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**REPORTS:** No

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§5 - Note to  
34:1A-51  
§8 - C.34:1A-53.1  
§13 - Note to §§1-12

P.L. 2005, CHAPTER 378, *approved January 12, 2006*  
Assembly, No. 4055 (*Second Reprint*)

1 **AN ACT** concerning tourism, amending and supplementing P.L.1977,  
2 c.225 (C.34:1A-45 et seq.) and amending P.L.1998, c.44.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1977, c.225 (C.34:1A-46) is amended to read  
8 as follows:

9 2. The Legislature hereby finds and declares that:

10 a. Increased revenues for this State and more employment  
11 opportunities for its citizens will result from the proper promotion  
12 throughout the United States and the world of the many tourist  
13 attractions which New Jersey has to offer to vacationers and travelers.

14 b. Such proper promotion--and the desired expansion of tourism  
15 in New Jersey--will be enhanced by the [elevation of the present  
16 Office of Tourism and Promotion to the more visible level of a division  
17 in the Department of Labor and Industry and by the] formulation of  
18 a master plan for the development of the tourist industry throughout  
19 New Jersey.

20 c. The objective of State policy through its programs, agencies,  
21 and resources shall be to provide an optimum of satisfaction and  
22 high-quality service to visitors, to protect the natural beauty of New  
23 Jersey, and to sustain, promote, and expand the economic health of the  
24 tourist industry in a manner and to the extent compatible with such  
25 goals.

26 d. To implement this policy, the Commerce, Economic Growth and  
27 Tourism Commission shall create advertisements for use on television,  
28 radio, the Internet and in print, to promote the State's diverse appeal  
29 to prospective national and international vacationers and travelers as  
30 part of its advertising, public relations, and marketing campaign. In  
31 addition, as required pursuant to section 9 of P.L.1977, c.225  
32 (C.34:1A-53), the Division of Travel and Tourism shall annually  
33 review the 10-year master plan developed pursuant to section 8 of  
34 P.L.1977, c.225 (C.34:1A-52) by the director of the division with the  
35 assistance of the New Jersey Tourism Policy Council, and submit a  
36 report to the Governor and Legislature containing an evaluation of the  
37 preceding year's activities and developments in tourism and the

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ATG committee amendments adopted May 12, 2005.

<sup>2</sup> Senate SWT committee amendments adopted December 1, 2005.

1 revisions recommended in the master plan.

2 e. In the advancement and promotion of New Jersey's tourism  
3 industry, it is necessary to change the name of the New Jersey  
4 Commerce and Economic Growth Commission to the New Jersey  
5 Commerce, Economic Growth and Tourism Commission and to  
6 require that the division report semiannually to the Governor and the  
7 Legislature on the efforts of the commission to promote tourism in  
8 New Jersey and on the expenditure of funds allocated to tourism  
9 advertising and promotion from hotel and motel occupancy fees  
10 pursuant to section 2 of P.L.2003, c.114 (C.54:32D-2). As tourism  
11 may be particularly sensitive to changing economic conditions, a  
12 frequent review of the State's tourism planning and activities may  
13 necessitate revisions in the State's tourism policy to further encourage  
14 tourism promotion and to otherwise meet the challenges of  
15 implementing this policy.

16 (cf: P.L.1977, c.225, s.2)

17

18 2. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to read  
19 as follows:

20 3. As used in this act, unless a different meaning appears from the  
21 context:

22 [a.] "Commission" means the New Jersey Commerce, Economic  
23 Growth and Tourism Commission established pursuant to section 3 of  
24 P.L.1998, c.44 (C.52:27C-63).

25 "Council" means the New Jersey Tourism [Advisory] Policy  
26 Council.

27 [b.] "Director" means the Director of the Division of Travel and  
28 Tourism.

29 [c.] "Division" means the Division of Travel and Tourism in the  
30 New Jersey Commerce, Economic Growth and Tourism Commission.

31 [d.] "Elected local official" means the county executive of any  
32 county wherein that office is established, a member of the governing  
33 body of a county, or a mayor or member of the governing body of a  
34 municipality.

35 "Tourism" means activities involved in providing and marketing  
36 services and products, including accommodations, for nonresidents  
37 and residents who travel to and in New Jersey for recreation and  
38 pleasure.

39 [e.] "Tourist industry" means the industry consisting of private  
40 and public organizations which directly or indirectly provide services  
41 and products to nonresidents and residents who travel to and in New  
42 Jersey for recreation and pleasure.

43 (cf: P.L.1991, c.280, s.1)

44

45 3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to read  
46 as follows:

1       4. There is hereby established in the [Department of Labor and  
 2 Industry] New Jersey Commerce, Economic Growth and Tourism  
 3 Commission ("commission") the Division of Travel and Tourism. The  
 4 division shall be under the supervision of a director, who shall be a  
 5 person qualified by training and experience to direct the work of such  
 6 division. The director shall be appointed by the Governor after  
 7 consultation with the council and with the advice and consent of the  
 8 Senate [; provided, however, that in the case of the first director to be  
 9 appointed the Governor shall not be required to consult with the  
 10 council]. The director shall serve during the term of office of the  
 11 Governor appointing [him] the director and until [his] the director's  
 12 successor is appointed and qualified. The director shall receive such  
 13 salary as shall be provided by law and shall devote [his] the director's  
 14 entire time and attention to the duties of [his] the director's office and  
 15 shall not, while in office, engage in any other gainful pursuit. The  
 16 Governor may remove the director from office for cause, upon notice  
 17 and opportunity to be heard.

18 (cf: P.L.1977, c.225, s.4)

19

20       <sup>2</sup>[4. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read  
 21 as follows:

22       7. a. There is created in the division the New Jersey Tourism  
 23 [Advisory] Policy Council which shall consist of [19] 22 members:

24       (1) Two members of the Senate who shall serve as ex officio, non-  
 25 voting members, to be appointed by the President thereof, not more  
 26 than one of whom shall be of the same political party, and two  
 27 members of the General Assembly who shall serve as ex officio, non-  
 28 voting members, to be appointed by the Speaker thereof, not more  
 29 than one of whom shall be of the same political party;

30       (2) Six elected local officials, <sup>1</sup>[of whom] not more than three of  
 31 whom shall be of the same political party, who shall be appointed by  
 32 the Governor with the advice and consent of the Senate, and of whom<sup>1</sup>  
 33 one shall be a resident of Cape May or Cumberland County, one shall  
 34 be a resident of Atlantic County, one shall be a resident of Burlington,  
 35 Camden, Gloucester, Mercer or Salem County, one shall be a resident  
 36 of Monmouth or Ocean County, one shall be a resident of Bergen,  
 37 Essex, Hudson, Middlesex, Passaic or Union County, and one shall be  
 38 a resident of Hunterdon, Morris, Somerset, Sussex or Warren County;

39       (3) [Fourteen] Nine public members, who shall be residents of  
 40 this State, not more than [seven] five of whom shall be of the same  
 41 political party, who shall be appointed by the Governor with the advice  
 42 and consent of the Senate, [one of whom shall be designated as  
 43 chairman by the Governor for the term of the member's appointment,  
 44 and 13 of whom] who shall [be chosen from] include persons who by  
 45 experience or training represent the areas of the tourist industry cited

- 1 in subparagraphs (a) through [(m)] (i) of this paragraph:
- 2 (a) One representative of the lodging sector;
- 3 (b) One representative of the food service sector;
- 4 (c) One representative of the [transportation] eco-tourism sector;
- 5 (d) One representative of [a regional tourism council] the cultural
- 6 arts sector;
- 7 (e) One representative of the convention and visitor bureaus
- 8 [sector] or tour/receptive services sectors;
- 9 (f) One representative of the [tour/receptive services]
- 10 entertainment or amusement sector;
- 11 (g) One representative of the outdoor recreation sector;
- 12 (h) One representative of the historical [and cultural arts sector]
- 13 <sup>1</sup>[society]<sup>1</sup> community; and
- 14 (i) One representative of [the entertainment or amusement sector;
- 15 (j) One representative of the financial community;
- 16 (k) One representative of the marketing/research sector;
- 17 (l) One representative of the eco-tourism sector; and
- 18 (m) One representative of] a Statewide travel and tourism
- 19 association representing the various sectors of the tourism industry;
- 20 [and
- 21 (3)] (4) The [director] Chief Executive Officer and Secretary of
- 22 the commission, who shall [be a nonvoting member of the council]
- 23 serve ex officio as a voting member and as chair of the council; and
- 24 (5) The executive directors of the New Jersey Sports and
- 25 Exposition Authority and the Casino Reinvestment Development
- 26 Authority; or their designees, both of whom shall serve ex officio and
- 27 as voting members.
- 28 b. (1) The term of appointment, as a member of the council, of an
- 29 elected local official appointed pursuant to paragraph (2) of subsection
- 30 a. of this section shall be the same as the term of office, as an elected
- 31 local official, that the person is serving at the time of such
- 32 appointment. <sup>1</sup>In the event that a member of the council appointed
- 33 pursuant to that paragraph no longer serves as an elected local official,
- 34 the term of appointment for that member shall cease and the Governor
- 35 may, with the advice and consent of the Senate, appoint a replacement
- 36 to serve for the remainder of the unexpired term.<sup>1</sup> In the case of a
- 37 person who, at the time of such appointment, serves as an elected local
- 38 official in two different offices, the term of the person's appointment
- 39 to the council shall be measured by the longer of the terms as an
- 40 elected local official. Nothing in this paragraph shall preclude the
- 41 reappointment as an elected local official member of the council of a
- 42 person whose term of office as such elected local official has expired,
- 43 but who has been reelected to succeed himself in the same local office.
- 44 (2) The public members of the council shall be appointed to
- 45 three-year terms, except that of the [initial appointments, the chairman

1 and each representative of the transportation, tour/receptive services,  
 2 the financial community, and marketing and research interests shall be  
 3 appointed to a three-year term, each representative of the lodging,  
 4 food service, convention and visitors bureaus, and entertainment  
 5 interests shall be appointed to a two-year term, and each  
 6 representative of the regional tourism councils, outdoor recreation,  
 7 and historical and cultural arts interests shall be appointed to a  
 8 one-year term] public members initially appointed on or after the  
 9 effective date of P.L. , c. (C. )(now pending before the  
 10 Legislature as this bill), those representing the lodging, food service  
 11 and eco-tourism sectors shall be appointed to a two-year term, and  
 12 those representing the cultural arts and outdoor recreation sectors and  
 13 the historical <sup>1</sup>[society]<sup>1</sup> community shall be appointed to a one-year  
 14 term. [Members] Public members shall serve until their successors  
 15 are appointed and qualified. Vacancies occurring other than by  
 16 expiration of term shall be filled for the unexpired term only.

17 c. (Deleted by amendment, P.L.1991, c.280).

18 d. (Deleted by amendment, P.L.1991, c.280).

19 e. The members of the council shall serve without compensation  
 20 but shall be entitled to reimbursement for actual and necessary  
 21 expenses incurred in the performance of their duties as members.

22 f. (Deleted by amendment, P.L.1991, c.280).

23 g. The council shall meet at the call of the [chairman] chair and  
 24 not less than [four times a year] once every month.

25 h. Whenever, in any law, rule, regulation, order, contract,  
 26 document, judicial or administrative proceeding or otherwise,  
 27 reference is made to the New Jersey Tourism Advisory Council, the  
 28 same shall mean and refer to the "New Jersey Tourism Policy Council"  
 29 in the Division of Travel and Tourism.]<sup>2</sup>

30 (cf: P.L.2001, c.255, s.1)

31

32 <sup>2</sup>4. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read  
 33 as follows:

34 7. a. There is created in the division the New Jersey Tourism  
 35 [Advisory] Policy Council which shall consist of [19] 23 members:

36 (1) Two members of the Senate, who shall serve as ex officio, non-  
 37 voting members to be appointed by the President thereof, not more  
 38 than one of whom shall be of the same political party, and two  
 39 members of the General Assembly, who shall serve as ex officio, non-  
 40 voting members to be appointed by the Speaker thereof, not more than  
 41 one of whom shall be of the same political party;

42 (2) [Fourteen] Nine public members, who shall be residents of this  
 43 State, not more than [seven] five of whom shall be of the same  
 44 political party, who shall be appointed by the Governor with the advice  
 45 and consent of the Senate, [one of whom shall be designated as

1 chairman by the Governor for the term of the member's appointment,  
2 and 13 of whom] who shall [be chosen from] include persons who by  
3 experience or training represent the areas of the tourist industry [cited  
4 in subparagraphs (a) through (m) of this paragraph] as follows:

- 5 [(a) One representative of the lodging sector;  
6 (b) One representative of the food service sector;  
7 (c) One representative of the transportation sector;  
8 (d) One representative of a regional tourism council;  
9 (e) One representative of the convention and visitor bureaus  
10 sector;  
11 (f) One representative of the tour/receptive services sector;  
12 (g) One representative of the outdoor recreation sector;  
13 (h) One representative of the historical and cultural arts sector;  
14 (i) One representative of the entertainment or amusement sector;  
15 (j) One representative of the financial community;  
16 (k) One representative of the marketing/research sector;  
17 (l) One representative of the eco-tourism sector; and  
18 (m) One representative of a Statewide travel and tourism  
19 association representing the various sectors of the tourism industry]

20 One representative of the lodging sector;  
21 One representative of the food service sector;  
22 One representative of the eco-tourism sector;  
23 One representative of the cultural arts sector;  
24 One representative of the convention and visitor bureaus or  
25 tour/receptive services sectors;  
26 One representative of the entertainment or amusement sector;  
27 One representative of the outdoor recreation sector;  
28 One representative of the historical community; and  
29 One representative of a Statewide travel and tourism association  
30 representing the various sectors of the tourism industry;  
31 [and]

32 (3) The [director] Chief Executive Officer and Secretary of the  
33 commission, who shall [be a nonvoting] serve ex officio as a voting  
34 member and chair of the council ;

35 (4) Six elected local officials, not more than three of whom shall  
36 be of the same political party, who shall be appointed by the Governor  
37 with the advice and consent of the Senate, and of whom one shall be  
38 a resident of Cape May or Cumberland County, one shall be a resident  
39 of Atlantic County, one shall be a resident of Burlington, Camden,  
40 Gloucester, Mercer or Salem County, one shall be a resident of  
41 Monmouth or Ocean County, one shall be a resident of Bergen, Essex,  
42 Hudson, Middlesex, Passaic or Union County, and one shall be a  
43 resident of Hunterdon, Morris, Somerset, Sussex or Warren County;  
44 and

45 (5) The executive directors of the New Jersey Sports and  
46 Exposition Authority, the Casino Reinvestment Development

1 Authority, and the Atlantic City Convention Center Authority, or their  
2 designees, all of whom shall serve ex officio and as voting members.

3 b. (1) The public members of the council shall be appointed to  
4 three-year terms, except that [of the initial appointments, the chairman  
5 and each representative of the transportation, tour/receptive services,  
6 the financial community, and marketing and research interests shall be  
7 appointed to a three-year term, each representative of the lodging,  
8 food service, convention and visitors bureaus, and entertainment  
9 interests shall be appointed to a two-year term, and each  
10 representative of the regional tourism councils, outdoor recreation,  
11 and historical and cultural arts interests shall be appointed to a  
12 one-year term] public members initially appointed on or after the  
13 effective date of P.L. , c. (pending before the Legislature as this  
14 bill), representing the lodging, food service, and eco-tourism sectors  
15 shall be appointed to a two-year term, and public members  
16 representing the cultural arts and outdoor recreation sectors and the  
17 historical community shall be appointed to a one year term.  
18 [Members] Public members shall serve until their successors are  
19 appointed and qualified. Vacancies occurring other than by expiration  
20 of term shall be filled for the unexpired term only.

21 (2) The term of appointment, as a member of the council, of an  
22 elected local official appointed pursuant to paragraph 4 of subsection  
23 a. of this section shall be the same as the term of office, as an elected  
24 local official, that the person is serving at the time of such  
25 appointment. In the event that a member of the council appointed  
26 pursuant to that paragraph no longer serves as an elected local official,  
27 the term of appointment for that member shall cease and the Governor  
28 may, with the advice and consent of the Senate, appoint a replacement  
29 to serve for the remainder of the unexpired term. In the case of a  
30 person who, at the time of such appointment, serves as an elected local  
31 official in two different offices, the term of the person's appointment  
32 to the council shall be measured by the longer of the terms as an  
33 elected local official. Nothing in this paragraph shall preclude the  
34 reappointment as an elected local official member of the council of a  
35 person whose term of office as such elected local official has expired,  
36 but who has been reelected to succeed himself in the same local office.

37 c. (Deleted by amendment, P.L.1991, c.280).

38 d. (Deleted by amendment, P.L.1991, c.280).

39 e. The members of the council shall serve without compensation  
40 but shall be entitled to reimbursement for actual and necessary  
41 expenses incurred in the performance of their duties as members.

42 f. (Deleted by amendment, P.L.1991, c.280).

43 g. The council shall meet at the call of the [chairman] chair and  
44 not less than [four times a year] once every month.

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

1 reference is made to the New Jersey Tourism Advisory Council, the  
2 same shall mean and refer to the New Jersey Tourism Policy Council  
3 in the Division of Travel and Tourism.<sup>2</sup>

4 (cf: P.L.2001, c.255, s.1)

5  
6 5. (New section) Notwithstanding the provisions of any other law  
7 to the contrary, the term of office of any of the public members of the  
8 New Jersey Tourism Advisory Council serving on the effective date of  
9 P.L. , c. (C. ) (now pending before the Legislature as this bill)  
10 shall cease <sup>1</sup>[and determine]<sup>1</sup> as of that effective date and the  
11 resulting vacancies shall be filled in the manner provided by section 7  
12 of P.L.1977, c.225 (C.34:1A-51). However, a public member whose  
13 term of office has ceased pursuant to this section shall continue in  
14 office until a successor is appointed and qualified.

15  
16 6. Section 9 of P.L.1977, c.225 (C.34:1A-53) is amended to read  
17 as follows:

18 9. In the pursuance and promotion of a State policy on tourism, the  
19 division, at the direction of the Chief Executive Officer and Secretary  
20 of the commission, shall:

21 a. Provide and promote adequate opportunities for county and  
22 municipal participation, Federal agency participation, and private  
23 citizens' involvement in the decision-making process of tourism  
24 planning and policy formulation;

25 b. Encourage all State, county, and municipal governmental and  
26 private agencies to do their utmost to assure the personal safety of  
27 residents and tourists both within and without tourist destination areas;

28 c. Take whatever administrative, litigable, and legislative steps as  
29 are necessary to minimize the problems of tourists in not receiving  
30 contracted services, including transportation, tours, hotels;

31 d. Attempt to reconcile and balance the activities and  
32 accommodations of the tourist with the daily pursuits and lifestyles of  
33 the residents;

34 e. Develop an understanding among all citizens of the role of  
35 tourism in New Jersey, both in terms of its economic and social  
36 importance and the problems it presents, through appropriate formal  
37 and informal learning experiences;

38 f. Cooperate with the Department of Education to promote  
39 throughout the educational system of New Jersey an awareness of  
40 New Jersey history and culture;

41 g. Ensure that the growth of the tourist industry is consistent with  
42 the attainment of economic, social, physical, and environmental  
43 objectives in any State plan and county plans that are adopted;

44 h. Continuously monitor and evaluate the social costs of growth of  
45 the tourist industry against the social benefits;

46 i. Emphasize in the State's tourism promotional efforts the high

- 1 quality of the State's natural and cultural features;
- 2 j. Promote the tourist industry through such activities as Visitors  
3 Bureaus and similar county and municipal agencies, and assure that the  
4 tourist industry contributes its fair share of the cost of such promotion;
- 5 k. Request and receive from any department, division, board,  
6 bureau, commission, or other agency of the State, or any political  
7 subdivision or public authority thereof, such assistance and data as  
8 may be necessary to enable the division to carry out its responsibilities  
9 under this act; [and]
- 10 l. **[Review]** In consultation with the council, review annually and,  
11 if necessary, revise or update the [Statewide] 10-year master plan  
12 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and  
13 submit a report to the Governor and the Legislature containing an  
14 evaluation of the preceding year's activities and developments in  
15 tourism and the revisions recommended in the master plan;
- 16 m. At the direction of the council, operate the commission's Travel  
17 and Tourism Cooperative Marketing Campaign Program; and
- 18 n. Establish and operate the commission's Travel and Tourism  
19 Advertising and Promotion Program.  
20 (cf: P.L.1977, c.225, s.9)
- 21
- 22 7. Section 10 of P.L.1977, c.225 (C.34:1A-54) is amended to read  
23 as follows:
- 24 10. The **[commission]** council shall:
- 25 a. Aid the division in the formulation and updating of the 10-year  
26 master plan developed pursuant to section 8 of P.L.1977, c.225  
27 (C.34:1A-52) and the annual review thereof;
- 28 b. Consider all matters referred to it by the **[director]** Chief  
29 Executive Officer and Secretary of the commission; [and]
- 30 c. Make recommendations to the division on any matter relating to  
31 tourism and the tourist industry in New Jersey and to those objectives  
32 and responsibilities specified in sections 8 and 9 of **[this act]**  
33 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);
- 34 d. <sup>2</sup>**[Review]** Direct the division to review<sup>2</sup> the spending of funds  
35 by the regional tourism councils and provide comments and  
36 recommendations to such councils on the spending of funds when  
37 appropriate;
- 38 e. <sup>2</sup>**[Encourage]** Direct the division to encourage<sup>2</sup> the development  
39 of local marketing organizations, including but not limited to  
40 destination marketing organizations and convention and visitor  
41 bureaus;
- 42 f. <sup>2</sup>**[Ensure]** Direct the division to ensure<sup>2</sup> that a recipient of  
43 funding by the commission for tourism promotion is in compliance  
44 with all terms of the funding agreement, and that the recipient's  
45 promotional message is consistent with the promotional message for

1 the State established by the Chief Executive Officer and Secretary of  
2 the commission;

3 g. Direct the division on the operation of the commission's Travel  
4 and Tourism Cooperative Marketing Campaign Program;

5 h. Commission the New Jersey Center for Hospitality and Tourism  
6 at Richard Stockton College of New Jersey to conduct an annual  
7 survey and analysis of New Jersey's tourism industry for the purpose  
8 of providing data to improve the effectiveness of tourism promotion.  
9 The council shall direct the division to make the survey and analysis  
10 results available to tourism groups throughout the State. In a year  
11 during which the New Jersey Center for Hospitality and Tourism is  
12 unable or unavailable to conduct the survey and analysis, the council  
13 shall choose another entity to conduct the survey and analysis for that  
14 year; and

15 i. Perform other duties as assigned by the Chief Executive Officer  
16 and Secretary of the commission.

17 (cf: P.L.1977, c.225, s.10)

18

19 8. (New section) In addition to the powers and duties of the  
20 division as provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the  
21 division shall submit a report no later than January 31 and July 31 of  
22 every year on the tourism marketing campaigns of the commission and  
23 the expenditure of funds appropriated to the commission for tourism  
24 promotion to the Governor, the President of the Senate, the Speaker  
25 of the General Assembly, the Senate Wagering, Tourism and Historic  
26 Preservation Committee and the Assembly Tourism and Gaming  
27 Committee, or their successors. The report shall include, but not be  
28 limited to, the following information:

29 a. A description of the efforts of the commission to promote New  
30 Jersey tourism in the six-month period ending on December 31 and  
31 June 30 preceding the respective dates on which the report is due. The  
32 report shall list: (1) the type of each promotion made, including but  
33 not limited to, promotions in the form of print, radio, Internet or  
34 television advertisements, tourism information or reference guides,  
35 tourism event calendars or the attendance by commission employees  
36 at conferences relevant to tourism promotion, (2) the content of each  
37 such advertisement, guide, calendar or other promotional aid made, or  
38 conference attended, (3) the dates and locations where tourism  
39 advertisements were shown, when such guides, calendars or other  
40 promotional aids were made available, or when such conferences took  
41 place, and (4) the aggregate amount of money expended on each  
42 advertisement, guide, calendar, promotional aid or conference listed;

43 b. A list of entities that received, in the six-month period ending on  
44 December 31 and June 30 preceding the respective dates on which the  
45 report is due, State matching funds under the commission's Travel and  
46 Tourism Cooperative Marketing Campaign Program and the

1 commission's Advertising and Promotion Program, the amount of  
2 funds each entity received from either program, and the amount of  
3 each of the recipient entity's expenditures made from the funds of  
4 either program; and

5 c. A general description of the potential tourism promotion efforts  
6 the commission is considering for the six-month period beginning on  
7 January 1 and July 1 preceding the respective dates on which the  
8 report is due. Such description shall be distributed to the members of  
9 the council. A member of the public may receive a copy of such  
10 description upon request.

11 The report shall identify whether or not each of the efforts to  
12 promote tourism listed in the report is consistent with the provisions  
13 of the 10-year master plan developed pursuant to section 8 of  
14 P.L.1977, c.225 (C.34:1A-52), identify the relevant provisions of the  
15 master plan with which the effort to promote tourism is consistent or  
16 inconsistent, and provide an explanation of the consistency or  
17 inconsistency.

18

19 9. Section 1 of P.L.1998, c.44 (C.52:27C-61) is amended to read  
20 as follows:

21 1. This act shall be known and may be cited as the "New Jersey  
22 Commerce [and] Economic Growth and Tourism Commission Act  
23 [of 1998]."

24 (cf: P.L.1998, c.44, s.1)

25

26 10. Section 2 of P.L.1998, c.44 (C.52:27C-62) is amended to read  
27 as follows:

28 2. The Legislature finds and declares that:

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

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

33 c. To attract business, New Jersey must think and act like a  
34 business, by utilizing the best available personnel, without  
35 consideration of political affiliation, selected on the basis of the skills,  
36 ability and experience, needed to provide enhanced customer service,  
37 and by responding to the needs of the business community with  
38 flexibility and agility; and

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

43 e. Because we soon will be entering the 21st century, New Jersey  
44 must now boldly transform its economic development mission to be  
45 market driven, mobile and responsive enough to the future's challenges  
46 to empower New Jersey to undertake new commercial and economic

- 1 ventures as the economic engine of the Northeast; and
- 2 f. The State and its citizens will benefit from a more sharply  
3 focused economic development vision, in which the State's efforts are  
4 coordinated under one organization, the New Jersey Commerce [and],  
5 Economic Growth and Tourism Commission, that coordinates  
6 economic development activities for the State with all related entities,  
7 including, but not limited to, the New Jersey Economic Development  
8 Authority, the New Jersey Commission on Science and Technology,  
9 the New Jersey Urban Enterprise Zone Authority, the Motion Picture  
10 and Television Development Commission, and the New Jersey  
11 Development Authority for Small Businesses, Minorities' and Women's  
12 Enterprises; and
- 13 g. Just as the Legislature 25 years ago could not have predicted the  
14 technological and business changes that have taken place since then,  
15 this Legislature recognizes that it, too, cannot predict the future and  
16 must, therefore, ensure that the Commerce [and], Economic Growth  
17 and Tourism Commission has the agility and ability to retool its focus  
18 and priorities to ensure the State's capability to respond to the  
19 technological and business changes yet to come; and
- 20 h. Economic growth and prosperity are still the number one  
21 priorities for our citizens, and by creating an innovative and  
22 independent economic development entity, the New Jersey Commerce  
23 [and], Economic Growth and Tourism Commission, the Legislature  
24 reaffirms that it is also a priority of government; and
- 25 i. The board of directors of the commission appointed pursuant to  
26 this act should assist the Chief Executive Officer and Secretary of the  
27 commission appointed pursuant to this act in assuring that persons  
28 appointed to the staff of the commission, because they will no longer  
29 be in the classified civil service pursuant to Title 11A of the New  
30 Jersey Statutes, will be selected on the basis of qualification and  
31 professional and technical competence, avoiding political  
32 considerations to the maximum extent possible; and
- 33 j. The New Jersey Commerce, Economic Growth and Tourism  
34 Commission promotes economic vitality and builds a foundation for  
35 world economic leadership in the 21st century and stimulates dynamic  
36 economic growth by providing resources and services to citizens,  
37 businesses and institutions, in partnership with other government  
38 agencies and the private sector, to create jobs. Because of the crucial  
39 importance tourism plays in New Jersey's economy, the commission is  
40 therefore charged with the mandate to increase tourism through  
41 promotional, informational, educational, and developmental programs.  
42 These initiatives are to be designed to maintain and increase New  
43 Jersey's standing as a premier national and international travel  
44 destination by nurturing, expanding and attracting industry, commerce,  
45 and tourism, in order to achieve the highest quality of life and ensure

1 economic security for all our citizens.

2 (cf: P.L.1998, c.44, s.2)

3

4 11. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to read  
5 as follows:

6 3. There is established a body corporate and politic, with corporate  
7 succession, to be known as the "New Jersey Commerce [and],  
8 Economic Growth and Tourism Commission" (hereinafter "the  
9 commission").

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

17 (cf: P.L.1998, c.44, s.3)

18

19 12. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to read  
20 as follows:

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

37 (cf: P.L.1998, c.44, s.5)

38

39 13. This act shall take effect immediately; sections 1 through 12  
40 shall remain inoperative until the 90th day after enactment, but the  
41 New Jersey Commerce and Economic Growth Commission may take  
42 such anticipatory administrative action in advance as shall be necessary  
43 for the implementation of the act.

1

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2

3 The "New Jersey Tourism Restructuring Act."

# ASSEMBLY, No. 4055

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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INTRODUCED MAY 5, 2005

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

The "New Jersey Tourism Restructuring Act."

**CURRENT VERSION OF TEXT**

As introduced.



A4055 VAN DREW

2

1 AN ACT concerning tourism, amending and supplementing P.L.1977,  
2 c.225 (C.34:1A-45 et seq.) and amending P.L.1998, c.44.

3

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

6

7 1. Section 2 of P.L.1977, c.225 (C.34:1A-46) is amended to read  
8 as follows:

9 2. The Legislature hereby finds and declares that:

10 a. Increased revenues for this State and more employment  
11 opportunities for its citizens will result from the proper promotion  
12 throughout the United States and the world of the many tourist  
13 attractions which New Jersey has to offer to vacationers and travelers.

14 b. Such proper promotion--and the desired expansion of tourism  
15 in New Jersey--will be enhanced by the [elevation of the present  
16 Office of Tourism and Promotion to the more visible level of a division  
17 in the Department of Labor and Industry and by the] formulation of  
18 a master plan for the development of the tourist industry throughout  
19 New Jersey.

20 c. The objective of State policy through its programs, agencies,  
21 and resources shall be to provide an optimum of satisfaction and  
22 high-quality service to visitors, to protect the natural beauty of New  
23 Jersey, and to sustain, promote, and expand the economic health of the  
24 tourist industry in a manner and to the extent compatible with such  
25 goals.

26 d. To implement this policy, the Commerce, Economic Growth and  
27 Tourism Commission shall create advertisements for use on television,  
28 radio, the Internet and in print, to promote the State's diverse appeal  
29 to prospective national and international vacationers and travelers as  
30 part of its advertising, public relations, and marketing campaign. In  
31 addition, as required pursuant to section 9 of P.L.1977, c.225  
32 (C.34:1A-53), the Division of Travel and Tourism shall annually  
33 review the 10-year master plan developed pursuant to section 8 of  
34 P.L.1977, c.225 (C.34:1A-52) by the director of the division with the  
35 assistance of the New Jersey Tourism Policy Council, and submit a  
36 report to the Governor and Legislature containing an evaluation of the  
37 preceding year's activities and developments in tourism and the  
38 revisions recommended in the master plan.

39 e. In the advancement and promotion of New Jersey's tourism  
40 industry, it is necessary to change the name of the New Jersey  
41 Commerce and Economic Growth Commission to the New Jersey  
42 Commerce, Economic Growth and Tourism Commission and to  
43 require that the division report semiannually to the Governor and the

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

Matter underlined thus is new matter.

1 Legislature on the efforts of the commission to promote tourism in  
2 New Jersey and on the expenditure of funds allocated to tourism  
3 advertising and promotion from hotel and motel occupancy fees  
4 pursuant to section 2 of P.L.2003, c.114 (C.54:32D-2). As tourism  
5 may be particularly sensitive to changing economic conditions, a  
6 frequent review of the State's tourism planning and activities may  
7 necessitate revisions in the State's tourism policy to further encourage  
8 tourism promotion and to otherwise meet the challenges of  
9 implementing this policy.

10 (cf: P.L.1977, c.225, s.2)

11

12 2. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to read  
13 as follows:

14 3. As used in this act, unless a different meaning appears from the  
15 context:

16 [a.] "Commission" means the New Jersey Commerce, Economic  
17 Growth and Tourism Commission established pursuant to section 3 of  
18 P.L.1998, c.44 (C.52:27C-63).

19 "Council" means the New Jersey Tourism [Advisory] Policy  
20 Council.

21 [b.] "Director" means the Director of the Division of Travel and  
22 Tourism.

23 [c.] "Division" means the Division of Travel and Tourism in the  
24 New Jersey Commerce, Economic Growth and Tourism Commission.

25 [d.] "Elected local official" means the county executive of any  
26 county wherein that office is established, a member of the governing  
27 body of a county, or a mayor or member of the governing body of a  
28 municipality.

29 "Tourism" means activities involved in providing and marketing  
30 services and products, including accommodations, for nonresidents  
31 and residents who travel to and in New Jersey for recreation and  
32 pleasure.

33 [e.] "Tourist industry" means the industry consisting of private  
34 and public organizations which directly or indirectly provide services  
35 and products to nonresidents and residents who travel to and in New  
36 Jersey for recreation and pleasure.

37 (cf: P.L.1991, c.280, s.1)

38

39 3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to read  
40 as follows:

41 4. There is hereby established in the [Department of Labor and  
42 Industry] New Jersey Commerce, Economic Growth and Tourism  
43 Commission ("commission") the Division of Travel and Tourism. The  
44 division shall be under the supervision of a director, who shall be a  
45 person qualified by training and experience to direct the work of such  
46 division. The director shall be appointed by the Governor after

1 consultation with the council and with the advice and consent of the  
2 Senate [; provided, however, that in the case of the first director to be  
3 appointed the Governor shall not be required to consult with the  
4 council]. The director shall serve during the term of office of the  
5 Governor appointing [him] the director and until [his] the director's  
6 successor is appointed and qualified. The director shall receive such  
7 salary as shall be provided by law and shall devote [his] the director's  
8 entire time and attention to the duties of [his] the director's office and  
9 shall not, while in office, engage in any other gainful pursuit. The  
10 Governor may remove the director from office for cause, upon notice  
11 and opportunity to be heard.

12 (cf: P.L.1977, c.225, s.4)

13

14 4. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read  
15 as follows:

16 7. a. There is created in the division the New Jersey Tourism  
17 **[Advisory] Policy Council** which shall consist of **[19] 22** members:

18 (1) Two members of the Senate who shall serve as ex officio, non-  
19 voting members, to be appointed by the President thereof, not more  
20 than one of whom shall be of the same political party, and two  
21 members of the General Assembly who shall serve as ex officio, non-  
22 voting members, to be appointed by the Speaker thereof, not more  
23 than one of whom shall be of the same political party;

24 (2) Six elected local officials, of whom one shall be a resident of  
25 Cape May or Cumberland County, one shall be a resident of Atlantic  
26 County, one shall be a resident of Burlington, Camden, Gloucester,  
27 Mercer or Salem County, one shall be a resident of Monmouth or  
28 Ocean County, one shall be a resident of Bergen, Essex, Hudson,  
29 Middlesex, Passaic or Union County, and one shall be a resident of  
30 Hunterdon, Morris, Somerset, Sussex or Warren County;

31 (3) **[Fourteen] Nine** public members , who shall be residents of  
32 this State, not more than **[seven] five** of whom shall be of the same  
33 political party, who shall be appointed by the Governor with the advice  
34 and consent of the Senate, **[one of whom shall be designated as**  
35 **chairman by the Governor for the term of the member's appointment,**  
36 **and 13 of whom]** who shall [be chosen from] include persons who by  
37 experience or training represent the areas of the tourist industry cited  
38 in subparagraphs (a) through [(m)] (i) of this paragraph:

39 (a) One representative of the lodging sector;

40 (b) One representative of the food service sector;

41 (c) One representative of the **[transportation] eco-tourism** sector;

42 (d) One representative of **[a regional tourism council] the cultural**  
43 arts sector;

44 (e) One representative of the convention and visitor bureaus  
45 **[sector] or tour/receptive services sectors;**

1 (f) One representative of the [tour/receptive services]  
2 entertainment or amusement sector;

3 (g) One representative of the outdoor recreation sector;

4 (h) One representative of the historical [and cultural arts sector]  
5 society community; and

6 (i) One representative of [the entertainment or amusement sector];

7 (j) One representative of the financial community;

8 (k) One representative of the marketing/research sector;

9 (l) One representative of the eco-tourism sector; and

10 (m) One representative of] a Statewide travel and tourism  
11 association representing the various sectors of the tourism industry;  
12 [and

13 (3)] (4) The [director] Chief Executive Officer and Secretary of  
14 the commission, who shall [be a nonvoting member of the council]  
15 serve ex officio as a voting member and as chair of the council; and

16 (5) The executive directors of the New Jersey Sports and  
17 Exposition Authority and the Casino Reinvestment Development  
18 Authority; or their designees, both of whom shall serve ex officio and  
19 as voting members.

20 b. (1) The term of appointment, as a member of the council, of an  
21 elected local official appointed pursuant to paragraph (2) of subsection  
22 a. of this section shall be the same as the term of office, as an elected  
23 local official, that the person is serving at the time of such  
24 appointment. In the case of a person who, at the time of such  
25 appointment, serves as an elected local official in two different offices,  
26 the term of the person's appointment to the council shall be measured  
27 by the longer of the terms as an elected local official. Nothing in this  
28 paragraph shall preclude the reappointment as an elected local official  
29 member of the council of a person whose term of office as such  
30 elected local official has expired, but who has been reelected to  
31 succeed himself in the same local office.

32 (2) The public members of the council shall be appointed to  
33 three-year terms, except that of the [initial appointments], the  
34 chairman and each representative of the transportation, tour/receptive  
35 services, the financial community, and marketing and research interests  
36 shall be appointed to a three-year term, each representative of the  
37 lodging, food service, convention and visitors bureaus, and  
38 entertainment interests shall be appointed to a two-year term, and each  
39 representative of the regional tourism councils, outdoor recreation,  
40 and historical and cultural arts interests shall be appointed to a  
41 one-year term] public members initially appointed on or after the  
42 effective date of P.L. , c. (C. ) (now pending before the  
43 Legislature as this bill), those representing the lodging, food service  
44 and eco-tourism sectors shall be appointed to a two-year term, and  
45 those representing the cultural arts and outdoor recreation sectors and

1 the historical society community shall be appointed to a one-year term.

2 **[Members]** Public members shall serve until their successors are  
3 appointed and qualified. Vacancies occurring other than by expiration  
4 of term shall be filled for the unexpired term only.

5 c. (Deleted by amendment, P.L.1991, c.280).

6 d. (Deleted by amendment, P.L.1991, c.280).

7 e. The members of the council shall serve without compensation  
8 but shall be entitled to reimbursement for actual and necessary  
9 expenses incurred in the performance of their duties as members.

10 f. (Deleted by amendment, P.L.1991, c.280).

11 g. The council shall meet at the call of the **[chairman]** chair and  
12 not less than **[four times a year]** once every month.

13 h. Whenever, in any law, rule, regulation, order, contract,  
14 document, judicial or administrative proceeding or otherwise,  
15 reference is made to the New Jersey Tourism Advisory Council, the  
16 same shall mean and refer to the "New Jersey Tourism Policy Council"  
17 in the Division of Travel and Tourism.

18 (cf: P.L.2001, c.255, s.1)

19

20 5. (New section) Notwithstanding the provisions of any other law  
21 to the contrary, the term of office of any of the public members of the  
22 New Jersey Tourism Advisory Council serving on the effective date of  
23 P.L. , c. (C. )(now pending before the Legislature as this bill)  
24 shall cease and determine as of that effective date and the resulting  
25 vacancies shall be filled in the manner provided by section 7 of  
26 P.L.1977, c.225 (C.34:1A-51). However, a public member whose  
27 term of office has ceased pursuant to this section shall continue in  
28 office until a successor is appointed and qualified.

29

30 6. Section 9 of P.L.1977, c.225 (C.34:1A-53) is amended to read  
31 as follows:

32 9. In the pursuance and promotion of a State policy on tourism, the  
33 division, at the direction of the Chief Executive Officer and Secretary  
34 of the commission, shall:

35 a. Provide and promote adequate opportunities for county and  
36 municipal participation, Federal agency participation, and private  
37 citizens' involvement in the decision-making process of tourism  
38 planning and policy formulation;

39 b. Encourage all State, county, and municipal governmental and  
40 private agencies to do their utmost to assure the personal safety of  
41 residents and tourists both within and without tourist destination areas;

42 c. Take whatever administrative, litigable, and legislative steps as  
43 are necessary to minimize the problems of tourists in not receiving  
44 contracted services, including transportation, tours, hotels;

45 d. Attempt to reconcile and balance the activities and  
46 accommodations of the tourist with the daily pursuits and lifestyles of

1 the residents;

2 e. Develop an understanding among all citizens of the role of  
3 tourism in New Jersey, both in terms of its economic and social  
4 importance and the problems it presents, through appropriate formal  
5 and informal learning experiences;

6 f. Cooperate with the Department of Education to promote  
7 throughout the educational system of New Jersey an awareness of  
8 New Jersey history and culture;

9 g. Ensure that the growth of the tourist industry is consistent with  
10 the attainment of economic, social, physical, and environmental  
11 objectives in any State plan and county plans that are adopted;

12 h. Continuously monitor and evaluate the social costs of growth of  
13 the tourist industry against the social benefits;

14 i. Emphasize in the State's tourism promotional efforts the high  
15 quality of the State's natural and cultural features;

16 j. Promote the tourist industry through such activities as Visitors  
17 Bureaus and similar county and municipal agencies, and assure that the  
18 tourist industry contributes its fair share of the cost of such promotion;

19 k. Request and receive from any department, division, board,  
20 bureau, commission, or other agency of the State, or any political  
21 subdivision or public authority thereof, such assistance and data as  
22 may be necessary to enable the division to carry out its responsibilities  
23 under this act; [and]

24 1. [Review] In consultation with the council, review annually and,  
25 if necessary, revise or update the [Statewide] 10-year master plan  
26 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and  
27 submit a report to the Governor and the Legislature containing an  
28 evaluation of the preceding year's activities and developments in  
29 tourism and the revisions recommended in the master plan;

30 m. At the direction of the council, operate the commission's Travel  
31 and Tourism Cooperative Marketing Campaign Program; and

32 n. Establish and operate the commission's Travel and Tourism  
33 Advertising and Promotion Program.

34 (cf: P.L.1977, c.225, s.9)

35

36 7. Section 10 of P.L.1977, c.225 (C.34:1A-54) is amended to read  
37 as follows:

38 10. The [commission] council shall:

39 a. Aid the division in the formulation and updating of the 10-year  
40 master plan developed pursuant to section 8 of P.L.1977, c.225  
41 (C.34:1A-52) and the annual review thereof;

42 b. Consider all matters referred to it by the [director] Chief  
43 Executive Officer and Secretary of the commission; [and]

44 c. Make recommendations to the division on any matter relating to  
45 tourism and the tourist industry in New Jersey and to those objectives  
46 and responsibilities specified in sections 8 and 9 of [this act]

1 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53):

2 d. Review the spending of funds by the regional tourism councils  
3 and provide comments and recommendations to such councils on the  
4 spending of funds when appropriate:

5 e. Encourage the development of local marketing organizations,  
6 including but not limited to destination marketing organizations and  
7 convention and visitor bureaus:

8 f. Ensure that a recipient of funding by the commission for tourism  
9 promotion is in compliance with all terms of the funding agreement,  
10 and that the recipient's promotional message is consistent with the  
11 promotional message for the State established by the Chief Executive  
12 Officer and Secretary of the commission:

13 g. Direct the division on the operation of the commission's Travel  
14 and Tourism Cooperative Marketing Campaign Program:

15 h. Commission the New Jersey Center for Hospitality and Tourism  
16 at Richard Stockton College of New Jersey to conduct an annual  
17 survey and analysis of New Jersey's tourism industry for the purpose  
18 of providing data to improve the effectiveness of tourism promotion.  
19 The council shall direct the division to make the survey and analysis  
20 results available to tourism groups throughout the State. In a year  
21 during which the New Jersey Center for Hospitality and Tourism is  
22 unable or unavailable to conduct the survey and analysis, the council  
23 shall choose another entity to conduct the survey and analysis for that  
24 year; and

25 i. Perform other duties as assigned by the Chief Executive Officer  
26 and Secretary of the commission.

27 (cf: P.L.1977, c.225, s.10)

28

29 8. (New section) In addition to the powers and duties of the  
30 division as provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the  
31 division shall submit a report no later than January 31 and July 31 of  
32 every year on the tourism marketing campaigns of the commission and  
33 the expenditure of funds appropriated to the commission for tourism  
34 promotion to the Governor, the President of the Senate, the Speaker  
35 of the General Assembly, the Senate Wagering, Tourism and Historic  
36 Preservation Committee and the Assembly Tourism and Gaming  
37 Committee, or their successors. The report shall include, but not be  
38 limited to, the following information:

39 a. A description of the efforts of the commission to promote New  
40 Jersey tourism in the six-month period ending on December 31 and  
41 June 30 preceding the respective dates on which the report is due. The  
42 report shall list: (1) the type of each promotion made, including but  
43 not limited to, promotions in the form of print, radio, Internet or  
44 television advertisements, tourism information or reference guides,  
45 tourism event calendars or the attendance by commission employees  
46 at conferences relevant to tourism promotion, (2) the content of each

1 such advertisement, guide, calendar or other promotional aid made, or  
2 conference attended, (3) the dates and locations where tourism  
3 advertisements were shown, when such guides, calendars or other  
4 promotional aids were made available, or when such conferences took  
5 place, and (4) the aggregate amount of money expended on each  
6 advertisement, guide, calendar, promotional aid or conference listed;

7 b. A list of entities that received, in the six-month period ending on  
8 December 31 and June 30 preceding the respective dates on which the  
9 report is due, State matching funds under the commission's Travel and  
10 Tourism Cooperative Marketing Campaign Program and the  
11 commission's Advertising and Promotion Program, the amount of  
12 funds each entity received from either program, and the amount of  
13 each of the recipient entity's expenditures made from the funds of  
14 either program; and

15 c. A general description of the potential tourism promotion efforts  
16 the commission is considering for the six-month period beginning on  
17 January 1 and July 1 preceding the respective dates on which the  
18 report is due. Such description shall be distributed to the members of  
19 the council. A member of the public may receive a copy of such  
20 description upon request.

21 The report shall identify whether or not each of the efforts to  
22 promote tourism listed in the report is consistent with the provisions  
23 of the 10-year master plan developed pursuant to section 8 of  
24 P.L.1977, c.225 (C.34:1A-52), identify the relevant provisions of the  
25 master plan with which the effort to promote tourism is consistent or  
26 inconsistent, and provide an explanation of the consistency or  
27 inconsistency.

28

29 9. Section 1 of P.L.1998, c.44 (C.52:27C-61) is amended to read  
30 as follows:

31 1. This act shall be known and may be cited as the "New Jersey  
32 Commerce [and], Economic Growth and Tourism Commission Act  
33 [of 1998]."

34 (cf: P.L.1998, c.44, s.1)

35

36 10. Section 2 of P.L.1998, c.44 (C.52:27C-62) is amended to read  
37 as follows:

38 2. The Legislature finds and declares that:

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

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

43 c. To attract business, New Jersey must think and act like a  
44 business, by utilizing the best available personnel, without  
45 consideration of political affiliation, selected on the basis of the skills,  
46 ability and experience, needed to provide enhanced customer service,

1 and by responding to the needs of the business community with  
2 flexibility and agility; and

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

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

12 f. The State and its citizens will benefit from a more sharply  
13 focused economic development vision, in which the State's efforts are  
14 coordinated under one organization, the New Jersey Commerce [and],  
15 Economic Growth and Tourism Commission, that coordinates  
16 economic development activities for the State with all related entities,  
17 including, but not limited to, the New Jersey Economic Development  
18 Authority, the New Jersey Commission on Science and Technology,  
19 the New Jersey Urban Enterprise Zone Authority, the Motion Picture  
20 and Television Development Commission, and the New Jersey  
21 Development Authority for Small Businesses, Minorities' and Women's  
22 Enterprises; and

23 g. Just as the Legislature 25 years ago could not have predicted the  
24 technological and business changes that have taken place since then,  
25 this Legislature recognizes that it, too, cannot predict the future and  
26 must, therefore, ensure that the Commerce [and], Economic Growth  
27 and Tourism Commission has the agility and ability to retool its focus  
28 and priorities to ensure the State's capability to respond to the  
29 technological and business changes yet to come; and

30 h. Economic growth and prosperity are still the number one  
31 priorities for our citizens, and by creating an innovative and  
32 independent economic development entity, the New Jersey Commerce  
33 [and], Economic Growth and Tourism Commission, the Legislature  
34 reaffirms that it is also a priority of government; and

35 i. The board of directors of the commission appointed pursuant to  
36 this act should assist the Chief Executive Officer and Secretary of the  
37 commission appointed pursuant to this act in assuring that persons  
38 appointed to the staff of the commission, because they will no longer  
39 be in the classified civil service pursuant to Title 11A of the New  
40 Jersey Statutes, will be selected on the basis of qualification and  
41 professional and technical competence, avoiding political  
42 considerations to the maximum extent possible; and

43 j. The New Jersey Commerce, Economic Growth and Tourism  
44 Commission promotes economic vitality and builds a foundation for  
45 world economic leadership in the 21st century and stimulates dynamic  
46 economic growth by providing resources and services to citizens.

1 businesses and institutions, in partnership with other government  
2 agencies and the private sector, to create jobs. Because of the crucial  
3 importance tourism plays in New Jersey's economy, the commission is  
4 therefore charged with the mandate to increase tourism through  
5 promotional, informational, educational, and developmental programs.  
6 These initiatives are to be designed to maintain and increase New  
7 Jersey's standing as a premier national and international travel  
8 destination by nurturing, expanding and attracting industry, commerce,  
9 and tourism, in order to achieve the highest quality of life and ensure  
10 economic security for all our citizens.

11 (cf: P.L.1998, c.44, s.2)

12

13 11. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to read  
14 as follows:

15 3. There is established a body corporate and politic, with corporate  
16 succession, to be known as the "New Jersey Commerce [and],  
17 Economic Growth and Tourism Commission" (hereinafter "the  
18 commission").

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

26 (cf: P.L.1998, c.44, s.3)

27

28 12. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to read  
29 as follows:

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

46 (cf: P.L.1998, c.44, s.5)



1 the amount of funds each entity received from either program, and the  
2 amount of each of the recipient entity's expenditures made from the  
3 funds of either program; and (6) a general description of the tourism  
4 promotion efforts the commission is considering for the next six  
5 months. Such description is to be distributed to the members of the  
6 New Jersey Tourism Policy Council and, upon request, such  
7 description may be made available to the public. The bill also requires  
8 the report to identify wherever possible relevant provisions of the 10-  
9 year tourism master plan developed pursuant to law.

10 The bill changes the name of the New Jersey Tourism Advisory  
11 Council to the New Jersey Tourism Policy Council ("council") to  
12 reflect the increased mission, duties and responsibilities of the council.  
13 The bill changes the membership of the council from 19 to 22 members  
14 and terminates the membership of all current public members, but  
15 allows for the appointment of a reduced number of public members  
16 who represent certain tourism-related industries and adds six members  
17 who are elected local officials, but not a member of the Senate or  
18 General Assembly, and who reside in one of the six counties or groups  
19 of counties as specified in the bill. The new public members  
20 representing certain tourism-related industries would initially serve  
21 staggered terms. The six elected local officials would serve during  
22 their terms of office. The bill adds the executive directors of the New  
23 Jersey Sports and Exposition Authority and the Casino Reinvestment  
24 Development Authority, or their designees, to the council and clarifies  
25 that the executive directors serve ex officio and as voting members.  
26 The bill requires the Chief Executive Officer and Secretary of the  
27 commission to serve as a voting, ex officio member who shall serve as  
28 chair of the council. The bill clarifies that legislative members serve as  
29 ex officio, non-voting members. The council is to meet at least once  
30 a month.

31 In addition to its current statutory duties, the bill requires the  
32 division to: (1) at the direction of the council, operate the  
33 commission's Travel and Tourism Cooperative Marketing Campaign  
34 Program; (2) establish and operate the commission's Travel and  
35 Tourism Advertising and Promotion Program; and (3) consult with the  
36 council in formulating and updating the 10-year master plan.

37 In addition to its current statutory duties, the bill requires the  
38 council to: (1) aid the division in the formulation and updating of the  
39 10-year master plan; (2) review the spending of funds of the regional  
40 tourism councils and provide comments and recommendations to such  
41 councils on spending when appropriate; (3) encourage the  
42 development of local marketing organizations, including but not  
43 limited to destination marketing organizations and convention and  
44 visitor bureaus; (4) ensure that a recipient of funding by the  
45 commission for tourism promotion is in compliance with all terms of  
46 the funding agreement, and that the recipient's promotional message

1 is consistent with the promotional message for the State established by  
2 the Chief Executive Officer and Secretary of the commission; (5)  
3 direct the division on the operation of the commission's Travel and  
4 Tourism Cooperative Marketing Campaign Program; (6) commission  
5 the New Jersey Center for Hospitality and Tourism at Richard  
6 Stockton College of New Jersey to conduct an annual survey and  
7 analysis of New Jersey's tourism industry for the purpose of providing  
8 data to improve the effectiveness of tourism promotion. The council  
9 is to direct the division to make the survey and analysis results  
10 available to tourism groups throughout the State. In a year during  
11 which the New Jersey Center for Hospitality and Tourism is unable or  
12 unavailable to conduct the survey and analysis, the council is to choose  
13 another entity to conduct the survey and analysis for that year; and (7)  
14 perform other duties as assigned by the Chief Executive Officer and  
15 Secretary of the commission.

# ASSEMBLY TOURISM AND GAMING COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4055**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 12, 2005

The Assembly Tourism and Gaming Committee reports favorably and with committee amendments Assembly, No. 4055.

This bill augments the State's efforts in promoting the travel and tourism industry in New Jersey.

The bill changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission and changes the findings and declarations of the statute establishing the commission in order to implement the provisions of Reorganization Plan No. 005-2004, submitted by Governor McGreevey to the Legislature on October 18, 2004.

This bill also increases the duties and responsibilities of the Division of Travel and Tourism in the commission. The bill requires the division to submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors, no later than January 31 and July 31 of every year, on the tourism industry in New Jersey, the marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion. The report is to include a description of the efforts of the commission to promote New Jersey tourism in the previous six months.

In addition, the bill requires the division to:

(1) at the direction of the council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(2) establish and operate the commission's Travel and Tourism Advertising and Promotion Program; and

(3) consult with the council in formulating and updating the 10-year master plan.

The bill changes the name of the New Jersey Tourism Advisory Council to the New Jersey Tourism Policy Council to reflect the increased mission, duties and responsibilities of the council. The bill changes the membership of the council from 19 to 22 members and

terminates the membership of all current public members, but allows for the appointment of a reduced number of public members who represent certain tourism-related industries. The bill also adds six members who are elected local officials, and who reside in one of the six counties or groups of counties as specified in the bill. The bill adds the executive directors of the New Jersey Sports and Exposition Authority and the Casino Reinvestment Development Authority, or their designees, to the council and clarifies that the executive directors serve ex officio and as voting members. The bill requires the Chief Executive Officer and Secretary of the commission to serve as a voting, ex officio member who shall serve as chair of the council. The bill clarifies that legislative members serve as ex officio, non-voting members. The council is to meet at least once a month.

In addition to its current statutory duties, the bill requires the council to:

(1) aid the division in the formulation and updating of the 10-year master plan;

(2) review the spending of funds of the regional tourism councils and provide comments and recommendations to the councils on spending when appropriate;

(3) encourage the development of local marketing organizations, including but not limited to destination marketing organizations and convention and visitor bureaus;

(4) ensure that a recipient of funding by the commission for tourism promotion is in compliance with all terms of the funding agreement, and that the recipient's promotional message is consistent with the promotional message for the State established by the Chief Executive Officer and Secretary of the commission;

(5) direct the division on the operation of the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(6) commission the New Jersey Center for Hospitality and Tourism at Richard Stockton College of New Jersey to conduct an annual survey and analysis of New Jersey's tourism industry; and

(7) perform other duties as assigned by the Chief Executive Officer and Secretary of the commission.

The committee amended the bill to:

(1) Specify that the six local elected officials on the Tourism Policy Council will be appointed by the Governor with the advice and consent of the Senate, and that not more than three of the officials will be of the same political party. Additionally, in the event that one of the local elected officials no longer serves in his or her elected office, the term of appointment for that member on the council would cease and a replacement would be appointed by the Governor with the advice and consent of the Senate to serve for the remainder of the unexpired term;

(2) Change the designation of one of the public members from a member of the "Historical Society Community" to a member of the "Historical Community"; and

(3) Remove a typographical error in Section 5 of the bill.

SENATE WAGERING, TOURISM & HISTORIC  
PRESERVATION COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4055**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 1, 2005

The Senate Senate Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Assembly, No. 4055 (1R).

This bill augments the State's efforts in promoting the travel and tourism industry in New Jersey.

The bill changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission and changes the findings and declarations of the statute establishing the commission in order to implement the provisions of Reorganization Plan No. 005-2004, submitted by Governor McGreevey to the Legislature on October 18, 2004.

This bill also increases the duties and responsibilities of the Division of Travel and Tourism in the commission. The bill requires the division to submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors, no later than January 31 and July 31 of every year, on the tourism industry in New Jersey, the marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion. The report is to include a description of the efforts of the commission to promote New Jersey tourism in the previous six months.

In addition, the bill requires the division to:

(1) at the direction of the council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(2) establish and operate the commission's Travel and Tourism Advertising and Promotion Program; and

(3) consult with the council in formulating and updating the 10-year master plan.

The bill changes the name of the New Jersey Tourism Advisory Council to the New Jersey Tourism Policy Council to reflect the increased mission, duties and responsibilities of the council. The bill changes the membership of the council from 19 to 23 members and terminates the membership of all current public members, but allows for the appointment of a reduced number of public members who represent certain tourism-related industries. The bill also adds six members who are elected local officials and reside in one of the six counties or groups of counties as specified in the bill, to be appointed by the Governor with the advice and consent of the Senate. The bill adds the executive directors of the New Jersey Sports and Exposition Authority, the Casino Reinvestment Development Authority, and the Atlantic City Convention Center Authority, or their designees, to the council and clarifies that the executive directors serve *ex officio* and as voting members. The bill requires the Chief Executive Officer and Secretary of the commission to serve as a voting, *ex officio* member who shall serve as chair of the council. The bill clarifies that legislative members serve as *ex officio*, non-voting members. The council is to meet at least once a month.

In addition to its current statutory duties, the bill requires the council to:

(1) aid the division in the formulation and updating of the 10-year master plan;

(2) direct the division to review the spending of funds of the regional tourism councils and provide comments and recommendations to the councils on spending when appropriate;

(3) direct the division to encourage the development of local marketing organizations, including but not limited to destination marketing organizations and convention and visitor bureaus;

(4) direct the division to ensure that a recipient of funding by the commission for tourism promotion is in compliance with all terms of the funding agreement, and that the recipient's promotional message is consistent with the promotional message for the State established by the Chief Executive Officer and Secretary of the commission;

(5) direct the division on the operation of the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(6) commission the New Jersey Center for Hospitality and Tourism at Richard Stockton College of New Jersey to conduct an annual survey and analysis of New Jersey's tourism industry; and

(7) perform other duties as assigned by the Chief Executive Officer and Secretary of the commission.

The committee amended the bill to add the executive director of the Atlantic City Convention Center Authority, or the executive director's designee, to the council to serve *ex officio* and as a voting member.

The committee amendments also changed the duties of the council, so that it will direct the division to review the spending of funds of the regional tourism councils and provide comments and recommendations

to the councils on spending when appropriate, encourage the development of local marketing organizations, including but not limited to destination marketing organizations and convention and visitor bureaus, and ensure that a recipient of funding by the commission for tourism promotion is in compliance with all terms of the funding agreement, and that the recipient's promotional message is consistent with the promotional message for the State established by the Chief Executive Officer and Secretary of the commission, instead of performing these functions itself.

As amended by the committee, this bill is identical to S 2680 [1R].

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**ASSEMBLY, No. 4055**

**STATE OF NEW JERSEY**

**211th LEGISLATURE**

DATED: JULY 8, 2005

## SUMMARY

**Synopsis:** The "New Jersey Tourism Restructuring Act."  
**Type of Impact:** No impact  
**Agencies Affected:** New Jersey Commerce, Economic Growth and Tourism Commission

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$0	\$0	\$0

- ! The Office of Legislative Services estimates that there will be no additional costs to implement the provisions of the bill. Currently, the New Jersey Commerce, Economic Growth and Tourism Commission is conducting a number of the duties provided in the bill as a result of Reorganization Plan No. 005-2004, issued October 18, 2004 and effective December 17, 2004.
- ! The bill changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission in the statutes and increases the duties and responsibilities of the Division of Travel and Tourism in the commission.
- ! The commission informally indicates that there will be no additional costs to implement the provisions of the bill.

## BILL DESCRIPTION

Assembly Bill No. 4055 (1R) of 2005 changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission and changes the findings and declarations of the statute establishing the commission in order to implement the provisions of Reorganization Plan No. 005-2004, submitted by Governor McGreevey to the Legislature on October 18, 2004.

The bill also increases the duties and responsibilities of the Division of Travel and Tourism

in the commission. The bill requires the division to submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors, no later than January 31 and July 31 of every year, on the tourism industry in New Jersey, the marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion. The report is to include a description of the efforts on the commission to promote New Jersey tourism in the previous six months.

In addition, the bill requires the division to:

(1) at the direction of the New Jersey Tourism Advisory Council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(2) establish and operate the commission's Travel and Tourism Advertising and Promotion Program; and

(3) consult with the council in formulating and updating the 10-year master plan.

The bill changes the name of the New Jersey Tourism Advisory Council to the New Jersey Tourism Policy Council to reflect the increased mission, duties and responsibilities of the council. The bill also changes the membership of the council from 19 to 22 members and the council composition.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates that there will be no additional costs to implement the provisions of the bill. Currently, the New Jersey Commerce, Economic Growth and Tourism Commission is conducting a number of the duties provided in the bill as a result of Reorganization Plan No. 005-2004, issued October 18, 2004 and effective December 17, 2004. The commission informally indicates that there will be no additional costs to implement the provisions of the bill.

Section: *Commerce, Labor and Industry*

Analyst: *Sonya S. Davis*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 4055**

**STATE OF NEW JERSEY**

**211th LEGISLATURE**

DATED: FEBRUARY 9, 2006

## SUMMARY

**Synopsis:** The "New Jersey Tourism Restructuring Act."  
**Type of Impact:** No impact  
**Agencies Affected:** New Jersey Commerce, Economic Growth and Tourism Commission

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$0	\$0	\$0

- ! The Office of Legislative Services estimates that there will be no additional costs to implement the provisions of the bill. Currently, the New Jersey Commerce, Economic Growth and Tourism Commission is conducting a number of the duties provided in the bill as a result of Reorganization Plan No. 005-2004, issued October 18, 2004 and effective December 17, 2004.
- ! The bill changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission in the statutes and increases the duties and responsibilities of the Division of Travel and Tourism in the commission.
- ! The commission informally indicates that there will be no additional costs to implement the provisions of the bill.

## BILL DESCRIPTION

Assembly Bill No. 4055 (2R) of 2005 changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission and changes the findings and declarations of the statute establishing the commission in order to implement the provisions of Reorganization Plan No. 005-2004, submitted by Governor McGreevey to the Legislature on October 18, 2004.

The bill also increases the duties and responsibilities of the Division of Travel and Tourism in the commission. The bill requires the division to submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors, no later than January 31 and July 31 of every year, on the tourism industry in New Jersey, the marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion. The report is to include a description of the efforts on the commission to promote New Jersey tourism in the previous six months.

In addition, the bill requires the division to:

(1) at the direction of the New Jersey Tourism Policy Council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(2) establish and operate the commission's Travel and Tourism Advertising and Promotion Program; and

(3) consult with the council in formulating and updating the 10-year master plan.

The bill changes the name of the New Jersey Tourism Advisory Council to the New Jersey Tourism Policy Council to reflect the increased mission, duties and responsibilities of the council. The bill also changes the membership of the council from 19 to 23 members and the council composition.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates that there will be no additional costs to implement the provisions of the bill. Currently, the New Jersey Commerce, Economic Growth and Tourism Commission is conducting a number of the duties provided in the bill as a result of Reorganization Plan No. 005-2004, issued October 18, 2004 and effective December 17, 2004. The commission informally indicates that there will be no additional costs to implement the provisions of the bill.

Section: *Commerce, Labor and Industry*

Analyst: *Sonya S. Davis*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 2680**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED JUNE 20, 2005

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

The "New Jersey Tourism Restructuring Act."

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning tourism, amending and supplementing P.L.1977,  
2 c.225 (C.34:1A-45 et seq.) and amending P.L.1998, c.44.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1977, c.225 (C.34:1A-46) is amended to read  
8 as follows:

9 2. The Legislature hereby finds and declares that:

10 a. Increased revenues for this State and more employment  
11 opportunities for its citizens will result from the proper promotion  
12 throughout the United States and the world of the many tourist  
13 attractions which New Jersey has to offer to vacationers and travelers.

14 b. Such proper promotion--and the desired expansion of tourism  
15 in New Jersey--will be enhanced by the [elevation of the present  
16 Office of Tourism and Promotion to the more visible level of a division  
17 in the Department of Labor and Industry and by the] formulation of  
18 a master plan for the development of the tourist industry throughout  
19 New Jersey.

20 c. The objective of State policy through its programs, agencies,  
21 and resources shall be to provide an optimum of satisfaction and  
22 high-quality service to visitors, to protect the natural beauty of New  
23 Jersey, and to sustain, promote, and expand the economic health of the  
24 tourist industry in a manner and to the extent compatible with such  
25 goals.

26 d. To implement this policy, the Commerce, Economic Growth and  
27 Tourism Commission shall create advertisements for use on television,  
28 radio, the Internet and in print, to promote the State's diverse appeal  
29 to prospective national and international vacationers and travelers as  
30 part of its advertising, public relations, and marketing campaign. In  
31 addition, as required pursuant to section 9 of P.L.1977, c.225  
32 (C.34:1A-53), the Division of Travel and Tourism shall annually  
33 review the 10-year master plan developed pursuant to section 8 of  
34 P.L.1977, c.225 (C.34:1A-52) by the director of the division with the  
35 assistance of the New Jersey Tourism Policy Council, and submit a  
36 report to the Governor and Legislature containing an evaluation of the  
37 preceding year's activities and developments in tourism and the  
38 revisions recommended in the master plan.

39 e. In the advancement and promotion of New Jersey's tourism  
40 industry, it is necessary to change the name of the New Jersey  
41 Commerce and Economic Growth Commission to the New Jersey  
42 Commerce, Economic Growth and Tourism Commission and to  
43 require that the division report semiannually to the Governor and the

**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 Legislature on the efforts of the commission to promote tourism in  
2 New Jersey and on the expenditure of funds allocated to tourism  
3 advertising and promotion from hotel and motel occupancy fees  
4 pursuant to section 2 of P.L.2003, c.114 (C.54:32D-2). As tourism  
5 may be particularly sensitive to changing economic conditions, a  
6 frequent review of the State's tourism planning and activities may  
7 necessitate revisions in the State's tourism policy to further encourage  
8 tourism promotion and to otherwise meet the challenges of  
9 implementing this policy.

10 (cf: P.L.1977, c.225, s.2)

11

12 2. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to read  
13 as follows:

14 3. As used in this act, unless a different meaning appears from the  
15 context:

16 [a.] "Commission" means the New Jersey Commerce, Economic  
17 Growth and Tourism Commission established pursuant to section 3 of  
18 P.L.1998, c.44 (C.52:27C-63).

19 "Council" means the New Jersey Tourism [Advisory] Policy  
20 Council.

21 [b.] "Director" means the Director of the Division of Travel and  
22 Tourism.

23 [c.] "Division" means the Division of Travel and Tourism in the  
24 New Jersey Commerce, Economic Growth and Tourism Commission.

25 [d.] "Elected local official" means the county executive of any  
26 county wherein that office is established, a member of the governing  
27 body of a county, or a mayor or member of the governing body of a  
28 municipality.

29 "Tourism" means activities involved in providing and marketing  
30 services and products, including accommodations, for nonresidents  
31 and residents who travel to and in New Jersey for recreation and  
32 pleasure.

33 [e.] "Tourist industry" means the industry consisting of private  
34 and public organizations which directly or indirectly provide services  
35 and products to nonresidents and residents who travel to and in New  
36 Jersey for recreation and pleasure.

37 (cf: P.L.1991, c.280, s.1)

38

39 3. Section 4 of P.L.1977, c.225 (C.34:1A-48) is amended to read  
40 as follows:

41 4. There is hereby established in the [Department of Labor and  
42 Industry] New Jersey Commerce, Economic Growth and Tourism  
43 Commission ("commission") the Division of Travel and Tourism. The  
44 division shall be under the supervision of a director, who shall be a  
45 person qualified by training and experience to direct the work of such  
46 division. The director shall be appointed by the Governor after

1 consultation with the council and with the advice and consent of the  
2 Senate [; provided, however, that in the case of the first director to be  
3 appointed the Governor shall not be required to consult with the  
4 council]. The director shall serve during the term of office of the  
5 Governor appointing [him] the director and until [his] the director's  
6 successor is appointed and qualified. The director shall receive such  
7 salary as shall be provided by law and shall devote [his] the director's  
8 entire time and attention to the duties of [his] the director's office and  
9 shall not, while in office, engage in any other gainful pursuit. The  
10 Governor may remove the director from office for cause, upon notice  
11 and opportunity to be heard.

12 (cf: P.L.1977, c.225, s.4)

13

14 4. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read  
15 as follows:

16 7. a. There is created in the division the New Jersey Tourism  
17 **[Advisory] Policy Council** which shall consist of **[19] 22** members:

18 (1) Two members of the Senate who shall serve as ex officio, non-  
19 voting members, to be appointed by the President thereof, not more  
20 than one of whom shall be of the same political party, and two  
21 members of the General Assembly who shall serve as ex officio, non-  
22 voting members, to be appointed by the Speaker thereof, not more  
23 than one of whom shall be of the same political party;

24 (2) Six elected local officials, not more than three of whom shall  
25 be of the same political party, who shall be appointed by the Governor  
26 with the advice and consent of the Senate, and of whom one shall be  
27 a resident of Cape May or Cumberland County, one shall be a resident  
28 of Atlantic County, one shall be a resident of Burlington, Camden,  
29 Gloucester, Mercer or Salem County, one shall be a resident of  
30 Monmouth or Ocean County, one shall be a resident of Bergen, Essex,  
31 Hudson, Middlesex, Passaic or Union County, and one shall be a  
32 resident of Hunterdon, Morris, Somerset, Sussex or Warren County;

33 (3) **[Fourteen] Nine** public members , who shall be residents of  
34 this State, not more than [seven] five of whom shall be of the same  
35 political party, who shall be appointed by the Governor with the advice  
36 and consent of the Senate, [one of whom shall be designated as  
37 chairman by the Governor for the term of the member's appointment,  
38 and 13 of whom] who shall [be chosen from] include persons who by  
39 experience or training represent the areas of the tourist industry cited  
40 in subparagraphs (a) through **[(m)] (i)** of this paragraph:

41 (a) One representative of the lodging sector;

42 (b) One representative of the food service sector;

43 (c) One representative of the **[transportation] eco-tourism** sector;

44 (d) One representative of **[a regional tourism council] the cultural**  
45 arts sector;

- 1 (e) One representative of the convention and visitor bureaus  
2 [sector] or tour/receptive services sectors;
- 3 (f) One representative of the [tour/receptive services]  
4 entertainment or amusement sector;
- 5 (g) One representative of the outdoor recreation sector;
- 6 (h) One representative of the historical [and cultural arts sector]  
7 community; and
- 8 (i) One representative of [the entertainment or amusement sector;  
9 (j) One representative of the financial community;
- 10 (k) One representative of the marketing/research sector;
- 11 (l) One representative of the eco-tourism sector; and
- 12 (m) One representative of] a Statewide travel and tourism  
13 association representing the various sectors of the tourism industry;  
14 [and
- 15 (3)] (4) The [director] Chief Executive Officer and Secretary of  
16 the commission, who shall [be a nonvoting member of the council]  
17 serve ex officio as a voting member and as chair of the council; and
- 18 (5) The executive directors of the New Jersey Sports and  
19 Exposition Authority and the Casino Reinvestment Development  
20 Authority; or their designees, both of whom shall serve ex officio and  
21 as voting members.
- 22 b. (1) The term of appointment, as a member of the council, of an  
23 elected local official appointed pursuant to paragraph (2) of subsection  
24 a. of this section shall be the same as the term of office, as an elected  
25 local official, that the person is serving at the time of such  
26 appointment. In the event that a member of the council appointed  
27 pursuant to that paragraph no longer serves as an elected local official,  
28 the term of appointment for that member shall cease and the Governor  
29 may, with the advice and consent of the Senate, appoint a replacement  
30 to serve for the remainder of the unexpired term. In the case of a  
31 person who, at the time of such appointment, serves as an elected local  
32 official in two different offices, the term of the person's appointment  
33 to the council shall be measured by the longer of the terms as an  
34 elected local official. Nothing in this paragraph shall preclude the  
35 reappointment as an elected local official member of the council of a  
36 person whose term of office as such elected local official has expired,  
37 but who has been reelected to succeed himself in the same local office.
- 38 (2) The public members of the council shall be appointed to  
39 three-year terms, except that of the [initial appointments, the chairman  
40 and each representative of the transportation, tour/receptive services,  
41 the financial community, and marketing and research interests shall be  
42 appointed to a three-year term, each representative of the lodging,  
43 food service, convention and visitors bureaus, and entertainment  
44 interests shall be appointed to a two-year term, and each  
45 representative of the regional tourism councils, outdoor recreation,

1 and historical and cultural arts interests shall be appointed to a  
2 one-year term] public members initially appointed on or after the  
3 effective date of P.L. , c. (C. )(now pending before the  
4 Legislature as this bill), those representing the lodging, food service  
5 and eco-tourism sectors shall be appointed to a two-year term, and  
6 those representing the cultural arts and outdoor recreation sectors and  
7 the historical community shall be appointed to a one-year term.  
8 [Members] Public members shall serve until their successors are  
9 appointed and qualified. Vacancies occurring other than by expiration  
10 of term shall be filled for the unexpired term only.

11 c. (Deleted by amendment, P.L.1991, c.280).

12 d. (Deleted by amendment, P.L.1991, c.280).

13 e. The members of the council shall serve without compensation  
14 but shall be entitled to reimbursement for actual and necessary  
15 expenses incurred in the performance of their duties as members.

16 f. (Deleted by amendment, P.L.1991, c.280).

17 g. The council shall meet at the call of the [chairman] chair and  
18 not less than [four times a year] once every month.

19 h. Whenever, in any law, rule, regulation, order, contract,  
20 document, judicial or administrative proceeding or otherwise,  
21 reference is made to the New Jersey Tourism Advisory Council, the  
22 same shall mean and refer to the "New Jersey Tourism Policy Council"  
23 in the Division of Travel and Tourism.

24 (cf: P.L.2001, c.255, s.1)

25

26 5. (New section) Notwithstanding the provisions of any other law  
27 to the contrary, the term of office of any of the public members of the  
28 New Jersey Tourism Advisory Council serving on the effective date of  
29 P.L. , c. (C. )(now pending before the Legislature as this bill)  
30 shall cease as of that effective date and the resulting vacancies shall be  
31 filled in the manner provided by section 7 of P.L.1977, c.225  
32 (C.34:1A-51). However, a public member whose term of office has  
33 ceased pursuant to this section shall continue in office until a successor  
34 is appointed and qualified.

35

36 6. Section 9 of P.L.1977, c.225 (C.34:1A-53) is amended to read  
37 as follows:

38 9. In the pursuance and promotion of a State policy on tourism, the  
39 division, at the direction of the Chief Executive Officer and Secretary  
40 of the commission, shall:

41 a. Provide and promote adequate opportunities for county and  
42 municipal participation, Federal agency participation, and private  
43 citizens' involvement in the decision-making process of tourism  
44 planning and policy formulation;

45 b. Encourage all State, county, and municipal governmental and  
46 private agencies to do their utmost to assure the personal safety of

- 1 residents and tourists both within and without tourist destination areas;
- 2 c. Take whatever administrative, litigable, and legislative steps as
- 3 are necessary to minimize the problems of tourists in not receiving
- 4 contracted services, including transportation, tours, hotels;
- 5 d. Attempt to reconcile and balance the activities and
- 6 accommodations of the tourist with the daily pursuits and lifestyles of
- 7 the residents;
- 8 e. Develop an understanding among all citizens of the role of
- 9 tourism in New Jersey, both in terms of its economic and social
- 10 importance and the problems it presents, through appropriate formal
- 11 and informal learning experiences;
- 12 f. Cooperate with the Department of Education to promote
- 13 throughout the educational system of New Jersey an awareness of
- 14 New Jersey history and culture;
- 15 g. Ensure that the growth of the tourist industry is consistent with
- 16 the attainment of economic, social, physical, and environmental
- 17 objectives in any State plan and county plans that are adopted;
- 18 h. Continuously monitor and evaluate the social costs of growth of
- 19 the tourist industry against the social benefits;
- 20 i. Emphasize in the State's tourism promotional efforts the high
- 21 quality of the State's natural and cultural features;
- 22 j. Promote the tourist industry through such activities as Visitors
- 23 Bureaus and similar county and municipal agencies, and assure that the
- 24 tourist industry contributes its fair share of the cost of such promotion;
- 25 k. Request and receive from any department, division, board,
- 26 bureau, commission, or other agency of the State, or any political
- 27 subdivision or public authority thereof, such assistance and data as
- 28 may be necessary to enable the division to carry out its responsibilities
- 29 under this act; [and]
- 30 1. [Review] In consultation with the council, review annually and,
- 31 if necessary, revise or update the [Statewide] 10-year master plan
- 32 developed pursuant to section 8 of P.L.1977, c.225 (C.34:1A-52), and
- 33 submit a report to the Governor and the Legislature containing an
- 34 evaluation of the preceding year's activities and developments in
- 35 tourism and the revisions recommended in the master plan;
- 36 m. At the direction of the council, operate the commission's Travel
- 37 and Tourism Cooperative Marketing Campaign Program; and
- 38 n. Establish and operate the commission's Travel and Tourism
- 39 Advertising and Promotion Program.
- 40 (cf: P.L.1977, c.225, s.9)
- 41
- 42 7. Section 10 of P.L.1977, c.225 (C.34:1A-54) is amended to read
- 43 as follows:
- 44 10. The [commission] council shall:
- 45 a. Aid the division in the formulation and updating of the 10-year
- 46 master plan developed pursuant to section 8 of P.L.1977, c.225

1 (C.34:1A-52) and the annual review thereof;

2 b. Consider all matters referred to it by the [director] Chief  
3 Executive Officer and Secretary of the commission; [and]

4 c. Make recommendations to the division on any matter relating to  
5 tourism and the tourist industry in New Jersey and to those objectives  
6 and responsibilities specified in sections 8 and 9 of [this act]  
7 P.L.1977, c.225 (C.34:1A-52 and C.34:1A-53);

8 d. Direct the division to review the spending of funds by the  
9 regional tourism councils and provide comments and recommendations  
10 to such councils on the spending of funds when appropriate;

11 e. Direct the division to encourage the development of local  
12 marketing organizations, including but not limited to destination  
13 marketing organizations and convention and visitor bureaus;

14 f. Direct the division to ensure that a recipient of funding by the  
15 commission for tourism promotion is in compliance with all terms of  
16 the funding agreement, and that the recipient's promotional message  
17 is consistent with the promotional message for the State established by  
18 the Chief Executive Officer and Secretary of the commission;

19 g. Direct the division on the operation of the commission's Travel  
20 and Tourism Cooperative Marketing Campaign Program;

21 h. Commission the New Jersey Center for Hospitality and Tourism  
22 at Richard Stockton College of New Jersey to conduct an annual  
23 survey and analysis of New Jersey's tourism industry for the purpose  
24 of providing data to improve the effectiveness of tourism promotion.  
25 The council shall direct the division to make the survey and analysis  
26 results available to tourism groups throughout the State. In a year  
27 during which the New Jersey Center for Hospitality and Tourism is  
28 unable or unavailable to conduct the survey and analysis, the council  
29 shall choose another entity to conduct the survey and analysis for that  
30 year; and

31 i. Perform other duties as assigned by the Chief Executive Officer  
32 and Secretary of the commission.

33 (cf: P.L.1977, c.225, s.10)

34

35 8. (New section) In addition to the powers and duties of the  
36 division as provided in section 9 of P.L.1977, c.225 (C.34:1A-53), the  
37 division shall submit a report no later than January 31 and July 31 of  
38 every year on the tourism marketing campaigns of the commission and  
39 the expenditure of funds appropriated to the commission for tourism  
40 promotion to the Governor, the President of the Senate, the Speaker  
41 of the General Assembly, the Senate Wagering, Tourism and Historic  
42 Preservation Committee and the Assembly Tourism and Gaming  
43 Committee, or their successors. The report shall include, but not be  
44 limited to, the following information:

45 a. A description of the efforts of the commission to promote New  
46 Jersey tourism in the six-month period ending on December 31 and

1 June 30 preceding the respective dates on which the report is due. The  
2 report shall list: (1) the type of each promotion made, including but  
3 not limited to, promotions in the form of print, radio, Internet or  
4 television advertisements, tourism information or reference guides,  
5 tourism event calendars or the attendance by commission employees  
6 at conferences relevant to tourism promotion, (2) the content of each  
7 such advertisement, guide, calendar or other promotional aid made, or  
8 conference attended, (3) the dates and locations where tourism  
9 advertisements were shown, when such guides, calendars or other  
10 promotional aids were made available, or when such conferences took  
11 place, and (4) the aggregate amount of money expended on each  
12 advertisement, guide, calendar, promotional aid or conference listed;

13 b. A list of entities that received, in the six-month period ending on  
14 December 31 and June 30 preceding the respective dates on which the  
15 report is due, State matching funds under the commission's Travel and  
16 Tourism Cooperative Marketing Campaign Program and the  
17 commission's Advertising and Promotion Program, the amount of  
18 funds each entity received from either program, and the amount of  
19 each of the recipient entity's expenditures made from the funds of  
20 either program; and

21 c. A general description of the potential tourism promotion efforts  
22 the commission is considering for the six-month period beginning on  
23 January 1 and July 1 preceding the respective dates on which the  
24 report is due. Such description shall be distributed to the members of  
25 the council. A member of the public may receive a copy of such  
26 description upon request.

27 The report shall identify whether or not each of the efforts to  
28 promote tourism listed in the report is consistent with the provisions  
29 of the 10-year master plan developed pursuant to section 8 of  
30 P.L.1977, c.225 (C.34:1A-52), identify the relevant provisions of the  
31 master plan with which the effort to promote tourism is consistent or  
32 inconsistent, and provide an explanation of the consistency or  
33 inconsistency.

34

35 9. Section 1 of P.L.1998, c.44 (C.52:27C-61) is amended to read  
36 as follows:

37 1. This act shall be known and may be cited as the "New Jersey  
38 Commerce [and], Economic Growth and Tourism Commission Act  
39 [of 1998]."

40 (cf: P.L.1998, c.44, s.1)

41

42 10. Section 2 of P.L.1998, c.44 (C.52:27C-62) is amended to read  
43 as follows:

44 2. The Legislature finds and declares that:

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

- 1       b. The State must do all it can to increase opportunities for New  
2 Jersey citizens to enjoy economic success and prosperity; and
- 3       c. To attract business, New Jersey must think and act like a  
4 business, by utilizing the best available personnel, without  
5 consideration of political affiliation, selected on the basis of the skills,  
6 ability and experience, needed to provide enhanced customer service,  
7 and by responding to the needs of the business community with  
8 flexibility and agility; and
- 9       d. Commerce and economic development are priorities for New  
10 Jersey because success in these endeavors means the creation of jobs  
11 for our citizens. As such, commerce and economic development  
12 deserve a unique and dynamic role in our State government; and
- 13       e. Because we soon will be entering the 21st century, New Jersey  
14 must now boldly transform its economic development mission to be  
15 market driven, mobile and responsive enough to the future's challenges  
16 to empower New Jersey to undertake new commercial and economic  
17 ventures as the economic engine of the Northeast; and
- 18       f. The State and its citizens will benefit from a more sharply  
19 focused economic development vision, in which the State's efforts are  
20 coordinated under one organization, the New Jersey Commerce [and],  
21 Economic Growth and Tourism Commission, that coordinates  
22 economic development activities for the State with all related entities,  
23 including, but not limited to, the New Jersey Economic Development  
24 Authority, the New Jersey Commission on Science and Technology,  
25 the New Jersey Urban Enterprise Zone Authority, the Motion Picture  
26 and Television Development Commission, and the New Jersey  
27 Development Authority for Small Businesses, Minorities' and Women's  
28 Enterprises; and
- 29       g. Just as the Legislature 25 years ago could not have predicted the  
30 technological and business changes that have taken place since then,  
31 this Legislature recognizes that it, too, cannot predict the future and  
32 must, therefore, ensure that the Commerce [and], Economic Growth  
33 and Tourism Commission has the agility and ability to retool its focus  
34 and priorities to ensure the State's capability to respond to the  
35 technological and business changes yet to come; and
- 36       h. Economic growth and prosperity are still the number one  
37 priorities for our citizens, and by creating an innovative and  
38 independent economic development entity, the New Jersey Commerce  
39 [and], Economic Growth and Tourism Commission, the Legislature  
40 reaffirms that it is also a priority of government; and
- 41       i. The board of directors of the commission appointed pursuant to  
42 this act should assist the Chief Executive Officer and Secretary of the  
43 commission appointed pursuant to this act in assuring that persons  
44 appointed to the staff of the commission, because they will no longer  
45 be in the classified civil service pursuant to Title 11A of the New  
46 Jersey Statutes, will be selected on the basis of qualification and

1 professional and technical competence, avoiding political  
2 considerations to the maximum extent possible; and  
3 j. The New Jersey Commerce, Economic Growth and Tourism  
4 Commission promotes economic vitality and builds a foundation for  
5 world economic leadership in the 21st century and stimulates dynamic  
6 economic growth by providing resources and services to citizens,  
7 businesses and institutions, in partnership with other government  
8 agencies and the private sector, to create jobs. Because of the crucial  
9 importance tourism plays in New Jersey's economy, the commission is  
10 therefore charged with the mandate to increase tourism through  
11 promotional, informational, educational, and developmental programs.  
12 These initiatives are to be designed to maintain and increase New  
13 Jersey's standing as a premier national and international travel  
14 destination by nurturing, expanding and attracting industry, commerce,  
15 and tourism, in order to achieve the highest quality of life and ensure  
16 economic security for all our citizens.

17 (cf: P.L.1998, c.44, s.2)

18

19 11. Section 3 of P.L.1998, c.44 (C.52:27C-63) is amended to read  
20 as follows:

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

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

32 (cf: P.L.1998, c.44, s.3)

33

34 12. Section 5 of P.L.1998, c.44 (C.52:27C-65) is amended to read  
35 as follows:

36 5. All appropriations and other moneys available and to become  
37 available to any department, division, bureau, board, commission, or  
38 other entity or agency, the functions, powers and duties of which have  
39 been assigned or transferred to the Department of Commerce and  
40 Economic Development, are hereby continued in the commission,  
41 except as herein otherwise provided, and shall be available for the  
42 objects and purposes for which such moneys are appropriated subject  
43 to any terms, restrictions, limitations, or other requirements imposed  
44 by State or federal law. Nothing herein shall alter the provisions of  
45 section 4 of P.L.1983, c.190 (C.34:1B-39). Whenever, in any law,  
46 rule, regulation, order, contract, document, judicial or administrative

1 proceeding or otherwise, reference is made to the Department of  
2 Commerce and Economic Development or the New Jersey Commerce  
3 and Economic Growth Commission, the same shall mean and refer to  
4 the "New Jersey Commerce [and], Economic Growth and Tourism  
5 Commission" in but not of the Department of the Treasury.  
6 (cf: P.L.1998, c.44, s.5)

7  
8 13. This act shall take effect immediately; sections 1 through 12  
9 shall remain inoperative until the 90th day after enactment, but the  
10 New Jersey Commerce and Economic Growth Commission may take  
11 such anticipatory administrative action in advance as shall be necessary  
12 for the implementation of the act.

13  
14  
15 STATEMENT

16  
17 This bill augments the State's efforts in promoting the travel and  
18 tourism industry in New Jersey.

19 The bill changes the name of the New Jersey Commerce and  
20 Economic Growth Commission to the New Jersey Commerce,  
21 Economic Growth and Tourism Commission and changes the findings  
22 and declarations of the statute establishing the commission in order to  
23 implement the provisions of Reorganization Plan No. 005-2004,  
24 submitted by Governor McGreevey to the Legislature on October 18,  
25 2004.

26 This bill also increases the duties and responsibilities of the Division  
27 of Travel and Tourism in the commission. The bill requires the  
28 division to submit a report to the Governor, the President of the  
29 Senate, the Speaker of the General Assembly, the Senate Wagering,  
30 Tourism and Historic Preservation Committee and the Assembly  
31 Tourism and Gaming Committee, or their successors, no later than  
32 January 31 and July 31 of every year, on the tourism industry in New  
33 Jersey, the marketing campaigns of the commission and the  
34 expenditure of funds appropriated to the commission for tourism  
35 promotion. The report is to include a description of the efforts of the  
36 commission to promote New Jersey tourism in the previous six  
37 months.

38 In addition, the bill requires the division to:

39 (1) at the direction of the council, operate the commission's Travel  
40 and Tourism Cooperative Marketing Campaign Program;

41 (2) establish and operate the commission's Travel and Tourism  
42 Advertising and Promotion Program; and

43 (3) consult with the council in formulating and updating the 10-year  
44 master plan.

45 The bill changes the name of the New Jersey Tourism Advisory  
46 Council to the New Jersey Tourism Policy Council to reflect the

1 increased mission, duties and responsibilities of the council. The bill  
2 changes the membership of the council from 19 to 22 members and  
3 terminates the membership of all current public members, but allows  
4 for the appointment of a reduced number of public members who  
5 represent certain tourism-related industries. The bill also adds six  
6 members who are elected local officials, and who reside in one of the  
7 six counties or groups of counties as specified in the bill. The bill adds  
8 the executive directors of the New Jersey Sports and Exposition  
9 Authority and the Casino Reinvestment Development Authority, or  
10 their designees, to the council and clarifies that the executive directors  
11 serve ex officio and as voting members. The bill requires the Chief  
12 Executive Officer and Secretary of the commission to serve as a  
13 voting, ex officio member who shall serve as chair of the council. The  
14 bill clarifies that legislative members serve as ex officio, non-voting  
15 members. The council is to meet at least once a month.

16 In addition to its current statutory duties, the bill requires the  
17 council to:

18 (1) aid the division in the formulation and updating of the 10-year  
19 master plan;

20 (2) direct the division to review the spending of funds of the  
21 regional tourism councils and provide comments and recommendations  
22 to the councils on spending when appropriate;

23 (3) direct the division to encourage the development of local  
24 marketing organizations, including but not limited to destination  
25 marketing organizations and convention and visitor bureaus;

26 (4) direct the division to ensure that a recipient of funding by the  
27 commission for tourism promotion is in compliance with all terms of  
28 the funding agreement, and that the recipient's promotional message  
29 is consistent with the promotional message for the State established by  
30 the Chief Executive Officer and Secretary of the commission;

31 (5) direct the division on the operation of the commission's Travel  
32 and Tourism Cooperative Marketing Campaign Program;

33 (6) commission the New Jersey Center for Hospitality and Tourism  
34 at Richard Stockton College of New Jersey to conduct an annual  
35 survey and analysis of New Jersey's tourism industry; and

36 (7) perform other duties as assigned by the Chief Executive Officer  
37 and Secretary of the commission.

SENATE WAGERING, TOURISM & HISTORIC  
PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 2680**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 1, 2005

The Senate Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate, No. 2680.

This bill augments the State's efforts in promoting the travel and tourism industry in New Jersey.

The bill changes the name of the New Jersey Commerce and Economic Growth Commission to the New Jersey Commerce, Economic Growth and Tourism Commission and changes the findings and declarations of the statute establishing the commission in order to implement the provisions of Reorganization Plan No. 005-2004, submitted by Governor McGreevey to the Legislature on October 18, 2004.

This bill also increases the duties and responsibilities of the Division of Travel and Tourism in the commission. The bill requires the division to submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, the Senate Wagering, Tourism and Historic Preservation Committee and the Assembly Tourism and Gaming Committee, or their successors, no later than January 31 and July 31 of every year, on the tourism industry in New Jersey, the marketing campaigns of the commission and the expenditure of funds appropriated to the commission for tourism promotion. The report is to include a description of the efforts of the commission to promote New Jersey tourism in the previous six months.

In addition, the bill requires the division to:

(1) at the direction of the council, operate the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(2) establish and operate the commission's Travel and Tourism Advertising and Promotion Program; and

(3) consult with the council in formulating and updating the 10-year master plan.

The bill changes the name of the New Jersey Tourism Advisory Council to the New Jersey Tourism Policy Council to reflect the increased mission, duties and responsibilities of the council. The bill

changes the membership of the council from 19 to 23 members and terminates the membership of all current public members, but allows for the appointment of a reduced number of public members who represent certain tourism-related industries. The bill also adds six members who are elected local officials, and who reside in one of the six counties or groups of counties as specified in the bill. The bill adds the executive directors of the New Jersey Sports and Exposition Authority, the Casino Reinvestment Development Authority, and the Atlantic City Convention Center Authority, or their designees, to the council and clarifies that the executive directors serve *ex officio* and as voting members. The bill requires the Chief Executive Officer and Secretary of the commission to serve as a voting, *ex officio* member who shall serve as chair of the council. The bill clarifies that legislative members serve as *ex officio*, non-voting members. The council is to meet at least once a month.

In addition to its current statutory duties, the bill requires the council to:

(1) aid the division in the formulation and updating of the 10-year master plan;

(2) direct the division to review the spending of funds of the regional tourism councils and provide comments and recommendations to the councils on spending when appropriate;

(3) direct the division to encourage the development of local marketing organizations, including but not limited to destination marketing organizations and convention and visitor bureaus;

(4) direct the division to ensure that a recipient of funding by the commission for tourism promotion is in compliance with all terms of the funding agreement, and that the recipient's promotional message is consistent with the promotional message for the State established by the Chief Executive Officer and Secretary of the commission;

(5) direct the division on the operation of the commission's Travel and Tourism Cooperative Marketing Campaign Program;

(6) commission the New Jersey Center for Hospitality and Tourism at Richard Stockton College of New Jersey to conduct an annual survey and analysis of New Jersey's tourism industry; and

(7) perform other duties as assigned by the Chief Executive Officer and Secretary of the commission.

The committee amended the bill to add the executive director of the Atlantic City Convention Center Authority, or the executive director's designee, to the council to serve *ex officio* and as a voting member.

As amended by the committee, the bill is identical to A 4055 [2R].