Title 11A of the New Jersey Statutes (civil service), but employees of the Commission shall be enrolled in the Public Employees' Retirement System. Additionally, it provides that the Commission shall establish the terms and conditions of such employment. Further, the bill provides that employees will be eligible for State health benefits and that the Commission may choose other means to provide health and medical benefits, and dental and prescription drug plans, the costs of which shall not exceed the cost of those benefits provided to other State employees.

The bill requires that no later than three months after the end of its fiscal year, the Commission shall make an annual report of its activities for the preceding fiscal year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the Commission's, and any of its related entities' operations during the year. The report shall also set forth

information concerning the imposition, collection and expenditure of fees imposed by the Commission. The bill also requires that the Commission cause an independent audit of its books and accounts to be made at least once in each year by certified public accountants, the results of which must be filed with the Secretary of State, the Director of the Division of Budget and Accounting in the Department of the Treasury, and the State Auditor. Additionally, the bill authorizes the Director of the Division of Budget and Accounting in the Department of the Treasury, the director's legally authorized representatives, and the State Auditor to examine the accounts, books, and records of the Commission, and any of its related entities, including its receipts, disbursements, contracts, investments and any other matters relating to its financial standing.

The bill establishes a procedure for the award of contracts. Under the bill, public advertisements for bids are required for contracts whose costs exceed the sum of \$50,000 or, after January 1, 1999, an amount determined by the Governor and based on the rise or fall of the Consumer Price Index. The Commission may award contracts without advertising when the costs of the contract do not exceed \$50,000. The bill provides additional exceptions for when contracts may be awarded without advertising for bids.

The bill allocates to other departments certain organizational units which are currently in Commerce and authorizes some of those units to promulgate rules and regulations. The bill also requires the Chief Executive Officer and Secretary of the Commission to appoint the executive directors of the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, and the Motion Picture and Television Development Commission.

The bill adds the Commission as an additional member of the Brownfields Redevelopment Task Force. The bill also removes the Office of Neighborhood Empowerment representative from the task force.

Finally, the bill provides that it shall take effect sixty days after enactment, except that any appointment or any personnel activity consistent with the purposes of this act may be made prior to that date.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the Governor shall appoint three public members of the Commission with the advice and consent of the Senate. The committee amended the bill to provide that these three public members shall provide appropriate geographical representation from throughout the State. The committee also amended the bill to provide that the three public members shall serve terms of five years, with the public members first appointed to the commission serving staggered terms of five years and four years.

The committee also amended the bill to provide that two additional members shall be appointed by, and serve at the pleasure of, the

Governor. The committee adopted amendments to authorize the Governor to appoint one of the additional members upon recommendation of the President of the Senate and one member upon the recommendation of the Speaker of the General Assembly.

The committee further amended the bill to clarify that the Division of Travel and Tourism as well as the Division of International Trade shall continue in the Commission.

The amendments further provide that the Commission shall set reasonable fees for special projects or services that are not customarily provided by the department prior to the effective date of the bill. Such fees shall be paid to the commission for services rendered and shall reflect the cost of providing such projects or services. The committee further amended the bill to provide that the commission is authorized to charge reasonable fees for services for which fees were charged by the department prior to the effective date of the bill. In addition, the amendments require the Commission to include information in its annual report regarding the imposition, collection and expenditure of fees imposed by the Commission. The amendments also require the Commission to include an assessment of the Commission's effectiveness in meeting short-term and long-term goals in its annual report.

The amendments also authorize the State Auditor to examine the accounts, books and records of the Commission and require that a copy of the Commission's independent audit be filed with the State Auditor. In addition, the amendments require the Commission to submit its budget request in a format agreed upon jointly by the Commission, the Joint Budget Oversight Committee of the Legislature, or its successor, and the Division of Budget and Accounting.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2159

STATE OF NEW JERSEY

DATED: JUNE 22, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2159 (1R).

Assembly Bill No. 2159 (1R) abolishes the Department of Commerce and Economic Development and creates the New Jersey Commerce and Economic Growth Commission.

The bill establishes the commission in the Executive Branch of State government and the Chief Executive Officer and Secretary of the commission is a cabinet level officer. The bill allocates the commission in but not of the Department of the Treasury. The bill provides that notwithstanding that allocation, the commission shall be independent of any supervision and control by Treasury.

The commission shall have a Board of Directors consisting of 11 voting members: six ex officio members, three public members and two additional members to be appointed by the Governor. The Governor is the chair of the commission and a voting member. The other ex officio voting members are: the Chief Executive Officer and Secretary of the commission; the Commissioners of Environmental Protection, Labor, and Transportation; and the chairman of the New Jersey Commission on Higher Education. The bill provides that the Chief Executive Officer and Secretary shall be appointed by the Governor with the advice and consent of the Senate. It also provides that the person in office as the Commissioner of Commerce and Economic Development on the effective date of the bill shall hold the office of the Chief Executive Officer and Secretary without the advice and consent of the Senate.

The bill provides that three public voting members shall be appointed by the Governor with the advice and consent of the Senate. The bill provides that the three public members appointed with the advice and consent of the Senate shall be New Jersey residents who shall provide appropriate geographical representation from throughout the State and shall be employed by, owners of, or members of a board of directors of a business whose principal operation is located in New Jersey. Public members shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties. Members of the commission

shall be subject to the provisions of the New Jersey Conflicts of Interest Law. The bill also provides that two additional members shall be appointed by, and serve at the pleasure of, the Governor. The bill authorizes the Governor to appoint one of the additional members upon recommendation of the President of the Senate and one additional member upon the recommendation of the Speaker of the General Assembly. The Governor will have veto power over the minutes of the commission. The bill provides that the shall organize within 90 days of the effective date of the bill and shall be subject to the Open Public Meetings Act.

The bill identifies the duties of the Chief Executive Officer and Secretary of the commission and the powers of the commission.

Essentially, the commission's primary policy responsibilities pursuant to the bill will include: exercising all of the powers, duties and responsibilities previously exercised by the Department of Commerce and Economic Development; acting as the State's representative abroad and within the United States concerning trade and commerce issues; and coordinating the State's economic activities among the divisions within the commission and various other State entities. The bill requires the Chief Executive Officer and Secretary to annually develop an economic development master plan for approval by the commission.

The bill also provides that only the records of any nonprofit corporation on which the Chief Executive Officer and Secretary serves in an official capacity and which are in the possession of the Chief Executive Officer and Secretary shall be deemed subject to the Right to Know Law.

The bill provides that the offices and terms of all employees of the Department of Commerce and Economic Development will terminate on the effective date of the bill. The bill further provides that the employees of the commission shall be employed without regard to Title 11A of the New Jersey Statutes (civil service), but employees of the commission shall be enrolled in the Public Employees' Retirement System. Additionally, it provides that the commission shall establish the terms and conditions of such employment. Further, the bill provides that employees will be eligible for State health benefits and that the commission may choose other means to provide health and medical benefits, and dental and prescription drug plans, the costs of which shall not exceed the cost of those benefits provided to other State employees.

The bill requires that no later than three months after the end of its fiscal year, the commission shall make an annual report of its activities for the preceding fiscal year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the commission's, and any of its related entities' operations during the year. The report shall also set forth information concerning the imposition, collection and expenditure of fees imposed by the commission. The bill requires that the commission

cause an independent audit of its books and accounts to be made at least once in each year by certified public accountants, the results of which must be filed with the Secretary of State, the Director of the Division of Budget and Accounting in the Department of the Treasury, and the State Auditor. Additionally, the bill authorizes the Director of the Division of Budget and Accounting in the Department of the Treasury, the director's legally authorized representatives, and the State Auditor to examine the accounts, books, and records of the commission, and any of its related entities, including its receipts, disbursements, contracts, investments and any other matters relating to its financial standing.

The bill establishes a procedure for the award of contracts. Under the bill, public advertisements for bids are required for contracts whose costs exceed the sum of \$50,000 or, after January 1, 1999, an amount determined by the Governor and based on the rise or fall of a Consumer Price Index. The commission may award contracts without advertising when the costs of the contract do not exceed \$50,000. The bill provides additional exceptions for when contracts may be awarded without advertising for bids.

The bill allocates to other departments certain organizational units which are currently in the Department of Commerce and Economic Development and authorizes some of those units to promulgate rules and regulations. The bill also requires the Chief Executive Officer and Secretary of the commission to appoint the executive directors of the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, and the Motion Picture and Television Development Commission.

The bill adds the commission as an additional member of the Brownfields Redevelopment Task Force. The bill also removes the Office of Neighborhood Empowerment representative from the task force.

Finally, the bill provides that it shall take effect sixty days after enactment, except that any appointment or any personnel activity consistent with the purposes of this act may be made prior to that date.

FISCAL IMPACT:

This bill has no necessary fiscal impact. The current functions of the Department of Commerce and Economic Development are transferred to the commission, along with the department's appropriated budget items, under the bill. The termination of all of the current departmental employees (implying decreased expenditure) is countervailed by the unrestricted authority of the Chief executive Officer and Secretary of the commission to employ consultants and employees. The new employees will be enrolled in the public Employees' Retirement System and may be, at the discretion of the commission, members of the State Health Benefits Program.

The commission has the authority to charge reasonable fees for special projects or services, but these are not specified under the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2159

with Assembly Floor Amendments
(Proposed By Assemblymen LeFEVRE and AZZOLINA)

ADOPTED: JUNE 25, 1998

These amendments add additional findings to section 2 of the bill to emphasize the importance of selecting the best qualified staff for the commission without regard to political consideration.

The amendments amend section 6 of the bill to require the Commissioner of Personnel to use best efforts to find State service employment for former employees of the Department of Commerce and Economic Development.

The amendments amend section 7 of the bill to authorize the CEO and secretary of the commission to establish job titles and descriptions, to provide that commission employees shall be covered by the State's collective negotiations agreements, as appropriate, and to insure that former employees hired by the commission shall retain their former salary and leave time.

The amendments amend section 8 of the bill to provide that not more than two of the three public members of the commission shall be of the same political party, to establish a three year instead of four year term for one of the public members and to provide for the appointment of one member of the Senate and one member of the General Assembly to serve as non-voting, advisory members of the commission.

The amendments amend section 16 of the bill to require the competitive bid threshold to be lowered from \$50,000 to \$25,000 for commission contracts.

The amendments also amend section 34 of the bill to clarify that the Chief Executive Officer and Secretary's salary will be picked by the Governor.

SENATE, No. 1205

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Establishes New Jersey Commerce and Economic Growth Commission;
abolishes the Department of Commerce and Economic Development.

CURRENT VERSION OF TEXT

As introduced.



S1205 BARK

2

1 AN ACT establishing the New Jersey Commerce and Economic
2 Growth Commission, abolishing the Department of Commerce and
3 Economic Development and revising parts of the statutory law.

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

7
8 1 (New section) This act shall be known and may be cited as the
9 "New Jersey Commerce and Economic Growth Commission Act of
10 1998."

11
12 2. (New section) The Legislature finds and declares that:

13 a. New Jersey is in a fierce competition for jobs and businesses, not
14 only with other states, but throughout the world; and

15 b. The State must do all it can to increase opportunities for New
16 Jersey citizens to enjoy economic success and prosperity; and

17 c. To attract business, New Jersey must think and act like a
18 business, by stressing customer service, and responding to the needs
19 of the business community with flexibility and agility; and

20 d. Commerce and economic development are priorities for New
21 Jersey because success in these endeavors means the creation of jobs
22 for our citizens. As such, commerce and economic development
23 deserve a unique and dynamic role in our State government; and

24 e. Because we soon will be entering the 21st century, New Jersey
25 must now boldly transform its economic development mission to be
26 market driven, mobile and responsive enough to the future's challenges
27 to empower New Jersey to undertake new commercial and economic
28 ventures as the economic engine of the Northeast; and

29 f. The State and its citizens will benefit from a more sharply
30 focused economic development vision, in which the State's efforts are
31 coordinated under one organization, the New Jersey Commerce and
32 Economic Growth Commission, that coordinates economic
33 development activities for the State with all related entities, including,
34 but not limited to, the New Jersey Economic Development Authority,
35 the New Jersey Commission on Science and Technology, the New
36 Jersey Urban Enterprise Zone Authority, the Motion Picture and
37 Television Development Commission, and the New Jersey
38 Development Authority for Small Businesses, Minorities' and Women's
39 Enterprises; and

40 g. Just as the Legislature 25 years ago could not have predicted the
41 technological and business changes that have taken place since then,
42 this Legislature recognizes that it, too, cannot predict the future and
43 must, therefore, ensure that the New Jersey Commerce and Economic

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

Matter underlined thus is new matter.

S1205 BARK

1 Growth Commission has the agility and ability to retool its focus and
2 priorities to ensure the State's capability to respond to the
3 technological and business changes yet to come; and

4 h. Economic growth and prosperity are still the number one
5 priorities for our citizens, and by creating an innovative and
6 independent economic development entity, the New Jersey Commerce
7 and Economic Growth Commission, the Legislature reaffirms that it
8 is also a priority of government.

9
10 3. (New section) There is established a body corporate and politic,
11 with corporate succession, to be known as the "New Jersey Commerce
12 and Economic Growth Commission" (hereinafter "the commission").

13 The commission shall be established in the Executive Branch of the
14 State Government and for the purposes of complying with the
15 provisions of Article V, Section IV, paragraph 1 of the New Jersey
16 Constitution, the commission is allocated, in but not of, the
17 Department of the Treasury, but notwithstanding this allocation, the
18 commission shall be independent of any supervision and control by the
19 department or by any board or officer thereof.

20
21 4. (New section) The Department of Commerce and Economic
22 Development created pursuant to P.L.1981, c.122 (C.52:27H-1 et
23 seq.) is abolished as a principal department in the Executive Branch of
24 State government, and all of its powers, functions, and duties, except
25 as herein otherwise provided, are continued in the commission.

26
27 5. (New section) All appropriations and other moneys available
28 and to become available to any department, division, bureau, board,
29 commission, or other entity or agency, the functions, powers and
30 duties of which have been assigned or transferred to the Department
31 of Commerce and Economic Development, are hereby continued in the
32 commission, except as herein otherwise provided, and shall be
33 available for the objects and purposes for which such monies are
34 appropriated subject to any terms, restrictions, limitations, or other
35 requirements imposed by State or federal law. Nothing herein shall
36 alter the provisions of section 4 of P.L.1983, c.190 (C.34:1 B-39).
37 Whenever, in any law, rule, regulation, order, contract, document,
38 judicial or administrative proceeding or otherwise, reference is made
39 to the Department of Commerce and Economic Development, the
40 same shall mean and refer to the "New Jersey Commerce and
41 Economic Growth Commission" in but not of the Department of the
42 Treasury.

43
44 6. (New section) The offices and terms of the commissioner,
45 deputy commissioner, assistant commissioners, directors, deputy
46 directors, executive directors, and all other employees of the

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1 Department of Commerce and Economic Development and of its
2 various divisions and offices, except as herein otherwise provided,
3 shall terminate upon the effective date of this act.

4 Notwithstanding the requirements of Title 11A of the New Jersey
5 Statutes or the regulations promulgated thereunder, no employee of
6 the commission shall retain career service rights after the effective date
7 of this act.

8
9 7. (New section) The commission shall have the power to employ
10 consultants and employees as may be required in the judgment of the
11 commission to carry out the purposes of this act and to fix and pay
12 their compensation from funds available to the commission therefor,
13 notwithstanding the provisions of Title 11A of the New Jersey
14 Statutes. The commission shall establish the terms and conditions of
15 employment, and such employees of the commission shall be enrolled
16 in the Public Employees' Retirement System and shall be eligible to
17 participate in the State Health Benefits Program established pursuant
18 to the "New Jersey State Health Benefits Program Act," P.L.1961,
19 c.49 (C.52:14-17.25 et seq.). The commission may elect to provide
20 health benefits for its employees through private insurance policies,
21 hospital and medical service corporations, health maintenance
22 organizations, or any other manner available for the provision of health
23 benefits, provided that the cost of the benefits shall not exceed the cost
24 of those benefits provided to other State employees.

25
26 8. (New section) The Board of Directors of the commission shall
27 consist of the following 11 voting members:

28 a. The Governor, who shall be the Chair of the commission. The
29 Governor may be represented by an official designee, whose name
30 shall be filed with the commission.

31 b. The Chief Executive Officer and Secretary of the commission
32 shall be appointed by the Governor with the advice and consent of the
33 Senate. The Chief Executive Officer and Secretary of the commission
34 shall serve at the pleasure of the Governor during the Governor's term
35 of office and until a successor is appointed and qualified. The Chief
36 Executive Officer and Secretary shall serve as an ex officio voting
37 member of the commission and may be represented by an official
38 designee, whose name shall be filed with the commission.

39 The person in office as the Commissioner of the Department of
40 Commerce and Economic Development on the effective date of this
41 act shall hold the office of the Chief Executive Officer and Secretary
42 of the commission without the advice and consent of the Senate and
43 shall serve at the pleasure of the Governor during the Governor's term
44 of office and until a successor is appointed and qualified.

45 Whenever, in any law, rule, regulation, order, contract, document,
46 judicial or administrative proceeding or otherwise, reference is made

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1 to the Commissioner of the Department of Commerce and Economic
2 Development, the same shall mean and refer to the Chief Executive
3 Officer and Secretary of the "New Jersey Commerce and Economic
4 Growth Commission."

5 c. One commissioner from each of the following departments who
6 shall serve ex-officio: the Department of Environmental Protection;
7 the Department of Labor and the Department of Transportation.
8 These commissioners may be represented by an official designee,
9 whose name shall be filed with the commission.

10 d. The chairman of the Commission on Higher Education, who
11 shall serve ex officio. This chairman may be represented by an official
12 designee, whose name shall be filed with the commission.

13 e. Five public members who shall be appointed by the Governor
14 with the advice and consent of the Senate. The five public members
15 shall serve at the pleasure of the Governor. These members shall be
16 New Jersey residents who shall be employed by, owners of, or
17 members of the board of directors of, a business whose principal
18 operation is located in New Jersey. Public members shall receive no
19 compensation for their services but shall be entitled to reimbursement
20 for expenses incurred in the performance of their official duties.

21
22 9. (New section) a. The powers of the commission shall be vested
23 in the members thereof in office from time to time, and a majority of
24 the total authorized membership of the commission shall constitute a
25 quorum at any meeting thereof. Action may be taken and motions and
26 resolutions adopted by the commission at any meeting thereof by the
27 affirmative vote of a majority of the membership, unless in any case
28 the bylaws of the commission shall require a larger number. No
29 vacancy in the membership of the commission shall impair the right of
30 a quorum to exercise all the rights and perform all the duties of the
31 commission.

32 b. Members of the commission shall be subject to the provisions of
33 the "New Jersey Conflicts of Interest Law," P.L.1971, c.182
34 (C.52:13D-12 et seq.)

35
36 10. (New section) A true copy of the minutes of every meeting of
37 the commission shall be forthwith delivered by and under the
38 certification of the secretary thereof to the Governor. No action taken
39 at such a meeting by the commission shall have force or effect until 10
40 days, Saturday, Sundays, and public holidays excepted, after the copy
41 of the minutes shall have been so delivered, unless during such 10 day
42 period the Governor shall approve the same, in which case such action
43 shall become effective upon such approval. If, in that 10 day period,
44 the Governor returns such copies of the minutes with veto of any
45 action taken by the commission or any member thereof at such
46 meeting, such action shall be null and void and of no effect.

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- 1 11. (New section) The Chief Executive Officer and Secretary of
2 the commission shall devote full time to the performance of the duties
3 assigned thereto, and shall:
- 4 a. Administer the work of the commission;
 - 5 b. Appoint and remove officers and other personnel employed
6 within the commission, except as herein otherwise specifically
7 provided;
 - 8 c. Have authority to organize and maintain an administrative office
9 and to assign to employment therein such secretarial, clerical and other
10 assistants in the commission as the Chief Executive Officer and
11 Secretary and the internal operations of the commission may require;
 - 12 d. Perform, exercise and discharge the functions, powers and duties
13 of the commission through such offices as may be established by this
14 act or otherwise by law;
 - 15 e. Organize the work of the commission in such organizational
16 units, not inconsistent with the provisions of this act, as the Chief
17 Executive Officer and Secretary may determine to be necessary for the
18 efficient and effective operation of the commission;
 - 19 f. Formulate and adopt rules and regulations for the efficient
20 conduct of the work and general administration of the commission, its
21 officers, and employees;
 - 22 g. Institute or cause to be instituted such legal proceedings or
23 processes as may be necessary to properly enforce and give effect to
24 any of the powers or duties of the Chief Executive Officer and
25 Secretary or the commission;
 - 26 h. Make reports of the commission's operations, and such other
27 reports, as the Governor shall from time to time request or as may be
28 required by law;
 - 29 i. Coordinate the activities of the commission and the several
30 organizational units therein, in a manner designed to eliminate
31 overlapping and duplicative functions;
 - 32 j. Integrate within the commission, so far as practicable, all staff
33 services of the commission and of the several organizational units
34 therein;
 - 35 k. Have access to all relevant files and records of other State
36 agencies and require any officer or employee therein to provide such
37 information as the Chief Executive Officer and Secretary may deem
38 necessary to the performance of the functions of the commission;
 - 39 l. Lease or purchase suitable headquarters for the commission and
40 such other quarters as the Chief Executive Officer and Secretary shall
41 deem necessary to the proper functioning of the commission;
 - 42 m. Enter into agreements with any individual, partnership, trust,
43 association, or corporation, or any public agency, under which the
44 commission, and such other entity or entities, shall undertake a project
45 as a joint venture, with the commission providing such assistance or
46 advice as the agreement may provide. Such a joint venture must

1 directly further the statutory mission of the commission. Employees
2 of any joint venture shall not be deemed public employees. A joint
3 venture entered into by the commission shall not be deemed an
4 instrumentality of the State of New Jersey. A joint venture entered
5 into by the commission shall not be deemed or construed to create or
6 constitute a debt, liability, or loan or pledge of the credit, or be
7 payable out of property or funds of the State;

8 n. Organize or participate in the organization of nonprofit
9 corporations which are exempt from federal taxation under section
10 501(c)(3) of the Internal Revenue Code. Any such nonprofit
11 corporations must directly further the statutory mission of the
12 commission. Expenses incurred by such nonprofit corporations shall
13 be payable from funds raised by the nonprofit corporation, and no
14 liability or obligation, in tort or contract, shall be incurred by the State
15 for the operation of such nonprofit corporations. Any such nonprofit
16 corporations shall obtain private counsel and shall not be represented
17 by the Attorney General or indemnified by the State of New Jersey;

18 o. Serve as a member of any board, commission, corporation, or
19 authority which by law designates the Commissioner of the
20 Department of Commerce and Economic Development as an ex officio
21 member;

22 p. Develop annually an economic development master plan
23 identifying the commission's objectives, policies and programs which
24 will encourage business attraction, expansion, and retention; and

25 q. Perform such other functions as may be prescribed in this act or
26 by any other law or by the commission.

27
28 12. (New section) Notwithstanding any other provision of law,
29 only the records of any nonprofit corporation on which the Chief
30 Executive Officer and Secretary serves and which are in the possession
31 of the Chief Executive Officer and Secretary in an official capacity
32 shall be deemed public records which may be subject to public
33 inspection under the provisions of the "Right to Know Law,"
34 P.L.1963, c.73 (C. 47:1A-1 et seq.).

35
36 13. (New section) The commission shall have perpetual succession
37 and shall have the following powers:

38 a. To make, amend and repeal rules and by-laws for its own
39 governance and guidance not inconsistent with State and federal law;

40 b. To adopt an official seal and alter the same at its pleasure;

41 c. To maintain an office at such place or places within the State as
42 it may designate;

43 d. To contract for, accept, solicit or collect any grants, loans,
44 funds, property, or other aid in any form from the United States of
45 America or any agency or instrumentality thereof, from the State or
46 any agency, instrumentality or political subdivision thereof, or from

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8

- 1 any other public source;
- 2 e. To set an amount and to charge fees to be paid to the
3 commission for services rendered to persons, businesses, or other
4 entities, including but not limited to, certifications, business relocation
5 and expansion assistance, strategic investment consulting, international
6 trade services and strategic partnerships;
- 7 f. To exercise all of the powers, functions, and duties previously
8 exercised by the Department of Commerce and Economic
9 Development, except as herein provided pursuant to this act;
- 10 g. To act as the State's representative abroad and within the United
11 States concerning trade and commerce issues;
- 12 h. To adopt rules and regulations, pursuant to the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary for
14 the proper functioning of the commission and necessary to carry out
15 the provisions of this act;
- 16 i. To do any and all things necessary or convenient to carry out the
17 purposes of the commission and to exercise the powers given and
18 granted to the commission under this act;
- 19 j. To coordinate the State's economic development activities
20 among the commission's organizational units and the New Jersey
21 Economic Development Authority, the New Jersey Commission on
22 Science and Technology, the New Jersey Urban Enterprise Zone
23 Authority, the New Jersey Development Authority for Small
24 Businesses, Minorities' and Women's Enterprises, and the Motion
25 Picture and Television Development Commission, and to recommend
26 economic development policies to the Governor;
- 27 k. To enter into memoranda of understanding or other cooperative
28 agreements with the New Jersey Economic Development Authority,
29 the New Jersey Commission on Science and Technology, the New
30 Jersey Urban Enterprise Zone Authority, the New Jersey Development
31 Authority for Small Businesses, Minorities' and Women's Enterprises,
32 the Atlantic City Convention Center Authority, the Dredging Project
33 Task Force, the Economic Development Site Task Force, and the
34 Motion Picture and Television Development Commission, or any other
35 state agency for the provision of services or other cooperative efforts
36 to effectuate the purposes of this act and to ensure the coordination of
37 the State's economic development activities;
- 38 l. To make and enter into contracts, leases, agreements, and
39 purchases necessary for the use, or incidental to the performance of,
40 the commission's duties and the exercise of its powers under the act;
- 41 m. To do and perform any acts and things authorized by this act
42 under, through or by means of its own officers, agents and employees,
43 or by contract with any person;
- 44 n. To insure against any losses in connection with the commission's
45 properties, operations or assets; and

1 o. To approve annually the economic development master plan
2 submitted by the Chief Executive Officer and Secretary.

3
4 14. (New section) The Attorney General shall provide legal
5 representation to the commission.

6
7 15. (New section) The Director of the Division of Budget and
8 Accounting, in the Department of the Treasury, and the director's
9 legally authorized representatives are hereby authorized and
10 empowered from time to time to examine the accounts, books, and
11 records of the commission, and any of its related entities, including its
12 receipts, disbursements, contracts, investments and any other matters
13 relating thereto and to its financial standing.

14
15 16. (New section) a. All purchases, contracts, or agreements,
16 where the cost or contract price exceeds the sum of \$50,000, or, after
17 January 1, 1999, the amount determined pursuant to subsection b. of
18 this section, shall, except as otherwise provided in this act, be made,
19 negotiated, or awarded only after public advertisement for bids
20 therefor and shall be awarded to that responsible bidder whose bid,
21 conforming to the invitation for bids, is most advantageous to the
22 commission in its judgment, upon consideration of price and other
23 factors. Any bid may be rejected when the commission determines that
24 it is in the public interest to do so.

25 Any purchase, contract, or agreement, where the cost or contract
26 price is less than or equal to \$50,000, or the amount determined
27 pursuant to subsection b. of this section, shall be made, negotiated, or
28 awarded by the commission without advertising and in any manner
29 which the commission, in its judgment, deems necessary to serve its
30 unique interests and purposes and which promotes, whenever
31 practicable, full and free competition by the acceptance of quotations
32 or proposals or by the use of other suitable methods.

33 b. Commencing January 1, 1999, the Governor, in consultation
34 with the Department of the Treasury, shall no later than March 1 of
35 each odd numbered-year adjust the threshold amount set forth in
36 subsection a. of this section, or subsequent to 1999 the threshold
37 amount resulting from any adjustment under this subsection, in direct
38 proportion to the rise or fall of the consumer price index for all urban
39 consumers in the New York City and the Philadelphia areas as
40 reported by the United States Department of Labor. The Governor
41 shall, no later than June 1 of each odd-number year, notify the
42 commission of the adjustment. The adjustment shall become effective
43 on July 1 of each odd-numbered year.

44
45 17. (New section) a. Any purchase, contract, or agreement, where
46 the cost or contract price exceeds the amount set forth in subsection

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10

1 a. of section 16 of P.L. , c. (C.) (now before the
2 Legislature as this bill), or, after January 1, 1999, the amount
3 calculated by the Governor pursuant to subsection b. of section 16 of
4 P.L. , c. (C.) (now before the Legislature as this bill)
5 may be made, negotiated, or awarded by the commission without
6 advertisement for bids under the following circumstances:

- 7 (1) When the subject matter consists of:
- 8 (a) Items or services supplied by a public utility subject to the
9 jurisdiction of the Board of Public Utilities, and tariffs and schedules
10 of the charges made, charged or extracted by the public utility for
11 those items or services which are filed with the commission; or
 - 12 (b) The purchase, rental, or lease of such office space, office
13 machinery, specialized equipment, buildings or real property as may be
14 necessary for the use, or incidental to the performance, of the
15 commission's duties and the exercise of its powers under this act; or
- 16 (2) When any one or more of the following circumstances exist:
- 17 (a) Standardization of equipment and interchange ability of parts
18 is in the public interest;
 - 19 (b) Only one source of supply or service is available;
 - 20 (c) The exigency of the commission's duties and responsibilities
21 will not admit of advertisement;
 - 22 (d) More favorable terms can be obtained from a primary source
23 of supply of an item or service;
 - 24 (e) Bid prices, after advertising, are not reasonable or have not
25 been independently arrived at in open competition, but no negotiated
26 purchase, contract, or agreement may be entered into under this
27 subsection after the rejection of all bids received unless : (i) notification
28 of the intention to negotiate and reasonable opportunity to negotiate
29 is given to each responsible bidder; (ii) the negotiated price is lower
30 than the lowest rejected bid price of a responsible bidder; and (iii) the
31 negotiated price is the lowest negotiated price offered by any
32 responsible bidder;
 - 33 (f) The purchase is to be made from, or the contract is to be made
34 with, any federal or State government or agency or other entity, or any
35 political subdivision thereof; or
 - 36 (g) Purchases are made through or by the Director of the Division
37 of Purchase and Property, in the Department of the Treasury, pursuant
38 to section 1 of P.L.1959, c.40 (C.52:27B-56. 1).

39 b. In any such instances as identified in subsection a. of this
40 section, the commission may make, negotiate, or award the purchase,
41 contract or agreement in any manner which the commission deems
42 necessary to serve its unique interests and purposes and which
43 promotes, whenever practicable, full and free competition by the
44 acceptance of quotations or proposals or by the use of other suitable
45 methods.

46 c. In any case in which the commission shall make, negotiate, or

1 award a purchase, contract, or agreement without public advertisement
2 pursuant to subsection a. of this section, the commission shall, by
3 resolution passed by the affirmative vote of a majority of its members,
4 specify the subject matter or circumstances set forth in subsection a.
5 which permit the commission to take such action.

6
7 18. (New section) The commission shall submit its budget request
8 directly to the Division of Budget and Accounting in the Department
9 of the Treasury in a format to be agreed upon by the commission and
10 the Division of Budget and Accounting.

11
12 19. (New section) Three months after the end of its fiscal year, the
13 commission shall make an annual report of its activities for the
14 preceding fiscal year to the Governor and the Legislature. Each such
15 report shall set forth a complete operating and financial statement
16 covering the operations of the commission, and any of its related
17 entities, during the year. The commission shall cause an independent
18 audit of its books and accounts to be made at least once in each year
19 by certified public accountants and cause a copy thereof to be filed
20 with the Secretary of State and the Director of the Division of Budget
21 and Accounting, in the Department of the Treasury.

22
23 20. (New section) The commission shall organize within 90 days
24 of the effective date of this act and shall be subject to the provisions
25 of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et
26 seq.).

27
28 21. (New section) a. The New Jersey Development Authority for
29 Small Businesses, Minorities' and Women's Enterprises, established
30 pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), is transferred in but
31 not of the Department of the Treasury, but, notwithstanding this
32 transfer, the New Jersey Development Authority for Small Businesses,
33 Minorities' and Women's Enterprise shall be independent of any
34 supervision and control by the department or by any board or officer
35 thereof.

36 b. Whenever, in any law, rule, regulation, order, contract,
37 document, judicial or administrative proceeding or otherwise,
38 reference is made to the New Jersey Development Authority for Small
39 Businesses, Minorities' and Women's Enterprise, the same shall mean
40 and refer to the New Jersey Development Authority for Small
41 Businesses, Minorities' and Women's Enterprise in but not of the
42 Department of the Treasury.

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

45 d. The New Jersey Development Authority for Small Businesses,
46 Minorities' and Women's Enterprise may, subject to the commission's

1 approval, develop and promulgate such rules and regulations in
2 accordance with the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) as are necessary to implement the provisions of
4 this act and to effectuate the purposes of the New Jersey Development
5 Authority for Small Businesses, Minorities' and Women's Enterprise
6 as provided by law.

7 e. Regulations adopted by the New Jersey Development Authority
8 for Small Businesses, Minorities' and Women's Enterprise shall
9 continue with full force and effect until amended or repealed pursuant
10 to law.

11

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

18 b. Whenever, in any law, rule, regulation, order, contract,
19 document, judicial or administrative proceeding or otherwise,
20 reference is made to the New Jersey Economic Development
21 Authority, the same shall mean and refer to the New Jersey Economic
22 Development Authority in but not of the Department of the Treasury.
23 The Chief Executive Officer and Secretary of the commission shall
24 appoint the executive director of the New Jersey Economic
25 Development Authority.

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

28 d. The New Jersey Economic Development Authority may develop
29 and promulgate such rules and regulations in accordance with the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
31 as are necessary to implement the provisions of this act and to
32 effectuate the purposes of the New Jersey Economic Development
33 Authority as provided by law. Nothing herein shall alter the provisions
34 of section 1 of P.L.1979, c.303 (C.34-1B-5.1).

35 e. Regulations adopted by the New Jersey Economic Development
36 Authority shall continue with full force and effect until amended or
37 repealed pursuant to law.

38

39 23. (New section) a. The South Jersey Port Corporation,
40 established pursuant to P.L.1968, c.60 (C.12: 11A-1 et seq.), is
41 transferred in but not of the Department of the Treasury, but,
42 notwithstanding this transfer, the South Jersey Port Corporation shall
43 be independent of any supervision and control by the department or by
44 any board or officer thereof.

45 b. Whenever, in any law, rule, regulation, order, contract,
46 document, judicial or administrative proceeding or otherwise,

1 reference is made to the South Jersey Port Corporation, the same shall
2 mean and refer to the South Jersey Port Corporation in but not of the
3 Department of the Treasury.

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

6 d. Regulations adopted by the South Jersey Port Corporation shall
7 continue with full force and effect until amended or repealed pursuant
8 to law.

9

10 24. (New section) a. The New Jersey Public Broadcasting
11 Authority, established pursuant to P.L.1968, c.405 (C.48:23-1 et
12 seq.), is transferred in but not of the Department of State, but
13 notwithstanding this transfer, New Jersey Public Broadcasting
14 Authority shall be independent of any supervision and control by the
15 department or by any board or officer thereof. The New Jersey Public
16 Broadcasting Authority shall submit its budget request directly to the
17 Division of Budget and Accounting in the Department of the Treasury.

18 b. Whenever, in any law, rule, regulation, order, contract,
19 document, judicial or administrative proceeding or otherwise,
20 reference is made to the New Jersey Public Broadcasting Authority,
21 the same shall mean and refer to the New Jersey Public Broadcasting
22 Authority in but not of the Department of State.

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

25 d. The New Jersey Department of State may render administrative
26 assistance including, but not limited to, personnel and fiscal assistance,
27 upon request of the New Jersey Public Broadcasting Authority. The
28 cost and expense of any services rendered may be paid by the New
29 Jersey Public Broadcasting Authority.

30 e. Regulations adopted by the Public Broadcasting Authority shall
31 continue with full force and effect until amended or repealed pursuant
32 to law.

33

34 25. (New section) a. The New Jersey Commission on Science and
35 Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et
36 seq.), is transferred in but not of the Department of the Treasury, but
37 notwithstanding this transfer, the New Jersey Commission on Science
38 and Technology shall be independent of any supervision and control
39 by the department or by any board or officer thereof. The Chief
40 Executive Officer and Secretary of the commission shall appoint the
41 Executive Director of the New Jersey Commission on Science and
42 Technology.

43 b. Whenever, in any law, rule, regulation, order, contract,
44 document, judicial or administrative proceeding or otherwise,
45 reference is made to the New Jersey Commission on Science and
46 Technology, the same shall mean and refer to the New Jersey

1 Commission on Science and Technology in but not of the Department
2 of the Treasury.

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

5 d. The New Jersey Commission on Science and Technology may,
6 subject to the commission's approval, develop and promulgate such
7 rules and regulations in accordance with the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
9 to implement the provisions of this act and to effectuate the purposes
10 of the New Jersey Commission on Science and Technology as
11 provided by law.

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

15

16 26. (New section) a. The Motion Picture and Television
17 Development Commission, established pursuant to P.L.1977, c.44
18 (C.34:1B-22 et seq.), is transferred in but not of the Department of the
19 Treasury, but notwithstanding this transfer, the Motion Picture and
20 Television Development Commission shall be independent of any
21 supervision and control by the department or by any board or officer
22 thereof. The Chief Executive Officer and Secretary of the commission
23 shall appoint the Executive Director of the Motion Picture and
24 Television Development Commission.,

25 b. Whenever, in any law, rule, regulation, order, contract,
26 document, judicial or administrative proceeding or otherwise,
27 reference is made to the Motion Picture and Television Development
28 Commission, the same shall mean and refer to the Motion Picture and
29 Television Development Commission in but not of the Department of
30 the Treasury.

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

33 d. The Motion Picture and Television Development Commission
34 may, subject to the commission's approval, develop and promulgate
35 such rules and regulations in accordance with the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary
37 to implement the provisions of this act and to effectuate the purposes
38 of the Motion Picture and Television Development Commission as
39 provided by law.

40

41 27. (New section) a. The New Jersey Council of Economic
42 Advisors, established pursuant to P.L.1993, c.149 (C.52:9H-34 et
43 seq.), is allocated in but not of the Department of the Treasury, but
44 notwithstanding this allocation, the New Jersey Council of Economic
45 Advisors shall be independent of any supervision and control by the
46 department or by any board or officer thereof.

1 b. Whenever, in any law, rule, regulation, order, contract,
2 document, judicial or administrative proceeding or otherwise,
3 reference is made to the New Jersey Council of Economic Advisors,
4 the same shall mean and refer to the New Jersey Council of Economic
5 Advisors in but not of the Department of the Treasury.

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

8 d. The commission may render administrative assistance including,
9 but not limited to, personnel and fiscal assistance to the New Jersey
10 Council of Economic Advisors. The cost and expense of any services
11 rendered may be paid by the New Jersey Council of Economic
12 Advisors, or as is annually provided for in the State budget.

13
14 28. (New Section) a. The New Jersey Urban Enterprise Zone
15 Authority, established pursuant to P.L.1983, c.303 (C.52:27H-60 et
16 seq.), is transferred in but not of the Department of Treasury, but
17 notwithstanding this transfer, the New Jersey Urban Enterprise Zone
18 Authority shall be independent of any supervision and control by the
19 department or by any board or officer thereof.

20 b. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the New Jersey Urban Enterprise Zone Authority
23 the same shall mean and refer to the New Jersey Urban Enterprise
24 Zone Authority in but not of the Department of the Treasury.

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

27 d. All clerical and professional assistants, and all personnel,
28 procurement, budgetary and other administrative services necessary or
29 incidental to the authority's proper functioning shall be provided by
30 and through the commission, and it shall, subject to the availability of
31 funds, reimburse the commission for all administrative services
32 provided to the authority.

33 e. The New Jersey Urban Enterprise Zone Authority may, subject
34 to the commission's approval, develop and promulgate such rules and
35 regulations in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement
37 the provisions of this act and to effectuate the purposes of the New
38 Jersey Urban Enterprise Zone Authority as provided by law.

39 f. Regulations adopted by the New Jersey Urban Enterprise Zone
40 Authority shall continue with full force and effect until amended or
41 repealed pursuant to law.

42
43 29. (New section) a. The Atlantic City Convention Center
44 Authority, established pursuant to P.L.1981, c.459 (C.52:27H-29 et
45 seq.), is transferred in but not of the Department of the Treasury, but
46 notwithstanding this transfer, the Atlantic City Convention Center

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16

1 Authority shall be independent of any supervision and control by the
2 department or by any board or officer thereof.

3 b. Whenever, in any law, rule, regulation, order, contract,
4 document, judicial or administrative proceeding or otherwise,
5 reference is made to the Atlantic City Convention Center Authority,
6 the same shall mean and refer to the Atlantic City Convention Center
7 Authority in but not of the Department of the Treasury.

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

10

11 30. (New section) a. The Dredging Project Facilitation Task
12 Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
13 transferred in but not of the Department of the Treasury, but
14 notwithstanding this transfer, the Dredging Project Task Force shall
15 be independent of any supervision and control by the department or by
16 any board or officer thereof.

17 b. Whenever, in any law, rule, regulation, order, contract,
18 document, judicial or administrative proceeding or otherwise,
19 reference is made to the Dredging Project Task Force, the same shall
20 mean and refer to the Dredging Project Task Force in but not of the
21 Department of the Treasury.

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

24

25 31. (New section) a. The Economic Development Site Task
26 Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is
27 transferred in but not of the Department of the Treasury, but
28 notwithstanding this transfer, the Economic Development Site Task
29 Force shall be independent of any supervision and control by the
30 department or by any board or officer thereof.

31 b. Whenever, in any law, rule, regulation, order, contract,
32 document, judicial or administrative proceeding or otherwise,
33 reference is made to the Economic Development Site Task Force, the
34 same shall mean and refer to the Economic Development Site Task
35 Force in but not of the Department of the Treasury.

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

38

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

41 Notwithstanding the provisions of the annual appropriations act and
42 section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix
43 and establish the annual salaries for the following officers within the
44 limits as follows:

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	Not to Exceed
1 Title Salary	
2 Agriculture Department	
3 Secretary of Agriculture.....	\$115,000
4 Banking Department	
5 Commissioner of Banking.....	\$115,000
6 【Commerce, Energy and Economic Development Department	
7 Commissioner of Commerce, Energy and Economic Development】	
8 <u>Commerce and Economic Growth Commission</u>	
9 <u>Chief Executive Officer and Secretary.....</u>	\$115,000
10 Community Affairs Department	
11 Commissioner of Community Affairs.....	\$115,000
12 Corrections Department	
13 Commissioner of Corrections.....	\$115,000
14 Education Department	
15 Commissioner of Education.....	\$115,000
16 Environmental Protection Department	
17 Commissioner of Environmental Protection.....	\$115,000
18 Health Department	
19 Commissioner of Health.....	\$115,000
20 Higher Education Department	
21 Chancellor.....	\$115,000
22 Human Services Department	
23 Commissioner of Human Services.....	\$115,000
24 Insurance Department	
25 Commissioner of Insurance.....	\$115,000
26 Labor Department	
27 Commissioner of Labor.....	\$115,000
28 Law and Public Safety Department	
29 Attorney General.....	\$115,000
30 Military and Veterans' Affairs Department	
31 Adjutant General.....	\$115,000
32 Personnel Department	
33 Commissioner of Personnel.....	\$115,000
34 State Department	
35 Secretary of State.....	\$115,000
36 Transportation Department	
37 Commissioner of Transportation	\$115,000
38 Treasury Department	
39 State Treasurer.....	\$115,000
40 Members, Board of Public Utilities.....	\$115,000
41 (cf. P.L.1994, c.58, s.53)	
42	

43 33. Section 5 of P.L.1997, c.278 (C.58:10B-23) is amended to
44 read as follows:

45 5. a. There is created the "Brownfields Redevelopment Task
46 Force." The Task Force shall consist of **【five】** six representatives

1 from State agencies and six public members. The State agency
2 representatives shall be from each of the following State agencies: the
3 Office of State Planning in the Department of the Treasury, the Office
4 of Neighborhood Empowerment in the Department of Community
5 Affairs, the New Jersey Redevelopment Authority in the Department
6 of ~~Commerce and Economic Development~~ the Treasury, the New
7 Jersey Commerce and Economic Growth Commission, the Department
8 of Transportation, and the Site Remediation Program in the
9 Department of Environmental Protection. The six public members
10 shall be appointed by the Governor with the advice and consent of the
11 Senate. The public members shall include to the extent practicable: a
12 representative of commercial or residential development interests, a
13 representative of the financial community, a representative of a public
14 interest environmental organization, a representative of a
15 neighborhood or community redevelopment organization, a
16 representative of a labor or trade organization, and a representative of
17 a regional planning entity.

18 The Office of State Planning shall provide staff to implement the
19 functions and duties of the Task Force. The public members of the
20 Task Force shall serve without compensation but may be reimbursed
21 for actual expenses in the performance of their duties. The Governor
22 shall select the chairperson of the Task Force.

23 b. The Task Force shall prepare and update an inventory of
24 brownfield sites in the State. In preparing the inventory, priority shall
25 be given to those areas of the State that receive assistance from the
26 Urban Coordinating Council or from the Office of Neighborhood
27 Empowerment. To the extent practicable, the inventory shall include
28 an assessment of the contaminants known or suspected to have been
29 discharged or that are currently stored on the site, the extent of any
30 remediation performed on the site, the site's proximity to
31 transportation networks, and the availability of infrastructure to
32 support the redevelopment of the site. The information gathered for
33 the inventory shall, to the extent practicable, be made available to the
34 public by entering it into the Department of Environmental
35 Protection's existing geographic information system, by making this
36 information available on the system and by making copies of any maps
37 and data available to the public. The department may charge a
38 reasonable fee for the reproduction of maps and data which fee shall
39 reflect the cost of their reproduction.

40 c. In addition to its functions pursuant to subsection b. of this
41 section, the Task Force shall:

42 (1) coordinate State policy on brownfields redevelopment,
43 including incentives, regulatory programs, provision of infrastructure,
44 and redevelopment planning assistance to local governments;

45 (2) use the inventory to prioritize sites based on their immediate
46 economic development potential;

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19

- 1 (3) prepare a plan of action to return these sites to productive
2 economic use on an expedited basis;
- 3 (4) actively market sites on the inventory to prospective
4 developers;
- 5 (5) use the inventory to provide a targeted environmental
6 assessment of the sites, or of areas containing several brownfield sites,
7 by the Department of Environmental Protection;
- 8 (6) consult with the Pinelands Commission concerning the
9 remediation and redevelopment of brownfield sites located in the
10 pinelands area as designated pursuant to section 10 of P.L.1979, c.111
11 (C.13:18A-11);
- 12 (7) evaluate the performance of current public incentives in
13 encouraging the remediation of and redevelopment of brownfields; and
- 14 (8) make recommendations to the Governor and the Legislature on
15 means to better promote the redevelopment of brownfields, including
16 the provision of necessary public infrastructure and methods to attract
17 private investment in redevelopment.
- 18 d. As used in this section, "brownfield" means any former or
19 current commercial or industrial site that is currently vacant or
20 underutilized and on which there has been, or there is suspected to
21 have been, a discharge of a contaminant.
22 (cf: P.L.1997, c.278, s.5)

23

24 34. (New section) This act shall take effect sixty days after
25 enactment, except that any appointment or any personnel activity
26 consistent with the purposes of this act may be made prior to that date.

27

28

29

STATEMENT

30

31 This bill abolishes the Department of Commerce and Economic
32 Development (Commerce) and creates the New Jersey Commerce and
33 Economic Growth Commission (Commission).

34 Under the bill, the Commission is established in the Executive
35 Branch of State government and the Chief Executive Officer and
36 Secretary of the Commission is a cabinet level officer. The bill
37 allocates the Commission to the Department of the Treasury
38 (Treasury). The bill provides that notwithstanding that allocation, the
39 Commission shall be independent of any supervision and control by
40 Treasury.

41 The Commission shall have a Board of Directors consisting of 11
42 voting members: six ex officio members and five public members. The
43 Governor is the chair of the Commission and a voting member. The
44 other ex officio voting members are: the Chief Executive Officer and
45 Secretary of the Commission; the Commissioners of Environmental
46 Protection, Labor, Transportation; and the chairman of the

1 Commission on Higher Education. The bill provides that the Chief
2 Executive Officer and Secretary shall be appointed by the Governor
3 with the advice and consent of the Senate. It also provides that the
4 person in office as the Commissioner of Commerce and Economic
5 Development on the effective date of the bill shall hold the office of
6 the Chief Executive Officer and Secretary without the advice and
7 consent of the Senate.

8 The five public voting members shall be appointed by the Governor
9 with the advice and consent of the Senate. The five public members
10 shall serve at the pleasure of the Governor. The bill provides that
11 these members shall be New Jersey residents who shall be employed
12 by, owners of, or members of a board of directors of a business whose
13 principal operation is located in New Jersey. Public members shall
14 receive no compensation for their services but shall be entitled to
15 reimbursement for expenses incurred in the performance of their
16 official duties. Members of the Commission shall be subject to the
17 provisions of the New Jersey Conflicts of Interest Law. The Governor
18 will have veto power over the minutes of the Commission. The bill
19 provides that the Commission shall organize within 90 days of the
20 effective date of the bill and shall be subject to the Open Public
21 Meetings Act.

22 The bill identifies the duties of the Chief Executive Officer and
23 Secretary of the Commission and the powers of the Commission.

24 The bill also provides that only the records in the possession of the
25 Chief Executive Officer and Secretary of the Commission of any
26 nonprofit corporation shall be deemed subject to the Right to Know
27 Law.

28 The bill provides that the offices and terms of all employees of
29 Commerce will terminate on the effective date of the bill. The bill
30 further provides that the employees of the Commission shall be
31 employed without regard to Title 11A of the New Jersey Statutes, but
32 employees of the Commission shall be enrolled in the Public
33 Employees' Retirement System. Additionally, it provides that the
34 Commission shall establish the terms and conditions of such
35 employment. Further, the bill provides that employees will be eligible
36 for State health benefits and that the Commission may choose other
37 means to provide health and medical benefits, and dental and
38 prescription drug plans, the costs of which shall not exceed the cost of
39 those benefits provided to other State employees.

40 The bill requires that three months after the end of its fiscal year,
41 the Commission shall make an annual report of its activities for the
42 preceding fiscal year to the Governor and the Legislature. Each such
43 report shall set forth a complete operating and financial statement
44 covering the Commission's, and any of its related entities' operations
45 during the year. The bill also requires that the Commission cause an
46 independent audit of its books and accounts to be made at least once

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1 in each year by certified public accountants, the results of which must
2 be filed with the Secretary of State and the Director of the Division of
3 Budget and Accounting in the Department of the Treasury.
4 Additionally, the bill authorizes the Director of the Division of Budget
5 and Accounting in the Department of the Treasury and the director's
6 legally authorized representatives to examine the accounts, books, and
7 records of the Commission, and any of its related entities, including its
8 receipts, disbursements, contracts, investments and any other matters
9 relating to its financial standing.

10 The bill establishes a procedure for the award of contracts. Under
11 the bill, public advertisements for bids are required for contracts
12 whose costs exceed the sum of \$50,000 or, after January 1, 1999, an
13 amount determined by the Governor and based on the rise or fall of the
14 Consumer Price Index. The Commission may award contracts without
15 advertising when the costs of the contract do not exceed \$50,000.
16 The bill provides additional exceptions for when contracts may be
17 awarded without advertising for bids.

18 The bill allocates to other departments certain organizational units
19 which are currently in Commerce and authorizes some of those units
20 to promulgate rules and regulations. The bill also requires the Chief
21 Executive Officer and Secretary of the Commission to appoint the
22 executive directors of the New Jersey Economic Development
23 Authority, the New Jersey Commission on Science and Technology,
24 and the Motion Picture and Television Development Commission.

25 The bill also adds the Commission as an additional member of the
26 Brownfields Redevelopment Task Force.

27 Finally, the bill provides that it shall take effect sixty days after
28 enactment, except that any appointment or any personnel activity
29 consistent with the purposes of this act may be made prior to that date.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1205

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1998

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Senate Bill No. 1205.

As amended, Senate Bill No. 1205 abolishes the Department of Commerce and Economic Development (Commerce) and creates the New Jersey Commerce and Economic Growth Commission (Commission).

Under the bill, the Commission is established in the Executive Branch of State government and the Chief Executive Officer and Secretary of the Commission is a cabinet level officer and receives a salary fixed by the Governor. The bill allocates the Commission in but not of the Department of the Treasury (Treasury). The bill provides that notwithstanding that allocation, the Commission shall be independent of any supervision and control by Treasury.

The Commission shall have a Board of Directors consisting of 11 voting members and two non-voting members: six ex officio members, three public members approved with the advice and consent of the Senate, and two additional members to be appointed by, and serve at the pleasure of, the Governor. The bill authorizes the Governor to appoint one of the two additional members upon recommendation of the President of the Senate and one additional member upon the recommendation of the Speaker of the General Assembly. The Governor is the chair of the Commission and a voting member. The other ex officio voting members are: the Chief Executive Officer and Secretary of the Commission; the Commissioners of Environmental Protection, Labor, and Transportation; and the chairman of the New Jersey Commission on Higher Education. One non-voting member is to be a member of the Senate and the other non-voting member is to be a member of the General Assembly, appointed by the appropriate presiding officers. The bill provides that the Chief Executive Officer and Secretary shall be appointed by the Governor with the advice and consent of the Senate. It also provides that the person in office as the Commissioner of Commerce and Economic Development on the

effective date of the bill shall be the first person to hold the office of the Chief Executive Officer and Secretary, without the advice and consent of the Senate.

The bill provides that the three public members appointed with the advice and consent of the Senate shall be New Jersey residents who shall provide appropriate geographical representation from throughout the State and shall be employed by, owners of, or members of a board of directors of a business whose principal operation is located in New Jersey.

The bill identifies the duties of the Chief Executive Officer and Secretary of the Commission and the powers of the Commission.

The bill provides that the offices and terms of all employees of Commerce will terminate on the effective date of the bill.

The bill provides that the Commissioner of Personnel shall exercise all best efforts to find and offer employment within State service for employees of Commerce who are employed by Commerce on the date of enactment of this act, and who are not offered positions with the Commission or who, having been offered such positions, choose not to accept employment with the Commission. The bill further provides that the employees of the Commission shall be employed without regard to Title 11A of the New Jersey Statutes (civil service), but employees of the Commission shall be covered by appropriate collective negotiations agreement and shall be enrolled in the Public Employees' Retirement System. Additionally, it provides that the Commission shall establish the terms and conditions of such employment. Further, the bill provides that employees will be eligible for State health benefits and that the Commission may choose other means to provide health and medical benefits, and dental and prescription drug plans, provided that the types of benefits shall not provide less coverage than those benefits provided to other State employees.

The bill requires that no later than three months after the end of its fiscal year, the Commission shall make an annual report of its activities for the preceding fiscal year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the Commission's, and any of its related entities' operations during the year.

Finally, the bill provides that it shall take effect 60 days after enactment, except that any appointment or any personnel activity consistent with the purposes of this act may be made prior to that date.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the boards and directors of the commission should assist the Chief Executive Officer and Secretary of the Commission in assuring that persons appointed to the staff of the commission will be selected on the basis of qualification and professional and technical competence, avoiding

political considerations to the maximum extent possible.

The committee further amended the bill to clarify that the Division of Travel and Tourism as well as the Division of International Trade shall continue in the Commission.

The committee amended the bill to include a provision that the Commissioner of Personnel shall exercise all best efforts to find and offer employment within State service for employees of Commerce who are employed by Commerce on the date of enactment of this act, and who are not offered positions with the Commission or who, having been offered such positions, choose not to accept employment with the Commission.

The committee amended the bill to provide that the employees of the Commission shall, as appropriate, be covered under the State of New Jersey's collective negotiations agreements, provided however that only the contractual provisions of such agreements which apply to non-career service employees shall apply to the Commission employees, and that former employees of Commerce who are hired by the Commission shall retain their former salary and leave time. The committee amended the bill to provide that the Commission shall advertise all available positions within the Commission, except under circumstances where there is an emergent need as specified in the Commission's personnel handbook.

The committee amended the bill to provide that the Governor shall appoint three public members of the Commission with the advice and consent of the Senate instead of five. The committee amended the bill to provide that no more than two of the three public members shall be of the same political party and provide appropriate geographical representation from throughout the State. The committee also amended the bill to provide that the three public members shall serve terms of five years, with the public members first appointed to the commission serving staggered terms of five years and three years.

The committee also amended the bill to provide that two additional members shall be appointed by, and serve at the pleasure of, the Governor. The committee adopted amendments to authorize the Governor to appoint one of the additional members upon recommendation of the President of the Senate and one member upon the recommendation of the Speaker of the General Assembly.

The amendments further provide that two additional non-voting members shall be appointed to the Commission; one of which is a member of the Senate, appointed by the President of the Senate and the other a member of the General Assembly, appointed by the Speaker of the General Assembly. These two legislators are to serve solely for the purpose of developing and facilitating legislation to assist the commission in fulfilling its statutory mission, and may not exercise any of the executive powers delegated to the Commission by law.

The amendments further provide that the Commission shall set reasonable fees for special projects or services that are not customarily

provided by the department prior to the effective date of the bill. Such fees shall be paid to the Commission for services rendered and shall reflect the cost of providing such projects or services. The committee further amended the bill to provide that the Commission is authorized to charge reasonable fees for services for which fees were charged by the department prior to the effective date of the bill. In addition, the amendments require the Commission to include information in its annual report regarding the imposition, collection and expenditure of fees imposed by the Commission. The amendments also require the Commission to include an assessment of the Commission's effectiveness in meeting short-term and long-term goals in its annual report.

The amendments also authorize the State Auditor to examine the accounts, books and records of the Commission and require that a copy of the Commission's independent audit be filed with the State Auditor. In addition, the amendments require the Commission to submit its budget request in a format agreed upon jointly by the Commission, the Joint Budget Oversight Committee of the Legislature, or its successor, and the Division of Budget and Accounting in the Department of the Treasury.

The committee amendments also reduce the competitive bid threshold for Commission contracts from \$50,000 to \$25,000.

Finally, the committee adopted amendments which provide that the New Capital Sources Board and the Export Finance Company Advisory Council are established in, but not of, the Department of the Treasury.